

# The D.C. Freeway Revolt and the Coming of Metro

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Federal Highway Administration  
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Washington, DC 20590

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# The D.C. Freeway Revolt and the Coming of Metro

**By Richard F. Weingroff**  
**Federal Highway Administration**

While writing "Busting the Trust: Unraveling the Highway Trust Fund 1968-1978," posted on the Highway History Web site ([https://www.fhwa.dot.gov/highwayhistory/busting\\_the\\_trust.pdf](https://www.fhwa.dot.gov/highwayhistory/busting_the_trust.pdf)), I kept coming back to the story of freeways in the Washington area. I told as much of the story as I needed to in the article, but decided to write a separate monograph on the complex subject.

It took longer than expected, but having moved to Washington in 1973, I was interested to learn the story behind the area's transportation system. Many large cities had similar battles, but the District of Columbia's constitutional status made the DC Freeway Revolt unique because of frequent congressional involvement that no other city experienced routinely.

*Richard F. Weingroff*

- [Introduction](#)
- [Part 1 - Revolt of the Agencies](#)
- [Part 2 - Official Challenges to the DC Freeways](#)
- [Part 3 - The Citizens' Revolt](#)
- [Part 4 - Battling the Revolt](#)
- [Part 5 - After the Court Revolt](#)
- [Part 6 - A New Administration Takes Over](#)
- [Part 7 - Getting Construction Underway](#)
- [Part 8 - The Metro Revolt](#)
- [Part 9 - Post-Revolt](#)
- [Part 10 - The End of the Road](#)
- [Map Gallery](#)
- [Map Gallery 2](#)
- [Sidebar U.S. 50: The Roads Between Annapolis, MD, and Washington, DC](#)

**The D.C. Freeway Revolt and the Coming of Metro  
Introduction**

**Table of Contents**

A Template for Cities..... 2  
The Comprehensive Plan for the District..... 4  
Major Thoroughfares ..... 10  
The District Creates an Expressway Plan ..... 16  
The 1941 Plan ..... 21  
Rock Creek Park ..... 27  
The Public Speaks..... 31  
Refining a Plan..... 32  
The Highway Bridge ..... 33  
Elevating the Battle of the Bridge..... 41  
Postwar Thinking..... 45  
The Interstate System for the District ..... 48  
Washington Present and Future ..... 50

## The D.C. Freeway Revolt and the Coming of Metro

By Richard F. Weingroff  
Federal Highway Administration

“Washington’s transportation problems are—in one form or another—a microcosm of our Nation’s transportation problems.”

Secretary of Transportation Alan S. Boyd  
September 26, 1967

### Introduction

#### A Template for Cities

On April 27, 1939, President Franklin D. Roosevelt submitted a report to Congress called *Toll Roads and Free Roads*. At the request of Congress, the Bureau of Public Roads (BPR) had examined the feasibility and cost of three east-west and three north-south toll superhighways. BPR concluded that the toll superhighways were not financially feasible, but offered an alternative: a master plan for a network of toll-free express highways.

The need to improve the primary interstate portions of the Nation’s road network was clear, but BPR was especially interested in the alignment of expressways to help solve problems in metropolitan areas. The report explained that “the new facilities most urgently required are belt-line distribution roads around the larger cities and bypasses around many of the smaller cities and towns.” Through traffic, however, was only a small part of the congestion problem:

By far the greater part is originated in or destined to points in the city and largely points near its center or customarily reached by traveling through the center. Bypass routes, therefore, may not be regarded as means for the relief of congestion on the highway-connecting streets of large cities.

Belt-line distribution roads with control of access were needed for all large cities and many smaller ones to allow traffic not bound for the city to bypass it and to serve as a transfer route among the radial highways serving the city. An inner belt-line should also be built “generally somewhere within the ring of decadent property surrounding the central business area.” The property had been abandoned by the middle and upper class residents who had moved to new suburban housing, usually still within the city limits, and they had been replaced by residents with lower or no income. The report explained:

Such a belt line, connecting at appropriate points with radial arteries extending out of the city, may avoid the cutting of a new route directly through the business sections, and may either serve as a substitute or supplement for the outer belt line.

An outer belt-line was needed to serve similar purposes at a distance from downtown. This belt-line could be built within the outer limits of city boundaries where possible, or just beyond the

boundary. [*Toll Roads and Free Roads*, Message from the President of the United States, House Document No. 272, 76<sup>th</sup> Congress, 1<sup>st</sup> Session, April 27, 1939, page 95-98]

In April 1941, President Roosevelt appointed a National Interregional Highway Committee to investigate the need for a national highway system to improve the facilities now available for interregional transportation and to advise on the character of such improvements. Thomas H. MacDonald, Commissioner of Public Roads, served as chairman, while Herbert S. Fairbank of the Public Roads Administration (PRA, as BPR was known in the 1940s) was secretary and primary author. Harland Bartholomew of St. Louis, one of the Nation's leading urban planners, was an active non-PRA member of the committee.

The committee essentially completed its work in 1941, but the report was held during World

War II while PRA and State highway officials focused on defense highway needs. Moreover, its release could be delayed until near war's end because constructing the interregional network was seen as a source of jobs for the returning soldiers after victory. President Roosevelt transmitted *Interregional Highways* to Congress on January 12, 1944.

It outlined a proposed National System of Interregional Highways, but with special emphasis on segments in metropolitan areas. For the largest urban areas, the report prescribed a series of circumferentials. One would encircle the central business district, a second would be located further out but within or near the city boundary, and a third (or more) would be located at a greater distance. All would serve bypass traffic while providing links among the radials for local traffic. [*Interregional Highways*, Message from the President of the United States, House Document No. 379, 78<sup>th</sup> Congress, 2d Session, January 12, 1944, pages 64-65, 71-74]

Full control of access in urban areas, the report stated, "may require the raising or lowering of extended sections of the interregional route above or below the adjoining ground level, in order to carry it over or under frequent cross streets or over some and under others." Crowding an elevated highway "into the narrow space generally afforded by existing surface streets will usually result in unsatisfactory design of the express route and impairment of the utility of the surface street for local service." A wider right-of-way was needed, with one option being to acquire properties on one side of the street. "In general, the Committee considers elevation of the express routes a solution acceptable only in a commercial or business environment." The committee agreed with the "widely held opinion opposing the cutting of such facilities through residential areas."

By comparison, the committee preferred depressed expressways if obstacles could be overcome. Depression of the express highway would "usually require extensive reconstruction of underground facilities, such as water mains, sewers, and electric conduits." As a result, achieving full depression within the right-of-way of an existing street would rarely be possible. However, where the obstacles could be overcome, the depressed expressway "may be considered by many, more pleasing to the eye and more consonant with a gracious improvement of the urban environment than any other solution of the express-highway problem." [*Interregional Highways*, page 80]

In the Federal-Aid Highway Act of 1944, Congress directed the Federal Works Agency, which included PRA, to consult with the State highway agencies to designate a 40,000-mile National System of Interstate Highways. PRA asked the State highway agencies to propose mileage for inclusion in the Interstate System.

### **The Comprehensive Plan for the District**

The District of Columbia is unique among cities because it is not part of a State, but rather is a separate entity created under a provision of the Constitution. Section 8, which lists the powers of Congress, includes the following:

To exercise exclusive legislation in all cases whatsoever, over such District (not exceeding ten miles square) as may, by cession of particular states, and the acceptance of Congress, become the seat of the government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the state in which the same shall be, for erection of forts, magazines, arsenals, dockyards, and other needful buildings . . .

After President George Washington identified the location for the capital city, officials created a diamond-shaped District out of Maryland and Virginia centered on the Potomac River and including the existing cities of Georgetown, Maryland, and Alexandria, Virginia. After the central government moved to the ill-prepared District in 1800, Congress exercised varying levels of control over the years. (In 1846, Congress returned the Virginia portion of the District to the Commonwealth of Virginia.)

The District committees in Congress were the real power over virtually every aspect of civic life, including highways and parks. The District did not have a vote in Congress.

By the 1920s, Washington was searching for a template.

On June 6, 1924, President Calvin Coolidge signed legislation creating the National Capital Park Commission. The legislation authorized the commission to acquire land in the District, Virginia, and Maryland for parks and playgrounds, with advice from the Commission of Fine Arts. For this purpose, the legislation authorized \$1.1 million a year. In particular, the commission was to turn its attention to “Rock Creek and the Potomac and Anacostia Rivers . . . and to provide for the comprehensive, systematic, and continuous development of park, parkway, and playground systems of the National Capital.” [Gutheim, Frederic, and Lee, Antoinette J., *Worthy of the Nation: Washington, DC, from L’Enfant to the National Capital Planning Commission*, 2<sup>nd</sup> Edition, The Johns Hopkins University Press, 2006, page 178]

Congress expanded the role of the commission and changed its name in legislation that President Coolidge signed on April 30, 1926. The amendment directed the new National Capital Park and Planning Commission to prepare, develop, and maintain “a comprehensive, consistent and coordinated plan” for the National Capital and its Maryland and Virginia suburbs, as well as coordinating the plans of Federal and District agencies. The legislation also abolished the 1895

District Highway Commission and transferred its powers to the new commission. [Gutheim and Lee, page 180]

According to Frederic Gutheim's and Antoinette J. Lee's history of planning in the Washington area, the chairman of the commission, Frederic A. Delano, was not a trained planner but was "a longtime activist in planning in Washington, having been "a prime organizer of the *Regional Plan of New York and Its Environs*, which was published in 1928." (Delano was future President Franklin Delano Roosevelt's uncle.) [Gutheim and Lee, pages 170, 194]

Frederick Law Olmsted, Jr., "made substantive contributions to the Planning Commission in its early years, taking on much of the work himself." He "had established his own reputation distinct from that of his famous father," the leading landscape architect of his generation, and had "Secure lines of communication with influential people." Staff member Charles W. Eliot II, at 27 years old, was the commission's initial "City Planner." He was the "nephew and namesake" of a famous landscape architect who had helped prepare the 1893 Boston Metropolitan Park System, "a model which many Washingtonians admired." Eliot II had trained in Harvard's Graduate School of Landscape Architecture, which offered city planning, and had worked for Olmsted in Massachusetts. Eliot, according to Gutheim and Lee, "saw his job as the function of 'allowing for necessary municipal growth, yet preserving as much as . . . I can of the flavor of the past.'" [Gutheim and Lee, page 194]

Colonel Ulysses S. Grant III was the executive officer. At the time, he was Director of the independent Office of Public Buildings and Public Parks of the National Capital, which had an *ex officio* seat on the commission. Eliot said that Colonel Grant had excellent contacts with President Herbert Hoover, crediting the executive officer with "managing the White House" on policies affecting planning the city. [*Worthy of a Nation*, page 195]

Unlike other commission officials, Colonel Grant would be involved in transportation issues in a variety of roles well into the 1960s. The grandson of the Civil War hero and President (1869-1877), Colonel Grant graduated from West Point in 1903 and was commissioned a 2<sup>nd</sup> Lieutenant in the U.S. Army Corps of Engineers. He began his first stint in Washington in August 1909 when he became Superintendent of the State, War, and Navy Buildings. He held the post through May 1913. After service in other parts of the country and in Europe during and after World War I, he returned to Washington as Director of the Office of Public Buildings and Public Parks in 1925, receiving his promotion to Lt. Colonel in 1926.

This assignment was the start of his activities in city planning. According to a summary of his career by the Columbia Historical Society:

In this capacity he had responsibility for the construction, maintenance, care, custody, policing, upkeep, and repair of public buildings, parks, monuments, and memorials in the District of Columbia . . . . Additional duties were added: he was Executive and Disbursing Officer of the Rock Creek and Potomac Parkway Commission, the Lincoln Memorial Commission, the Arlington Memorial Bridge Commission, and the Ericsson Memorial Commission; member and Executive Disbursing Officer of the National

Capital Park and Planning Commission and the Public Buildings Commission;  
Coordinator of Motor Transport in the District of Columbia; etc., etc.

After graduating from the Army War College in Washington in June 1934, he was assigned to posts outside the District. He was commissioned Colonel later that year and Brigadier General in October 1940. In June 1942, General Grant became War Department Representative on the Board of Civil Protection, Office of Civilian Defense in Washington.

After Delano asked to be relieved of his post of chairman of the National Capital Park and Planning Commission, his nephew, President Roosevelt, asked General Grant to take the position. It was, the President wrote to Grant, an “urgent job,” especially “in times like these when the pressure to meet quickly the wartime needs for office buildings, housing and public services of all kinds tends to push planning aside.” He wanted the commission “to take a strong role and exercise real leadership to expedite these facilities and at the same time build toward a well planned National Capital.”

On September 11, 1942, General Grant became chairman. In 1944, President Roosevelt relieved General Grant of his military duties so he could devote full time to the commission. He retired from the army in July 1946 after 43 years.

General Grant’s term as chairman ended in April 1949, but he remained active in Washington planning for the rest of his life in a variety of roles, such as president of the American Planning and Civic Association and one of the original trustees of the National Trust for Historic Preservation as well as Vice-Chairman (1950-1954). As will be discussed, he would be involved in most battles over highways and bridges affecting the area’s monuments, National Mall, and parks until his death on August 28, 1968, at the age of 87. [Rubincam, Milton, “Major General U.S. Grant, 3<sup>rd</sup>, 1881-1968, *Records of the Columbia Historical Society*, Published by the Society, 1969, pages 387-400]

While in Washington, he lived in homes at several addresses, including 1868 Columbia Road, 1929 Q Street, 1135 21<sup>st</sup> Street, NW., and, finally, 1255 New Hampshire Avenue, NW. [*Congressional Directory*, various years]

The commission unveiled its comprehensive plan on January 17, 1930, in a presentation at Constitution Hall. Governor Albert C. Ritchie of Maryland, Governor John Garland Pollard of Virginia, Secretary of the Treasury Andrew W. Mellon, and Members of Congress attended the event. The Virginia General Assembly attended in a body along with other officials from the two States and the District.

President Hoover was unable to attend but sent a letter to Chairman Delano saying that creation of the revitalized commission was “one of the fundamental steps taken in national recognition of our need and opportunity to build the most effective and most beautiful capital city in the world.” The 1926 legislation ensured that the city would have “the advantage of the diversity of skill and experience in this renaissance of the City of Washington through our new undertaking for the expansion and revision of our Capital city.”

The first necessity was a “continuous study of the character and probable growth of this city, with intelligent anticipation of such growth.” President Hoover listed problems to be addressed such as “the scores of problems of transportation, of abolition of slum areas, development of park and recreation facilities,” and issues related to schools and other concerns. He concluded:

It is our national ambition to make a great and effective city for the seat of our Government, with a dignity, character, and symbolism truly representative of America. As a nation we have resolved that it shall be accomplished. To succeed in the fullest measure we have need for planning not only within the District of Columbia, but also for co-operation from the adjacent States.

Colonel Grant presented the plan. A comprehensive plan can never be complete, he said, “any more than a single suit can be patterned to permanently clothe a growing child,” but plans for the District, Maryland, and Virginia must be “a single seamless garment, so that we may have here a region that is a living, growing organism, each part of which fits into and collaborates with adjacent parts.”

*The Plan for the National Capital and Its Environs* was in sections: highways, railroads, water terminals, airports, parks within the district, and regional parks. For highways, Colonel Grant said:

Because highways constitute the most important contribution made at public expense to the individual’s life, because they are the arteries through which the life-blood of the community must circulate and finally because they are the specific part of the city in which the conditions have changed most in a very short time, the ‘battle of the streets’ commands our full attention. City planning studies naturally begin with a consideration of the highway system and the work done in the past—that is, existing conditions—is found to set certain limitations upon what can be done in the future.

The plan that Pierre L’Enfant devised at the city’s creation “was originally laid out on a scale amply adequate for a large city,” and subsequent generations continued the plan despite great increases in population after the Civil War and other changes:

But this highway plan was for the days of animal-drawn transportation and to meet traffic conditions incident thereto. With the advent of the automobile and motor truck traffic(,) conditions and requirements have changed. The need for differentiating between streets according to their use and purpose, just as telephone lines, sewer lines and other public works are designed to meet their special purposes economically, is being more and more generally appreciated. The differentiation between thoroughfares or traffic arteries and the secondary streets or system of veins to pick up local traffic and bring it into the thoroughfares permits curvilinear location of the latter, their relation to the natural contours of the land and the preservation of attractive features of the topography of trees and of the natural surface soil, as well as the lengthening of blocks and other variations which not only add measurably to the individuality and interest of each residential neighborhood, but also save materially in both the first cost of development and in the annual cost of maintenance and administration.

With 29.3 percent of the city's usable surface devoted to streets and alleys, the best use of such land deserves "the most careful study, and which should not be left to be solved by the method of appropriation in compliance with the loudest expressed local demands."

Accordingly, the comprehensive plan must include a major thoroughfare plan that was in development. Some thoroughfare work was underway, such as straightening Michigan Avenue and upgrading B Street, NW. (future Constitution Avenue), to "a great cross-town artery from the Capitol to the Rock Creek and Potomac Parkway and the Virginia road system."

In addition, high-level crossings of Rock Creek Park were needed, "at least one immediately to stop the danger and prevent the waste of time and traction incident to carrying all cross-town traffic 140 feet down hill and then again up the same height on the other side." They would be built at intervals of about a mile at Aspen Street, Military Road and Utah Avenue leading to Madison and Kennedy Streets, and Tilden/Upshur Streets.

The commission's study of urban growth in the past decade revealed an octopus-like growth "based on transportation facilities." To the extent that such facilities could be fitted into the topography and existing developments, "the general growth of the region will be better balanced and distributed":

This has been a major consideration in the location on our map of proposed radial roads leading into the adjacent area of Maryland and Virginia; that is, the foreseeing of a system which will make possible as nearly equivalent transportation facilities in every direction available for residential or commercial development. Of course, as far as possible this system has been based on existing roads and their widening and extension as necessary and justified from time to time. The distribution of this inflow and outflow of traffic around the perimeter of the congested part of the city has also been cared for.

Colonel Grant cited examples such as connecting Massachusetts Avenue with the Maryland road system and linking Arlington Memorial Bridge with the Virginia road network "so that the solution may be arrived at which most nearly meets the best interest of all concerned, and reconciling any conflict of interest that may be found to exist." The cooperation of State and local officials in resolving such conflicts had been "most gratifying."

However, "a good system of radial highways is not enough." The area also needed "cross-connections, not only to permit easy exchange of traffic from one radial to another and for local hauling, but also to permit the by-passing of congested areas." As an example, he cited traffic moving between Baltimore and Richmond that had to pass through the District's "congested business center and out over one of the most heavily traveled bridges," the Highway Bridge at 14<sup>th</sup> Street carrying U.S. 1, the East Coast's main road, across the Potomac River. Colonel Grant considered that "the direct connection with our nearest metropolitan neighbors on the north and on the south—Baltimore and Richmond—are of first and special interest."

A solution of "great mutual advantage" would be "a broad and adequate boulevard over which [a motorist] can pass by the crowded city streets, skirting the hills of Montgomery County and at the same time obtain, perhaps, various impressive and inspiring views of the Capital City, then over

a bridge near Great Falls or near Little Falls and connecting with a good road in Virginia which will permit him to go on his way without being entangled in the most congested local developments near the river or overloading the terminals of the city bridges even if they were to be improved.”

He discussed railroads, waterways, parks, and other aspects of the regional plan, including rail and water terminals:

A plan which considers only questions of beautification and public projects having an aesthetic value, such as our great public buildings program [in what is now known as the Federal Triangle, authorized by the Public Buildings Act of 1926], even though it may be artistically splendid, will not be complete economically in so far as it fails to provide for the less attractive and perhaps less inspiring, but equally or more important, utilitarian and commercial needs of the community.

He also emphasized that the city must not be influenced by the tall buildings being erected elsewhere:

Washington also had been most fortunate in having had since 1910 a law preventing the construction of buildings higher than 130 feet, for to the constantly more accentuated crowding of the land [by construction of skyscrapers] in most of our cities we must attribute a large part of their traffic congestion, which is gradually throttling the circulation essential to their economic life. This commission believes that present conditions in this city already justify the contention that even the 130-foot limit is too high, and that the 110-foot limit originally established by the Zoning Commission should have been adhered to.

He admitted to favoring height restrictions in part for “the sentimental one of preserving the dominance of the dome of the Capitol as the chief characteristic of the National Capital, just as the dome of St. Peter’s dominates Rome.”

At present, traffic was within the limits that the L’Enfant plan could handle “without recourse to such expensive public works as subways, double-deck streets, overhead pedestrian crossings, etc.” These were common ideas for city planning at the time, and Colonel Grant thought they might be needed some day, but not at present.

Colonel Grant concluded his presentation:

For the perfection of the plan as here laid before you, and for the work of keeping it up-to-date and further fitting it to the needs and best interests of the entire region, the National Capital Park and Planning Commission begs your sympathetic understanding, your criticism and advice, your collaboration and help, so that we may all have a hand in constructing the edifice, in finding what is America’s highest attainment in the art of city building. [“Hoover Pledges Nation’s Aid For Greater Capital,” *The Evening Star*, January 19, 1930; “Rock Creek Park High Level Bridge Plan Is Explained,” *The Sunday Star*, February 2, 1930]

An editorial in *The Evening Star* said of the event:

After a hundred years or so of pitiful neglect of the American capital, such meetings as those held last night come as inspiring reassurance that the renaissance of the last twenty-five years gains in strength and that the ideals so nobly expressed by the fathers in their original conception of the American Capital are becoming the ideals of the Nation. ["The Nation's City," *The Evening Star*, January 18, 1930]

### **Major Thoroughfares**

By "thoroughfare," Colonel Grant did not mean the urban expressway that would come in later generations. The thoroughfare might be designed to carry more traffic than a regular street, but it typically had access points from private properties along the way and at-grade intersections that undermined the free flow of traffic. It was designed to pull through-traffic away from congested areas, such as the downtown business district.

The idea of major thoroughfare plans was not unique to Washington. Cities had been developing such plans since early in the 20<sup>th</sup> century in response to the growth of the automobile. For example, the October 1918 issue of *The American City* carried an article on "Principles of Design for a Complete System of City Thorofares" [sic] by Robert H. Whitten, City Plan Advisor of the Cleveland City Plan Commission. "The traffic problem in all large cities," Whitten began, "is leading to a demand for more radial streets coming from the periphery of the city into and thru the central business section":

Unless heroic measures are taken to provide an adequate thorofare system, the traffic problem will be the limiting factor in the growth of many of our big cities . . . . The present crisis has largely arisen from reliance on a few main thorofares converging at or near a central square. The remedy lies in provision of more streets of adequate width coming from the outskirts of the city into and thru the central business section and out to the city boundaries on the opposite side.

Whitten explained that, "The mixing of vehicles of different kinds, widths, motive power, uses and speeds multiplies difficulties and increases accidents." He believed, therefore, that the thoroughfare system "should be laid out in pairs so as to secure a better segregation of traffic." One route would carry street cars and trucks while the other would carry automobiles. At the same time, the thoroughfares must provide for rapid-transit routes from the outskirts to the central business district. "In order that a rapid-transit route shall be financially self-sustaining, it is essential that it be so located as to secure a large amount of non-rush hour and short-haul traffic."

Whitten recognized the difficulties inherent in change:

After streets are built up solidly with business buildings and apartments, it becomes almost prohibitively expensive to alter greatly the general street plan. Yet it is apparent that the limited number of thru traffic routes that many cities now possess will be absolutely inadequate for traffic needs twenty-five, fifty or one hundred years hence.

Unless measures are taken in time, growth will suddenly stop and the city may be faced with the alternative of permanent ruin or back breaking financial burdens that could have been avoided by a little vision in the planning of the city.

As Professor Robert M. Fogelson discussed in his history of downtowns, planners developed city plans that included new streets, widened existing roads, and crosstown highways, as well as inner and outer belts, to divert traffic not destined for downtown. Some critics feared that such plans were self-defeating because the new streets would lead to increased traffic and worsened congestion. Nevertheless, cities embarked on costly construction programs as a result of which, “the street systems were able to handle far more motor vehicles in the late 1920s than in the early 1900s.” [Fogelson, Robert M. *Downtown: Its Rise and Fall, 1880-1950*, Yale University Press, 2001, pages 256-257]

Eliminating nonessential traffic from central business districts was equally important, but more difficult because it involved costly construction. A few crosstown highways were built to allow passage from one part of a city to another without entering downtown and some cities began building inner belts around the central business district and outer belts for traffic destined for distant locations. Their effectiveness in reducing congestion was limited, according to Fogelson:

But these crosstown highways and inner and outer belts made up only a small fraction of the major thoroughfares, most of which still converged on the central business district, funneling in tens of thousands of automobiles en route elsewhere.

He also explored why so few of these roads were constructed in the 1920s:

The answer is that the authorities could not build all the proposed bypasses and radial highways without raising property taxes to unacceptable levels. Given the choice, most downtown businessmen favored radial highways over bypasses. So did the many motorists who worked and shopped downtown. And though many planners and engineers thought bypasses were the most economical way to relieve traffic congestion, they also believed radial highways were necessary to make the central business district “directly accessible” to all the other parts. [Fogelson, page 258.]

Some attempts were made to segregate traffic, such as construction of rail-highway grade separation structures and parkways that excluded commercial traffic. However, construction of separate street systems faced financial and political hurdles that officials had difficulty overcoming. Construction “would have been prohibitively expensive” while banning automobiles from commercial thoroughfares “would have been very unpopular—and probably unenforceable.” [Fogelson, page 259]

These initial efforts to address urban congestion in the automobile era failed to solve the problem. As Fogelson put it, “By the late 1920s more automobiles were pouring into the central business district than ever, far more than would have been possible if the authorities had not opened new streets and widened existing ones.” Despite the diversion of some traffic, “traffic congestion was as bad as ever.” He cited a few examples:

“Despite every scheme of traffic control so far devised,” midtown Manhattan still “ties itself up in a knot twice a day,” wrote the *New Republic* in 1928. Broadway had traffic jams seventy-five years ago. “It has them still.” Although Baltimore spent millions of dollars on street widening after the great fire of 1904, traffic conditions downtown were just as bad twenty years later, a special committee informed the mayor. Despite the efforts of Harland Bartholomew, chief planner for St. Louis, traffic downtown “moves slowly and irregularly,” wrote the president of the St. Louis street railway system in 1926. “Conditions are bad in the middle of the day, and in the morning rush, but are well nigh intolerable in the evening rush.” Conditions were very bad in downtown Los Angeles too, the city’s traffic commission acknowledged in 1930, a decade after it had been formed by downtown business interests and civic and commercial groups to solve the city’s traffic problem.

Although some observers remained optimistic, many others were skeptical:

As they saw it, the cities were caught in “a vicious circle.” To relieve traffic congestion, the authorities opened and widened streets; but the new streets attracted more traffic, the additional traffic generated more congestion, and eventually every street system reached what Minneapolis engineers called “a saturation point,” a state of “almost but not quite intolerable congestion,” to quote Frederick Law Olmsted, Jr., and two of his associates. Another planner, George A. Damon of Los Angeles, went even further. “Every possible cure seems to be worse than the original disease,” he wrote. [Fogelson, pages 259-260]

The National Capital Park and Planning Commission’s leaders and staff were well aware of these efforts. They developed the comprehensive plan for the Washington area in the context of city planning initiatives around the country. The planners also were well aware of how the automobile created new impacts for the Washington area. Commission member J. C. Nichols, who had worked in city planning in Kansas City, expressed concern in 1928 about the effect of the automobile on cities, as Gutheim and Lee stated:

He observed that, contrary to public notions about city planning’s ornamental results, “the growing acuteness of automobile congestion in all our population centers . . . is forcing upon the public . . . the dire need of better planning to meet the rapidly changing conditions in the size and number of our transportation units.” This enlarged physical dimension of the city increased the “tendency of business to move from downtown districts to suburban neighborhood shopping centers, accentuated by the building of outlying apartments and kitchenettes, neighborhood picture shows, filling stations and chain stores.” [Gutheim and Lee, pages 195, 197]

On January 21, Eliot addressed the Washington Board of Trade’s committee on streets and avenues. He explained the proposal for a major thoroughfare plan, pointing out that such a plan would result in savings from two new ideas in city planning that Colonel Grant had mentioned during his Constitution Hall presentation. One was the use of longer blocks in purely residential sections where traffic did not need a cross street every 400 or 500 feet. This idea would save money on paving costs. The other was the use of curvilinear streets that conform to the natural

contour of the land rather than a predetermined gridiron street pattern. This process would reduce the cost of grading and filling.

The commission had agreed on a tentative major thoroughfare plan. One of the immediate projects in the city planners' proposal was to realign Harvard Street between 13<sup>th</sup> and 16<sup>th</sup> Streets on a straight course as part of a cross-town link. It would carry eastbound traffic while westbound traffic would use parallel Columbia Road. Eliot invited the committee to study the system and provide opinions to the commission. ["Highway Changes Urged By Eliot," *The Evening Star*, January 21, 1930]

By mid-April, the Board of Trade committee had submitted its recommendations, developed in conjunction with Eliot. The commission approved the thoroughfare plan on May 21. ["Heads Are named In Traffic Survey," *The Evening Star*, April 18, 1930; "Commission Approves Thoroughfare Plan," *The Evening Star*, May 21, 1930]

The commission's first annual report discussed the plan:

This plan for major streets proposes the improvement of a comprehensive system of wide, direct arteries in which the vital traffic flow of the community may freely move. To develop such a system requires an acceptance of the principle that all streets are not of equal importance in the circulation scheme, that some are of much greater value to the community than others, and that it is advantageous to select these community routes and work consistently upon them until they function as a system.

There is in Washington and vicinity urgent need for the promotion of the major thoroughfare idea. If streets of this type can be set apart from all others in the popular mind and in the minds of officials, a notable step will have been taken toward the creation of a more perfect Capital City.

The plan was important to other modes of transportation, including franchises for streetcar and bus routes, which "cannot be discussed intelligently without a major thoroughfare plan." Street lighting, traffic signals, paving specifications, school and playground sites, the location of neighborhood store centers and fire and police stations, tree planting, and even deed restrictions on private property – "all are dependent upon a designation of major thoroughfares."

Developers of subdivisions would be "in the dark" without knowing where the major thoroughfares would be. "It will be increasingly helpful to all [of] Washington to have an official major thoroughfare plan."

The report thanked the Washington Board of Trade's special committee for its suggestions for revising the thoroughfare plan. "As a result of those suggestions some additions to the thoroughfare plan have been made by the commission (notably the extension of New Hampshire avenue), and the plan as a whole has been brought up to date."

The 70<sup>th</sup> Congress had helped with the plan by approving the straightening of Michigan Avenue in the vicinity of Soldiers' Home and Trinity College. The project had been completed and the commission staff had prepared a plan for eliminating a dangerous crossing of the Baltimore and

Ohio Railroad tracks just beyond the end of the straightened section. Other work underway on the plan included studies for the east-west pair of Columbia Road and Harvard Street; for a high-level bridge across Rock Creek Park upstream from the Calvert Street Bridge; and a plan to extend Vermont Avenue to Georgia Avenue at Trumbull Street. [“Major Highways Plan Advocated in Annual Report,” *The Evening Star*, December 27, 1930]

Around this time, Edward M. Bassett, a New York City zoning expert, addressed the National Conference on City Planning about a new kind of thoroughfare that would be similar to a parkway in that it had control of access, but that allowed commercial traffic that was excluded from parkways. He coined a term to describe his concept: “freeway.” He said:

This word is short and good Anglo-Saxon. It connotes freedom from grade intersections and from private entrance ways, stores and factories. It will have no sidewalks and will be free from pedestrians. In general, it will allow a free flow of vehicular traffic. It can be adapted to the intensive parts of great cities for the uninterrupted passage of vast numbers of vehicles. [Bassett, Edward M., “The Freeway - A New Kind of Thoroughfare,” *The American City*, February 1930, page 95]

Through the 1930s and 1940s, the District, Maryland and Virginia, and the National Capital Park and Planning Commission attempted to keep up with motor vehicle demand, but during the Depression and World War II could never do so. After World War II, the commission found that the challenges accelerated with population growth, suburbanization, and an explosion of automobile use.

General Grant discussed these challenges in a 1948 article that indicated the city was facing a sudden population increase and a postwar building boom that “threatens to destroy many of the amenities secured by the carefully planned developments of the past twenty years.” Demands for “housing, slum clearance, schools, additional reservoirs, permanent government buildings, and the relief of traffic congestion” were creating “a new crisis in the city’s growth.”

The impact of the automobile “raised new and acute problems”:

By extending in a single generation the radius of convenient urban development from approximately five miles to nearly twenty-five miles, and thus increasing the area available for land subdivision from 75 square miles to 1875, or 25 times, it has encouraged the growth of scattered suburban developments outside the original city limits on cheap ground usually carrying a lesser burden of local taxes, increasing the cost of municipal services such as water, sewerage and roads to serve these new dispersed communities, and at the same time throwing a new load of traffic on the city streets. The consequent congestion of traffic in the central business district has itself become so acute in many instances that it tends to choke the circulation necessary for the transaction of business itself.

In an echo of Nichols’s words from 20 years earlier, General Grant continued:

The result is that retail trade, moving picture theaters and other commercial enterprises, which are a convenience to the suburban communities, tend to move there as soon as it appears likely to be profitable to do so, and thus drain away the substance of the central business district.

The commission wanted to counter these “centrifugal forces” by increasing demand east of the Capitol to shift the focus away from the west side where at the time, permanent Federal buildings were clustered along the National Mall and Pennsylvania Avenue adjacent to the central business district. This goal could be accomplished by disbursing permanent Federal office buildings east of the Capitol, thereby creating demand for housing and businesses in the area while reducing the traffic load on the streets north and west of the present central district, which were “now so over congested by employees working in temporary war buildings.”

(During World War I and II, temporary office buildings were constructed in the city’s open spaces, including the National Mall. Between B Street, NW., and the Reflecting Pool in front of the Lincoln Memorial, two tempos, as they were called, were built during World War I, one for Army Staff, the other for Navy staff. Three tempos were built on the south side of the Reflecting Pool, with pedestrian bridges across the water, and three more tempos were built just west of the Washington Monument. Two tempos were on Constitution Avenue between 12<sup>th</sup> and 14<sup>th</sup> Streets, with others located on the grounds of Fort McNair, near the site of today’s Robert F. Kennedy Memorial Stadium, and on the site of the future Smithsonian Museum of Air and Space along Independence Avenue, SW, among others.

(Despite the end of the wars they were built to serve, the tempos remained in place. Even after the Pentagon opened in 1943 the “leaky, hot-in-summer, cold-in-winter tempos still thrummed with office life,” according to *Post* local columnist John Kelly. A canvass in the 1950s counted 54 tempos around the city, “housing such agencies as the Veterans Administration, the State Department, the Federal Aviation Administration and the Civilian Aeronautics board.” The tempos remained in service until 1964, when demolition began on two tempos at the museum site. The final demolition occurred in 1970 when the Navy and Munitions Buildings, the two structures built in 1918 north of the reflecting pool, were razed. Constitution Gardens is located where they had been for over 50 years.

(Kelly reported that only two tempos remained as of early 2017. Built in 1919, the Liberty Loan Building at 401 14<sup>th</sup> Street, SW., across from the Tidal Basin processed war bonds. It was upgraded to three floors in 1927. Kelly wrote that the building, now called the Liberty Center Building, “houses something called the Bureau of Fiscal Service” of the U.S. Department of the Treasury. The other survivor, dating to 1944, at 425 Second Street, NW., originally housed the Reconstruction Finance Corporation. Today, it is a homeless shelter operated by the Community for Creative Non-Violence. [Kelly, John, “Answer Man Remembers the ‘Temporary’ Office Buildings That Once Blighted D.C.,” John Kelly’s Washington, *The Washington Post*, January 8, 2017; Kelly, John, John Kelly’s Washington, “Tempo: More Good and Bad Times of Their Lives,” John Kelly’s Washington, *The Washington Post*, January 15, 2017])

General Grant cited another key component:

In addition, construction of the Fort Drive as an express parkway is recommended, to provide a circumferential route of high traffic capacity outside the congested area to receive and quickly distribute traffic coming in or going out of the city along arterial streets and to join together residential areas within the District between which exchange of traffic is now inconvenient and time consuming.

(Fort Drive, an intermediate circumferential that would link the circle of Civil War forts just within the District border, will be discussed later.)

Space, he said, must be made for parking all the automobiles arriving in the central and government districts, but “it is a physical impossibility to provide . . . all the automobile parking space desired.” As a result, making public mass transportation “as expeditious and convenient as possible” was “of utmost importance.” He added:

Much can be done at little expense to increase the usable capacity of existing streets by reducing on-street parking and loading, and by inducing a natural segregation of through-traffic into especially favored streets, leaving the other streets for local traffic use.

The commission had promoted a major thoroughfare plan in the 1930s to keep through-traffic out of the central area. Now, General Grant said, it favored the modern variant:

An inner belt thoroughfare around the congested area is also an obvious need to receive and distribute traffic or by-pass the most congested streets.

He emphasized that city planning was not simply about beautification. “It is a reconciliation of all the requirements and interests, often competing and conflicting, of utilitarian and social needs to the best advantage of all the inhabitants as a whole, so that the city will be a good place in which to live, to work, and to raise a family.” [Grant, Ulysses S. 3<sup>rd</sup>, “Planning the Nation’s Capital,” *Confidential – From Washington*, The Georgetown Washington Victory Council, The George Washington University, March 1948, No. 44, pages 6-7]

### **The District Creates an Expressway Plan**

The Federal-Aid Highway Act of 1938, which asked BPR for a report on toll superhighways, also contained a provision making the District of Columbia eligible for Federal-aid highway funds under the same terms and conditions as if it were a State starting with FY 1940:

*Provided*, That the system of roads on which Federal-aid apportionments to the District of Columbia shall be expended may be determined and agreed upon by the highway department of the said District and the Secretary of Agriculture [home of BPR] without regard to the limitations in section 6 of the Federal Highway Act (42 Stat. 213) respecting the selection and designation of such system of roads; and, when the system first determined and agreed upon shall have been completed, additions thereto may be made in like manner as funds become available for the construction of such additions.

Previously, the District had received emergency highway funds and grade-crossing funds for FY 1938 and 1939, but not formula Federal-aid highway funds.

Under the Federal Highway Act of 1921, BPR and the States had designated two classes of highways: primary or interstate and secondary or intercounty, with the total limited to 7 percent of the rural road mileage within each State. These were the only roads that would be eligible for Federal-aid highway funds. Unlike the States, the District of Columbia did not have urban and rural or intercounty components; it was entirely urban. The 1938 Act, therefore, exempted the District from the Section 6 limitation to rural mileage.

This change in eligibility also meant that, as in the States, 1½ percent of the District's annual highway allocation must be spent for "surveys, plans, engineering and economic investigations," as provided for in the Hayden-Cartwright Act of 1934 and continued in later Federal-aid legislation. BPR and the State highway agencies had used the funds for highway surveys that provided the data used in preparing *Toll Roads and Free Roads*.

Now, under the 1938 Act, the District was included in the national planning program of assembling information, analyzing and interpreting traffic data, and using the data to develop plans for highway development. The District Department of Highways established a Highway Planning Survey Unit to carry out the function.

According to a 24-year highway department history, the unit accumulated data "from a survey of the parking demand in the General Area of Washington, from a study of the use made of urban routes in and about Rock Creek Park, from interviews with motorists on Trans-Washington trips, and from a study of the travel habits of all employees in the central business and governmental areas."

Captain Herbert C. Whitehurst, District Director of Highways, released a preliminary report on the study during a presentation to the Washington Board of Trade on April 24, 1941. The unit's findings and recommendations had several impacts. First, the results "were of such significance that they were utilized by the Department of Highways to institute a long-range program of highway developments proposed for subsequent years."

Second, in view of the "critical nature of the parking situation in the business and Government districts," Congress authorized a Motor Vehicle Parking Agency for the District in legislation approved on February 16, 1942:

The Act conferred broad powers upon the Commissioners. It authorized the acquisition, creation and operation of public off-street parking facilities in the District, as a necessary measure to insure the free circulation of traffic in the public interest.

The District activated the agency in 1946.

Third, the unit's preliminary report, released on April 24, 1941, resulted in "engineering studies which were aimed directly at the preparation of Washington's highway system to bear the impact of vastly increased traffic pressures engendered by accelerated Federal activities in the approaching war." These studies led to a series of improvements:

Briefly, they consist of major thoroughfare reconstruction on radial trunk highways connecting the central district to outlying residential and suburban areas in Maryland and

Virginia. They also include such major projects as grade separation structures at congested, multiple intersections in the general central area which encircles the business and Government districts. Where structures of this type were not feasible for one reason or another, the faulty intersections were redesigned and channelized on the surface. The narrow streets of the distributor type, which were considered essential to the proper dispersion of heavy traffic streams entering the central area via high-volume radial highways, were widened and repaved.

Fourth, the expanded program required additional funds. Captain Whitehurst called for Congress to approve a 2-cent increase in the gas tax. "It is our considered judgment that the rate in the District of Columbia should be increased to 4 cents and an earnest endeavor made to meet the traffic and transportation situation with an adequate solution of the problem." [*Twenty-Four Years of Progress in Highway Development 1924-1948*, The Department of Highways, Washington, D.C., 1948, pages 62-66]

The report called for five radial trunk highways at a total estimated cost of \$10,175,000, as described in the *Star*:

1. To Southeast and Southwest East of Anacostia River – From South Capitol street and Independence avenue south on South Capitol street across the Anacostia River;
2. To Northeast-K Street Route – From Seventh and K streets N.W. to Florida avenue and K street N.E. with connections at Sixth street to new Ninth street overpass across terminal yards at West Virginia avenue to New York avenue at Florida avenue to Fifteenth street and Benning road;
3. To Northwest Section West of Wisconsin Avenue and Key Bridge – From Connecticut avenue and K street N.W. to Key Bridge, thence via Canal road to Foxhall road and Conduit road;
4. To Northwest Section East of Wisconsin Avenue and West of Rock Creek Park – a. Rock Creek and Potomac parkway connections and extensions. b. Additional highway facilities east of Rock Creek and west of Connecticut avenue through north and south streets to connect Constitution avenue and Massachusetts avenue.
5. To Northwest East of Rock Creek Park - This area, the most thickly populated in the District and carrying the highest registration of motor vehicles, is now served by several north and south streets directly from the central areas, namely, Sixth, Ninth, Eleventh, Thirteenth and Sixteenth streets. As these streets reach the old City of Washington limits [Florida Avenue], they can be made to provide connections with main thoroughfares in such manner as to permit the spread of traffic to all points in this area;

Major projects in the plan included an elevated highway along K Street between Rock Creek Park and Francis Scott Key Bridge, a tunnel under the Potomac River between Alexandria, Virginia, and Shepherds Landing, S.E., in the District (with two lanes, one in each direction), and a bridge to connect South Capitol Street with the area on the other side of the Anacostia River.

(District Commissioner Melvin C. Hazen had been promoting a bridge between Alexandria and Shepherds Landing for several years as part of a bypass of the Nation's capital. Hazen, a Virginia native who had lived in the District for a quarter century, was a bank director, horse

breeder, member of the Board of Trade, and District Surveyor in the engineering department. President Roosevelt appointed Hazen to his post as Commissioner in October 1933.

(On May 2, 1938, in an address to the Congress Heights Progressive Citizens' Association, Hazen said, "We must have a by-pass." He explained that Shepherds Landing south and east of the city was a better location for it than Chain Bridge on the west. Building a bypass to Chain Bridge was objectionable because it would have to go through residential areas in Chevy Chase and northwest Washington. The Shepherds Landing bridge would be ideal for north-south travelers on U.S. 1, the East Coast's main highway from Maine to Florida, as well as motorists bound for Shenandoah Valley in Virginia. Moreover, the Potomac River was at its narrowest point south of the District at Alexandria. Hazen described a bypass route through southeast Washington to Bladensburg or possibly further north to meet U.S. 1. ["By-Pass Bridge Urged By Hazen," *The Evening Star*, May 3, 1938])

The report considered other problems. For example, it recommended that every streetcar loading zone be replaced with a platform:

These death traps should be replaced in the immediate future even at the sacrifice of other work. The number of street car loading points or stops should be reduced to the minimum consistent with proper service. Generally speaking, there are too many stops for both buses and street cars to permit expeditious mass transportation service.

The Whitehurst report also recommended "construction of pedestrian islands of an improved type at intersections on all arterial highways or boulevard streets with a roadway width of 60 feet or more." The report also found that Chain Bridge across the Potomac River in the Palisades area near the western District/Maryland line "is not being utilized to anywhere near its useful capacity, probably due in large part to inadequate approaches and roads leading thereto, particularly on the Virginia side."

The report contained a section on terminal facilities that addressed short-time and long-time parkers in the central business district. Whitehurst wanted to give priority to short-time parkers, such as shoppers and theater-goers who stimulated the local economy. They have access to only 10,000 of the 36,000 parking spaces in the central area. To help them, the report proposed installing parking meters that would discourage long-time parkers.

For long-time parkers, such as government employees, the report adopted an idea recommended in *Toll Roads and Free Roads*, namely parking lots or garages near but not in the central area plus short-line buses to convey the parkers closer to their destination. (As discussed in BPR's report, the inner loop was a terminal where parking facilities would keep traffic out of the central district.) Revenue from the parking meters installed for short-time parkers would pay for the lots or garages serving long-time parkers. The report rejected proposals to provide underground parking facilities in the downtown area for long-time parkers as "economically unsound." ["\$44,450,000 Street, Bridge Program Proposed to Ease Traffic," *The Evening Star*, April 25, 1941; this edition included several articles describing the report]

Speaking after Whitehurst released the report, PRA Commissioner of Public Roads MacDonald addressed the Washington Board of Trade. He put the study in the context of the highway planning surveys that provided the basis for *Toll Roads and Free Roads*:

We developed the fact that cities have become the focus of traffic problems. They are undergoing a migration of values. There is a depreciation of values in the central areas due to congestion of traffic, and the failure of cities to serve newly developed traffic and to meet new conditions.

The findings of the national survey were not the point, he said. The Whitehurst report “comes closer home to you, and attacks the interests of business in the community.” He acknowledged that, “there may be some who will take exception to part of it.” However, if members of the board had confidence in the facts behind the report, “I feel certain you can support its findings”:

If these recommendations are followed through, with reasonable support of the Federal Government, they will attack the disease of cities, which we have found epidemic throughout the Nation.

You will set a model for other cities of the Nation. [“Mitigating ‘Downtown Disease’ Seen in Highway program,” *The Evening Star*, April 25, 1941]

Chairman Delano of the National Capital Park and Planning Commission also praised the Whitehurst report as a “comprehensive and important piece of work.” He had not had a chance to review it in detail, but said, “One thing is certain, and that is that Washington has got to have better transportation facilities.” He doubted that the parking problem could be solved by private parking lots as long as the city provided free parking on city streets. “Automobile owners will not pay for parking as long as they can find free space in the city streets.” At present, he said, Washington transportation facilities were “very backward,” mainly because of the “glut of private motorcars.” [“Delano Praises Whitehurst Road Survey,” *The Evening Star*, April 26, 1941]

Whitehurst made clear that he wanted the report to be presented at a public hearing. He and Engineer Commissioner David McCoach announced that the public hearing would take place on May 20, 1941, in the board room of the District Building.

(Under the District’s form of government at the time, the President appointed three commissioners as the District’s governing body. One was an Engineer Commissioner from the U.S. Army Corps of Engineers. Lt. Colonel David McCoach, Jr., who came to Washington from New York City where he was district engineer, took his oath of office on September 7, 1938, saying, “I never believe in upsetting a going concern, and I have been advised that the municipal government here is one of the best in the country.” [Warren, Don S., “Lt. Col. M’Coach Assumes Duties As District Head,” *The Evening Star*, September 7, 1938])

Shortly before the announcement of the public hearing, Whitehurst had appeared at a meeting of the traffic committee of the Board of Trade. During the meeting, Washington I. Cleveland of the American Automobile Association (AAA) asked Whitehurst about the revenue he expected the

2-cent increase in the gas tax to generate. He estimated it would yield \$3 million a year. With funds already available, the District would have about \$5 million available for a 12-year program of road improvements. If the gas tax were increased only by 1 cent, the city would have about \$3.5 million:

It all depends on how quickly you want this program completed. But I venture to say that if every man and woman in this city were convinced that this plan would make Washington streets safe they wouldn't complain about having a 2 or even 3 cent increase in the gas tax.

Colonel E. G. Bliss, chairman of the board's Statistics and Accident Prevention Subcommittee, said that, "We have got the city so crowded with human targets and automobiles that now it's not merely a matter of enforcing present traffic regulations but a question of a possible cure for traffic congestion." He added that the Whitehurst report "points the way for this cure."

John F. Victory asked Whitehurst about removing all streetcar tracks in the central business district. Whitehurst did not agree. "We are very dependent on mass transportation into the central area and buses alone can't take care of the crowds and [removing all the tracks] would merely increase congestion."

The traffic committee endorsed the Whitehurst plan "in principle" and commended Captain Whitehurst and F. W. Lovejoy of the PRA, which had collaborated with District highway officials on the plan. ["Public Hearing Set on Highway Program," *The Evening Star*, April 29, 1941]

### **The 1941 Plan**

In advance of the public hearing, the *Star* carried a series of articles about the Whitehurst report. The goal of the proposed radial highway system was to eliminate bottlenecks from principal streets to provide a more regular flow of traffic during peak periods. Captain Whitehurst said the goal was not to speed traffic but to eliminate congestion and make traffic safer. He had considered the solution adopted in Manhattan, which built freeways along the edges of the island but in that city, traffic was primarily north-south. A different solution would be needed in the District because traffic moved in all directions, particularly during peak periods.

The city considered elevated or depressed routes, but dismissed the idea because of cost:

The District's problem, it was decided, did not warrant such a large outlay as would be entailed in either elevated or subway transportation, either of which would cost many times more than that of the system finally selected . . . . The department concluded that highly expensive features should be resorted to only if reasonable success could not be obtained by use of surface and depressed highways, with the aid of appropriate grade separations, channelized intersections and light control.

To keep costs down, the District wanted to use existing routes to the extent possible within the current traffic pattern:

In selecting the various trunk routes, the problem was to choose as near as possible the most direct connection with the outlying residential areas and to select streets along which traffic could be made to flow most freely.

For this reason, the department had decided to upgrade K Street instead of M Street as the radial line east of Key Bridge:

M street already was highly congested, it was not wide enough for a depressed highway and it was undesirable because of the business interests involved. As still another bad feature, its roadway was heavily loaded with underground construction and, to avoid a bottleneck in Georgetown, a subway would be necessary.

The department also rejected construction of a bypass north of M Street because “it would require expensive property acquisition, because it would border a residential area and because the eastern terminus would bring the congestion back into Pennsylvania avenue and M street at Twenty-ninth street. Moreover, there would be no connection with Key Bridge.”

By contrast, K Street had “a wide right-of-way and involves virtually no property acquisition,” while connecting with other main highways, “which would make its usefulness much greater.” It also would relieve congestion on New York and Rhode Island Avenues. The city was planning an elevated structure in the K Street corridor.

To serve the greatest percentage of population, which lived west of Rock Creek in the northwest section of the city, the report recommended improving traffic flow on five thoroughfares. They would be widened, with grade separations at intersections, and in some cases, extended to improve connections. The department considered the alternative of building an elevated highway between blocks as far north as Florida Avenue, but the cost was prohibitive. “The conclusion was reached at last that improvements should be made in existing highways, and that grade separations and other relief should be provided at the points of worst congestion.”

In some cases, roads would be depressed, with structures carrying cross roads over them. For example, K Street would be depressed west of Connecticut Avenue to west of 24<sup>th</sup> Street, NW., passing under Washington Circle. “Capt. Whitehurst explained that the costly structures and the grade separations had been decided upon only in instances where no more satisfactory and less costly method was considered feasible. [Jones, Pat, “Radial Street Plan Designed To Eliminate ‘Bottlenecks’ Here,” *The Evening Star*, May 4, 1941]

The city had chosen to build a two-lane tunnel across the Potomac River between Shepherds Landing and Alexandria after considering three alternatives. Aviation concerns prompted rejection of a high-level bridge with a 135-foot clearance. “A two-lane tunnel such as that proposed will cost twice as much as a four-lane bridge, it is estimated, but it is understood the War Department would not approve the additional barrier [that] a bridge would be to planes landing and taking off at nearby Gravelly Point, the Naval Air Station and Bolling Field.” (Gravelly Point, the location of Ronald Reagan Washington National Airport, was named because of the large amount of gravel deposited nearby inside a big bend in the Potomac River. The gravel has been used for construction projects throughout the area, including the nearby

Pentagon. [Kelly, John, “Gravelly Point Park’s moniker is one that shouldn’t just be shoved aside,” John Kelly’s Washington, *The Washington Post*, February 6, 2018]

The city also rejected a low-level bridge because it would require a draw span that would have to be opened so often that it would constitute a serious obstruction for highway traffic:

The proposed tube would extend under the river from Alexandria to Shepherds Landing, a point at which the stream is approximately 3,500 feet wide, and would cost approximately \$9,500,000. It would form part of a suggested bypass route linking Virginia roads with the highways north and west of the District, but its greatest benefit would be in the relief of the immediate traffic load now taxing the Highway Bridge [in the 14<sup>th</sup> Street corridor].

The proposed program included replacing the Highway Bridge at some point, but not immediately; the current bridge had many years of life left in it. However, Captain Whitehurst had been surprised by the amount of inbound traffic revealed by meter check. “The source of this traffic is not wholly known, he added, but an effort will be made to locate it in the hope that there also will be found the reason why Highway Bridge is so much more heavily taxed than [Arlington] Memorial Bridge.” Of the four existing Potomac River crossings, the Highway Bridge was the only one “carrying anywhere near its capacity load.”

The “most important bridge” in the program was the structure across the Anacostia River at South Capitol Street. At the time, South Capitol Street’s southern terminus was P Street, SE., the northern border of Fort Humphreys (renamed Fort Leslie J. McNair in 1948). The nearest bridge across the Anacostia River was at 11<sup>th</sup> Street, NE., with a terminus at the intersection of Good Hope Road and Nichols Avenue:

This [South Capitol Street] bridge, it is expected, would take a good part of the traffic off Anacostia Bridge, now badly overloaded, and would relieve congestion on Nichols avenue and Good Hope road. Moreover, it would provide an important link in the trunk highway to the Southeast and would connect with a new system of streets planned in the Southeast area east of the river. [Jones, Pat, “Potomac Tube to Alexandria Held Best of 3 Possibilities,” *The Evening Star*, May 5, 1941]

(The South Capitol Street Bridge, now called the Frederick Douglass Memorial Bridge, opened on January 14, 1950. Engineer Commissioner Gordon R. Young called it one of the most important public works projects in the District since he took office. Twin sisters Della and Mary Randall of Forest Hills, Maryland, 12 years old, cut the ribbon across one of the eastern approaches to the bridge, after which a motorcade of more than 100 cars crossed the bridge. In brief remarks, General Young said the city’s public works deficiencies were caused by the lack of construction during World War II, coupled with a 40-percent increase in population.

(The new bridge was expected to open up about one-third of the land east of the Anacostia River to direct access to the central city while stimulating growth in nearby Maryland. It would relieve congestion on the 11<sup>th</sup> Street Bridge and, to some extent, the Pennsylvania Avenue Bridge across the river to the north. “The next urgent project is to get one more bridge across the Anacostia

River.” He acknowledged the impatience of residents east of the river who felt they had been neglected, but said that feeling was not justified. “Your area has run away from us so fast that it took longer to catch up.” Young favored placing the bridge at East Capitol Street, but some staff members of the National Capital Park and Planning Commission preferred Massachusetts Avenue for the bridge. “I hope the location will be settled soon so we can go ahead with the construction. [“South Capitol Bridge Opened by Gen. Young,” *The Sunday Star*, January 15, 1950]

(City officials broke ground on February 13, 2018, on a \$441 million project to build a replacement structure.)

Grade separations were included in the proposed program only where no other solution was possible:

“In the interest of safety, where two heavy streams of traffic are always present and roadway capacity is insufficient, to permit effective light installation, there remains only one solution to the problem—separation of grades,” Capt. Whitehurst said. “In some instances, streets can be widened to obtain more reservoir, but not in all.”

The intersection of 14<sup>th</sup> Street and Maine Avenue in the southwest part of the city was a good example:

Possibly the city’s worst congestion point, according to a recent survey, is at Fourteenth street and Maine avenue. This intersection averages 51,000 vehicles daily, heavily augmented on special occasions such as the Cherry Blossom Festival. Cars sometimes are held up there as long as 30 minutes.

To correct this situation, it is proposed that Fourteenth street be raised above Maine avenue and East Potomac Park at that point. A low-level bridge will be constructed across Tidal Basin to handle park traffic, thus making it possible to segregate entirely what may be called through or commercial traffic and park traffic. There also will be interchange roads between Maine avenue and Fourteenth street, providing access in all directions.

Another particularly bad intersection was the six-street junction of Florida and Maryland Avenue, 15<sup>th</sup> and H Streets, and Benning and Bladensburg Roads, NW. (Bladensburg and Maryland Avenue were part of U.S. 50.) This intersection was hazardous to motorists and pedestrians, who could not cross the 126 feet from curb to curb before a change in the traffic light:

Capt. Whitehurst admitted that the situation there is so extreme that no specific plan has been agreed upon. Maryland avenue and Bladensburg road constitute the line of heaviest travel, and it is evident that a grade separation of some nature, possibly an underground tunnel for these two streets, will be necessary.

As noted, the city had already decided on an elevated structure for K Street as a bypass for M Street in Georgetown. “The present grade separation structure at K street and Rock Creek was

designed to take a superstructure that would give access to an elevated highway.” [Jones, Pat, “Grade Separation Projects Urged Only as a Last Resort,” *The Evening Star*, May 7, 1941]

The fringe parking plan was based on a total cost for commuters of 15 cents a day (10 cents for parking all day and 5 cents for a short-haul bus to the destination). This fee structure would cost \$3.75 a month or \$45 a year. Whitehurst thought the lots or garages should have a capacity of 400 to 500 cars; beyond that would lead to congestion at entrances/exits during peak periods. “The cheapest structure to operate, he said, is the three-story parking plaza type.” Land values within the central business district were too high for parking lots to be profitable for the city.

The District could subsidize the parking areas, but “has no authority to proceed with subsidization for Virginia and Maryland car owners, who comprise a major portion of the motorists involved.” Given the complexities of location and coordination, Whitehurst recommended establishing a motor vehicle parking agency with four public officials and three citizens comprising the leadership:

But whatever is done, Capt. Whitehurst is emphatic in his warning that no single individual should be placed at the head to say how the problem should be solved. “I do not believe any one man,” he said, “knows enough about the situation and would give proper enough consideration to all the factors involved to bring about a satisfactory solution . . . .”

The situation was grave, but Whitehurst’s report did not recommend a solution. “That must be worked out with time. What we have tried to do is show the way toward a solution.” [Jones, Pat, “Fringe Parking Plan Is Aimed At 15-Cent Daily Cost,” *The Evening Star*, May 8, 1941]

(As mentioned earlier, Congress authorized a Motor Vehicle Parking Agency for the District in 1942.)

Another issue to be considered was the city’s parkland. Development of roads in Rock Creek Park and the National Zoological Park was vitally important, Whitehurst said, but he understood that park officials might disagree. “The automobile is here to stay, and it is up to us to keep pace with transportation trends. I realize, however, that the co-operation of agencies controlling park land must be secured before park roads can be adjusted to suit the city’s traffic needs.” He knew from experience that the National Park Service (NPS), which controlled Rock Creek Park, and the Smithsonian Institution, which was responsible for roads in the zoological park, wanted the roads preserved for scenic and recreational purposes:

“I don’t blame them in the least for looking at it in that light,” the highway director said, “especially when you consider that the land originally was set aside for park purposes alone. I have become convinced in recent years, nevertheless, that the increased demand for highway facilities makes it imperative that certain park roads be expanded and improved to fit into the general highway picture.”

For that reason, the preliminary report included \$5.7 million for park road development, including \$3.75 million for improvements in Rock Creek Park and the Zoo.

At present, narrow park roads and inadequate bridges resulted in congestion. Whitehurst thought that extending the Rock Creek and Potomac Parkway northward through the zoo would be a prime remedy of a significant obstacle to north-south park traffic. He also recommended a road along the western border of the park north of the zoo connecting with Oregon Avenue and Military Road. The result would be that existing roads within the parklands north of Blagden Avenue-Broad Branch Road could be reserved for park use.

He was concerned, too, about bridges in Rock Creek Park, some of which were only 19 feet wide and had a load limit of 12,000 pounds. Despite this limit, vehicles weighing as much as 30,000 sometimes used the bridges. “Wouldn’t it be a terrible thing if a bus-load of children crashed through one of those bridges?”

Highway surveys demonstrated that only 10 percent of the vehicles entering Rock Creek Park turned off the principle routes while still in the park. “This knowledge led those making the study to the conclusion that since the vast majority of drivers use the roads in the park as a means of traveling on the north-south axis, first-rate thoroughfares or possibly freeways ought to be provided for their convenience.” He explained, “The first thing to consider in making a traffic survey is demand. Roads should be built or improved to accommodate these demands.”

The *Star* reporter reminded Whitehurst of a 10-year old plan to build high-level bridges across narrow parts of Rock Creek Park for cross-traffic between Tilden and Upshur Streets; Military Road/Utah Avenue to 16<sup>th</sup> Street; and Oregon Avenue near Wise Road to Aspen Street at 16<sup>th</sup> Avenue. Whitehurst replied that the proposal offered a “right-angle solution to a diagonal problem.” The heaviest traffic was southwest-northeast, followed by southeast-northwest. The suggested bridges would be almost due east-west, thus not addressing the heaviest need.

The remaining \$2 million in the preliminary report for park roads was to extend and broaden Independence Avenue west of 14<sup>th</sup> Street, NW., and to complete the Fort Drive roadway:

Fort Drive is needed to provide a complete circumferential around the eastern margin of Washington, with interchanges with the major radial highways intersecting it, Capt. Whitehurst said. He explained that Fort Drive would intersect Michigan avenue, Stanton road, Good Hope road, Naylor road, Kansas avenue, Massachusetts avenue, Ridge road, East Capitol street, and Benning road. “It is essential to the general highway plan of Washington,” he declared.

Whitehurst added that Fort Drive would provide another approach to Arlington Memorial Bridge:

“Traffic bottlenecks don’t develop on the bridge itself,” he emphasized, “but on the roads leading into it. Take some of the traffic load away from Constitution avenue and you will hear less talk about the need for another bridge between Arlington and the District.” [Mustin, Henry A., “Park Roadway Developments Face Utilitarian Objections,” *The Evening Star*, May 9, 1941; the series included an article about street improvements (May 6) and safety devices (May 10)]

## Rock Creek Park

Because Rock Creek Park would be a major factor in the transportation debate in coming decades, a brief look at its road network would be helpful.

According to an NPS historic resource study, the park's origins can be traced to Senate interest after the Civil War in providing a new residence for the President to replace the aging presidential mansion situated in an unhealthy part of the city:

The Washington City Canal, which once ran along what today is Constitution Avenue was an open sewer by the 1860s. In 1866 the outlet for this waterway into the nearby Potomac River was located just below the Executive mansion (the Potomac Flats were not reclaimed until the 1880s), at Seventeenth Street. President and Mrs. Lincoln often removed to a cottage at the Soldier's Home to escape the stench, heat, and contagion of the city.

(Soldier's Home, a summer home to several Presidents and their families, is located at 140 Rock Creek Church Road, NW., on one of the highest points in the District. It is near the Petworth and Park View neighborhoods between North Capitol Street and New Hampshire Avenue.)

In 1866, the House and Senate adopted resolutions calling for a study to identify a tract of land of not less than 300 acres for a park and site for the mansion "which shall combine convenience of access, healthfulness, good water, and capability of adornment."

President Ulysses S. Grant vetoed the plans, preferring to retain the existing historic mansion, but the idea of acquiring land for a park "had more permanence." The idea languished until the 1880s:

The renewal of interest in the creation of a major urban park in Washington in the 1880s was also a product of growing public health concerns. Eradication of waterborne diseases, especially typhoid, was a vigorous reform movement in all major American cities in this decade. In 1879 the sewers in Georgetown and Northwest Washington emptied into Rock Creek. By 1889 the pollution of Rock Creek was considered a serious threat to public health . . . . [Bushong, William, *Rock Creek Park*, Historic Resource Study, National Park Service, U.S. Department of the Interior, 1990, pages 63-66]

After much debate and controversy, Congress passed legislation authorizing and funding the park. President Benjamin Harrison approved it on September 27, 1890:

The law establishing Rock Creek Park set a limit of 2,000 acres for the land area with an appropriation of \$1,200,000, equal portions to be paid out of District revenues and the U.S. Treasury. A rough southern boundary was established at Klinge Ford Bridge, and the law specified limits of 600 to 1200 feet for the park's width below Broad Branch and Blagden Mill Roads. This provision accounts for the reservation's parkway character in the neck of land that today forms the southern tip of the park. The width of the park's remaining boundaries was left to the discretion of the Rock Creek Park Commissioners. These officials were the Chief of Engineers, United States Army, the Engineer

Commissioner of the District of Columbia, and three citizens appointed by the president with the advice and consent of the Senate. The remaining sections of the act explained the duties of the commission and outlined condemnation, appraisal, and benefit assessment procedures. The final provision placed the new park under the joint control of the D.C. Commissioners and the Chief of Engineers of the U.S. Army, “whose duty it shall be as soon as practicable, to lay out and prepare roadways and bridle paths . . . .” [Bushong, pages 72-73]

On January 1, 1895, after the park commissioners had completed their work, the Rock Creek Board of Control assumed responsibility for the new park, which consisted of 1,605,976 acres purchased for \$1,740,511.45. The NPS assumed responsibility for Rock Creek Park on August 10, 1933. [Bushong, pages 77, 101]

Under the Capper-Cramton Act of May 29, 1930, the Maryland-National Capital Park and Planning Commission acquired property to extend the park into Montgomery County. (The Capper-Cramton Act will be discussed later.) The NPS remains responsible for Rock Creek Park in the District, but the Maryland commission owns and operates the Maryland portion of the park.

The agitation for park roads began early, as described in an NPS history of the Rock Creek Park roadway network:

The first campaign to compel the government to expand the park’s road network was spearheaded by the Brightwood Citizens’ Association, whose influential members resided in the rapidly developing area on the east side of the park. At a widely reported October 6, 1896 meeting, the association adopted a resolution urging Congress and the District Commissioners to provide \$100,000 for the development of roads and paths in Rock Creek Park. Observing that six years had passed since Congress authorized the park, the group’s president W. W. Cox inveighed, “Yet so far as I am aware, not a single dollar has been spent in making it accessible to the people for whose recreation it was purchased.”

Captain Lansing H. Beach, assistant to the Chief of the U.S. Army Corps of Engineers, was largely responsible for the park’s development beginning in 1896. A native of Dubuque, Iowa, Beach graduated from the U.S. Military Academy at West Point in 1882, was commissioned in the U.S. Army Corps of Engineers, and had worked to improve navigation in the Ohio River Valley and on a commission to settle the boundary between the United States and the Indian Territory (now part of Oklahoma) before arriving in Washington in 1884.

In the absence of appropriations for road improvement, Captain Beach began in 1897 employing chain gangs of prisoners to improve existing roads, reclaim sections of road that had been abandoned, and clear brush adjacent to the paths. With an appropriation of \$24,000 for 1899, Beach focused on improving and macadamizing a road from Blagden Mill Road to Military Road along Rock Creek north of the National Zoological Park:

The completed driveway—7,000’-long, with gently winding curves and an almost undetectable rise of 60’ over the distance between Blagden Mill Road and Military

Road—was widely praised as an engineering feat, as an artistic accomplishment, and as a long-awaited response to the need for enhanced access to Rock Creek Park . . . . The completion of Rock Creek Drive, as it was originally called, not only exposed the beauties of the creek to popular view, it eliminated the need for backtracking or breaking the trip into east and west portions combining park roads and ordinary city streets.

Rock Creek Drive cost \$15,000, with Captain Beach using the remainder of the appropriation on other roads.

On November 20, 1901, Rock Creek Park’s Board of Control honored Captain Beach for his work improving the park’s roads. The board changed the name of Rock Creek Drive to “The Beach Driveway,” soon shortened to Beach Drive, the name the road north of National Zoo still bears. [*Rock Creek Park Road System*, Historic American Engineering Record No. DC-55, National Park Service, pages 37-44; Kelly, John, “The resourceful man who helped make Rock Creek Park more accessible,” John Kelly’s Washington, *The Washington Post*, December 31, 2017]

Despite limited appropriations for park roads, officials gradually improved Beach Drive to meet changing needs as the automobile began to dominate traffic in the District of Columbia. In the 1930s, as the Maryland-National Capital Park and Planning Commission extended the park beyond the District line, park officials planned extension of Beach Drive to Maryland. The Maryland planning commission had begun work on the 1.2-mile Maryland section of Beach Drive to East-West Highway in early 1931. Construction began on March 30.

General Grant, then still Director of Public Buildings and Public Parks, began surveying the District extension in the spring of 1931:

The new three-quarter mile long roadway wound along the southwest bank of Rock Creek from the bridge leading to Kalmia Road to the District line, where it connected with the park drive already constructed by the M-NCPC. This part of Rock Creek had previously been accessible only by foot and bridle paths.

The extension of Beach Drive in the District portion of Rock Creek Park opened to traffic on June 25, 1932:

Completion of this segment enabled motorists to drive along Rock Creek all the way from the National Zoo into Maryland. The Maryland section of the park road system provided an intersection with East-West Highway, the primary route between Bethesda and Silver Spring. These links to the rapidly growing suburbs of Montgomery County helped fuel the transformation of Beach Drive from an isolated park drive into a busy commuter thoroughfare playing an increasingly prominent role in the transportation system of the Washington Metropolitan area. [*Rock Creek Park Road System*, pages 76-77]

The Rock Creek and Potomac Parkway served traffic south of the zoo. President William Howard Taft, on his last day in office, approved the Public Buildings Act on March 4, 1913.

Section 22 authorized a commission “for the purpose of preventing the pollution and obstruction of Rock Creek and of connecting Potomac Park with the Zoological Park and Rock Creek Park.”

Construction began in the 1920s, but land disputes and funding issues delayed progress. The last segment, the bridge over Rock Creek at P Street, was completed on June 4, 1936.

The Rock Creek and Potomac Parkway is 2.5 miles long, from the Lincoln Memorial to the National Zoo. Meanwhile, the Maryland-National Capital Park and Planning Commission had opened its connector road in June 1932 between East-West Highway and the District line. With completion of the parkway in the District, motorists could “drive from the Lincoln Memorial to Maryland without leaving an attractive tree-lined setting.”

An NPS brochure about the parkway explained that the first federally authorized parkway was “conceived as a pleasure route for recreational drivers, but it soon became a major commuter artery for traffic from Washington’s northwest suburbs.” In recognition of its use as a commuter route, NPS instituted one-way use, southbound during the morning peak period, northbound in the afternoon, a change in effect to this day. [*Rock Creek and Potomac Parkway*, Highways in Harmony, National Park Service, 1992; Krakow, Jere L., *Rock Creek and Potomac Parkway, George Washington Memorial Parkway, Suitland Parkway, Baltimore-Washington Parkway*, Historic Resource Study, National Park Service, January 1990, pages 29-36]

Although motorists could drive from the Lincoln Memorial to East-West Highway, they ran into a bottleneck at the National Zoological Park because of sharp curves and periodic high water levels. The NPS history of the Rock Creek Park road system explained the problem:

Following the completion of Rock Creek and Potomac Parkway, District transportation officials continued their efforts to increase the flow of traffic through Rock Creek valley. The first major obstacle—though ultimately one of the last issues to be settled—was the creation of a permanent, all-weather connection between the north end of Rock Creek and Potomac Parkway and Beach Drive in Rock Creek Park. Until the current tunnel was completed in 1966, parkway traffic entered the zoo grounds through a ford located several hundred yards west of the current bridge. Traffic then followed the zoo roads across another ford before joining Beach Drive on the north side of the zoo. Since the zoo grounds were only open during daylight hours, and the fords were impassable during high water, motorists were often forced to take a roundabout route through surface streets to get from Beach Drive to Rock Creek and Potomac Parkway. [*Rock Creek Park Road System*, page 106]

As early as 1933, highway advocates proposed a tunnel link to carry traffic through the area.

Also by the 1930s, pressure began for an all-purpose highway through the valley. The NPS history of Rock Creek Park stated:

In addition to the tunnel project, highway proponents over the years have advocated construction of a highway through the Rock Creek Valley. In 1938 District Commissioner Melvin C. Hazen favored the construction of a highway connection from

the Rock Creek and Potomac Parkway through the zoo grounds and Rock Creek Park to the East-West Highway in Maryland. Opponents stalled the project and World War II delayed serious consideration of Hazen's proposal. [*Rock Creek and Potomac Parkway*; Bushong, pages 145-146]

### **The Public Speaks**

The board room of the District Building was crowded on May 20, 1941, for the public hearing on the Whitehurst plan. While speakers generally supported the plan in principle, they differed on the proposed gas tax increase. The Washington Board of Trade, the Federation of Citizens' Associations, and the Keystone Automobile Club opposed any tax increase. They and others thought the Federal Government should provide more funds for the city's transportation needs, as the trade board explained in a statement:

We desire to call attention to the fact that the Federal Government now is studying ways and means of levying the heaviest taxes which ever have been levied on the people of this country. This it is necessary to do in order to finance the defense programs.

The board anticipated that the Federal excise tax on gasoline, instituted in 1932 as a deficit-fighting measure with no link to Federal-aid highway funding, would be increased as would taxes on individuals and businesses:

We therefore recommend against increasing the gasoline tax until after we have seen what new taxes will be levied by the Federal Government during this session of Congress.

Some groups, including the District division of AAA, favored a 1-cent gas tax increase. ["Citizens Oppose Hike in D.C. Gas Tax for Highway Program," *The Evening Star*, May 20, 1941; "Commissioners Study Mass of Testimony On Whitehurst Plan," *The Evening Star*, May 21, 1941]

(By an act approved on December 26, 1941, Congress approved an increase in the District's gas tax from 2 to 3 cents. Because of wartime rationing of gasoline and tires beginning in 1942, revenues declined despite the increase, prompting a second increase to 4 cents a gallon.)

To consider all options, District highway officials decided to study the feasibility of relieving congestion by construction of "lower-level street or tunnel systems, as a means of diverting excess traffic, particularly mass transportation vehicles, into underground channels. Congress authorized the study by joint resolution approved March 7, 1942, directing the District commissions to study the feasibility of a subway system.

The Director of Highways conducted the study, reporting preliminary findings on June 24, 1942. The study contained three basic conclusions. "(1) That rapid transit subway lines to the outlying sections of the District of Columbia are not warranted or necessary; (2) that a system of streetcar tunnels and underpasses, including appropriate terminal facilities in the central congested area, is feasible and, in many cases, warranted; (3) that the construction of grade separation structures and depressed highways within and beyond the central area is necessary and logical."

The National Capital Park and Planning Commission, in a companion report, “expressed itself in favor of grade separation structures, or localized subways, in the heavily congested multiple intersections caused by the convergence of several arterial streets into overtaxed rotaries, such as Thomas and Scott Circles, and at 14<sup>th</sup> Street, S.W., and Maine Avenue.” [*Twenty-Four Years of Progress*, pages 66-68; underlining in original]

### **Refining a Plan**

In October 1944, the Department of Highways received a report from the consultant firms of J. E. Greiner Company and DeLeuw, Cather and Company. “The report is mainly concerned with a discussion of a master plan for the correction and future development of transportation facilities in the Central Area of the District of Columbia.” The goal was to improve accessibility to the central area’s retail and Federal districts:

In their analysis of conditions in the congested downtown district, the consultants again advanced the proposal of lower-level streets [tunnels] as the only positive means of reducing the conflicts between fixed-wheel mass transportation vehicles [i.e., streetcars] and free-wheel traffic on surface pavements. The contemplated relocation of streetcar lines, which now operate on Connecticut and Pennsylvania Avenues and Fourteenth Street, to underground tunnels in the critical downtown area, is a project which appears to be amply justified.

A subway system of streetcars would serve the greatest number of people with minimum mileage; extend the benefits of rapid transit to all parts of the city; remove streetcars from surface streets in the most congested areas; allow for coordination of rail and bus routes on the surface; and allow for expansion. “It was further pointed out that the flow of buses, after subways were built, would be reduced to the extent that patrons would be attracted to the faster underground routes.”

The consultants also proposed “extensive improvements in the existing street layout through the construction of grade separation structures and channelized connections, to form convenient inner and outer belt line distributor routes around the central portion of the city.” They recommended K Street, “on the northern rim of this area,” for improvement as part of the inner belt route and as a surface distributing artery. For overloaded rotaries at Dupont Circle and elsewhere, the report recommended underpasses to separate heavy traffic flows.

The reference to inner and outer beltline distributors was not unusual, as urban planners had adopted the concept as described in *Toll Roads and Free Roads*. Urban planners would adapt the idea as they developed thoroughfare plans for cities around the country.

The October 1944 report made clear that the District needed major improvements:

The population and traffic volume curves have been on the rise . . . but without a corresponding expansion of the highway system to absorb excess traffic movements in the Central Area. Hazardous conditions, increased cost of motor vehicle operation, delay and inaccessibility of

vital regions located in this area are the wasteful and unproductive results suffered each day by a large segment of the population. [*Twenty-Four Years of Progress*, pages 71-74]

One issue remaining to be resolved was replacement of the Highway Bridge at 14<sup>th</sup> Street, NW.

### **The Highway Bridge**

Today's 14<sup>th</sup> Street Bridge complex is the modern incarnation of the Highway Bridge, itself an incarnation of the Long Bridge, which had been authorized by a law that President Thomas Jefferson approved on February 8, 1808. The toll Long Bridge, which opened in May 1809, was a 1-mile long pile structure with draw span to allow ships to pass. President James Madison was the first to cross the \$100,000 bridge, crossing in his carriage to Alexandria (then part of the capital city) where residents entertained him with a dinner. The bridge included a broad carriageway and pedestrian paths on both sides.

Twenty years later, the bridge sustained damage from floodwaters. When the bridge company was unable to pay for repairs, Congress intervened to finance a new bridge. President Andrew Jackson and his Cabinet celebrated the opening of the new \$130,000 Long Bridge in October 1835 by walking across to Alexandria. They returned in carriages. In later years, flooding and ice flows continually damaged the bridge.

By the 20<sup>th</sup> century, the Long Bridge, now controlled by the Pennsylvania Railroad, was primarily used by railroads and an interurban trolley line. It was replaced by a double-tracked railroad bridge that opened on August 25, 1904 (2,529 feet long with 11 fixed truss spans and a swing span). It included a swing draw span to allow ships to pass on the river.

The old Long Bridge remained in use for road traffic until it was replaced 2 years later. On February 12, 1906, officials inspected the completed through-truss Highway Bridge, although the approaches would not be ready until later in the year. The bridge, which cost \$1,196,000, was 2,667 feet long, 40 feet wide, and 21 feet above the normal river level. It included a swing span similar to the new Pennsylvania Railroad bridge's swing span so they could be synchronized to allow the passage of ships.

Commissioner H. B. F. Macfarland called the new structure "a fine bridge," but added:

My only regret about the two new bridges across the Potomac is that the War Department was not able to carry to success its suggestion that the bridges should be made beautiful as well as useful, which could have been done, the department believed, with little or no additional expense.

Following the inspection, the Alexandria and Mount Vernon Railway Company's trolleys were able to use the new bridge from their District terminus at 14<sup>th</sup> Street and Maryland Avenue.

The Long Bridge was finally closed on December 15 and all nonrailroad traffic shifted to the Highway Bridge. A few weeks later, the engineer in charge, Captain Spencer Crosby, reported:

A careful census of that traffic shows a daily average of 111 electric trains, 822 double teams, 301 single teams, 3 equestrians and 523 pedestrians. These figures apply to the daily traffic in good weather. There is practically no business traffic on Sundays and holidays. The greater part of the travel outside of the electric trains consists of the two-horse teams going to and from the brick yards in Virginia.

[Emery, Fred A., "Washington's Historic Bridges," *Records of The Columbia Historical Society of Washington, D.C.*, Volume 1938, pages 58-60; Cohen, Robert, "History of the Long Railroad Bridge Crossing Across the Potomac River," Washington DC Chapter, National Railway Historical Society, <http://www.dcnrhs.org/learn/washington-d-c-railroad-history/history-of-the-long-bridge>; Proctor, John Claggett, "Old and New Bridges Spanning the Potomac," *The Sunday Star*, March 24, 1946; "New Highway Bridge," *The Evening Star*, February 12, 1906; "Over Highway Bridge," *The Evening Star*, January 19, 1907]

The Highway Bridge was still in operation in the 1940s, when officials began debating how to replace it. With World War II underway, District officials began planning a replacement for the Highway Bridge as a post-war project. Quickly, though, officials split on what was needed, as the *Star* reported on April 20, 1944:

After more than nine months of conferences, District officials are holding out for two one-way bridges of four traffic lanes each in preference to a counterproposal for single six-lane bridge. The latter plan, however, is tied in to a large extent with a scheme to build at some future date another cross-river bridge at Alexandria to by-pass traffic into the Anacostia area.

PRA and the Commission of Fine Arts supported the District's view. The support by PRA was a strong point in favor of the two-bridge option because Congress, which would have to resolve the dispute, usually deferred to PRA. The basis for the District's and PRA's position was that two bridges with eight lanes would be able to carry present and future traffic. According to the *Star*:

The weight of evidence is so overwhelmingly in favor of two bridges, Commissioner Thomas H. MacDonald has pointed out in correspondence on the matter, that it would be most difficult, if not impossible, to approve the single plan if submitted for Federal participation.

The District conceded that its two-bridge plan would cost more than a single span, but contended any bridge that was inadequate for future traffic would be too expensive.

The National Capital Park and Planning Commission and NPS supported the single-span option. Commission Chairman Grant said the commission's preferred option was consistent with studies by Frederic Law Olmsted, Jr. With the Highway Bridge carrying interstate U.S. 1 traffic that did not have any reason to be in the District other than to use the bridge to cross the river, by the time traffic volumes exceeded the capacity of the single span, other crossings would be available, General Grant pointed out, particularly a crossing at Alexandria, Virginia, from Shepherds landing:

Aside from the additional cost of two bridges, he sees no justification for eight lanes of traffic feeding into the six lanes on the Fourteenth street overpass at Maine avenue. The funnel of southbound traffic actually becomes smaller as it enters Fourteenth street, he claimed, by reason of the streetcar tracks.

Gen. Grant contended also that aside from the additional cost of two bridges, the public would be paying also a real loss in the harm that would follow to the appearance and background of the new Jefferson Memorial.

Supporters of the single span also pointed out that with planned post-war dispersal of Federal offices to East Capitol Street, the Pentagon, and Suitland, Maryland, many workers who used the Highway Bridge would no longer have to do so.

Secretary of the Interior Harold I. Ickes strongly agreed with General Grant and his department's own NPS. He had written to the District commissioners in support of the single-span option. He also reminded them that NPS held title to parklands that would be needed for approaches. "He simply asked, however, to be advised before bridge appropriations are sought from Congress and before a final decision is reached, so that he might have an opportunity to present the views of the Park Service."

The Fine Arts Commission supported the two-bridge option, which was surprising in view of its usual consideration of aesthetics in its decisionmaking:

It has emphasized the importance of avoiding an axial relationship between the bridge, or bridges, and the memorial. Nor does the fine arts group subscribe to the view of the Planning Commission that a "regrettable impression" would be creating by building two passenger bridges across the Potomac paralleling the railroad bridge.

The District could ignore the planning commission's view, which was merely advisory, as PRA's MacDonald noted in a letter to General Grant on January 12, 1944:

It is recognized that the District of Columbia and the Public Roads Administration could proceed to design a facility on any basis they might select. It is also recognized that your Commission carries sufficient weight to aid or delay the accomplishment of a civic improvement. [Authorizing the Construction of Two Four-Lane Free Highway Bridges Across the Potomac River to Replace Existing Highway Bridge at or Near Fourteenth Street, Washington, D.C., Committee on Interstate and Foreign Commerce, U.S. House of Representatives, 79<sup>th</sup> Congress, 2d Session, Report No. 2346, June 26, 1946, pages 10-12]

In short, the commission and the Interior Department were influential with Congress and Washington area decisionmakers. [Shepard, Nelson M., "Four Agencies Split Over 6-Lane Bridge For 14<sup>th</sup> Street," *The Evening Star*, April 20, 1944]

On July 21, 1944, the District commissioners approved the two-bridge plan. A statement explained:

The provision of four lane capacity in each direction can be most adequately provided by two bridges of four lanes each, and such facility will not detract from the Jefferson Memorial.

A single six-lane bridge will not meet the prospective traffic needs, and any economy in present construction costs will be more than balanced by the cost of another crossing in the future.

Present access routes in the District and Virginia would be sufficient for traffic using the new bridges.

The statement pointed out that the National Capital Park and Planning Commission, which opposed the two-bridge plan, had “never expressed the opinion that future traffic demands will not require the eight lanes of capacity.” To demonstrate that eight lanes were needed, the commissioners cited a PRA study ordered by MacDonald, who reported:

An analysis leads to the conclusion that the facility should be designed for a peak load of 5,000 vehicles in each direction for a period of time in excess of an hour . . . . The 1960 (probably not more than 10 years after completion) average daily traffic is estimated to be 89,000 vehicles. A normal distribution of the expected average daily traffic for 1960 would result in numerous one-way peak loads in excess of 5,000 vehicles per hour, but the observed distribution at Highway Bridge is such that it would be safe to design for that figure.

Regarding the National Capital Park and Planning Commission’s idea that sufficient traffic would be diverted to the Alexandria-Shepherds Landing bridge to require only six lanes at

14<sup>th</sup> Street, MacDonald said that, “it is my considered judgment that it would be unwise to construct a facility of inadequate capacity with the hope that such an act would cause the building of an additional facility at another location, and that the two combined would solve the problem.”

The District commissioners awarded a contract to the New York City consulting firm of Howard, Needles, Tammen and Bergendoff to prepare working drawing for the bridges, which the *Star* described:

The new crossing will consist of two identical bridges about 400 feet apart and each with four-lane traffic capacity. There will be 15 steel deck girder spans, each approximately 160 feet in length, residing on stone faced piers. Navigation features will have to be passed upon by the War Department, but openings for river traffic are planned for each structure. [Crist, Bainbridge, “Two Four-Lane Spans Approved to Replace 14<sup>th</sup> Street Bridge,” *The Evening Star*, July 21, 1944]

By January 1945, America could anticipate the end of the war. Planning for post-war construction took on urgency, causing the debate over replacing the Highway Bridge to intensify.

The chairman of the House District Committee, Representative Jennings Randolph (D-WV), introduced several bills at the request of the District commissioners, including H.R. 541:

“Authorizing and directing the Commissioners of the District of Columbia to construct two four-lane bridges to replace the existing Fourteenth Street or Highway Bridge across the Potomac River, and for other purposes.” The bill authorized \$7 million for the two bridges.

Senator Theodore G. Bilbo (D-Ms.), chairman of the Senate District Committee, introduced companion bills, again at the commissioners’ request. As for the Potomac River crossing, he thought two tunnels might be better than any bridge. Two tunnels, he said, would put an end to complaints that a bridge or bridges would “mar the beauty” of the area or handicap navigation. He also thought the tunnels would be cheaper than the bridge alternatives, but admitted that despite his comments, he did not have the “question settled in my own mind.”

On January 13, Chairman Randolph released sharply conflicting statements he had received from public officials on the bridge issue; he had sent the statements to Chairman Clarence F. Lea (D-Ca.) of the Committee on Interstate and Foreign Commerce, who indicated he would hold a hearing on the bridge legislation. Secretary Ickes’s statement said the two-bridge option would cost too much and “do violence” to the approach to the Nation’s capital. It also would overburden area streets. The National Capital Park and Planning Commission’s concerns were “based on sound economy and modern city planning.” In view of his preferred options, he said, “Sooner or later, another bridge should be constructed crossing the Potomac at Alexandria. This bridge would provide a by-pass for the passenger vehicles and trucks which do not have occasion to enter downtown Washington.”

Major Philip B. Fleming, administrator of PRA’s home, the Federal Works Agency, said that the assertion that the two-span, eight-lane proposal would overload the street was “not in agreement with the traffic facts.” His agency had considered the national commission’s views, “but the conclusion reached was that neither traffic nor the interests of the District would be served by a bridge which soon would be unable to accommodate the traffic that inevitably would use the structure.” Traffic studies demonstrated the need for eight lanes to support probable growth.

Secretary of War Henry L. Stimson also had commented on the dispute. “I know of no objection to the favorable consideration” of the District’s twin-bridge project. [“Ickes and FWA Clash Over Plans for Spans Across Potomac,” *The Sunday Star*, January 14, 1945]

In December 1945, Representative Virgil M. Chapman (D-Ky.), chairman of the Subcommittee on Bridges of the Committee on Interstate and Foreign Commerce, held a hearing on the debate. On December 11, Chairman Grant of the National Capital Park and Planning Commissioner released a previously confidential report that consulting engineers Sverdrup and Parcel had prepared for the War Department in 1941. He quoted the “pertinent and important” section of the report on the bridge situation:

The very thorough study of highway traffic in the Washington area presented in the special report of the Director of Highways for the District of Columbia, indicates (a) a vehicular crossing at Alexandria to relieve the congestion on the Fourteenth Street Bridge and (more particularly) the city streets leading to it is a present necessity, and, that (b) a reconstruction of the Fourteenth Street Bridge and a revision of the approach roads, to increase traffic capacity, may become a necessity in the reasonably near future.

The report estimated that a six-lane bridge would cost \$4,694,000, while the Alexandria bridge would cost \$3,510,000, for a total cost of \$8,504,000. The two spans the city favored for the Highway Bridge location would cost \$7 million. [Two Four-Lane Highway Bridges Across the Potomac River, Washington, D.C., Hearing on H.R. 541 Before the Bridge Committee of the Committee on Interstate and Foreign Commerce, U.S. House of Representatives, 79<sup>th</sup> Congress, 1<sup>st</sup> Session, page 20]

General Grant also argued that the city had “violated” traffic estimating principles to show the need for four lanes of Washington-bound traffic instead of three lanes. The bridge could not carry the predicted 6,700 vehicles per hour because they would be “poured into the Fourteenth street bottleneck,” which could not be relieved because of the impracticability of removing the Maine Avenue overpass.

He regretted that for the first time, as far as he knew, the commission had to appear before a congressional committee in opposition to a District proposal. “But, unfortunately, they are recommending to you what past experience and sound planning show will inevitably prove an unduly costly and harmful project, to the city, as well as to the Federal Government, which will pay half of this cost and presumably half of that of the future, more expensive remedial measures.” In view of the “dire effects” of the city’s twin-bridge proposal on the central area park system, he was surprised that PRA was advocating a project that would “deluge the Jefferson Memorial with a congestion of trucks and business traffic.”

In a statement introduced for the record, Chairman Gilmore D. Clarke of the Commission of Fine Arts argued that twin bridges would provide a more dignified approach to the Jefferson Memorial area at the edge of the Tidal Basin. In a letter to General Grant, Clarke had written that the issue regarding one versus two bridges is “debatable, since it is based upon esthetics and, in that area of thought, there may be as many answers as there are persons to debate.”

Secretary Ickes, appearing before the subcommittee on December 18, denounced the District’s plan for two four-lane bridges because they would jeopardize the beauty of the Jefferson Memorial along the Tidal Basin. Referring to the appearance of vehicles instead of trees, he said, “I can only compare such a backdrop to the mechanical ducks which move across the back of every two-bit shooting gallery in the country.” He supported General Grant’s claims, arguing that the additional traffic from the eight lanes would require additional funds to depress or elevate roads throughout downtown Washington.

The *Star* summarized another aspect of Secretary Ickes’ attack:

Mr. Ickes charged Public Roads Commissioner Thomas H. MacDonald had taken the position that if the District built a single six-lane, two-way bridge, no Federal funds would be forthcoming for the project.

“I believe I would find it difficult to avoid arriving at the same conclusion as the District Commissioners after Mr. MacDonald had said in effect, ‘Do it my way or else.’

“I believe that Mr. MacDonald misconceives his role as a Federal official, efficient and high minded as he may be. It would seem to me his function is to build the roads that policy-making agencies may determine upon,” Mr. Ickes said.

Secretary Ickes also questioned PRA’s “curious” conclusion that the 89,000 vehicles that would use the crossing to enter Washington would cause no more congestion downtown than the 44,500 using it in 1941. “The two-bridge plan would have sad consequences in the downtown business district.”

He also criticized Clarke for saying that the issue about two bridges was “debatable, since it is based upon esthetics.” Secretary Ickes said he was surprised to hear that “educated judgment” on aesthetics, “which might include his own - is to be taken with a grain of salt.”

Even before Secretary Ickes testified, District officials had threatened to “blow off the lid” in the controversy, promising to present statistics that would conclusively rebut his views. [“Ickes Will Be Horatio for a Single Bridge,” *The Washington Post*, December 12, 1945]

Captain Whitehurst, who followed the Secretary at the witness table, told the subcommittee that the 1941 classified report that General Grant had released was misleading. It had, Whitehurst said, covered only the war emergency and covered not only vehicular but rail traffic. The *Star* summarized his 21 typed pages of testimony:

1. At least four lanes and more are available on both the District and Virginia sides for service to the bridges.
2. By minor changes additional facilities can be provided.
3. If in future still further capacity is necessary, it can be provided without undoing existing improvements and at a relatively small cost.
4. It would be uneconomical to provide less than four-lane capacity bridges in each direction.
5. Bridge facilities of less capacity than that proposed by the District Commissioners would be inadequate.
6. Any facility of whatever cost would prove expensive if inadequate.

On the final day of the hearing, PRA’s Fairbank testified with a mass of data in response to General Grant’s claims. He disputed the idea that the Alexandria bridge would divert any more than 5 percent of the traffic using the Highway Bridge. Based on PRA surveys, he said that most of the traffic was local, with the center of destination at Third and G Streets, NW., for cars and Union Station for trucks.

General Grant had bolstered the commission’s claims of authority by pointing out that the 1944 report to Congress, *Interregional Highways*, had favored giving planning commissions a voice in the design of bridges. Fairbank said that was incorrect. “I wrote the report,” he told the subcommittee and it favored giving planning bodies a role only in the location of bridges.

He also disputed a claim by John Nolen, Jr., the commission’s planning director, who said he had observed 3,000 cars an hour using Arlington Memorial Bridge without difficulty. Fairbank

reported that surveys the past week indicated the bridge was crammed to capacity when volume reached 3,000 vehicles, leaving cars to move at about 10 miles per hour.

The District's traffic director, William H. Van Duzer, disagreed with General Grant's bottleneck argument. He said the District end had enough outlets for traffic from Virginia to avoid the problem. Building a six-lane, two-way bridge would be only a "palliative." Van Duzer said he had never heard of a highway project that had been overbuilt.

Colonel Joseph D. Arthur, assistant to Engineer Commissioner Young, said, "It is neither good economy nor good planning to build a bridge of insufficient capacity at Fourteenth street in order to justify a second bridge at Alexandria." He also disputed the claim by Secretary Ickes that PRA's MacDonald had coerced the city. Colonel Arthur said he had been unable to find any statement by MacDonald along those lines.

General Grant was not willing to recant his claims despite the Fairbank data. Statistics, he said, could be used equally by both sides. ["Twin Bridge Plan Denounced As Too Costly," *The Evening Star*, December 11, 1945; "Ickes Attacks Twin Bridges As Unsightly," *The Evening Star*, December 18, 1945; "House Hearings On Twin Bridge Proposal End," *The Evening Star*, December 19, 1945]

The *Star* editors were particularly skeptical of Secretary Ickes' presentation, preferring Clarke's acknowledgement that appearances were at least "debatable." Regarding the Secretary's reference to mechanical ducks, the editorial said:

To Mr. Ickes, the automobiles are not merely mechanical ducks but ugly ducklings as well. To others, however, they are the chariots which carry busy little taxpayers to and from work, and pictured in this light they are things of beauty and a joy forever. They transport the busy little taxpayers who pay the cost of that coldly austere pile of white marble erected to the memory of Thomas Jefferson, and their movement gives it needed warmth and life. They pay the salary of one-bridge Ickes, the expenses for the two-bridge Fine Arts Commission, the salary of two-bridge Public Roads Commissioner Thomas H. MacDonald and the salary of one-bridge Major General Ulysses S. Grant, 3d.

The purpose of the bridges (or bridge) to be built after the experts are through disagreeing, is to get these busy little taxpayers back and forth across the river. And one cause of the present controversy is that too many people like Mr. Ickes are thinking of them as mechanical ducks, interfering with the appearance of the Jefferson Memorial, instead of as busy little taxpayers who have to get to work in the morning and back home in the evening with a minimum of delay and inconvenience. ["Useful Little Ducks," *The Evening Star*, December 20, 1945]

Secretary Ickes did not appreciate the *Star*'s views. In a letter to the editor, he called the editorial the newspaper's version of the "widows and orphans" fiction that was often cited as the need for action. As for those "busy little taxpayers," he asked, what about those taxpayers "who want a beautiful setting for the Jefferson Memorial for which they helped to pay and who can't quite see the sense of pouring through eight lanes of highway traffic that Washington is not prepared to

handle.” The editors apparently did not “grasp the issues,” and he would not point them out “because I doubt if you would be interested.” He continued:

The thought occurs to me that the “busy little taxpayer” could get back and forth much more quickly if it were not for the circuitous roads around the Lincoln Memorial. So, if Mr. MacDonald, whose ability is unquestionable but whose zeal to use power improperly is as clear as day so far as these proposed bridges are concerned, should want to demolish the Lincoln Memorial in order to build wider and straighter roads I would expect The Star to join in the acclaim.

Asserting that there is “more to human life than mere utilitarianism,” he thought that “beauty and perspective” were also important. But by the *Star*’s standards, why not get rid of the District’s traffic circles and trees that interfere with traffic and “why should there be any inhibitions against the unlimited vehicular use of Rock Creek Park, which now is little more than a glorified boulevard, and of other areas that our childish-minded predecessors thought might be both appropriate and fitting as a frame for what ought to be a lovelier Capital City than it is?” [“My Ickes Replies to Editorial on ‘Useful Little Ducks,’” Letters to The Star, *The Evening Star*, January 1, 1946]

The problem with responding to editorials is that the editors always have the final say. An editorial the same day said that Secretary Ickes “dodges the issues.” After explaining the support for the two-bridge plan, the editorial applauded Secretary Ickes “for his interest in safeguarding the beauties of Washington.” However, the editorial did not concede “that this beauty is enhanced by ignoring the realities of modern traffic needs”:

A few more mistakes by city planners unconcerned with traffic, like their location of a Chinese Wall of Government buildings south of Pennsylvania avenue, closing off such important north-south thoroughfares as Thirteenth, Eleventh and Sixth streets, and the beauties of Washington will be more obscured than they are now by snarled traffic. The problem of constructing an adequate bridge facility should be approached on the basis of facts and not irrelevant rhetoric. [“My Ickes and the Bridge,” *The Evening Star*, January 1, 1946]

### **Elevating the Battle of the Bridge**

On January 14, 1946, Secretary Ickes arranged for President Harry S. Truman to join a group that went to the top of the Washington Monument to observe the site of the dispute. The *Star* reported that in so doing, President Truman became “the first President ever to ascend the shaft, according to records of the National Capital Park Service.”

In addition to Secretary Ickes, President Truman was accompanied by General Grant; Arthur E. Demaray, associate NPS director and a member of the national planning commission; T. Sutton Jett, NPS chief of national and memorial and historical areas; and Edward J. Kelly, administrative assistant to the superintendent of National Capital Parks. They spent a half hour atop the monument discussing the proposal. They also discussed the post-war public buildings program, including removal of the temporary buildings on park property, as well as “new State

and Navy Department buildings, an Interior Department annex, extension of the Treasury annex and two new Smithsonian Institution museums, all within view of the top of the shaft.”

(According to the *Post*, “He spent an hour visiting the Jefferson Memorial, Lincoln Memorial and topped it off with a trip to the top of the Washington Monument.”)

After leaving the Washington Monument, the group took a car across the Highway Bridge into Virginia. They returned via Arlington Memorial Bridge:

In this way he had an opportunity to drive over some of the principal approaches to the crossing; approaches which advocates for twin bridges contend are adequate and which opponents have said are inadequate.

The *Star* reported:

It was reliably understood today that the President did not commit himself on the bridge proposal, allowing these three officials to do most of the talking. [“Truman Views D.C. Bridge Sites From Washington Monument,” *The Evening Star*, January 15, 1946]

Secretary Ickes submitted his resignation on February 13, indicating that he wanted to complete pending business before leaving office on March 31. He decided to resign following a dispute resulting from his unfavorable testimony about a Truman nominee for Under Secretary of the Navy. President Truman accepted the resignation, but made it effective February 15, in view of the Secretary’s statement that the Truman Administration expected him to commit perjury to support the nominee.

On the final day of Secretary Ickes’ 13-year tenure at the Department of the Interior, the *Star* reported:

The Secretary, as had been his custom for years, drove in from his estate near Olney, Md., and was at his desk by 8:30 o’clock. There he found a great stack of mail from people in all walks of life, from national leaders to file clerks in the Interior Department, expressing regret over his departure. [Baird, Joseph H., “Ickes Rushes to Clear Office; Cabinet Meets Without Him,” *The Evening Star*, February 15, 1946]

(The estate was called Headwaters Farm at 11 Shallow Brook Court in Olney.)

Ickes’ successor would be Julius A. Krug, a longtime government servant who had recently been Chief of the War Production Board. He took office on March 18, 1946.

Representative Chapman indicated that before the subcommittee reported on the Randolph bill, members would visit the site of the Highway Bridge and also might follow President Truman’s example by ascending the Washington Monument for a “bird’s eye view” of the area. They also planned to visit the site of the Alexandria-Shepherds Landing bridge. [“House Unit Plans Span Site Tour Before Report,” *The Evening Star*, February 20, 1946]

The tour did not occur until May 14, 1946, just as the committee was finally planning to consider the bill. All five members of the Chapman subcommittee took the tour along with Chairman Grant; Captain Whitehurst; Superintendent Irving C. Root of National Capital Parks and his assistant, Harry T. Thompson; and PRA's H. E. Hilts, C. E. Swain, and E. H. (Ted) Holmes. The group did not ascend the Washington Monument, but did tour the approaches to the Highway Bridge on both sides of the river and inspected the site of the proposed Alexandria-Shepherds Landing bridge. The subcommittee members did not express their views, but according to the *Star*, "asked many questions." ["House Group to Press For Action on Bridges After Tour of Sites," *The Evening Star*, May 14, 1946]

On June 6, with the Randolph bill still in committee, the White House let the District and other parties to the debate know the President's views. Matthew J. Connelly, Secretary to the President, wrote to John Russell Young, president of the District Board of Commissioners:

The President has directed that I advise you that he favors the two-bridge plan for replacement of the present Highway Bridge across the Potomac River.

He has also directed that a copy of this letter be sent to the National Park and Planning Commission and the Bureau of Public Roads. [Authorizing the Construction of Two Four-Lane Free Highway Bridges Across the Potomac River to Replace Existing Highway Bridge at or Near Fourteenth Street, page 2-3]

The brief letter did not explain the basis for his decision, but the *Star* hoped that "the President's candid indorsement of the plan to build twin bridges . . . will produce some action from the subcommittee" on the Randolph bill:

The President's support of the two-bridge plan shows that he is in agreement with the Public Roads Administration, the District Highway Department, the Commission of Fine Arts and others who have taken the view that within a few years one bridge would be incapable of handling the growing volume of traffic and that long-range economy and sound traffic engineering make two one-way structures advisable. ["Get It Started," *The Evening Star*, June 8, 1946]

The President's decision did prompt House action. On June 14, members of the Chapman subcommittee ascended the Washington Monument to survey the area. Chairman Chapman and two other committee members were accompanied by General Grant, Demaray, Whitehurst, and Hilts. As the *Star* explained, the accompanying officials were split among one-bridge and two-bridge men (in contrast to the all one-bridge officials accompanying the President).

The officials were at the top of the monument for an hour, with each side citing familiar arguments. General Grant and Demaray argued that a single bridge would enhance the view of the Jefferson Memorial for tourists approaching the city. If needed, a second, smaller bridge could be built at some future date, but the likelihood of congestion was a long way off. General Grant predicted that completion of the one-bridge project would take 6 years from approval of authorizing legislation.

Captain Whitehurst and Hilts said construction of the twin spans would take half that time. Captain Whitehurst said the northbound span would give tourists a fine view of the Jefferson Memorial. The Highway Bridge was in such poor condition that it could not be used for long as one of the twin spans.

Chairman Chapman said he thought the Alexandria-Shepherds Landing bridge would be needed as a bypass before long. He said it would “divert more traffic from downtown Washington than we think.” Hilts replied that the new bridge at Morgantown, West Virginia, carrying U.S. 19-119, combined with new roads connecting it to the U.S. numbered system would provide a direct bypass for north-south traffic.

General Grant and Demaray questioned whether the economy-minded Congress would go along with the higher cost for the two-bridge solution; perhaps Congress would approve the two spans, but not appropriate funds for the second span. Captain Whitehurst and Hilts pointed out that the financing had been worked out on a 50-50 Federal-District basis under the Federal-aid highway program.

After descending from the Washington Monument, the group crossed the Highway Bridge into Virginia and returned to the city on Arlington Memorial Bridge to compare views. [Kauffman, Rudolph II, “Committee Visits Monument for New Span Study,” *The Evening Star*, June 14, 1946]

On June 26, the House Committee on Interstate and Foreign Commerce reported the Randolph bill authorizing \$7 million for two four-lane bridges to replace the Highway Bridge. The committee report included extensive correspondence from officials arguing both sides of the long debate. The House approved the bill unanimously on July 3, with limited debate.

The Senate District Committee approved the bill on July 5 without amendment. The committee’s acting chairman, Senator Clyde R. Hoey (D-NC), introduced the bill on the Senate floor on July 7. He requested unanimous consent for consideration of the bill. It then passed unanimously without debate, and was sent to the President for signature. [“\$450 School Pay Raise And Bridge Measure Approved by Senate,” *The Evening Star*, July 10, 1946]

President Truman approved the legislation on July 17, 1946 [P.L. 79-516]. As soon as the President signed the law, Captain Whitehurst said, he “pulled the trigger” to approve a contract with the engineering firm of Howard, Needles, Tammen and Bergendoff, which had previously been selected to prepare plans and specifications. He predicted that the first span would be ready in a year and a half. At that point, all traffic would be shifted to the new span, which would carry two lanes of traffic in both directions until the second span was completed. [“Signing of Bill Launches Plans To Build Spans,” *The Evening Star*, July 17, 1946]

On May 9, 1950, officials dedicated the first span of the new 14<sup>th</sup> Street Bridge. Miss Mary Jane Hayes, Miss Washington of 1949, snipped the red ribbon before a crowd of about 300 people. After the ceremony, an official motorcade crossed the bridge into Virginia, then returned to the District along with the vehicles that had been waiting in Virginia for the opening.

On October 19, 1958, an Act of Congress officially named the span the Rochambeau Memorial Bridge to honor the Comte de Rochambeau, of France. The *Star* explained, “Last year was the 175<sup>th</sup> anniversary of the time when Gen. Rochambeau crossed the Potomac near the site of the present bridge on the way to aid Gen. Washington’s forces in the Battle of Yorktown,” which essentially ended the Revolutionary War. During the bridge ceremony, “French Ambassador Herve Alphanb declared the dedication bound more closely the historic ties of friendship between his country and the United States.”

Contrary to Captain Whitehurst’s original plan, the new bridge, with a double-leaf draw span for openings, would carry four lanes of District-bound traffic while the Highway Bridge would carry traffic from the District to Virginia until January 27, 1962, when the four-lane George Mason Memorial Bridge opened and became the southbound roadway. District, Virginia, and Federal officials gathered for the ceremony, which included unveiling a plaque honoring Mason, a Virginia plantation owner and politician, friend of George Washington, and an influential participant in the Constitutional Convention who refused to sign the document because it lacked a Bill of Rights similar to one he had drafted for Virginia. The Highway Bridge could finally be removed.

In 1983, Air Florida Flight 90 crashed while taking off from Washington National Airport in a snowstorm, damaging the Rochambeau Memorial Bridge. The bridge was renamed as a posthumous honor for Arland Williams, Jr., a heroic passenger who lost his life helping others escape the airplane. The original name was shifted to a bridge opened in 1972 to carry high occupancy vehicles.

Today, the 14<sup>th</sup> Street Bridge or Bridges carrying I-395 across the Potomac River consists of (west to east):

- George Mason Memorial Bridge (1962),
- Rochambeau Memorial Bridge (1972), carrying express lanes for high occupancy vehicles.
- Arland D. Williams Jr Bridge (1950).
- Charles R. Fenwick Bridge carrying Metro rapid transit trains (1983, named for a Virginia State legislator), and
- The 1904 Long Bridge, which was restored during World War II, continues in railroad service.

As the *Post* pointed out in its *Weekend* article on District bridges, the structures comprising the 14<sup>th</sup> Street Bridge “possess no visual distinction.” [Bisbort, page 9]

### **Postwar Thinking**

World War II had a major impact on Washington, as the District highway department’s 24-year history explained:

After five years in the role of the world’s war-time capital, Washington was bursting at the seams under the pressure of its swollen population. New groups of military and

civilian personnel, engaged in the accelerated functions of a Government waging war on a global scale, had, by 1946, overflowed into the adjoining counties of Maryland and Virginia in such numbers that transportation problems were no longer limited to the city of Washington. A metropolitan area, composed of vast new housing developments, had sprung up to form a populous and exceedingly active fringe on all sides of the District of Columbia. [*Twenty-Four Years of Progress*, page 74]

With morning and afternoon peak periods “filled with danger and delay to the shuttling motorist,” the Department of Highways decided that “a revision of long-range highway programs to include expressways” was essential.

Once again, the department called in J. E. Greiner Company and De Leuw, Cather and Company to conduct the study and submit recommendations. Their December 1946 report contained:

. . . broad recommendations which emphasized the necessity of consolidating and enlarging past proposals for improvements in the District of Columbia’s highway system, to include a system of expressways serving all parts of the District and connecting with existing and proposed highways of this type in Maryland and Virginia. A network of arterials, improved at irregular, multiple and high volume intersections through the construction of grade separation structures, channelization, and the use of effective signalization and other control measures were also recommended. [*Twenty-Four Years of Progress*, pages 74-75]

In 1946, Engineer Commissioner Young presented a plan for post-war highway improvements to take the District to the threshold of the 21<sup>st</sup> century. The plan, an update of the 1941 pre-war plan, included several expressways serving all parts of the District and linking with Maryland and Virginia proposals. These included:

Mid-City Expressway was “designed to relieve the shopping district of through traffic destined for the Federal Triangle, the Southwest Mall and other points beyond the Central Area.” The expressway “would extend from Canal Street in the vicinity of Independence Avenue across the Mall, along Third Street as a depressed highway, west of Griffith Stadium [located at Georgia Avenue and 5th Street, and between W Street and Florida Avenue NW.], under the hill north of Howard University, along the west edge of the Soldier’s Home, through a hill east of Rock Creek Cemetery and thence northeast to the District line.”

Capitol Hill Expressway would involve “two one-way drives depressed east of Capitol Hill, through which they would be carried in tunnels, and merging in the Mall east of Third Street, from which point they would be carried at-grade, on the approximate alignment of the present Madison and Jefferson Drives.” This expressway would connect with the proposed Baltimore-Washington Parkway, the Anacostia River highway crossings, and 17<sup>th</sup> Street, NW.

The consultants suggested that mass transportation vehicles could operate on the expressways on express schedules “to attract and induce a greater portion of the population to use public transportation.” [*Twenty-Four Years of Progress*, page 75-77]

In addition, the plan included “somewhat lesser scale” improvements, such as a road through Rock Creek Park to connect with U.S. 240 to Frederick in Maryland, the K Street Elevated Highway, widening of Canal Road, the Whitehaven Parkway serving densely populated areas west of Wisconsin Avenue, the Anacostia-Kenilworth Freeway as part of a circumferential, and “the opening of the valley along Arizona Avenue as a parkway to connect Canal Road with Wisconsin Avenue.” The 1946 plan was consistent in many ways with the 1941 plan, but studies since then had “changed the plan to some extent, in that the Arizona Avenue Parkway has been approved as a substitute for the formerly proposed improvement of Foxhall Road as the ‘major arterial highway’ to serve the area west of Connecticut Avenue . . . .” [*Twenty-Four Years of Progress in Highway Development*, pages 74-76]

The District Highway Department released a draft of its highway development program in March 1947. The plan included depressed expressways through congested areas connecting with existing and proposed highways in surrounding jurisdictions; an inner loop around the central business district and one just within the city limits known as Fort Drive; and additional bridges across the Potomac River at Alexandria and across the Anacostia River at Massachusetts Avenue. The plan also called for subsurface streetcar tracks along downtown sections of F and 14<sup>th</sup> Streets and Pennsylvania Avenue. [Mustin, Henry A., “Commissioners Slate Hearing March 26 on Vast Highway Plan,” *The Evening Star*, March 16, 1947]

At a public hearing on the plan, the National Capital Park and Planning Commissioners attacked the city’s draft. General Grant called for a “go slow” attitude toward the expressways and underground streetcars. The commission’s director of planning, John Nolen, Jr., criticized the plan for not taking into account other phases of city development. He suggested that the city should be working with its adjacent jurisdictions on a regional plan.

The commission’s major criticism focused on the expressway plan. First, traffic expected by 1965 would not justify the cost. Second, the expressways, which were far in excess of traffic needs, would make it easier to get to downtown from the suburbs, thereby hastening the shift of taxpayers to the Maryland suburbs. However, Nolen’s statement said, “It should be borne in mind that the opposite effect may well be produced on residential areas in the District which supply three-fourths of the District’s real estate tax income.”

The commission also was highly critical of plans for underground streetcars, except where doing so would relieve congestion as in Dupont Circle. Creating a rigid system of tracks that could not be easily changed with population and employment shifts was an old-fashioned way of thinking about transit. The trend around the country was to abandon streetcars in favor of streamlined bus systems that could easily adjust to such changes.

In addition to criticizing the city’s plan, the commission offered its own ideas on overhauling the District’s street system. The plan was the latest version of the thoroughfare plan the commission

had been promoting, without success, since 1927. [Kauffman, Rudolph II, "Planners Blast Road Program, Urge Substitute," *The Evening Star*, March 26, 1947]

### **The Interstate System for the District**

On August 2, 1947, the Federal Works Agency and PRA designated the rural mileage of the National System of Interstate Highways plus extensions to carry each route through the cities in its path. According to a press release:

This network, comprising 37,681 miles of the 40,000-mile eventual extent of the entire system, includes 2,892 miles in cities, forming the principal extensions into and through the connected cities. The remainder of 2,319 miles has been reserved to permit addition in the larger cities of distribution and circumferential routes, essential as terminal connections of the system; designation of this further mileage in cities, now under way, requires the close cooperation of city, State, and Federal authorities.

At the time, the rural designations were widely understood to refer to the existing U.S. numbered highway in each corridor rather than to a new freeway that would be built parallel to the inadequate existing road.

In the District, which did not have rural segments, the principal extensions into the District of Columbia totaled about 22 miles and involved extensions of U.S. Routes 1, 50, 211, and 240. The *Star* listed the street extensions of those routes included in the new network:

- Wisconsin avenue from Georgetown to the District line;
- Massachusetts avenue from Wisconsin avenue to Twenty-second street;
- Twenty-second and Twenty-third streets from Massachusetts avenue to K street N.W.;
- K street from Wisconsin avenue to West Virginia avenue N.E. plus sections of New York avenue and Bladensburg road extending north from West Virginia avenue;
- Constitution avenue from Third street to Twenty-third street N.W.;
- Virginia avenue from Constitution avenue to Twenty-third street;
- Fourteenth street from Constitution avenue to Highway Bridge;
- Third street N.W. from K street south to Maryland avenue;
- C and D streets S.W. from Maryland avenue to Fourteenth street, and Key, Arlington and Highway Bridges and their approaches.

The newspaper speculated that several District routes would likely be approved later:

A bypass route using such streets as Nebraska avenue, Military road, Missouri avenue, Riggs road, South Dakota avenue, Benning road and Minnesota avenue, plus the proposed Arizona avenue Expressway, Fort Drive and Anacostia Expressway, if they are built, is likely to be approved later.

The first grouping, from Nebraska Avenue to Minnesota Avenue would serve as a bypass for the downtown business district. ["New U.S. Highway Net To Speed City Traffic, Aid Defense

Centers,” *The Evening Star*, August 3, 1947; “22 Miles in District in U.S. Highway Plan,” *The Washington Post*, August 3, 1947]

PRA had been working with State and local officials to determine the location of the metropolitan segments based on the concepts outlined in *Interregional Highways*, but more work was needed. To determine rural interstate road needs, officials had used origin-and-destination surveys in the mid to late 1930s to gather traffic data by stopping vehicles and questioning drivers. Such surveys were impractical in large metropolitan areas with heavy traffic volumes. Therefore, PRA worked with the Census Bureau to develop a sampling technique that was similar to the methods employed by polling organizations. After the August 1947 designation of rural segments, PRA/BPR continued to work with State and local officials to develop an express highway network in each metropolitan area.

The District Highway Department’s 24-year history concluded with a section on “Plans for the Future” that included a discussion of expressways. Traffic engineers were “turning to this admittedly [sic] expensive measure as the only one capable of achieving the desired results” of congestion relief. Washington was particularly suited to limited-access expressways because the predominant traffic flow in the morning is toward the central business and government districts, with comparable exit traffic in the evening:

[The department] has reached the conclusion in consultation with several engineering firms, which were retained to study the traffic problem in Washington’s Metropolitan Area, that a system of expressways will probably become necessary in the not too distant future. These high-speed traffic channels should be depressed in order to preserve as much of the remaining pavement area, which is already at a premium, at grade level to serve local movements. Further studies and investigations are being made in this field.

While congestion relief and safety were the primary concerns in considering expressways, they would have other benefits:

It has been the experience of other large metropolitan centers, plagued with the same troubles, that expressways have had a revitalizing effect on run-down residential neighborhoods which usually form an exceedingly unattractive ring around the business area. It is a well known fact that rehabilitated slum areas have a tax potential far beyond the values which are placed upon them in their present condition.

Suitably interconnected with the street system at grade, expressways would also serve as protection for the valuable properties which occupy the retail business district by opening up new connecting arteries and speeding up the circulation of local surface traffic. Although it is extremely doubtful for example [sic], that F Street will ever be abandoned while the major federal installations with their thousands of highly-paid workers remain within walking distance of its shops, it is nevertheless essential and prudent to adopt measures which will forestall any further encroachment of the “downtown disease” upon its high tax-yield properties in the heart of the city. The slums can and should be eradicated before reaching unmanageable proportions. Highway facilities of the expressway type can very well mean the restoration of arteries through which new blood,

in the form of healthier commercial activities, could be pumped to revive the stagnant neighborhoods. [*Twenty-Four Years of Progress in Highway Development*, pages 125-127]

*Toll Roads and Free Roads* and *Interregional Highways* made the same points about the urban segments of what became the Interstate System. In practice, building urban Interstates, even through “slums,” proved very difficult. In Washington, the main example was in the southwest quadrant, as will be discussed later.

### **Washington Present and Future**

Harland Bartholomew, born in 1889, had long been influential in highway planning for the District of Columbia. He had developed Washington’s zoning ordinance of 1920 and proposed a planning commission to coordinate zoning with changes in the city’s land use. When the National Capital Park and Planning Commission was established in 1926, Bartholomew served as a consultant on highways. He would continue in this role until President Eisenhower appointed him to chair the commission, effective September 1, 1953 (term to expire on April 30, 1959). He continued to live at 6228 Westminister Place in St. Louis where his consulting business was based. He was the third of the four most recent chairmen who did not live in the Washington area. [“Eisenhower Appoints Harland Bartholomew To Planning Body,” *The Evening Star*, August 6, 1953]

For the initial plan developed in the 1920s, Bartholomew studied the evolution of roads in the Washington area as the basis for a concept that Gutheim and Lee described in their history of planning in the District of Columbia:

Outside the District’s boundaries, Bartholomew studied the commuting zones within Prince George’s, Montgomery, Arlington, and Fairfax counties. Because of the limited construction of county highways and heavy use of streetcar and railroad lines, the commuting zone resembled spokes about the hub of the L’Enfant federal city. Bartholomew recommended the strengthening of radial highways already largely defined by preautomobile transportation routes. To adapt these radials to the automobile, the routes were to be dramatically widened. To connect these radials and fill in the spokes, Bartholomew drew up a series of bypass routes resembling many belt roads encircling the District. The intersection of the radials with the belt roads was intended to be located at extant county towns to maintain the already developed points of concentration. Thus the configuration of highways outside the District would resemble a vast built spiderweb. [Gutheim and Lee, page 198]

When the District of Columbia Redevelopment Act of 1945 called for a new comprehensive plan for the Washington area over a 25-year period, Bartholomew would again take the lead in projecting the area’s highway network. He coordinated with the area’s State and local officials, but also with PRA’s origin-and-destination and sampling surveys of the metropolitan area, which began in 1948.

Developing such a plan was not unusual. With the data collected during the PRA surveys and the work of consultants such as New York's Robert Moses, many cities established boards or commissions to develop an expressway network. Many of those cities hired Harland Bartholomew and Associates as a consultant in the work. In the case of the National Capital Park and Planning Commission, Bartholomew was already on board.

*Washington Present and Future*, which Commission Chairman William W. Wurster transmitted to President Truman on April 3, 1950, found that jobs were too concentrated in the city:

The present pattern of job locations is highly concentrated. In 1947, 84 percent of *all* jobs were inside the District, 9 percent in Virginia, and 7 percent in Maryland. This means that, while practically all those living in the District work there too, most of those living in Maryland and Virginia must travel considerable distances to jobs in the District.

This lack of balance and excessive distances between home and work is a tremendous force for traffic congestion, overloading transit facilities, and requiring great expense for new bridges and superhighways. There should be a definite policy to locate as many as possible of the required new employment places away from the center, and actually to remove most of the existing temporary workplaces. Since the Federal Government itself is the major employer, it holds the key to the solution to this problem.

To the greatest extent possible, "basic employment centers should be distributed throughout the metropolitan area in balance with existing and potential residential areas and transportation facilities." The soundness of the proposed comprehensive highway plan depended on "the new balance of work places." [*Washington Present and Future: A General Summary of the Comprehensive Plan for the National Capital and Its Environs*, Monograph No. 1, National Capital Park and Planning Commission, April 1950, page 10]

Bartholomew believed, as did MacDonald and Fairbank, in using the new freeways to direct metropolitan growth patterns. The solution he devised to serve the Washington area's shifting population involved a network of radials and circumferentials:

A major aim of the comprehensive plan is moving 2 million people, their supplies and other goods, wherever they need to go—quickly, safely, and economically . . . . There are three attacks on the problem, which must all be used at once. Most basic: Cut down on the amount of travel needed, by getting home and work closer together. This is one of the major purposes of the comprehensive plan, to be attained by spreading Federal employment centers throughout the metropolitan region. Second, and cheapest, but possibly only as the third step is undertaken: Make public transportation so quick and convenient that more people will use it to go to work and fewer will drive. Third, most costly, but also necessary in spite of what can be done through the first and second: Create a system of collector and distributor roads, both radial and circumferential in function, that will redistribute traffic through the region and diminish the volume demand within the central area. This will entail cutting through modern highways, widening certain old ones, building some new bridges, and providing new parking facilities. [*Washington Present and Future*, page 27]

The thoroughfare portion of the plan called for “an integrated network of radial and circumferential routes designed to function in combination and to serve all major movements of traffic—now and in the future.” The thoroughfares must be carefully designed:

These new and improved main highways must be modern—at least divided highways, and preferably freeways for all types of traffic, or parkways for passenger cars only and in certain cases express busses [sic, here and throughout the report], with no cross traffic, no driveways or parking, no traffic lights, and only a few designated points of access.

The thoroughfare plan was based on concepts of desirable future land use, and the location of government facilities and employment centers:

They must be laid out in line with land use plans—serving residential areas, but not smashing through home neighborhoods. For maximum traffic capacity and safety, they must be built to high standards of curves, grades, and pavement width. Main routes in the metropolitan area, inside the District and outside, must be coordinated into a single network of arteries, for trucks as well as passenger cars and busses. [*Washington Present and Future*, page 27]

The goal was an “integrated network of radial and circumferential routes designed to function in combination and to serve all major movements of traffic—now and in the future.” The plan recognized the role of circumferentials “that will arise in the future when employment is more widely distributed and when a larger city is spread over a far greater land area.” The plan described the circumferentials:

There would be three complete circumferential routes in the plan. The first of these would be located about 1 mile from the White House; its most important function would be to carry traffic around and through the central area, relieving this congested section of unnecessary volumes. The second would be between 3 and 5 miles from the White House, following the route of Fort Drive through much of its length. The third, an outer bypass route, would follow new alignment; it would be between 6 and 10 miles from the White House. [*Washington Present and Future*, page 29]

The Fort Drive concept can be traced to the early 20<sup>th</sup> century, but after World War I it was seen as a key part of a plan to convert Civil War forts into parks linked by a ring road just inside the city boundaries. In the 1920s, the National Capital Park and Planning Commission asked Congress for funds for construction of Fort Drive as a “single and unified project,” but funding never materialized. Gutheim and Lee explained that the idea “never captured the imagination of Congress”:

By 1926 the land required for the drive lay too close to the built-up city, so that the cost of this land would be much inflated over possible parkland farther out. Additional inertia in realizing the Fort Drive dream may be attributed to the circular drive’s being unique to Washington and not an element of City Beautiful prescriptions. In the next forty years

. . . planning issues related to the city's fort system gradually shifted away from circulation to open space and recreational uses extending through residential neighborhoods.

Congress provided funds for some fort revitalization, but Fort Drive was still on the drawing board at the time of the 1950 plan and survived in planners' thinking into the 1960s without being constructed. "Yet, however reinterpreted, even as a circumferential highway, Fort Drive failed to win sufficient support to be realized." [*Worthy of a Nation*, page 205]

Linking the circumferentials would be a network of radial routes including expressways, express highways, express parkways, and "dominant thoroughfares," defined as, "Wide major streets or highways with divided directional roadways and with grades separated at major intersections when volumes warrant such treatment." The report identified many of the radial routes:

Important among these would be: The Northwest Freeway and George Washington Memorial Parkway to the northwest, the Northern Freeway to the north, the Baltimore-Washington Parkway to the northeast, the Annapolis Freeway and Suitland Parkway to the east, the Indian Head Highway and Mount Vernon Memorial Highway to the south, Shirley Memorial Highway to the southwest, and Lee Boulevard to the west. These routes would not just give direct access to the central area but, by means of the ring routes, provide for distribution to outer and inner residential areas and dispersed employment centers.

A map showed the existing, planned, and proposed express highways and parkways, including the proposed inner loop around the central area and an outer circumferential. Radials included:

- Annapolis Freeway – Parallels U.S. 50.
- Suitland Parkway – an existing parkway linking Bolling Field in Washington and Andrews Field in Maryland. An expressway extension would carry travelers to U.S. 301 in the vicinity of Upper Marlboro, Maryland.
- Baltimore-Washington Parkway – a planned parkway to Fort Meade; Maryland would provide an expressway extension into Baltimore as the city's link to the new Friendship International Airport. The map shows the parkway extending into the District along the New York Avenue corridor.
- Columbia Freeway – north of the Prince George's/Montgomery County line, this route appears to be the equivalent of today's I-95 between Washington and Baltimore. It begins at the outer circumferential.
- Northern Freeway – The freeway begins at the circumferential a short distance west of the Columbia Freeway, just beyond the northern tip of Washington. The map does not show the northern destination, but the next significant city on a straight line to the north would be Harrisburg, Pennsylvania.
- Northwest Freeway – Joins the outer circumferential near the Potomac River beyond the city limits in Montgomery County. It would circle around to U.S. 240 and follow that road to Frederick, Maryland. Construction on U.S. 240 was underway, having begun in the Frederick area while decisions were made on connections in the Washington area. As the *Star* pointed out, this roundabout route was selected because a direct route via reconstructed U.S. 240 "would have gone through the Landon school property and many

estates in which much money had been invested.” Landon School is a private school on 75 acres in Bethesda, Maryland. [Kennedy, George, “Frederick Superhighway Goes Nowhere and Most Motorists Don’t Know It Exists,” *The Evening Star*, November 14, 1951]

- George Washington Memorial Parkway – The parkway was planned for both sides of the Potomac River. On the Maryland side, the parkway connected with the District’s inner loop.
- Virginia’s circumferential was unclear on the thoroughfare map, but it appears to loosely follow the current alignment.
- Lee Boulevard – From a small inner loop surrounding Arlington National Cemetery and Fort Myer across the Potomac River from the District, this boulevard carried the U.S. 50 designation at the time (since shifted to Arlington Boulevard). In today’s configuration, it would be the equivalent of I-66 between Washington and the Shenandoah Valley.
- Shirley Memorial Highway – Built to serve the new Pentagon, this route (today’s I-95/I-395) continued north of the Arlington Cemetery loop to connect with the inner loop in the District.
- Mount Vernon Memorial Highway – This route extended from the Arlington National Cemetery loop along the Potomac River to connect with U.S. 1 south of Mount Vernon (in the vicinity of I-95 on today’s map). It was eventually incorporated into the George Washington Memorial Parkway.
- Fort Foote Parkway – This parkway would carry traffic on the eastern side of the Potomac River between Fort Drive and Fort Foote, built in 1862-1863 during the Civil War in Maryland along the river south of the city. The parkway linked with Indian Head Highway.
- Indian Head Highway – This existing highway, Maryland Route 224 at the time (now Maryland Route 210), connected with Suitland Parkway. The road ends at Indian Head, Maryland, on the Potomac River near Indian Head Naval Surface Warfare Center. This appears to be an extension of Fort Drive.

Within the city, radial routes would carry traffic between the Fort Drive circumferential and the inner loop:

- Potomac and Arizona Drive Expressways to connect with K Street.
- Massachusetts Avenue would be a dominant thoroughfare.
- Rock Creek and Potomac Parkway would be extended to Connecticut Avenue at about Quebec Street and to 16<sup>th</sup> Street at Colorado Avenue.
- 13<sup>th</sup> Street would be a dominant thoroughfare serving residential areas between Rock Creek Park and Soldiers’ Home.
- North Capitol Street would be extended north on the east side of Soldiers’ Home and Park Place would be extended on the west side.
- Rhode Island Avenue would be developed as a dominant thoroughfare.
- K Street would be connected with the New York Avenue extension to meet the Baltimore-Washington Parkway and the Annapolis Freeway.
- Constitution Avenue and Independence Avenue would become expressways east of the Capitol to connect with the parkway to Baltimore.

- Massachusetts Avenue would be a dominant thoroughfare extended through the grounds of Gallinger Hospital (District of Columbia General Hospital) and a new bridge over the Anacostia River.
- South Capitol Street would connect with the Third Street side of the inner loop and with Suitland Parkway. On the Anacostia side, the road would be an expressway link to Indian Head Highway. [*Washington Present and Future*, pages 27-31; *Moving People and Goods: A Portion of the Comprehensive Plan for the National Capital and Its Environs*, Monograph No. 5, National Capital Park and Planning Commission, March 1951, page 24]

The Comprehensive Plan recognized that expressways and other improved roads cannot solve the congestion problem by themselves. The city required places for vehicles to park at the end of a trip:

A few expressways cannot solve the problem, nor can a system limited to radial routes or circumferential routes. The individual will make many trips involving many combinations of types and kinds of routes.

To keep the streets open for moving traffic and to assure cars a place to stop at the end of the trip, more offstreet parking must be created. New zoning regulations should see to it, in areas where such regulations are equitable, that all new buildings, whether apartments, stores, or offices, provide their own parking. The Federal Government should do as much as is practical to take the lead. Every new Federal building should have parking space for its own employees and official visitors, varying with the type of activity and location.

The change was vital to congestion relief because the streets could not be freed of parked vehicles unless off-street parking was provided. [*Washington Present and Future*, pages 31-32]

Public transportation at the time consisted of streetcars and buses, but the report pointed out that their passengers “suffer most from traffic congestion” since both types of vehicles depended on the same roads as automobiles:

If more people used public transit, there would be fewer private cars using the streets and therefore less congestion. Transit itself would become quicker and more comfortable, and the public would not be required to spend so heavily for new street and bridge improvements to handle such volumes of automobiles. The problem is to persuade people, by transit improvements, to reverse or at least check the trend away from transit riding toward use of private autos.

A subway or elevated rail line would offer the “quickest mass transportation” because they would not be dependent on surface streets, but such facilities did not seem feasible in the Washington area “because sound operation demands much heavier mass riding to support subways than present and future population densities would produce.” The plan’s short section on public transit concluded:

Bus traffic would benefit from a well-planned thoroughfare system. Freeways and parkways would make possible express bus service to suburban areas almost as fast as rail rapid transit. Within the central area, however, bus operation is sure to be slowed down by auto traffic. The Commission nevertheless recommends gradual replacement of streetcars with busses. It urges study of traffic rules, to speed up bus movements downtown—perhaps setting aside certain lanes for busses only, or even prohibiting private cars and delivery trucks entirely on certain streets in the rush hours. Since a bus carries about 30 times as many people as an auto, it is fair and reasonable to delay as many as 30 autos in order to speed up each bus. The goal is to move people, not vehicles. [*Washington Present and Future*, page 32]

A monograph released on March 21, 1951, as a supplement to the report elaborated on the transit question. *Moving People and Goods* explained that:

To effectively compete with the private automobile the transit system must offer fast service. This will be possible through the general amelioration of traffic conditions that will come about through the street improvements heretofore proposed and through use of the expressways and express parkways. A system of rush hour limited-stop “express” service should be established on these routes. In some cases all-day express service might be justified.

The need for fast service did not mean rail rapid transit:

Neither the existing nor the probable future population pattern contains sufficiently high population densities over a large enough area to warrant the extremely high cost involved in the development of a rapid transit system.

Streetcars were “the backbone of the transit system here,” but were likely to disappear in coming decades. “Any transit plan should provide for substitution of busses for streetcars.” [*Moving People and Goods*, pages 25-26]

The plan had only a limited impact, in part because of changes in the commission. Wurster, who was chairman for only about a year, returned to the University of California. The new chairman would be Bartholomew, who was, as Gutheim and Lee noted, “a long-time Truman associate” in Missouri:

Harland Bartholomew . . . began immediately to show that association with the commission and the city since 1920 did not prevent him from reaching independent judgments. Bartholomew’s most immediate past service to the commission was in directing the development of the 1950 Comprehensive Plan, and this, too, he was willing to jettison in tune with the times.

The city was evolving beyond its status as a Federal city:

The federal government also represented a diminishing share of the total employment in the area because a large private sector had developed separate from, if not independent of the federal establishment. [*Worthy of a Nation*, page 243]

The National Capital Planning Act of 1952, approved July 19, 1952, resulted in additional changes. It reorganized the commission and changed its name to the National Capital Planning Commission (NCPC), dropping the park component. It became a Federal Agency receiving funds through congressional appropriations acts. Given the importance of highway development, BPR was designated an *ex officio* member.

The new commission was responsible for the “appropriate and orderly development and redevelopment of the National Capital and the conservation of the important natural and historical features thereof.” It was to “correlate the efforts among the various agencies” and prepare a comprehensive plan, including a new regional thoroughfare plan. When agencies proposed new development or construction, they were to consult with the commission on how it would affect the Comprehensive Plan. The commission could then “take action in accordance with its legal responsibilities and authority.”

The 1952 Act also established the National Capital Regional Planning Council as the central planning agency for the Federal Government in the capital region. Each jurisdiction in the area appointed a member of the council, but NCPC provided technical and clerical staff. The legislation charged the council to periodically adopt “a general plan for the development of the region, to serve as a general framework or guide of development within which each part of the region may be more precisely planned by the appropriate planning agency or agencies.” The general plan was to include a land-use plan for regional development, other elements “to provide for the proposed major movements of people and goods throughout the region,” and the development and conservation of natural resources.

Bartholomew, after becoming NCPC chairman, recommended that NCPC and the National Capital Regional Planning Council, on which he also served, conduct a transportation study to supplement the 1950 plan, but Congress did not provide the funds until 1955. The Second Supplemental Appropriations Act of 1955 provided \$200,000 for the two agencies to “jointly conduct a survey of the present and future mass transportation needs of the National Capital region . . . and to report their findings and recommendations to the President.”

**D.C. Freeway Revolt and the Coming of Metro**  
**Part 1**  
**Revolt of the Agencies**

**Table of Contents**

Central Area Bridge .....	3
The E Street Bridge Controversy .....	6
The Roaches Run Bridge .....	12
Representative Broyhill Intervenes .....	15
Congress Confronts The Issue .....	18
The Bridge Dispute Nosedives .....	26
Southwest on The Drawing Board .....	32
Ole Singstad’s Views .....	47
The 10 <sup>th</sup> Street Mall .....	49
Bridge Versus Tunnel .....	53
Grudging Support For The Bridge .....	60
The Endless Debate.....	62
Other Developments .....	66
The Tunnel Option – Again .....	67
Moving a Bill .....	71
Unraveling a Fiasco .....	74
To Break the Impasse.....	77
The House Tries Again .....	85
Trying to Get Construction Underway.....	94
Another Look at a Tunnel .....	101
Back to the Hill .....	105
The Last Gasp(s) .....	108
Getting U.S. 270 into the District of Columbia .....	112
The Old Road.....	112
The Road in the 20 <sup>th</sup> Century .....	115
A Modern Upgrade .....	118
Second Thoughts.....	123
The Chevy Chase Revolt.....	128
Curbing Capper-Cramton.....	133
Hardening Positions .....	138
Looking For Accord.....	142
Working For Compromise .....	146
The Olmsted Brothers .....	153
Compromise – Pure and Simple .....	159
An Election Issue .....	162
Undeciding .....	164
The Murray Resolution .....	169
Back to Court .....	173
The Interstate Map .....	176
Interstate Program Gets Underway .....	178

Glover-Archbold Park.....	182
Whitehurst Freeway .....	186
The Glover-Archbold Parkway.....	194
Congress Takes Up the Parkway.....	200
Getting U.S. 240 into the District .....	210
Alternatives for the DC Entrance.....	212
Back to the Public .....	220
The District's Decision .....	224
Public Hearing in Maryland.....	226
Decision Time.....	229
Still Thinking of Wisconsin Avenue.....	241
Premature and Divisive Factionalism .....	244
The Joint Committee Hearings .....	248
Aiming Towards The City .....	251
The Inner Loop.....	253
Evolving Inner Loop .....	258
A Couple Legs .....	262
Getting Underway.....	265
Searching for Connections.....	271
Preserving the Lincoln Memorial .....	279

## **Part 1**

### **Revolt of the Agencies**

Although a citizen revolt against freeways would occur in the 1960s and 1970s, the 1950s saw several revolts among government officials and the affluent during the formative years of the freeway network. Officials understood the importance and especially the permanence of the freeways and bridges they were debating, leading to long battles that are largely forgotten today.

In the 1950s, one of those battles was over the need for another central area bridge across the Potomac River linking the District and Virginia. At the time, traffic crossed the Potomac River on Chain Bridge, Francis Scott Key Bridge, Arlington Memorial Bridge, and the 14<sup>th</sup> Street Bridge. The origin of the 14<sup>th</sup> Street Bridge was discussed earlier, but a brief history of the other crossings may be useful because they would be part of the debates of coming years.

### **Central Area Bridge**

**Chain Bridge** carried traffic across the Potomac River at Little Falls, a cataract in Washington. As early as 1738, cross-river traffic, initially by ferry, was important for commercial development in the area. The Georgetown Bridge Company opened a toll bridge in 1797; it lasted only 7 years before the rotted wooden superstructure fell from its stone abutments. A second wooden bridge was destroyed by fire after only a few months in operation. The company built a third bridge that opened in 1810. It was a suspension span supported by chains, giving it the name that structures at the site have retained even though they lack the support chains. In the 1870s, the U.S. Army Corps of Engineers replaced the chain-supported bridge with a bridge of seven iron trusses.

After a March 1936 flood partially submerged the bridge, the crossing was out of service until the opening of a steel-girder bridge that the District of Columbia, not the Federal Government or private interests, built. The three-lane bridge, with pedestrian walkways on both sides, opened on June 17, 1938, connecting with Canal Road in Washington and providing access to Arlington and Fairfax Counties, Virginia. “It will stand as a monument,” District Commissioner Hazen said, “to those who fought so long and so hard for a modern new structure.” [Emery, Fred A., “Washington’s Historic Bridges,” *Records of The Columbia Historical Society of Washington, D.C.*, Volume 39, 1938, pages 54-55; Horne, Robert C., “Bridges Across the Potomac,” *Records of The Columbia Historical Society of Washington, D.C.*, Volumes 53-56, 1959, pages 249-251; “Dedication Opens New Chain Bridge,” *The Evening Star*, June 18, 1938]

The **Francis Scott Key Bridge** was built to replace the Aqueduct Bridge. Construction of the Aqueduct Bridge began in 1833 to carry road traffic on its lanes and Chesapeake and Ohio Canal boats on a flume. By the 20<sup>th</sup> century, the bridge was deteriorating. On May 20, 1916, President Woodrow Wilson signed legislation authorizing a replacement bridge. It was named after Francis Scott Key who lived in Georgetown at 3518 M Street during the time he wrote the words to “The Star Spangled Banner” (1808 to 1828). The U.S. Army Corps of Engineers built the bridge, which opened on January 17, 1923, at a cost of \$2,500,000, including the approaches. In the 1992 *Weekend* feature on the bridges of Washington by Alan Bisbort, *The Washington Post* called Key Bridge “a crown jewel—with its aesthetics, convenience and user-friendliness.”

Motorists southbound on the George Washington Memorial Parkway are rewarded “with a view of the bridge that, no matter how familiar, is still capable of taking one’s breath away.” [Emery, pages 55-57; Bisbort, Alan, “The Draw of Bridges,” Weekend, *The Washington Post*, April 10, 1992, page 9]

**Arlington Memorial Bridge** spans the Potomac River to connect the Lincoln Memorial grounds with Arlington National Cemetery. Long before the Lincoln Memorial was planned, legislation approved on May 24, 1886, authorized the Secretary of War to study the feasibility of a bridge “from a point at or near the foot of New York Avenue or New Hampshire Avenue, on the public grounds, across the Potomac River and Anolostan Island [Roosevelt Island] to a point on the United States National Cemetery grounds at Arlington . . . .” Debate about the location and height of what was initially called the “Lincoln-Grant Memorial Bridge” delayed construction.

After authorizing the Lincoln Memorial in 1911 (opened in 1922), Congress approved the Public Buildings Act in 1913 that appropriated funds for a commission to investigate how to link Arlington National Cemetery to the tribute to the 16<sup>th</sup> President. (As noted earlier, the Public Buildings Act also provided funds for the Rock Creek and Potomac Parkway, approved by President Taft on March 4, 1913.)

On December 18, 1922, the commission met with President Warren G. Harding, who approved the plan. He had become a strong supporter of the need for a new bridge on November 11, 1921, while on his way to Arlington National Cemetery for the dedication of the Tomb of the Unknown Soldier. His automobile became trapped in what the Associated Press called “the worst traffic jam the National Capital has seen in many years.” The traffic jam, apparently started when a small touring car ran out of gas on the Highway Bridge, kept thousands from reaching the ceremony. The *Star* described how President Harding made it to the cemetery:

The President’s car left the White House on schedule . . . . When the machine, preceded by secret service men and policemen mounted on motor cycles [sic], reached the outskirts of the jam, it left the road three times and cut across the grass [of Potomac Park], reaching points ahead where the road was comparatively clear.

At times the secret service men in the car got out and walked ahead, clearing space for the White House car [getting it across the Highway Bridge]. When the presidential party reached the [Agriculture Department’s] Arlington experiment station the car was driven off the roadway and through the lanes which cut through the farm.

The *Post* added that the President’s crossing of the bridge was possible “only by the assistance of a flying squadron of special policemen.” [“Auto Causes Huge Tangle In Traffic,” *The Evening Star*, November 11, 1921; Associated Press, “Traffic Jam Blocks Roads to Arlington,” *The Washington Post*, November 12, 1921]

The bridge, which was designed by the influential architectural firm of McKim, Mead, and White, was built low to reduce impacts on the view of the Lincoln Memorial.

Officials arranged the opening of the Arlington Memorial Bridge in 1932 to coincide with the opening of the Mount Vernon Memorial Highway, even though neither was completed. In 1928, President Coolidge approved legislation authorizing construction of the highway as part of the celebration in 1932 of the 200<sup>th</sup> anniversary of the birth of George Washington. BPR designed and built the 15-mile road as a parkway from Washington's home at Mount Vernon to Arlington Memorial Bridge, then under construction.

While work on the highway was underway, the Capper-Cramton Act of May 29, 1930, to be discussed later, authorized funds for construction of the George Washington Memorial Parkway on the Maryland and Virginia sides of the Potomac River. BPR would administer design and construction contracts for the parkway, which would be owned and operated by NPS. Mount Vernon Memorial Highway was incorporated into the parkway.

On January 16, 1932, a motorcycle escort of U.S. Park Police and a caravan of 12 automobiles carrying President Hoover, his wife, and others, left the White House at about 3 p.m. for the short trip to Arlington Memorial Bridge. The *Star* captured the moment:

Arriving at the bascule draw span, which was drawn apart, the party left the automobiles. A battery of cameramen took countless photographs of the party and then, to the tune of shrieking sirens that are part of the bascule draw span equipment, the two great leaves of the mid-bridge were lowered. President Hoover and his party walked at a rapid rate for the rest of the length of the bridge, almost to Columbia Island.

With the eye of an experienced engineer, the President surveyed the bridge project over which he had been many times before, and noted the spacious boulevard that keeps company with the Potomac River for many miles, until it terminates at the old home of George Washington. Two engineers of note accompanied the Chief Executive and Mrs. Hoover—Lieut. Col. U.S. Grant, 3d, executive officer of the Arlington Memorial Bridge Commission, and Thomas H. MacDonald, chief of the Bureau of Public Roads of the Department of Agriculture, under whose jurisdiction the highway has been built.

The presidential party then took to their automobiles again, after glancing at the quartet of giant eagles that sit atop the great pylons looking down upon the future Great Circle that is planned for Columbia Island. The file of automobiles then turned to the left and moved on to the Mount Vernon Memorial Highway on the island, passing then under the highway and railroad bridges and on down to Alexandria in a thin cloud of dust.

Once the caravan reached the straight stretches of the highway, the party traveled at speeds of 30 to 35 miles an hour on the sunlit day:

At Mount Vernon President Hoover and his fellow commissioners posed again for photographs, with the historic estate in the background. The party glanced at the parking spaces that will accommodate numerous automobiles and saw the landscaping plans for the terminus of the magnificent highway.

The party returned to the White House at around 5 p.m. “The President and Mrs. Hoover appeared well pleased with their riverside ride and with the bridge and the boulevard development. They conversed with Col. Grant and Mr. MacDonald about various features of the two projects.”

Neither the bridge nor the highway had lighting. Officials had not agreed on “the final design of illumination, in keeping with the dignity of the project.” The Commission of Fine Arts would determine the design for the bridge. In the meantime, the bridge and highway were open only during daylight hours on weekends.

Bisbort, in the *Post*, commented:

Considered by many Washington’s most beautiful bridge, its structure is relatively simple: eight neoclassical arches. The monumentality derives from all the extras, including eight-foot-bas-relief eagles atop 35-foot pylons, eight-foot bison (by Paul C. Jennewein), a pair of gold figures (by Leo Friedlander) and the elegant white stone (North Carolina granite). One curious note: It has a draw span, a rarely used 216-foot marvel of American engineering that was designed by Joseph B. Strauss, who later engineered the Golden Gate Bridge. [Emery, pages 57-58; Horne, pages 255-257; Bisbort, page 8]

(NPS opened the Mount Vernon Memorial Highway to daylight traffic late in March 1932, and to 24-hour traffic on May 3, after lighting had been installed. [Report of the Chief of the Bureau of Public Roads, September 1, 1932, page 35])

### **The E Street Bridge Controversy**

In the late 1940s and 1950s, the city’s top priority for another Potomac River crossing was a span at E Street over Theodore Roosevelt Island. The island had been remodeled in the 1930s as a tribute to former President Roosevelt and was and remains under the jurisdiction of the NPS.

(The island had first been named Anacostine Island in 1682. In 1792, John Mason inherited what became known as Mason’s Island. The Mason family owned the island until 1833. In 1790, the island was included in the Federal capital, part of Washington County. (The District of Columbia was divided into three autonomous governments: Washington City, Georgetown, and the County. Under the Constitution, Congress was the overseer of the three governments.) By that time, the island also was called Analostan Island. The island went through several hands, before the Washington Gas Light Company acquired it in 1913. The company allowed vegetation to grow wild.

(The Theodore Roosevelt Memorial Association acquired the island in 1931 with the goal of erecting a monument to the former President. Congress, in 1932, passed legislation authorizing the statue, but did not appropriate funds for it until 1960. In 1935, the Civilian Conservation Corps began clearing what they found was an “almost impenetrable jungle.” [Curry, Mary E., “Theodore Roosevelt Island: A Broken Link to Early Washington, D.C. History,” *Records of the Columbia Historical Society 1971-1972*, The University Press of Virginia, 1973, pages 14-18,

also page 396, footnote 6, for three-part city in William M. Maury's "Alexander R. Shepherd and the Board of Public Works," same collection])

Like Commissioner Hazen before them, District commissioners in the 1950s favored a bridge from the District to Alexandria at Shepherds Landing or Jones Point as well as a crossing to Arlington at Nebraska Avenue extended.

(Jones Point is at the southern tip of the District of Columbia and the location of the first of 40 boundary stones identifying the original location. At the request of President George Washington, Andrew Ellicott and Benjamin Baneker, a free black with knowledge of mathematics and astronomy, surveyed the boundary, 10 miles on a side, placing stones at one-mile intervals. According to a history of the boundary stones:

In order to include then existing Alexandria and Georgetown, Jones Point was chosen as the starting point. On April 15, 1791, with proper Masonic toasts and ceremony, the South Stone was set in place. Subsequently the Jones Point Lighthouse was built and the stone was encased in a seawall but forty years later this condition was corrected and the stone exposed. [Nye, Edwin Darby, "Revisiting Washington's Forty Boundary Stones, 1972," *Records of the Columbia Historical Society 1971-1972*, pages 740-741])

In August 1952, the *Star* described the top priority:

The E Street Bridge would connect E street and New Hampshire avenue N.W., and the Rock Creek and Potomac Parkway, on the district side of the river, with the George Washington Memorial Parkway, Arlington boulevard, Wilson boulevard and U.S. Route 1, on the Virginia side.

The bridge, along with the Francis Scott Key Bridge and the Arlington Memorial Bridge, would carry 82 percent of traffic across the river; that traffic "cannot be diverted to outlying bridges." A six-lane E Street Bridge "would provide the greatest convenience for users and the most useful peak-hour capacity," carrying 48,500 vehicles per day. The proposed bridge would have a 63-foot clearance for vessels and "would pass over Roosevelt Island at a height of 40 feet." The city estimated that the bridge, itself, would cost \$9.1 million and take a little over 3 years to build, but with expenditures for right-of-way, approaches, and other needs, the total cost would be \$22.3 million.

The Shepherds Point Bridge was a high priority as well. It would serve as part of a bypass for traffic that did not need to go through Washington as through traffic had to do at the time. It would "draw almost entirely from the Highway Bridge [on Shirley Highway], relieving it of 15,206 vehicles on an average a day." The bridge would carry four lanes of traffic, with a swing span in the middle about 50 feet above water. That height would allow most vessels to pass under the bridge without an opening. The bridge would cost about \$8 million, but with approaches and other needed work, the total cost would be \$21.4 million. Construction would take a little over 4 years.

The lowest priority was a bridge that would connect an extension of Nebraska Avenue “with a planned network of highways on the Virginia side”:

Two additional connections on the District side also would be needed. These are the extension of the Whitehaven parkway, from MacArthur boulevard to Massachusetts avenue, and a connection between Canal road and Nebraska avenue. The bridge would make available a west side by-pass, connecting U.S. Route 240 on the District side with U.S. Routes 29, 211 and 50 on the Virginia side.

The District commissioners anticipated a four-span steel arch bridge, with four traffic lanes, that would cost \$5 million. The extensions, approaches, and related work would increase the cost to \$8.5 million. The reason for the low priority: “The bridge would do little to relieve the peak-hour traffic in the central section.” (This bridge would not be built.). [“How Three Proposed Bridges Would Serve Area Traffic,” *The Evening Star*, August 28, 1952]

In August 1952, the District commissioners and NCPC released competing consultant reports on the subject. The District’s report, prepared by the consulting firm of Modjeski and Masters, called for immediate construction of the E Street Bridge to relieve congestion.

NCPC’s report, prepared by Harland Bartholomew and Associates, rejected the E Street Bridge:

The additional traffic load which would be imposed upon the street system in the vicinity of its approaches in the District, as well as in Virginia, would aggravate an already critical situation during the peak traffic periods . . . .

Washington rapidly is approaching a crisis. Congestion in the central area of the city is becoming critical at many points, and the situation grows worse daily.

A decision soon must be made whether to attempt further saturation of the central area by introduction of endless numbers of vehicles or whether to accept, implement and carry out a basic, integrated transportation plan. The location of future bridges across the Potomac River is a fundamental part of such a plan.

NCPC opposed construction of any more bridges that would lead traffic into the center of the city. The *Star* explained that NCPC “recommended immediate work on the long-range highway plan for the District, which contemplates express highways around the perimeter of the central business and government section of the city.” NCPC also favored “a good public transportation system, which would move people rather than vehicles”:

This perimeter or ring route highway system would involve construction of the other two bridges—the Alexandria crossing and the Nebraska Avenue bridge, the report said.

General Bernard L. Robinson, the District’s Engineer Commissioner, said the District would have to decide how to proceed and work it out with NCPC before asking Congress for the funds. [Hendley, Jr., Coit, “Reports Clash on Location of 3 New Bridges,” *The Evening Star*, August 28, 1952]

A Truman appointee, Robinson had succeeded General Young on June 1, 1951. At the time of his appointment, then-Colonel Robinson had been division engineer for the South Atlantic Division of the U.S. Army Corps of Engineers, with extensive experience in flood control and river and harbor improvements. [“Col. Robinson Takes Oath as New D.C. Commissioner,” *The Evening Star*, June 1, 1951] With President-elect Eisenhower preparing for his inauguration, General Robinson left office on December 31, 1952, giving way to General Louis W. Prentiss, who took office on January 2, 1953. General Prentiss had been Assistant Chief of Engineers on the staff of the Chief Engineer, General Lewis A. Pick.

NPS Director Conrad L. Wirth opposed the bridge crossing of Theodore Roosevelt Island, as did the Theodore Roosevelt Memorial Association. The association had deeded the island to the Federal Government in 1932, specifying in the deed that the Federal Government must not do anything inconsistent with park use and development of a wildlife refuge.

Wirth had come to Washington in May 1938 as a landscape architect with the National Capital Park and Planning Commission. He transferred to NPS in 1931 and became its director on December 31, 1951. As Director, he automatically was a member of the National Capital Park and Planning Commission. Wirth’s last day as NPS director was January 9, 1964, but President Lyndon B. Johnson appointed him to be a citizen member of NCPC. During the 1950s, he lived on Leland Street in Chevy Chase, Maryland. During the 1960s, he lived on East Bexhil Drive in Kensington, Maryland, a suburb that began in 1894 at the intersection of the Rockville-to-Bladensburg Road and the Baltimore and Ohio Railroad. Extended Connecticut Avenue cuts through the Montgomery County town. [Wirth, Conrad L., *Parks, Politics, and the People*, University of Oklahoma Press, 1980, pages 15, 35, 285, 350-351]

Wirth asked Interior Department Solicitor Clarence A. Davis for legal guidance on the requirements related to the title transferred from the Theodore Roosevelt Memorial Association. On August 7, 1953, Davis released his opinion. He agreed with District Corporation Counsel Vernon E. West that Congress, and only Congress, could authorize construction of the bridge:

There can be no doubt that a bridge across the island would be a use inconsistent with the purpose of the donation and dedication of the Roosevelt Memorial Association . . . . By the clear terms of the dedication and of the congressional act of acceptance, the Memorial Association retains an interest in the island for the taking of which the United States would be obligated to make just compensation. [“Congress Can Authorize Span, Interior Rules,” *The Evening Star*, August 8, 1953]

On September 24, 1953, NCPC formally considered an alternative prepared by staff planner Charles Conrad and NCPC Executive Secretary Blair Lee III. They proposed construction of two Potomac River bridges that they claimed could be built jointly and at less cost than the E Street Bridge: (1) a six-lane Southwest Bridge leaving Virginia downriver from the 14<sup>th</sup> Street railroad bridge and crossing the Potomac River and Washington Channel on a line with 10<sup>th</sup> Street, SW., to tie in with the Southwest Freeway planned for the F Street corridor; and (2) a four-lane bridge upriver of the Key Bridge linking the District’s Arizona Avenue with Virginia’s Spout Run.

The Southwest Bridge would emerge as the primary alternative to the E Street Bridge. Conrad explained that it could be built at low cost because it would involve federally owned land in Virginia and would tie in with street plans developed for the revitalized southwest. By linking with Shirley Highway, U.S. 1, and Arlington Boulevard, the bridge would provide a good alternative for Virginia commuters. He also contended that with a six-lane bridge in the corridor, District officials would not need to follow through on their plan to replace the 14<sup>th</sup> Street trestle-topped bridge, known as the Highway Bridge, carrying three lanes of one-way Virginia-bound traffic; a companion bridge opened in May 1950 carried traffic in the other direction. (The Shirley Memorial Highway had been built during World War II as part of the Pentagon Road Network and named for Henry G. Shirley, the head of the Virginia Department of Highways since 1922 who died during construction of the network.)

As for the E Street Bridge, Lee pointed out that there was strong opposition to crossing Theodore Roosevelt Island. Further, the structure would interfere with big apartment projects on both sides of the river, and District streets would be overwhelmed by the traffic.

Engineer Commissioner Prentiss disagreed with the cost comparison. He contended that the two-bridge plan would cost about \$4 million more than the E Street Bridge. According to S. R. Harrison, District highway engineer, the Southwest Bridge would not provide enough capacity to substitute for the 50-year old one-way trestle bridge. Further, the new bridge capacity would funnel more traffic through streets in a concentrated area that could not handle the vehicles. [Beveridge, George, "2-Bridge Plan Called Cheaper by NCPC Aides," *The Evening Star*, September 25, 1953]

Lee elaborated on the proposal in the *Star* a few days later. He cited the NPS' and Roosevelt association's objections to the E Street Bridge proposal based on how it would impact Theodore Roosevelt Island, but NCPC opposed the bridge for different reasons. "Indeed, if the island were suddenly to cast off its moorings and float down to the Chesapeake Bay, there is every reason to believe that the commission would not change its view." He cited the different road networks on either side of the Potomac River. Arlington Boulevard, he said, "looks like the New Jersey Turnpike compared to the District approaches" via D and E Streets and "poor old New Hampshire avenue." The city planned "to depress and grade-separate D and E streets as far east as Twentieth street":

The chaos will start wherever they come to the surface, whether it be Virginia avenue, Twentieth street, Seventeenth street, Fourteenth street or Pennsylvania avenue. The pressure of this new flow of east-west traffic on the very limited number of east-west passages between the White House and the Mall can't help causing trouble. The bridge will simply move the bottleneck several blocks east—into the heart of the city.

New Hampshire Avenue, in its lowest reaches, "is about as useless as an avenue can get." Traffic using the planned ramp to Virginia Avenue would face "a total impasse" at Rock Creek and Potomac Parkway. Assuming the traffic "survives that ordeal," it would reach Washington Circle. With priority already given to K Street and 23<sup>rd</sup> Street, a "three-level treatment" would be the only solution:

Finally, New Hampshire avenue gets to Dupont Circle, where the existing tunnel favors Connecticut avenue and the surface channelization favors Massachusetts avenue. Some expressway!

He disagreed with the District consultant's cost estimate because it did not cover all the street work that would be needed. "I do not see how the E street bridge and its approaches can fail to cost the District less than \$30 million."

The E Street Bridge also would "do considerable harm to two proposed real estate developments," namely Arlington Towers Apartments in Virginia and the Potomac Plaza project on land in Foggy Bottom that formerly housed the Gas Works of the Washington Gas Light Company (this is a reference to the future Watergate complex). The Arlington complex would be "caught in a pincers between the bridge's two main approaches—Arlington boulevard and Wilson boulevard." Similarly, the gas company's triangle "would be hemmed in by a solid wall of traffic on all three sides, and the handsome hotel proposed for the southern tip of the triangle."

Lee also stated that the "mood of Congress" was against the E Street Bridge, in part because of the impact on the island. In the Senate, the District committee blocked planning funds for the bridge from the 1954 District budget. Representative Joel T. Broyhill (R-Va.), who had joined the House in 1953 and would play key roles in transportation issues, "appears to have little enthusiasm for the E street proposal," while "one veteran committee aide on the House side predicted recently that there was no chance of congressional approval of the E street bridge over the Roosevelt Island."

As for alternatives, the Jones Point Bridge was much-needed, but was not a substitute for the central area bridge. In the "virtually unanimous view" of NCPC, the best alternatives were "a combination of a 6-lane bridge slightly downstream from the railroad bridge, followed a little later by a 4-lane bridge connecting Arizona avenue and Canal road with Lee highway via Spout Run parkway and also with George Washington parkway along the Virginia side of the river."

Lee added that the bridge downstream from the railroad bridge would blend with the District highway department's plans for the Southwest:

The highway department is about to launch the huge and highly commendable project of building a southwest freeway all the way across the southwest section on the line of F street, including a new bridge across the Washington Channel. The current idea is to tie the west end of this route into the Fourteenth street bridge approaches near the Jefferson Memorial.

Our proposal is to keep the southwest freeway clear of the present Fourteenth street bridges and instead to extend it across the river on a new bridge and tie into the Shirley highway, U.S. 1, Washington boulevard, and Mount Vernon highway between Roaches Run and the Pentagon.

By linking the southwest freeway to Shirley highway, the highway department can produce a continuous, east-flowing expressway extending from Woodbridge at the

Fairfax-Prince William County line [in Virginia] to South Capitol street [in the District] a few blocks from the Capitol Building . . . . The southwest-Shirley location would avail itself of a D.C. approach that is going to be built anyway rather than a lot of extensive construction necessitated entirely because of the bridge, as in the case of E street.

NCPC's proposal would affect neither Arlington Towers Apartments nor the Potomac Plaza project. Lee added that if the proposed bridge and the Arizona Avenue bridges could not be built for less than the E Street Bridge, "I will gladly eat the Modjeski and Masters' report page by page." [Lee III, Blair, "To the Editor of the Star," *The Evening Star*, October 1, 1953]

As a *Star* editorial about the Lee letter put it, "The Potomac River bridge problem is becoming more confusing with the passing of nearly every week." ["Another Bridge Plan," *The Evening Star*, October 1, 1953]

### **The Roaches Run Bridge**

The NCPC proposal for a bridge linked to the Southwest Freeway would often be referred to as the Roaches Run Bridge. In 1937, the American Guide Series volume on the District of Columbia described Roaches Run:

A flat-arched fieldstone underpass carries the [Mt. Vernon] Memorial Highway under the Railroad Bridge, on the south side of which is the lagoon-like Roaches Run Waterfowl Sanctuary. Hundreds of wild ducks use these waters as a feeding ground in winter, and during the summer months there are often flocks of snowy egrets wading near the borders of the sanctuary or roosting in near-by trees. A parking space and picnic area is provided about midway of the lagoon, which is most appealing at sunset, when pastel colors, deepened by their transmission through smoke from passing railroad trains, are reflected in the quiet waters. [*The WPA Guide to Washington: The Federal Writer's Project Guide to 1930s Washington*, Pantheon Books, 1983, pages 449-450]

Representative Broyhill tried to play a "peacemaker role" by appearing in a closed session of NCPC in support of the Jones Point Bridge and the E Street Bridge. He argued that the Jones Point Bridge and a central area bridge were needed and it was senseless to jeopardize them by "squabbling over specific locations." [Beveridge, George, "Broyhill Sees Planners, Asks Truce on Spans," *The Evening Star*, October 29, 1953]

The day after meeting with Representative Broyhill, NCPC asked the District commissioners to study the Roaches Run location. Members of NCPC wanted better cost estimates before endorsing either proposal. Engineer Commissioner Prentiss, a member of NCPC, opposed the request because he thought District highway officials, NCPC, and BPR should be able to agree on cost estimates without a formal study. "I don't see any sense in spending a lot of money, which is hard to get, to hire someone to make a cost estimate because we can't believe each other."

Bartholomew argued that the realistic cost estimates should include the cost of the highway and street improvements on both sides of the river that should, in fairness, be charged to either

project. Prentiss agreed that some of the street changes should be part of the cost estimate but explained that some of the changes would occur regardless of which bridge is built and the cost of such changes should not be added to the cost of the bridge. [Beveridge, George, "Planners Urge Study of Cost of Bridge Below 14<sup>th</sup> St. Span," *The Evening Star*, October 30, 1953]

NCPC's request prompted John R. Searles, director of the District's Redevelopment Land Agency (RLA), charged with rebuilding southwest Washington, to express concern that a Roaches Run Bridge would route too much traffic into the area. The Southwest Freeway was designed to carry all the through traffic currently using residential streets. "I'm no traffic expert, but I doubt if the freeway would be able to handle all the extra traffic that would result from a new Potomac River bridge." ["Roaches Run Bridge Hit in View of Traffic Entering Southwest," *The Evening Star*, November 3, 1953]

In response to NCPC's request, General Prentiss instructed city officials to extend "every means of co-operation to come up with the answers." In addition, a four-member committee was established to conduct the cost inquiry: John Nolen, Jr., Director of NCPC; J. N. Robertson, the District's highway director; Joseph Barnett, Chief of BPR's Urban Roads Branch; and Robert C. Horne, chief engineer of National Capital Parks. ["Experts Study Costs of Roaches Run and E Street Bridges," *The Evening Star*, November 5, 1953]

A month later, General Prentiss informed NCPC that the Roaches Run Bridge would cost between \$33.9 million and \$53.2 million, compared with \$30 million for the E Street Bridge. The *Star* pointed out that:

The wide variance in cost estimates for the Roaches Run bridge depends mostly on what approach road improvements are included as necessary to tie the bridge traffic in with existing highway networks in Virginia and the District . . . .

It is considered likely that the planning commission, at its meeting this week, will challenge the inclusion of Roaches Run improvements that would result in high cost figures. At the same time, it also may balk at the absence of some improvements in figuring the \$30 million E street bridge cost.

The four-member committee had "agreed on cost standards to be followed but did not agree on what approach projects to include." As a result, approach estimates included "improvements extending as far north as Constitution avenue and as far east as Seventeenth street for the Roaches Run Bridge and as far east as Seventeenth street for the E street project." [Beveridge, George, "Roaches Run Bridge Cost Put At \$33.9 to \$53.2 Millions," *The Evening Star*, December 8, 1953]

On December 10, 1953, Governor John S. Battle of Virginia released a report by the consultant firm of Wilbur Smith and Associates proposing a \$107 million highway program for the State's connections with the District. As reported in *The Evening Star*:

The report generally represents a new approach to area traffic problems. It plays havoc impartially with major proposals of the Washington Area Regional Highway Planning Committee, District officials and area planners.

The report addressed the dispute over the location of a central area bridge:

The consultants told a reporter they agree with highway officials that most peak-hour traffic is headed for downtown Washington, which an E street bridge would serve. But they rejected the E street project on grounds that approach roads in that area could not handle increased traffic that would be generated by another bridge there.

Consistent with NCPC's views, the consultant report recommended two bridge locations. One would be down river from the 14<sup>th</sup> Street railroad bridge to tie into the proposed Southwest Freeway in the District. The other would cross at Three Sisters Islands—named after three Native American sisters in alternative legends—upstream from Key Bridge:

On the District side, it would lead into MacArthur boulevard, Canal road, and the proposed Arizona parkway through Glover-Archbold Park. In Virginia, it would follow the George Washington Memorial parkway for half a mile to its junction with Lorcom lane.

As perhaps the report's major feature, the two new bridges would tie directly into two of the three proposed expressways. The downstream, or Hains Point, bridge [Roaches Run], would feed into a proposed Potomac River expressway. This expressway, leaving the bridge, would follow the line of the present Mount Vernon Memorial highway nearly to Alexandria's eastern edge to link with U.S. Route 1 near Gum Springs.

The Three Sisters Bridge would connect with an 8.8-mile-long Falls Church expressway. This road would parallel Lee highway (Route 29-211) as far as Washington boulevard, veer northward around Falls Church and then cut sharply southward to connect with Arlington boulevard (U.S. Route 50) near Gallows road.

The report rejected or downplayed other planned facilities:

Specifically, the report recommended against the Cabin John Bridge . . . . It said the Cabin John span would not attract more than 2,200 cars a day. It said approaches to the Jones Point Bridge "might warrant immediate construction," but did not otherwise endorse the Jones Point Bridge as a high-priority project. [Beveridge, George, "Virginia's New Road Program Clashes With D.C. on Bridges," *The Evening Star*, December 10, 1953]

(Cabin John is a community about 8 miles northwest of Georgetown and six miles southeast of Great Falls. Who "Cabin John" or "Captain John" was is shrouded in mystery. Because of its location near the Potomac River, Cabin John has a long history that includes the Chesapeake and Ohio Canal; its locks are the explanation for Seven Locks Road that runs through the area. When the U.S. Army Corps of Engineers completed the Washington Aqueduct system in 1863, designed by General Montgomery C. Meigs, to provide water from Great Falls to the District of

Columbia, they included a tunnel and Union Arch Bridge to carry the water; farmers used the smooth, flat surface as a road.

(In the 1870s, Congress appropriated funds for a macadam surface on what was called Conduit Road. The Corps wanted the road to transport equipment between Cabin John and Great Falls, but it served east-west farm traffic better than nearby River Road, which was wide enough only for one horse, with little room for opposing traffic. In 1942, Congress passed legislation changing “Conduit Lane” to MacArthur Boulevard, to honor General Douglas MacArthur for his actions in defense of the Philippines at the start of U.S. involvement in World War II. [Welles, Judith, *Cabin John: Legends and Life of an Uncommon Place*, Signature Book Printing, 2008, pages 16-17; Stewart, Alice Fales, *The Palisades of Washington, D.C.*, Images of America, Arcadia Publishing, 2005, page 36])

The following day, NCPC postponed its decision on the location of the central area bridge, citing the Wilbur Smith report as a main reason. Bartholomew told reporters he was prepared to vote, but realized others needed time to review the Virginia report. He urged the members to come to the meeting on January 6, 1954, prepared to vote without further delays. [Beveridge, George, “Planning Commission Delays Bridge Vote Until January 6,” *The Evening Star*, December 11, 1953]

### **Representative Broyhill Intervenes**

Representative Broyhill did not need more study time. In his view, the Wilbur Smith report was “all wet” on several points. It had not assigned a high priority to the Jones Point Bridge that he was trying to push through Congress, while criticizing the E Street Bridge across Roosevelt Island that he also favored. “I’m going to proceed and ask for hearings immediately after Congress convenes.”

He particularly disagreed with the report’s plan to link its proposed bridges to expensive new expressways. “With their plan, the bridge can’t be built without the costly expressway. With ours, existing approach roads are pretty well worked out to tie in with the Jones Point and E street bridges.”

While NCPC members liked the report’s rejection of the E Street Bridge, District and Maryland officials were displeased. General Prentiss, like Representative Broyhill, rejected the need for expensive freeway construction to go along with the District’s proposed E Street Bridge. Chairman Russell H. McCain of the Maryland State Roads Commission also was concerned that the report rejected the Cabin John Bridge because it would affect the location of the western leg of upgraded U.S. 240 (to be discussed later). “Maryland is going to have to study the report. After further study, we’ll have a comment.” [Beveridge, George, “Broyhill Attacks Virginia Plan Bridge Site,” *The Evening Star*, December 11, 1953]

One reason why NCPC delayed its vote until January 6 was that it wanted to know what the Regional Highway Planning Committee would do. Samuel R. Harrison, deputy director of the District Highway Department, headed the group, which included Maryland and Virginia officials as well as representatives of BPR, NCPC, Capital Transit Company, and the Military District of

Washington. The committee had been formed in July 1949 to analyze data, such as origin-and-destination records, collected in preparation for the 1950 Comprehensive Plan. On January 4, the committee voted 6-to-1 in favor of the E Street Bridge and rejected the Roaches Run Bridge. The NCPC representative was the only dissenting vote. (BPR's H. J. Spelman did not vote.) The committee also voted in favor of the Jones Point and Cabin John bridges, both rejected by the Wilbur Smith report. ["Regional Planners Favor E Street Bridge, Reject Roaches Run," *The Evening Star*, January 5, 1954]

Although NCPC members remained divided, the commission voted 6-to-4 on January 6 against the E Street Bridge and in favor of the Roaches Run Bridge:

Thus, the stage was set for another Capitol Hill feud, with the city's roadbuilders and planners attempting to sell Congress on conflicting bridge schemes. In similar battles in the past Congress has given the nod most often to District officials.

Today's vote climaxes nearly two years of bitter argument over the bridge issue.

As Congress convened, Representative Broyhill introduced a bill in support of the E Street Bridge. The bill named it the Theodore Roosevelt Memorial Bridge. He warned NCPC that its opposition could endanger the chances for congressional support of any central area bridge. "Governing bodies in Virginia all favor E street. The planning commission stands alone in my opinion." He added:

If the planning commission opposes E street, I don't think Congress ever will approve the Roaches Run bridge, because there is not enough support for it. The only thing the planning commission can do is to kill the chances for E street. [Beveridge, George, "Planners Reject E St. Span, Back Roaches Run," *The Evening Star*, January 6, 1954]

Representative Broyhill recognized concerns about the effect of the E Street Bridge on Roosevelt Island:

I sincerely regret that some well-intentioned citizens have objected to the E street bridge location because the proposed span would go over Theodore Roosevelt Island. Theodore Roosevelt Island will not be destroyed, nor will the bird sanctuary there be disturbed. I am sure that were the great 'Teddy' alive he would be the last to stand in the way of progress and the great needs of the citizens of our communities. [Beveridge, George, "Bridge Hearings Will Start Soon, Broyhill Says," *The Evening Star*, January 7, 1954]

An editorial in the *Star* criticized NCPC's support of the Roaches Run Bridge. The vote against the E Street Bridge was not surprising, although "those votes were influenced by considerations that have little to do with the facts of traffic needs." The vote in favor of the Roaches Run Bridge was harder to understand:

The Roaches Run site, it is believed, will eventually be discredited—for it has been pulled like a rabbit out of a hat. It has received no serious study from an engineering or traffic point of view. It raises more questions than it answers. While it protects the artificial wilderness of Roosevelt Island . . . it would play hob with East Potomac Park,

Washington Channel and the Mall. Engineering studies will doubtless bring many objections into focus—including cost to local and Virginia taxpayers—that have received little or no attention up to now, because they have not been seriously considered up to now.

If Congress gave Representative Broyhill's bill a fair hearing, the members would be able to "decide between fact and nonsense." If not, his constituents would be the "chief victims" but "it will not be long before the traffic jams at existing bridge crossings will become so intolerable that action will be forced." As for NCPC, the editorial said:

The National Capital Planning Commission—heavily weighted down by non-residents who have no fixed responsibility for meeting local needs—has been proved wrong before and will doubtless be proved wrong again. ["No Way to Bridge the Arguments," *The Evening Star*, January 7, 1954]

One NCPC member who voted in favor of the E Street Bridge explained his reasons in a speech to the Board of Trade's River and Harbor Committee. John A. Remon, a NCPC member and chairman of the Washington Regatta Association, said the Roaches Run Bridge would destroy much of the city's water recreational activities. "The E street bridge is the logical site. It will not interfere with the waterfront or with water recreation." ["Ruin of Boating Seen With Span At Roaches Run," *The Evening Star*, January 9, 1954]

Another factor against the Roaches Run Bridge was its impact on plans for redeveloping Southwest Washington. Remon also was chairman of RLA, which debated the bridge dispute in a closed-door board meeting on January 13, 1954:

Mr. Remon said the reason for getting into the bridge controversy was limited to a fear that a Roaches Run span would further endanger the development of Tenth street S.W. as a major traffic gateway to a rebuilt Southwest area.

Tenth Street was seen as an attractive approach road for the new southwest, but the District Highway Department had long planned a bridge over Washington Channel to connect the 14th Street bridges with the Southwest Freeway in the F Street corridor and 10<sup>th</sup> street. Highway officials rejected the idea that 10<sup>th</sup> Street could serve both purposes. NCPC had supported the plan for the 10<sup>th</sup> Street gateway, but the RLA feared that NCPC's support for the Roaches Run Bridge reflected a change of views on the gateway plans.

Director Searles of the land agency said, "Every developer, investor and planning consultant we've had agrees Tenth street is vital to serve the Southwest. Now it looks like the planning commission has given up on Tenth street." [Beveridge, George, "Redevelopers See Bridge as Threat to Plans," *The Evening Star*, January 14, 1954]

Moreover, the bridge dispute was affecting plans for the Southwest Freeway. General Prentiss said that detailed planning was delayed because the design depended on whether the freeway would tie into the existing 14<sup>th</sup> Street bridge, as District officials wanted, or the proposed Roaches Run Bridge. The decision would affect, among other features, whether the new freeway

would be six or eight lanes wide. The dispute was in addition to uncertainty about whether 10<sup>th</sup> Street would be a gateway to the southwest or serve Virginia traffic. An early end to the bridge dispute was crucial because the Southwest Freeway was the city's next major freeway project. Planning would take a year, with construction expected to last 2 years. [Beveridge, George, "Bridge Quarrel Delays Design For Freeway," *The Evening Star*, January 17, 1954]

On January 29, 1954, Bartholomew, the new NCPC chairman, addressed the Committee of 100 for the Federal City, an organization that had been formed in the 1920s, initially to support development of the city. According to a *Star* account, he "expressed amazement" at the lack of city support for the comprehensive development plan:

Mr. Bartholomew said the contrast between Washington and other cities around the Nation is sharp. He said that elsewhere, once the overall plan for development of a city is adopted, the various city departments follow it.

"If a department doesn't agree, it doesn't hire consultants, publish a separate report and go to the newspapers," he commented . . . .

He said the comprehensive plan for the development of Washington drawn by the planning commission, should be followed in general, if the city is to avoid serious mistakes. "The White House is in danger of becoming the center of the business district," he commented.

He said the downtown business district has a tendency to grow to the west. More should be done to strengthen the east end of the business section and stabilize what business is there, he added.

The Roaches Run Bridge would serve better than the E Street Bridge for two-thirds of government workers east of 16<sup>th</sup> Street and would avoid routing them past the White House. Good planning called for creating "circulation" around the central area instead of directing more traffic toward downtown:

Mr. Bartholomew also advocated a good mass transportation survey to help plan for the increasing problem of traffic. He suggested that expressways be designed now with room for a rapid transit system, saying that is the only way a city can acquire a system now. ["D.C. Adherence To Planning Decisions Urged," *The Evening Star*, January 30, 1954]

The Committee of 100, after a presentation by Nolen, backed the Roaches Run Bridge on February 19. ["Committee of 100 Hears Nolen, Backs Roaches Run Span," *The Evening Star*, February 20, 1954]

### **Congress Confronts The Issue**

At NCPC's request, Representative John P. Saylor (R-Pa.), whose years in the House reflected a strong environmental perspective, introduced a bill directing the District commissioners to build the Roaches Run Bridge. The Saylor bill provided for District and Virginia approaches as well as a central entrance to Washington National Airport, an overpass of the railroad, and an

interchange with U.S. 1. ["New Bill Proposes \$26 Million Bridge At Roaches Run," *The Evening Star*, February 26, 1954]

Representative Saylor explained that he introduced H.R. 8096 mainly "to provide an opportunity for Congress to consider the merits of the Planning Commission's proposal." He was concerned that otherwise, congressional consideration would go to the E Street Bridge, which was the District's preferred option even though it was opposed by NCPC, the Interior Department, and the Theodore Roosevelt Memorial Association:

I am informed that the E Street bridge location proposed by the District Commissioners does violence to all well accepted concepts for the protection and enhancement of the western terminus of our world-famed Mall. It would project a commercial type steel girder bridge across Roosevelt Island and in many other respects be out of harmony with the standards set for that area by the Lincoln Memorial, the Arlington Memorial Bridge, and the flanking parkways along the river.

The Roaches Run site, on the other hand, accords with well considered plans for the National Capital Planning Commission . . . . [NCPC] is composed of key public officials and eminent citizens qualified in city planning matters. Its present chairman, Harland Bartholomew, was appointed by President Eisenhower last August. He is one of the Nation's leading city planners and has been a consultant on the Washington plan for more than 25 years. I believe we should give the Commission's plan full consideration and weigh carefully the broad issues involved in the decision on a new bridge location. ["Roaches Run Bridge Bill, Extension of Remarks of Hon. John P. Saylor," *Congressional Record-House*, March 3, 1954, pages 2614-2615]

On March 1, the House District Committee began hearings on the Broyhill bills in support of the E Street Bridge and the Jones Point Bridge. The first day was devoted to the District's case for the E Street Bridge. General Prentiss explained that the E Street Bridge was the District's highest priority, followed by the bridges at Jones Point and Nebraska Avenue extended. The

E Street Bridge, he said, was designed to relieve morning and evening congestion snarls. He was satisfied that approaches could be designed in the District and Virginia to handle any new traffic the bridge would generate in the corridor. He said the District had considered the tunnel option but concluded it would be impractical because of cost and river front terrain.

General Prentiss emphasized that the District had considered other locations for the central area bridge, but E Street emerged as the "sound solution." Other options included Arizona Avenue,

K Street, H Street, Roaches Run, and extensions of Constitution and New Hampshire Avenues. "I have satisfied myself that none would serve the purpose so well as E street." It would serve commuters, but not without attracting high amounts of through traffic.

District Highway Director Robertson said the 19 lanes of existing Potomac River bridges carry 210,000 cars a day, compared with 190,000 vehicles crossing on the 19 lanes of Anacostia River bridges. Despite this disparity, the District was building a six-lane East Capitol Street bridge to

boost Anacostia River capacity. A new Potomac River bridge was needed. Already, the 14<sup>th</sup> Street bridges carried 105,000 cars daily, which he called the highest concentrated bridge total in the world.

Robertson estimated the cost of the E Street Bridge to be \$32 million and said it would be financed by Federal-aid and District revenue. He estimated Virginia's cost to be about \$2 million for connections. Representative Broyhill indicated he would amend his bill to reflect the higher cost.

Representative James C. Auchincloss (R-NJ) asked Robertson if the District had considered suspending the E Street Bridge over Roosevelt Island instead of building piers on it. Robertson replied that the District had considered but discarded that option because it would increase the cost to \$58 million. As planned, General Prentiss said, the bridge would include three piers resting on the island and would pass about 40 feet over it.

Frank M. Masters of Modjeski and Masters, was one of the other witnesses on the first day. His firm gave the E Street Bridge the top priority among the sites studied, with E Street the most logical site. "Within a couple of years' time, there are going to be long delays in getting across the Potomac River unless additional facilities are provided."

No opposition was expressed to the Jones Point bill, which called for the Federal Government to pay for the new bridge. [Beveridge, George, "E Street Bridge Urged by D.C. at House Hearing," *The Evening Star*, March 1, 1954]

Throughout the discussion of the location of a central area bridge, officials had debated the extent and cost of the approaches to the new bridge. On March 3, the issue erupted during the hearing on the Jones Point Bridge when Virginia Highway Commissioner James Anderson's blunt letters to subcommittee members stated that while Virginia favored the E Street and Jones Point Bridges, there was "no possibility" that the State could pay for the approaches to either structure. His letters, as the *Star* put it, raised the "subcommittee's ire." Several subcommittee members said they would not support either bridge without a Virginia funding commitment, while one "influential member" said he would insist on documentation of Virginia's financial situation before he would support the bridges.

For the E Street Bridge, the District planned to use District and Federal-aid funds to pay for approaches over federally owned park land in Virginia (\$2.8 million), but expected Virginia to pay \$2.2 million for land and approaches on State land.

W. Frank Smith, an urban engineer with the Virginia Highway Department, explained that Virginia spent about \$40 million a year (including about \$10 million a year in Federal-aid) on new highways, but could afford only about \$1 million a year for the area within a 15-mile radius of Washington. That area had about \$35 million in "immediate needs," none of which included the bridge approaches.

When Representative Broyhill pointed out that northern Virginia contributed a much higher percentage of revenue than it was receiving, Smith explained that the department allocated funds

based on a rigid formula of area, population, and mileage established by the State legislature. He would determine if any of the \$1 million could be diverted to approach work. "I wish I could tell you that we could do that, but the other needs in this area are so great I don't know." (The formula Smith mentioned was a longstanding point of frustration for northern Virginia; the State legislature, dominated by rural politicians, took revenue from the heavily populated northern Virginia for road projects in the State's rural counties.)

Representative Broyhill said, "While I'm proud to be a Virginian, I'm not proud of the position of the Virginia Department of Highways this morning." He arranged a meeting with Commissioner Anderson for the following day, a Saturday, in Richmond to try to convince the State to pay for the E Street Bridge approaches.

Witnesses supported the Jones Point Bridge. Chairman Carroll D Kearns (R-Pa.) asked General Prentiss how he could justify full Federal funding for the new structure. General Prentiss replied that the new bridge would be of some value to area residents, but its major benefit would be "to the general riding public" since it was intended to be an area bypass for motorists not bound for local jurisdictions. It would be a "vital link" in the area's planned circumferential for through traffic.

The Broyhill bill authorized \$20 million that would cover construction of a four-lane bridge, approaches through Alexandria to connect with the Shirley Highway in Virginia, and a short approach in Maryland to connect with Overlook Avenue at Chesapeake Street, SE., in the District. The Modjeski and Masters study estimated the Virginia approach would cost \$7 million while the approach in Maryland and the District would cost about \$2.1 million. General Prentiss recommended increasing the authorization by \$4.5 million to allow for a six-lane bridge.

George N. Lewis, Jr., traffic engineer with the Maryland State Roads Commission, explained that Baltimore was planning a harbor tunnel as a bypass for through traffic. "My feeling is that if the Jones Point bridge is not built, Washington will be one of the last cities, from New England on down the coast, not to have a bypass system." He added that if the Federal Government was willing to pay for the bridge, "Maryland will be glad to consider an agreement with Virginia and the District to take over its maintenance and operation." [Beveridge, George, "Broyhill to Attempt to Prod Virginia on Funds for Bridges," *The Evening Star*, March 4, 1954]

On March 6, Representative Broyhill had a 2-hour meeting with Commissioner Anderson and State Senator Fenwick to discuss funding issues. On Monday, March 8, Commissioner Anderson provided what the *Post* called a "guarded statement" to Representative Broyhill and Senator Fenwick on State funds for the two approaches. The commission was willing to develop general approaches to the E Street Bridge but was not willing to seek a special appropriation for the approach to the Jones Point Bridge.

The Virginia Department of Highways, Anderson said, was responsible for maintenance and improvement of the main road affected by the E Street Bridge, namely Arlington Boulevard (U.S. 50). Already, the department had committed millions of dollars for development of Arlington Ridge Road and two overpasses on Glebe Road. However, the Department would be "happy to work with the Arlington County Board in a restudy of priorities and will accord the

utmost consideration to any request by Arlington County and its representatives for a high priority to future work on Arlington Blvd.”

As for the Jones Point Bridge, the commission “did not have and would not have the means to provide reasonably adequate highways” in the Arlington-Fairfax area. The commission had spent twice as much in Fairfax County as in any county in the State, but Anderson quoted from the Wilbur Smith report saying “traffic problems of Northern Virginia are largely the problems created by Washington.”

Representative Broyhill said he was “very pleased” that Anderson agreed about the need for a contribution toward the E Street Bridge. This view, the Congressman said, was a reversal of Anderson’s claim that the commission would not put up a single cent for bridge approaches. “My impression is that the State Highway Department is willing to assume its obligation. Unless the State is willing to do this much, Congress will not be willing to approve either bridge and I would not expect it to.” [McDade, matt, “Va. Bridge Help Hinted by Highway Commission,” *The Washington Post*, March 9, 1954]

Commissioner Anderson, contacted by telephone in his Richmond office, told a reporter that the memorandum was neither a reversal nor a restatement of position, but a clarification. “We went into that hearing not knowing just what the situation was. We now find that most of the money we’ve been spending up there [in Arlington] for years may be considered as providing approaches to the bridge.” As for the Jones Point Bridge, he said the E Street Bridge would be built first. Virginia officials could decide about the approaches to the Jones Point Bridge later. [“Virginia Held Willing to Aid E Street Span,” *The Evening Star*, March 9, 1954]

On March 9, the subcommittee heard from opponents of the E Street Bridge. Joseph C. Grew, a former ambassador to Denmark, Switzerland, Turkey, and Japan, led the opposition as a trustee of the Theodore Roosevelt Memorial Association. He called the E Street Bridge a “direct violation” of the plans for the island and said the proposal was “an effort to persuade Congress to break its word.” The goal in deeding the island to the Federal Government was to provide a public park in a state of wilderness. As planned, a terrace and balustrade would be the only artificial constructions on the island. “It is essentially a place of solitude and repose.”

Representative Broyhill told Grew that the planned “Theodore Roosevelt Memorial Bridge would be a much greater memorial than the wild island that looks like the very devil right now.” During his drive to Richmond over the weekend, he had questioned 81 people, only one of whom had even heard of Roosevelt Island, while 66 had heard of the George Washington Bridge in New York City.

Grew replied that the Federal Government had failed to live up to its agreement in accepting the deed but that the Eisenhower Administration was prepared to provide the funds needed to prepare the island for its dedication on October 27, 1958, the centennial of Theodore Roosevelt’s birth. He argued that bridge standards appropriate in any other city were not appropriate in this case; the “aesthetic must be considered in Washington because it is so material in Washington.”

Secretary of the Interior Orme Lewis told the subcommittee that the bridge would detract from the entire monument area near the Lincoln Memorial. The massive high-level bridge would divert attention from the area’s carefully planned memorial and park features. At one point, he

had suggested construction of a tunnel but it was ruled out because of cost. “I don’t think Washington, D.C., is a place where money is so doggoned important.”

Bartholomew called the E Street Bridge a “grievous and costly mistake.” It was, he said, in “an illogical and fundamentally unsound location” that would create acute new traffic congestion and disrupt property values by shifting the retail business district. Part of the congestion problem was that Arlington National Cemetery forced traffic around it to points away from the area to be served by the E Street Bridge. The Key and 14<sup>th</sup> Street bridges were at their “logical locations.” The E Street Bridge would serve north Arlington, while growth was expected to occur near Alexandria and Fairfax County. In the District, much of the bridge traffic would be headed east of the White House, making it a “center of traffic congestion.” The high cost “cannot be justified.”

Since it was “never pleasant to appear against public improvement,” NCPC had offered the Roaches Run Bridge as an alternative. The funds for the E Street Bridge could better be spent for the Inner Loop road that also would tie into the Roaches Run Bridge.

Mrs. Alice Roosevelt Longworth, President Theodore Roosevelt’s daughter, sent a letter to the subcommittee rejecting any bridge over the island and naming the proposed bridge in her father’s memory. [Beveridge, George, “Opponents Call E Street Plan ‘Ruinous.’” *The Evening Star*, March 9, 1954; Beveridge, George, “Planners Push New Attack on E Street Bridge,” *The Evening Star*, March 10, 1954]

On March 10, Representative Howard W. Smith (D-Va.) testified before the subcommittee in opposition to the E Street Bridge. Representative Smith, a member of the District Committee but not the subcommittee, had represented Alexandria and Arlington and Fairfax Counties until redistricting in 1950; Representative Broyhill’s district included those areas now, while Representative Smith’s district covered 20 counties to the south. (Representative Smith would become chairman of the powerful Rules Committee in 1955 and serve in that capacity through 1989.)

He had long favored an Alexandria bridge, “which becomes more essential every day.” However, he had opposed the E Street Bridge “since its inception.” It would “channel more traffic into an already congested area” of Washington. Further, he considered the deed transfer a firm contract that nothing could be done on the island without the Theodore Roosevelt Memorial Association’s consent. “Unless you get the consent of the association, it is a complete waste of time and motion to submit such a proposition to Congress.” Proceeding without the association’s consent would be “an unmoral act which in my opinion Congress would not consider for three seconds.”

Representative Smith also addressed the issue of Virginia funding for approaches. The State always had done its share. “I can say confidently that when the chips are down Virginia is going to do its share, but they have to have something definite to work on.” [Beveridge, George, “E Street Bridge Called Waste of Time,” *The Evening Star*, March 10, 1954]

In view of the bitter opposition to the original proposal, General Prentiss surprised the subcommittee by sending a proposal on March 11 for a combination bridge-tunnel across the Potomac River at E Street. The *Star* described the plan:

The bridge would start from the District side of the Potomac like any other low-level bridge [about the height of the nearby Arlington Memorial Bridge]. As it approached the controversial Roosevelt Island, it would decline to land level and pass under the island surface through tubes. On the Virginia side of the island it would rise again and continue to the shore as a conventional bridge.

The tunnel would be built by “open-cut construction,” then covered over so that the island would appear unchanged. The District contended that the revised plan would cost about \$3 million more than the E Street Bridge.

General Prentiss explained, “We want to put everything possible before the subcommittee and that is why we sent this plan up today.” The original high-level bridge was less costly than a tunnel and “sounder from an engineering point of view,” but the bridge-tunnel idea “has certain advantages.” The obvious one was that it answered objections about the impact on Roosevelt Island, the Lincoln Memorial, and surrounding area.

Chairman Kearns said he was “definitely undecided” about the E Street and Jones Point Bridge proposals, but said, “I resent the idea we have been wasting our time in these hearings on the E street bridge,” as suggested by Representative Smith. The chairman announced he would postpone hearings until everyone had a chance to review the District’s bridge-tunnel proposal.

Representative Broyhill thought the new concept might “overcome some objections” to the original proposal. However, he preferred the original high-level bridge “from a standpoint of beauty and practicability.”

He also had made some progress in his weekend meeting with Commissioner Anderson, who was at least no longer totally opposed to participating in the cost of the approaches to the E Street Bridge. His original bill for the Jones Point Bridge had assigned the cost of the approaches to the Federal Government:

The Virginia legislator said today he has decided to amend the bill to cut about \$6 million from the cost and have the Virginia approach routes extend through Alexandria only as far as Route 1. He said this would open the way for a firm understanding that the connection from there to Shirley highway would be a clear-cut responsibility of the Virginia Highway Department.

The highway department, in a follow-up letter, has taken the position that the bridge approaches need go only as far as Route 1 immediately, and added: “As traffic develops over the years and as additional funds become available, the southern approach could be, and undoubtedly would be, extended from Route 1 to the Shirley highway.” [Beveridge, George, “Bridge-Tunnel Now Proposed At E Street Site,” *The Evening Star*, March 11, 1954]

At the time, about half the island was below the high-water flood mark, with about 17 percent under water at high tide. Further review of the tunnel concept revealed that it would require about 35 percent of the island to be raised by 35 feet. The added cost would mostly be for a draw-span in the low-level bridge. [Beveridge, George, "Bridge-Tunnel Would Require Raising of Island," *The Evening Star*, March 12, 1954]

The *Star's* Metropolitan Scene columnist, John W. Thompson, Jr., wrote, "It's a good bet that you saw the death of the E street bridge at the Capitol the other day." He attributed the death to Representative Smith. He was a powerful member of the District Committee and the influential Rules Committee, which determined which bills reached the House floor. Technical issues aside, his view that the Congress would not consider a bill that violates the agreement with the association "is very apt to be correct." His opposition to the E Street Bridge might also mean the demise of any central area bridge. "For it remains to be seen whether supporters of a crossing at Roaches Run . . . can muster the strength to get it through." If the District commissioners continue to oppose the Roaches Run Bridge, "it is hardly likely that Congress will approve it." [Thompson, Jr., John W., "The E Street Bridge Looks Dead," Metropolitan Scene, *The Evening Star*, March 14, 1954]

### **The Bridge Dispute Nosedives**

With a hearing on the Roaches Run Bridge scheduled for March 30, the Northern Virginia Regional Planning Commission voted to support the Roaches Run Bridge after a presentation by Executive Director C. C. Robinson:

He said the Roaches Run span, downstream from the present Highway (Fourteenth street) Bridge, could be tied in with Mount Vernon boulevard, U.S. 1, Glebe road and Shirley highway. By connecting with the proposed Four Mile Run parkway, the bridge route into Virginia would lead also to Columbia pike, Arlington boulevard and Lee highway.

The commission, in 1952, had voted to support the Jones Point and Nebraska Avenue bridges, but had refrained from endorsing the E Street Bridge.

Arlington, represented on the commission by county board member Alvin K. Kimel, preferred the E Street Bridge. However, as Kimel explained, the E Street Bridge was looking like a losing proposition. The Roaches Run Bridge was his second choice. ["Northern Virginia Planners Indorse Roaches Run Span," *The Evening Star*, March 25, 1954]

On March 30, the Kearns subcommittee heard from NCPC and other supporters of the Roaches Run Bridge. Bartholomew explained that the Roaches Run Bridge idea grew out of NCPC's desire to find an alternative to the E Street Bridge. In Virginia, the greatest growth was expected to be south of Arlington Boulevard, an area that would be better served by the Roaches Run Bridge:

On the District side, he argued that—unlike the E street bridge—it would funnel traffic east of the White House in areas with the highest land values, business properties that

need strengthening, most parking facilities and the highest volume of Federal employment in permanent buildings.

By tying into the limited access Southwest Freeway in the F Street corridor, he said, the bridge would allow traffic to use several north-south streets to enter the road system.

Bartholomew said the Southwest Freeway was part of an important inner belt that was essential immediately. The Roaches Run Bridge would feed directly into it, as well as into the Four-Mile Run belt.

Representative Broyhill questioned Bartholomew's statement that the E Street Bridge would provide fewer major benefits for people living south of Arlington Boulevard. Asked by Representative Broyhill to choose between the Roaches Run and Jones Point Bridges, Bartholomew said they served different purposes and that "if a person has a bad cold and an upset stomach he has to take two different types of medicine." NCPC had not made a choice, and he was reluctant to offer his own view, but said that "from an actual relief of congestion standpoint the Roaches Run bridge would probably do more than any other we could build at the present time." Congress would have to decide the priorities for these two bridges as well as others that NCPC supported (Jones Point and Cabin John spans for the outer beltway, Roaches Run and a bridge upriver from Key Bridge tying into the inner belt).

Nolen, NCPC's director, testified that the Roaches Run Bridge and its approaches would cost \$26.3 million or about \$6 million below the estimated cost of the E Street Bridge and approaches:

Mr. Nolen said this takes advantage of plans already in preparation for the Washington channel bridge, a Potomac Yards overpass and eventual construction of a Four-Mile Run expressway, which does not now exist.

Other witnesses who testified in favor of the Roaches Run Bridge included Robinson; General Grant, now president of the American Planning and Civic Association; and Edward J. Kelly, National Capital Parks superintendent, on behalf of the NPS. [Beveridge, George, "D.C. Planners Stress Savings in Roaches Run Bridge Site," *The Evening Star*, March 30, 1954]

The second day of hearings featured mainly critics of the Roaches Run Bridge. Engineer Commissioner Prentiss led the opposition, saying "it simply will not work." Critics argued that the bridge would bring more traffic just east of 14<sup>th</sup> Street than the north-south streets in the area could handle:

Contending that studies show 80 per cent of the cars crossing the river have destinations north of Constitution avenue, they argued there is no practical means of getting increased traffic beyond Constitution and Pennsylvania avenues.

In addition—sometimes in biting language—they criticized the planners' cost estimates as too low and attacked proposed Virginia approach routes as impractical.

General Prentiss recognized that Congress might not approve his preferred E Street Bridge. In that event, he said, he outlined a nine-point second-best option:

1. Immediate authorization of the Jones Point Bridge,
2. Increased authorization, from \$7 million to \$11 million, for early construction of a south-bound four-lane 14<sup>th</sup> Street bridge to replace the three-lane trestle structure,
3. Replace the streetcar tracks and sidewalks on Key Bridge with additional traffic lanes,
4. Construct an off-ramp from the Whitehurst Freeway to the Rock Creek and Potomac Parkway,
5. Construct an underpass at Washington Circle in the K Street line,
6. Improve roadways around the Lincoln Memorial for better connections with Arlington Memorial Bridge,
7. Extend 15<sup>th</sup> Street, NW., through the Washington Monument grounds to provide better service to the 14<sup>th</sup> Street bridges,
8. Determine how to improve the traffic bottleneck at Independence Avenue and 17<sup>th</sup> Street, NW., and
9. Swift construction of the Southwest Freeway simultaneously with the Washington Channel bridge connecting the freeway with the 14<sup>th</sup> Street bridges and Ohio Drive.

(Ohio Drive dates to the early 20<sup>th</sup> century. The Road Drivers and Riders' Association, formed by horse lovers in 1903, wanted a roadway "where drivers may speed their horses," as the *Star* explained. The association called it the Speedway, although it was sometimes called the Centennial Speedway. ["The Proposed Speedway," *The Evening Star*, October 5, 1903] The Speedway opened in West Potomac Park on May 11, 1904, with thousands of spectators observing the festivities. It extended from the Tidal Basin to 26<sup>th</sup> Street, SW. It would be reconstructed and extended through East Potomac Park as Riverside Drive. In 1949, as will be discussed, Ohio's congressional delegation succeeded in renaming the road Ohio Drive.)

All these projects were in the District's proposed 10-year public works plan, but should be bumped up in priority if Congress did not approve the E Street Bridge. Asked by Representative Auchincloss if all these projects would cost as much as \$100 million, General Prentiss replied, "No, sir, far less than that."

Representative Saylor, testifying on behalf of his Roaches Run Bridge bill, said the testimony reminded him of "a group of children who have presented their case to their parents and have had the parents, in their wisdom, turn them down." The parents, in this analogy, were the members of NCPC who had rejected all of the District's arguments. NCPC, he reminded the subcommittee, had been established to resolve such disputes.

John E. Harwood, representing the Virginia highway agency, read Commissioner Anderson's letter saying his department had agreed to cooperate within its means by building approaches for the E Street or Jones Point bridges:

Mr. Anderson's letter said a "very hurried study" by the planning commission indicated that the Roaches Run approach cost could be "many times the approaches needed for an E

street bridge.” Then Mr. Anderson said he doubted that Arlington officials would approve of spending State funds it gets for such a bridge.

The District’s engineering and planning chief, G. I. Sawyer, disputed NCPC’s cost estimate of \$26 million for the Roaches Run Bridge:

He said that it would cost \$33.2 million to do what the planners proposed, exclusive of land costs in Virginia. But he contended it would cost either \$46.6 million or \$50.6 million to carry out either of two plans needed to make the bridge “a partly workable highway facility.”

The Roaches Run Bridge, according to District Highway Director Robertson, could “never be made to function to its full capacity.” To get the increased traffic north of Constitution Avenue would require a tunnel from south of the avenue to north of G Street. The District hadn’t done a detailed estimate of what the tunnel would cost but “it would be plenty.”

Clifton G. Stonebruner, Arlington County’s highway engineer, opposed the Roaches Run Bridge. The county favored the E Street Bridge, but in view of concerns about its effect on Roosevelt Island, Stonebruner suggested shifted the bridge to pass over a small triangle of land downriver from it.

H. J. Spelman testified on behalf of BPR in opposition to the Roaches Run Bridge:

In a lengthy statement, he attacked the proposal on grounds that: The Virginia approaches were not capable of sufficient traffic capacity; District streets could not handle the new load; the bridge would “bring an obstruction” close to the main runway of Washington National Airport; it would be unwise “from a civilian defense standpoint” to add another bridge to the Fourteenth street concentration; the Potomac River approach road would conflict with Federal land use plans near the airport.

Mr. Spelman said nearly one bridge lane’s traffic capacity (between 800 and 1,000 cars per hour) can be added to the existing Washington-bound Fourteenth street bridge if the District carries out plans to connect the bridge to a Washington Channel span leading to the proposed Southwest freeway.

Another full lane’s capacity can be added when a new four-lane bridge is built to replace the trestle-topped, three-lane Virginia-bound Fourteenth street bridge, he declared.

In closing the 2-day hearing, Representative Kearns announced that he did not expect to call the District subcommittee into executive session to decide the central area bridge dispute until the end of April. [Beveridge, George, “Prentiss Offers Alternate Plan In Dispute Over Bridges,” *The Evening Star*, March 31, 1954; Beveridge, George, “House Unit Study of Bridges Not Expected Until Late April,” *The Evening Star*, April 1, 1954]

On April 3, NCPC chose second-best options if Congress decided against the Roaches Run Bridge. In that event, it favored immediate construction of the Jones Point Bridge, immediate

replacement of the trestle-topped 14<sup>th</sup> Street bridge, and the nine-point plan that General Prentiss had outlined.

During the meeting, Bartholomew and General Prentiss stressed that neither was conceding defeat or giving in to the other. Instead, they were simply acknowledging the possibility that Congress would not approve either central area bridge. NCPC added several conditions to the nine-point plan. It wanted the District to ensure that the bridge over the Washington Channel did not preclude construction of the Roaches Run Bridge and that the six-lane Southwest Freeway be designed to allow for expansion to eight lanes.

*Star* reporter George Beveridge explained that “the fact that the two groups are united on even a second-choice plan puts them closer together on a single bridge proposal than they have been for years.” [Beveridge, George, “Jones Pt. Span Agreed To as Second Choice,” *The Evening Star*, April 3, 1954]

On April 20, Bartholomew and General Prentiss met to discuss their different estimates of the cost of the Roaches Run Bridge. They did not intend to agree on the cost, but only to identify the reasons for the differences so they could let the subcommittee know what they were. In a joint cover letter to Chairman Kearns, they said the main reason for the difference was that NCPC compiled its estimate on a net basis while the District used gross cost figures:

On the one hand, the planning commission reasons that credit should be allowed for construction that would take place, regardless of the bridge and which had already been included in the District’s highway improvement program or contemplated as a Federal or Virginia project.

On the other hand, the District contends that the legislative authorization for the bridge should include the cost of all construction required to permit it to function, even though a large part of this construction may be needed whether or not the bridge is constructed.

General Prentiss told reporters that he and Bartholomew had not tried to reconcile their differences on which bridge would serve the area better. “We simply explained our differences on cost estimates and set them out on paper.” [“Officials Agree On Variance In Bridge Costs,” *The Evening Star*, April 21, 1954]

In late May, the District submitted its budget for FY 1955 to the House Appropriations Committee. The city requested \$2,794,000, to be matched equally by Federal-aid highway funds, to build the Southwest Freeway from South Capitol Street to 4<sup>th</sup> Street. According to J. N. Robertson, construction could begin about 8 months after the District begins detailed plans for the freeway. However, several factors were delaying the detailed plans, including whether Congress would approve the Roaches Run Bridge; if so, the freeway would include eight lanes instead of six.

The dispute on the role of 10<sup>th</sup> Street, SW., was another cause of delay. District highway officials wanted 10<sup>th</sup> Street to carry large volumes of north-south traffic, but developers planning the new southwest, represented by the New York consulting firm of Webb and Knapp, wanted

10<sup>th</sup> Street to be a mall-like entrance to the redeveloped southwest waterfront. [Beveridge, George, "Budget Asks \$2,794,000 Freeway Fund," *The Evening Star*, May 23, 1954]

Chairman Kearns, who had postponed a decision on the central area bridge dispute, decided on May 26 to poll subcommittee members on the issue by mail when a quorum did not appear for a meeting. As Beveridge put it, chances for the E Street Bridge and the Roaches Run Bridge "nosedived when the two proposals became bitterly deadlocked" between NCPC and District officials.

The subcommittee's focus was clearly on the Jones Point Bridge. Representative Broyhill had prepared his amendment authorizing Federal construction of the bridge on condition that Maryland, Virginia, and the District pay for the approach roads. He told reporters the total cost of the project was \$24.3 million, divided among the Federal Government (\$14.8 million), Virginia (\$7.3 million), Maryland (\$885,000), and the District (\$1.2 million).

Representative Broyhill was optimistic about the Jones Point Bridge, but he and Representative Kearns agreed that the timing for a central area bridge was uncertain. Representative Kearns said, "In the future, I think the city might go to a tunnel beneath the river. If the cost of that is prohibitive we will probably have to resort to a toll system because another central area bridge is needed." [Beveridge, George, "Kearns to Poll House Unit on Bridge Needs," *The Evening Star*, May 26, 1954]

The subcommittee members informed Representative Kearns of their views on the central area bridge in time for a June 3 meeting. The members agreed on Representative Broyhill's revised Jones Point Bridge bill. Under the Broyhill bill, the District would build the bridge after receiving commitments from Maryland and Virginia regarding the approach roads. The four committee members present for the meeting supported to bill, while Representative Kearns had proxy letters from the other members favoring it. He hoped the District Committee would complete the bill in time for consideration on the House floor in June.

The results of Representative Kearns's poll of members on the central area bridge were not reported, but must have been inconclusive, unlike the poll on the Jones Point Bridge. He decided to leave the issue open until the next session of Congress. Referring to the agencies disputing the location of the central area bridge, he said, "One thing this has proved to me is that these people are going to have to get together before they bring their proposal up here for us to consider." [Beveridge, George, "House Unit Approves Bridge Across Potomac at Jones Point," *The Evening Star*, June 3, 1954]

On June 11, the House Committee on the District of Columbia unanimously approved the Jones Point Bridge bill. The full House approved the bill on June 14, sending it to the Senate. It passed without debate on a voice vote, one of 13 District bills the House approved in a 14-minute period. [Proposed Potomac River Bridge at Jones Point, VA., *Congressional Record-House*, June 14, 1954, pages 8176-8178; Warren, Don S., "House Adopts Bill for Bridge At Jones Point," *The Evening Star*, June 14, 1954]

## Southwest on The Drawing Board

In some ways, the southwest redevelopment plan was a model of the urban theories described in *Toll Roads and Free Roads* and *Interregional Highways*. In this case, as Gutheim and Lee described, the District of Columbia Redevelopment Act of 1945 set the stage:

The National Capital Park and Planning Commission was authorized to designate redevelopment areas and boundaries and to prepare and adopt plans in accordance with the existing comprehensive plan . . . . The five-member Redevelopment Land Agency was created and empowered with the unique public authority to acquire property designated for redevelopment. The land would then be prepared for transfer to public and private developers. To attract private developers, on whose participation the program depended, the cost of the land could be reduced by as much as two-thirds of the original price. [Gutheim and Lee, page 262]

The commission selected the southwest, the smallest of the District's quadrants, to be the first area redeveloped:

According to the 1950 Comprehensive Plan, much of the small southwest quadrant and large areas in the northwest and southeast quadrants possessed high concentrations of "obsolete dwellings," overcrowding, and other potential threats to public health. When these separate conditions were overlapped, however, the Southwest emerged as the principal first target for renewal. [Gutheim and Lee, page 267]

Contemporary accounts of the process invariably described the existing southwest as filled with "slums," but the area provided neighborhoods for thousands of low-income residents, including many African-Americans:

Of all the post-World War II redevelopment projects in Washington, the southwest quadrant was the most dramatic. It involved the clearing of four hundred acres and the forced removal of 23,500 people, of whom 76 percent was black residents. The redevelopment process exacted a huge human toll, mainly on the large number of people displaced because no replacement housing was provided. Many blocks of potentially historic buildings were leveled. The effects of the southwest redevelopment reverberated for years afterward in citizens' attitudes toward planning, local governance, and neighborhood conservation. [Gutheim and Lee, page 259]

The RLA asked Washington architect Louis Justement and architect-planner Chloethiel Woodard Smith to prepare a radical redevelopment plan for the area:

Reminiscent of Daniel Burnham's legendary advice to "make no little plans," the Justement-Smith plan aimed at a "whole process of rebuilding the city in a purposeful and accelerated fashion" . . . .

The new residential areas planned in the redeveloped section of Washington were to be attractive enough to bring back the suburbanites who had fled the city. As the planners pointed out, the process of dispersal coupled with the inability of the historic ten-mile

square District to annex suburban territory (and thus maintain a large affluent tax base) made the specter of the bankrupt city very real.

The broad and original concepts outlined by the Justement-Smith plan included a new entrance or “front door” esplanade to the Southwest, along 10<sup>th</sup> Street, passing over the railroad tracks and the planned expressway. The entrance was planned to link the formerly isolated quadrant with the cultural facilities along the Mall, most notably the original Smithsonian Building. “The view down Tenth Street to the channel, uninterrupted by buildings, over-passing the highway, bordered by parks on the east and a wide planted park set back along the west, would provide an inviting entrance leading to main east-west access avenues to residential areas and to the attractive drive leading to Fort McNair.” The functional success of this new artery depended on its connection with Maine Avenue, which paralleled the Washington Channel. [Gutheim and Lee, page 268]

The residential area was to include “groups of buildings, high-rise apartments and town houses like those in Georgetown, with front and back yards” as well as neighborhood stores and public buildings to create a “richly varied and human urban area.” The report also considered the impact of the freeway:

Intended to cut across this newly molded quadrant was an expressway designed to connect the 14<sup>th</sup> Street Bridge with South Capitol Street. In relation to the proposed 1950 Comprehensive Plan’s Inner Loop, the freeway would serve as the first stage of this central thoroughfare. The freeway would not only carry through traffic above the “central congested part of the city,” but it would also give residents in the Southwest access to the rest of the city. Rather than cutting through the quadrant as tentatively outlined in the 1950 Comprehensive Plan, the freeway suggested by the Justement-Smith plan should bound and define the residential area to be developed. When the artery was later built, it became that boundary (and barrier) and separated the new federal buildings complex south of Independence Avenue from the residential area. [Gutheim and Lee, pages 268-269]

The Justement-Smith vision was filtered through other ideas and geographic realities, resulting in compromise:

The 1952 compromise report approved large areas for clearance but recommended replacement by low-rise buildings that would follow in form and location the old row-house configurations. This compromise report by design avoided the “extremes of idealism—such as the complete wiping out of this area and of its replacement by a forest of multi-story apartments, and, on the other hand . . . the extreme of expediency, such as replacement or face-lifting of the existing development” . . . . The compromise report agreed to the desirability of the 10<sup>th</sup> Street Mall or esplanade but expressed reservations about the interchange between the terminus of the new mall and Maine Avenue. Based on this report, a final redevelopment plan was proposed. [Gutheim and Lee, pages 270-271]

Having agreed on general concepts, the RLA selected a firm to carry out the plan:

The flamboyant New York City real estate developer William Zeckendorf, representing the firm of Webb and Knapp and recruiting the design and technical guidance of architects I. M. Pei and Harry Weese, took charge of the vast project. The detailed plan was developed between 1954 and 1959 and was based on the general plan approved in 1952. The detailed plan was largely a response to the spirit of the Justement-Smith plan. Zeckendorf envisaged the new Southwest as a showcase of unusual architectural beauty.

The detailed plan included 10<sup>th</sup> Street as a gateway:

Zeckendorf's Southwest was to be entered via a 10<sup>th</sup> Street Mall and was to be inhabited by four thousand families of varying incomes. There was to be a modern town center, as well as enlarged waterfront restaurants, marine activities, and a cultural complex.

Zeckendorf's 10<sup>th</sup> Street Mall took inspiration from the vision of the Justement-Smith plan. The mall or esplanade in the Zeckendorf plan was described as a "wide and impressive span, flanked by stately government buildings." Contrary to its earlier proposed function as an entrance linked directly with the waterfront along Maine Avenue, this mall would end "in a circular overlook providing motorists or pedestrians a grand view of the waterfront and residential Southwest Washington." [Gutheim and Lee, pages 271-272]

Zeckendorf met with President Eisenhower on July 8, 1954, to discuss issues associated with redevelopment of southwest Washington. The meeting lasted 40 minutes. The developer told reporters he briefed the President on the proposal and its potential, leaving behind a schematic drawing of the plan. He would not discuss details of the discussion but did say the President's reaction "was far from unfavorable."

He apparently also talked with President Eisenhower about the Auchincloss bill, introduced in the Committee on Public Works, that would allow for construction of Federal office buildings in the redeveloped area to replace temporary buildings built during World War II on the Mall. The *Star* drew this conclusion because Zeckendorf "held a copy of it in his hand as he left the White House."

In addition, according to Webb and Knapp counsel Harold Riegelman, Zeckendorf talked with President Eisenhower about the "effects of various bridge proposals" on the plans. Riegelman did not elaborate, but the *Star* speculated that this was a reference to the Roaches Run Bridge that "would pour an inordinate amount of traffic into the Southwest area." Zeckendorf's firm also was concerned about plans to use 10<sup>th</sup> Street, SW., as a major traffic artery connecting with the 14<sup>th</sup> Street bridges. "The New Yorkers want to use Tenth street as a tree-lined mall to serve as a grand entrance to the rebuilt waterfront area." The *Star* pointed out that a traffic consultant hired by the New York firm was planning to meet with Highway Director Robertson to try to resolve the issue. ["President Sees Zeckendorf on Slum Project," *The Evening Star*, July 8, 1954]

## Constitution Avenue Bridge

Senator Francis H. Case (R-SD) decided to try to resolve the dispute among the agencies on the central area bridge. He had been a newspaper editor before his election to the House of Representatives in 1936. He had won election to the Senate in 1950. At the time of the central area bridge dispute, he was chairman of the Senate District Committee. In Washington, Senator and Mrs. Case lived in the Brandywine Apartments, built in 1953-1954, on Connecticut Avenue between Albemarle and Brandywine Streets, NW., in the Forest Hills neighborhood.

On June 16, 1954, he proposed a compromise to end the bitter dispute. Meeting with Bartholomew and General Prentiss, he suggested construction of a bridge in a direct line from extended New Hampshire Avenue, NW., that would miss Theodore Roosevelt Island while serving the same traffic. It would pass downriver from the island, crossing a small, partially submerged island known as South Island and tie in with Arlington Boulevard and Jefferson Davis Highway in Virginia.

His idea, similar to one proposed by Stonebrunner during the House hearings, would address concerns about the effect on Roosevelt Island while a parking area and footbridges included in the plan would make the island more accessible. The low-level bridge (15 feet above South Island) also would answer complaints that the high-level E Street Bridge would affect views of Roosevelt Island and the Lincoln Memorial. Senator Case also thought it would be less costly than the E Street Bridge while using New Hampshire and other north-south streets to better advantage.

General Prentiss and Bartholomew agreed to study the proposal. [Beveridge, George, "Case Proposes A Compromise Site for Bridge," *The Evening Star*, June 16, 1954]

Senator Case's efforts to resolve the central area bridge dispute achieved success on July 28, 1954, during a breakfast meeting at the Cosmos Club. General Prentiss, Bartholomew, and NPS's Wirth agreed to a low-level bridge downriver from Roosevelt Island tying into 24<sup>th</sup> Street, NW. The original Case plan to cross South Island proved doubtful when the Theodore Roosevelt Memorial Association opposed it because the little slip of land was subject to the terms of acquisition of the larger island. The *Star* explained:

The new Twenty-fourth street bridge agreed upon today would miss South Island completely, presumably taking it outside any jurisdiction controlled by the island association.

As the *Star* added, the Cosmos Club meeting resulted in agreement on other issues:

1. Construction of a second bridge from Roaches Run, Va., to tie into Twelfth street N.W., in lieu of District plans to rebuild the old trestle-topped Fourteenth street bridge at its present location. Presumably—as part of the Fourteenth street bridge complex—the new Roaches Run bridge would carry Virginia-bound Potomac traffic and the existing new Fourteenth street bridge would continue to handle city-bound traffic.

2. Reconstruction of Twenty-fourth street N.W. as a “full expressway” from the new downtown bridge connection as far north as R street N.W. The plan, Senator Case indicated, is to have the rebuilt street serve as the western leg of the city’s proposed “inner belt road system.” The location previously has been in conflict.
3. Construction of a tunnel beneath the Mall west of Lincoln Memorial through which Twenty-fourth street would connect with the new downtown bridge. This would obviate a maze of above-ground construction on the Mall—highly objectionable to park officials.

Senator Case planned to amend his Jones Point Bridge bill, which included his New Hampshire Avenue bridge plan, to reflect instead the 24<sup>th</sup> Street plan:

Senator Case said he hoped the agreement reached today would mark the start of a settlement of major problems which have held up area development. [“Case Reports Agreement on 24<sup>th</sup> St. Span,” *The Evening Star*, July 28, 1954]

On July 28, NCPC formally endorsed the compromise plan, noting that the long dispute about the central area bridge stemmed from NCPC’s conviction that new Potomac River bridges should tie into the Inner Loop. NCPC referred to “substantial agreement” on the immediate need for the Jones Point Bridge, a new Highway Bridge from Roaches Run to 12<sup>th</sup> Street, SW., the upriver bridge linked to 24<sup>th</sup> Street, and early construction of the 24<sup>th</sup> Street and Ohio Drive freeways to serve as legs of the Inner Loop. NCPC also referred to a “future needs” program that included another bridge between Key and Chain Bridges and a third bridge near 14<sup>th</sup> Street “when additional traffic volume warrants it.”

The Roaches Run Bridge, the *Star* explained, “would serve as a replacement for the 50-year-old trestle-topped Fourteenth street bridge, which is to be demolished.” The article continued:

Highway officials had planned earlier to rebuild the old bridge in its present location. District officials plan to use the new Highway Bridge for one-way Washington-bound traffic, and reverse the one-way traffic flow on the Fourteenth street bridge built in 1950. The latter bridge now handles Washington-bound cars.

General Prentiss told NCPC that the District did not have a timetable for the projects. “What we have here is a plan. The next step is to set up a work program within the Highway Department—a definite schedule of projects within the ability of the District of Columbia to pay for them.” The 24<sup>th</sup> Street bridge project was the first priority, assuming Congress approved it. The District would use \$400,000 in the current budget to begin work on the bridge. [“Bridge Accord Paves Way for Other Major Highway Projects,” *The Evening Star*, July 29, 1954]

On July 29, Senator Case’s District Committee approved a bill authorizing the compromise central area bridge and the Jones Point Bridge. The bill referred to the 24<sup>th</sup> Street bridge as being in the vicinity of Constitution Avenue; it would subsequently be referred to as the Constitution Avenue Bridge. The bridge was to connect with 24<sup>th</sup> Street, the reconstructed north-south expressway, and Constitution Avenue. The bill authorized \$24.5 million for the project.

It was to be located “north of the Memorial Bridge and south of the southern portion of Theodore Roosevelt Island sometimes referred to as ‘Small Island’ . . . .” As part of the project, officials were to build and maintain pedestrian access to Small Island.

The key was that the Theodore Roosevelt Memorial Association approved the plan. Hermann Hagedorn, the association’s secretary, described it as “an excellent plan . . . a masterly compromise”:

Mr. Hagedorn, who had come to Washington from New York yesterday to fight an earlier bridge plan, stayed on as a guest at today’s luncheon-business session of the committee. One subcommittee aide quipped: “He came down to give us the dickens and stayed for lunch.”

After Senator Case reported agency agreement, the committee completed work on the bill in about 5 minutes.

The hope was that following Senate approval, the House would substitute the Senate’s two-bridge bill for Representative Broyhill’s Jones Point Bridge bill, a move that would avoid a conference committee. [Beveridge, George, “D.C. Bridge Bill Wins Approval Of Committee,” *The Evening Star*, July 29, 1954]

*Star* columnist John Thompson discussed how the compromise came about. Each party in the dispute, he explained, was strong enough to kill the plans of the other parties. It would take high-level compromise to reach agreement. “That’s just what has happened.”

Earlier, as reflected in the hearings, each party fought for its solution. The Roosevelt association “dealt some of the most damaging blows to the E street proposal.” Senator Case had met with association leaders in New York City to try to win their support for his original New Hampshire Avenue plan:

He failed at the time but succeeded even better than perhaps he himself knew. He had impressed the warring camps with his determination to get a downtown bridge of some sort now—not tomorrow but today.

At a subsequent NCPC meeting, General Prentiss suggested that he and Bartholomew try to work things out:

What probably cracked the impasse between the two groups was reaching accord on a proposed inner belt by which through traffic would be able to bypass or move around the central downtown area. Almost the core of the planners’ objection to an E street span had been that it would cut across their suggested inner belt instead of feeding into it. The Federal Park Service also was opposed to the District plan that the west leg of the inner belt should go through Rock Creek Park. After conferences with his staff Gen. Prentiss was able to suggest a freeway up Twenty-fourth street N.W., instead of through the park and this was close to the Twenty-third street leg the planners had been thinking about.

After working out the details, Bartholomew withdrew his objections to the low-level bridge that would miss Roosevelt Island and tie into 24<sup>th</sup> Street.

As for the District's motivation to compromise, General Prentiss felt that the highway bridge to replace the inbound trestle-topped bridge was too far upstream:

Instead of replacing the present Highway span, why not build it downstream about at Roaches Run and tie into the Southwest freeway? This sounded good to the planners.

The resulting compromise announced by Senator Case “was a major development . . . the first in many years between the traditionally warring District Building and the Planning Commission.” Thompson attributed it to “the persistence of Senator Case, the initiative of Gen. Prentiss and the willingness of Mr. Bartholomew to get together before all was lost.” [Thompson, Jr., John W., “How Did Bridge Compromise Happen?” *Metropolitan Scene, The Evening Star*, August 1, 1954]

*Star* editors rejoiced at the end of the “battle of the bridges.” News of the agreement was “as welcome in this area as a drought-relieving shower.” An editorial hoped that Senator Case's plan to include the compromise central area bridge in his Jones Point Bridge bill “will be successful, so that planning for the new span can be started at once.”

The agreement on the Roaches Run Bridge was more problematic:

This phase of the “peace pact” between the District and the NCPC calls for more careful study than obviously has been given to it so far. Congress some years ago vetoed the idea of a single bridge at Fourteenth street in favor of twin bridges, one of them to replace the present Highway bridge. The Roaches Run proposal would run counter to congressional intent.

Nevertheless, Senator Case “deserves praise for his mediation service,” while the other parties “have shown good sense in sitting down together and working out a solution to one of Washington's more pressing traffic-bottleneck problems.” [“End of the Central Bridge Battle,” *The Evening Star*, July 29, 1954]

The Senate approved the two-bridge bill on August 12, 1954, without discussion, and the House followed suit on August 17, again without debate. [Construction of Bridge Over Potomac River, *Congressional Record-Senate*, August 12, 1954, pages 14255-14257; Construction of Bridges Over Potomac River, *Congressional Record-House*, August 17, 1954, pages 14878-14878]

On August 30, 1954, President Eisenhower signed Public Law 83-704 on construction of bridges over the Potomac River. Title I authorized the District to construct, maintain, and operate a low-level bridge over the Potomac River “from the vicinity of Constitution Avenue in the District of Columbia to the Virginia side of the Potomac River, such bridge to be constructed north of the Memorial Bridge and south of the southern portion of Theodore Roosevelt Island sometimes referred to as ‘Small Island’,” along with approaches. The District also was to build a structure for pedestrian access from the new bridge to the “Small Island,” subject to approval by the

Theodore Roosevelt Memorial Association. The NPS would build a pedestrian bridge linked to Roosevelt Island.

The law authorized \$24.5 million from the District's highway fund for the bridge and other structures. The funds also were to cover "construction, reconstruction, and repair of all roads which are changed or made necessary" by the bridge project.

In addition, the law directed Federal Agencies controlling needed land to transfer it to the District upon the request of its commissioners for the bridge and its approach and connecting roads as shown on plans to be prepared and approved by the District commissioners and BPR.

Title II authorized \$14,925,000 from the general Treasury for the Secretary of the Interior to construct a six-lane bridge over the Potomac River in the vicinity of Jones Point:

The bridge shall be of deck girder structure with a swing span having a one-hundred-and-fifty-foot horizontal clearance above mean low water . . . .

Construction was not to begin until Maryland and Virginia had given assurances that they would construct and maintain "approaches to such bridge as will be reasonably adequate to make possible the full and efficient utilization of such bridge."

In a signing statement, President Eisenhower called title 1 "a compromise solution for the long-standing controversy as to the location of a central area bridge across the Potomac." He had signed the bill even though it "contains serious defects which should be corrected as soon as possible." Some of the defects could be corrected by Executive action, but others would require legislative action:

Title 1 of the enrolled bill, in providing for the construction of the central area bridge by the Commission of the District of Columbia, fails to provide statutory recognition and adjustment of the relationship of the bridge, together with its approaches and connecting roads, to existing and potential improvements on park lands. The bridge, with its high traffic volume, will have a serious impact on some of the most important of the National Memorials. It can affect importantly the effectiveness of the memorial concept of the Arlington Memorial Bridge, which symbolizes the reunion of the North and South and provides a monumental approach to Arlington National Cemetery. It can infringe upon the Water Gate design as a monumental entrance to the Mall from the Potomac River. Most serious of all could be the effect of the bridge on the beautiful setting of the Lincoln Memorial.

In order to minimize the possible impairment of the monumental design and artistic setting of the Lincoln Memorial and other monumental structures in that area, the Secretary of the Interior should continue to keep control and jurisdiction over all park lands in the vicinity of the bridge except the actual bridge structure and the road and street surface between curbs necessary for maintenance by the District of Columbia. The Secretary of the Interior also should be authorized to approve all plans for the bridge and the approach roads and interchanges at both ends of the bridge since park structures and

land are involved. Trucks should be prohibited on the bridge and its approaches, and all passenger-carrying buses now utilizing the Arlington Memorial Bridge should be required to use the new bridge upon its completion.

As for title II, he saw “no logical basis” for giving the Secretary of the Interior the responsibility for building the Jones Point Bridge. He recommended that Congress pass legislation to shift responsibility “for the construction, maintenance, and operation” of the bridge to the Commerce Department for construction by the Bureau of Public Roads or to the U.S. Army Corps of Engineers.

(Public Law 84-534, which President Eisenhower signed on May 22, 1956, transferred responsibility for the project to the Secretary of Commerce. The President signed Public Law 84-535 the same day renaming the "Jones Point Bridge" the "Woodrow Wilson Memorial Bridge," reflecting the centennial of President Wilson's birth on December 28, 1856. BPR began construction in 1958.

(The existing authorizing statutes had not addressed operation and maintenance of the bridge. Public Law 87-358, approved by President John F. Kennedy on October 4, 1961, provided that Maryland, Virginia, and the District were to maintain and operate the new bridge, with the District’s portion of the cost not to exceed one-third of the total annual cost.

(The three jurisdictions entered into a maintenance agreement on December 18, 1961. With that issue concluded, officials dedicated the bridge on December 28, 1961, and opened it for traffic. Because the Federal laws authorizing the bridge project had not addressed ownership, BPR owned the bridge.

(For more information on this bridge, see “Why Is The Woodrow Wilson Bridge Named After Woodrow Wilson?” on this Web site at <http://www.fhwa.dot.gov/infrastructure/wrambler.cfm>)

### **Reopening the Central Area Bridge Debate**

With the Case compromise in place, NCPC, the District Highway Department, and National Capital Parks established a three-man committee to work on details of the project:

- Douglas Brinkley – District Highway Department
- Ellis Price – NCPC
- Merel Sager – National Capital Parks

Even before President Eisenhower approved the two-bridges law, the *Star* reported on several lingering controversies about the central area bridge. One dispute was where the bridge would touch down in the District. The *Star* reported that, “Washington’s proposed ‘Twenty-fourth street bridge’ over the Potomac River . . . may turn out to be a ‘Twenty-fifth street bridge.’” Both streets were in the vicinity of Constitution Avenue, and a link to Constitution Avenue was possible as well. NCPC favored Constitution Avenue, but District highway officials were afraid “that this simply would pour more traffic into the same bottlenecks without developing entirely new approach roads.” Under the compromise worked out with Senator Case, “whichever street

is selected would then become the west leg of the proposed 'inner loop' highway around the District's downtown area." ["Central Bridge May Tie Into 25<sup>th</sup> Street," *The Evening Star*, August 18, 1954]

General Prentiss addressed the District connection on an appearance on WWDC's "Report to the People" program. He said the District might drop its opposition to a connection with Constitution Avenue if it could be closed during peak periods, with traffic forced to use 24<sup>th</sup> or 25<sup>th</sup> Street, NW. He understood the desire of planners in the Interior Department to keep traffic away from the Lincoln Memorial by moving most traffic from the Arlington Memorial Bridge onto to the new structure, leaving Arlington National Cemetery, the Lincoln Memorial, and the bridge connecting them for sightseers. However, he said, "we have got to insure the maximum use of our bridges." The District was resisting their idea of linking the new bridge to Constitution Avenue as a way of diverting it from the park area. He pointed out that the "capacity of Constitution avenue to absorb traffic" must be considered.

He acknowledged President Eisenhower's statement about prohibiting trucks on the new bridge and shifting buses from Arlington Memorial Bridge to the new structure. General Prentiss was concerned that under this "substitution" concept, still more bridges would be needed. ["Compromise May Link Bridge With Constitution Avenue," *The Sunday Star*, September 5, 1954]

One option was to widen Constitution Avenue west of 12<sup>th</sup> Street, NW. A mall-like center strip would be added on the south side of the present 80-foot wide avenue and another 80-foot roadway would be added south of the center mall. One advantage of the plan was that it would require demolition of several war-time temporary office buildings that officials had wanted to remove for many years. The temporary buildings were on the Washington Monument grounds and along both sides of the Reflecting Pool east of the Lincoln Monument. A connection between the new bridge and Constitution Avenue would be attractive to motorists currently using Arlington Memorial Bridge because it would eliminate the "headache of winding around the perpetually-clogged Lincoln Memorial circle." [Beveridge, George, "D.C. Studying Plan to Double Width of Constitution Avenue," *The Sunday Star*, September 12, 1954]

On September 17, NCPC unveiled tentative plans developed by a three-man committee consisting of Conrad Wirth, BPR's Spelman, and Leon Zach representing the Army's chief of engineers. They had developed the plan with the Brinkley-Price-Sager technicians committee established in August. Both groups acknowledged that the remaining issue of the District connection was the subject of ongoing traffic studies to determine the feasibility of widening Constitution Avenue. "My feeling," the District's Robertson said, "is that we are in general agreement on this as a tentative plan, but subject to later revision when the traffic studies are all in."

The technicians' report indicated that Arlington Memorial Bridge would continue carrying its "just traffic load" during peak periods, but the approaches to the two bridges were designed so that traffic could be "shifted from one to the other in only a few minutes." The plan included a barricade that could be imposed if traffic overloaded Constitution Avenue.

Aside from Constitution Avenue, the technicians included only one District link. The new bridge would connect to a north-south expressway just west of 25<sup>th</sup> Street, NW., that would be the western leg of the Inner Belt. The expressway would be carried over Virginia Avenue and under K Street just west of Washington Circle. The *Star* summarized other details:

Southward, the new expressway would follow the present road beside the Lincoln Memorial's Watergate steps to tie into Independence Avenue and Ohio Drive. The technicians said this would require widening the Watergate road and the arches of the Memorial bridge. But they favored it over other proposals, just as costly, to tunnel under the steps or build a new roadway over the river edge.

Virginia-bound traffic on Twenty-third Street N.W. and the Rock Creek and Potomac Parkway would have access only to the Memorial Bridge. Westbound Constitution Avenue traffic could use either bridge—getting to Memorial via a new wide-arc ramp connecting with Twenty-third Street.

On the Virginia side of the river, Washington-bound motorists would have less choice about the bridge they would use. The new bridge, for example, would take motorists only from Arlington Boulevard, southbound lanes of the George Washington Memorial Parkway and from Jeff Davis Highway. Motorists from the south—using Mount Vernon Memorial Highway, Shirley Highway via Washington Boulevard or the Pentagon roads—would be able to connect only to Memorial Bridge.

(The Watergate was a performance area during warmer months when a barge would hold performers before as many as 12,000 people who sat on the steps and surrounding areas. The concerts ended in the mid-1960s because they were disrupted by noise from frequent jets using Washington National Airport. However, the name survived in the Watergate complex of buildings.)

NCPC approved the Wirth-Spelman-Zach plan, subject to resolution of the Constitution Avenue issue. Bartholomew complimented District and Federal officials who had so quickly reached agreement on the main bridge feature. [Beveridge, George, "Detailed Plans For Downtown Bridge Unveiled," *The Evening Star*, September 17, 1954]

On October 19, the three-man technicians committee presented their plan to the Wirth-Spelman-Zach committee, which secured NCPC approval on November 6 for the plan for handling traffic leaving the bridge in the District. Beveridge, in the *Star*, summarized the three main features of the plan:

1. New three-lane roads would be built paralleling the Lincoln Memorial Reflecting Pool to carry traffic to and from the Lincoln Memorial Circle and around the Washington Monument to connect with existing Mall roads east of Fifteenth Street N.W.
2. These new roads would serve only the Arlington Memorial Bridge, but would be capable of handling all the rush hour traffic using the bridge. They would require demolition of the Navy and Munitions Buildings on Constitution Avenue and other tempos [sic] on the Monument Grounds and south of the Memorial Reflecting Pool.

3. The new Constitution avenue bridge, located about 1,200 feet upriver from Memorial Bridge, would connect directly with Constitution avenue. It also would route traffic southward to Independence avenue and northward on a proposed “Twenty-fifth street expressway” to feed such east-west streets as E, H, and I.

By giving each bridge its own traffic escape valves, the problem was solved to every one’s satisfaction.

The roadways paralleling the Reflecting Pool would be 38 feet wide, with 14<sup>th</sup> and 12<sup>th</sup> Street, NW., underpassing the roadways while 15<sup>th</sup> Street would be realigned.

The plan satisfied park officials, Beveridge explained, “because it develops the Mall roads to their original purpose of carrying motorists in a ‘park-like’ setting from the Capitol all the way to the Lincoln Memorial Bridge. [sic]” The report before NCPC stated:

The removal of the temporary office buildings built on the Washington Monument grounds and on both sides of the reflecting pool will make it possible to complete this part of the central motif of the Nation’s Capital.

The new bridge opposite Constitution avenue would take much of the traffic now being handled by the Arlington Memorial Bridge and that bridge could then be returned to its originally planned use and could still take a good share of the morning and evening rush-hour traffic involving downtown east of Fourteenth street.

With NCPC’s agreement, the District planned to begin design work on the new Constitution Avenue Bridge. [Beveridge, George, “Bridge Accord Clears Way to Draw Up Plans,” *The Evening Star*, November 6, 1954]

Although the key actors in the long running dispute over a central area bridge had reached agreement, other parties with a say in the matter had not been involved in the meeting with Senator Case at the Cosmos Club.

In October, the Commission of Fine Arts reversed course. It had helped kill the 24<sup>th</sup> Street Bridge because it would cross Roosevelt Island. Now, the commission members concluded that a crossing of the island was preferable to the impact of the congressionally authorized bridge on the Lincoln Memorial grounds, the National Mall, Arlington Memorial Bridge, and Arlington National Cemetery. As Beveridge put it, members considered the area “one of the most carefully-planned beauty areas of the world.” The commission members “feel the new bridge, which has no esthetic part in the scene, would dominate it and detract from the view from any vantage point.”

A member of the commission, Joseph Hudnut of Dover, Massachusetts, a former Harvard University Professor of Architecture, put the commission’s view in a letter to the *Star*. If additional lanes were needed, he argued, they should be carried across the river in a tunnel financed by the Federal Government. Asked by Beveridge if any other option were acceptable, Professor Hudnut said the commission had discussed the “two-span bridge across the upper part of Roosevelt Island.” He quickly added that the only “real answer” was a tunnel:

But Dr. Hudnut said such an island crossing as be described “would not do nearly the damage” that the approved bridge would to esthetic values of the Lincoln Memorial and the monumental parks and structures that surround it.

As Beveridge pointed out, the Fine Arts Commission’s opposition to the bridge was not a surprise since it had testified before Congress on the subject. What was a surprise was that it now preferred a crossing of Roosevelt Island if a tunnel could not be substituted for the bridge. [Hudnut, Joseph, “Bridge Question Revived,” Letters to the Star, *The Sunday Star*, October 3, 1954; Beveridge, George, “Fine Arts Unit May Ask Island Site for Bridge,” *The Sunday Star*, October 3, 1954]

The Committee of 100 for the Federal City also had not been present at the Cosmos Club meeting. On November 2, the committee adopted a resolution calling on NCPC for a careful, detailed study to pick a new site for the 24<sup>th</sup> Street bridge upriver from Arlington Memorial Bridge. Members were concerned that the bridge, which would be visible from the Lincoln Memorial grounds, would, as one member put it, mar the “full emotional significance” of the memorial.

Elbert Peets, landscape architect of the Fine Arts Commission, argued that a crossing over the north end of Roosevelt Island would be a better choice, although a tunnel would be preferable. As planned, the 24<sup>th</sup> Street bridge would mar the view of visitors to the island. He called it a “tragic situation.”

General Grant, who also had helped block the E Street Bridge, argued that Roosevelt Island was the “wrong place” for the structure. He favored NCPC’s plan for the Roaches Run Bridge and thought it should have priority. “If it turns out that there is need for another bridge farther upriver, let the next generation take care of it.” The committee considered endorsing the Roaches Run Bridge, but was discouraged from doing so by AAA’s Washington I. Cleveland. He told the committee, “There isn’t a ghost of a chance for that location at this time.” [“New Study Is Urged to Change Site for Central Area Bridge,” *The Evening Star*, November 3, 1954]

Although bridge opponents suggested a tunnel would address their aesthetic issues, the cost of a tunnel remained a concern. Representative Broyhill asked Ralph Smillie, a consultant engineer involved in tunnel projects in New York City, for a cost estimate. Smillie concluded that a tunnel would cost approximately \$73 million. He added that he would not support a tunnel because merging traffic lanes in a tunnel would invite disasters, fires, and explosions. The high cost, traffic considerations, and the length of time needed to build a tunnel argued against the idea. [“Fine Arts Unit To Weight River Crossing Site,” *The Evening Star*, November 10, 1954]

In July, just before agreement had been reached on the Potomac River bridges, NCPC hired Wilbur Smith and Associates to study future Potomac River bridges in the Washington area. The study was to indicate general locations and traffic volumes expected in 10-15 years. It would also consider population growth, employment trends, and residential development. [“Planners Hire Firm to Study Need of Potomac Bridges,” *The Evening Star*, July 28, 1954]

The firm released its report in December. The report recommended immediate construction of several facilities, including the Inner Loop expressway around the center of town, with priority for the Southwest Freeway segment. District highway officials were working on the loop, including traffic studies, location of grade separations, and cost estimates. According to Highway Director Robertson, previous estimates indicated the entire loop would cost \$130 million. Under present funding levels, construction would take 10-12 years, but the city wanted to begin construction on a bridge first.

As a second priority, the Wilbur Smith report identified a central area bridge as needed, but in what the *Star* called “the report’s biggest surprise,” questioned whether projected traffic would best be served by building the bridge at Constitution Avenue as authorized by the law, or over the Three Sisters Islands upriver from Key Bridge. The District was preparing a contract for preliminary engineering of the authorized bridge.

The consultants did not choose among the two proposed bridges, saying the Constitution Avenue Bridge would be “better adapted” to trips downtown while the Three Sisters location “appears to have better long-range planning possibilities,” particularly in view of projects included in Virginia’s as-yet-unfunded plans. The *Star* summarized the report’s comparison:

Three Sisters is the only proposed bridge that would give good connections between Virginia and outer Northeast Washington. But to make adequate connections to the inner-loop it would require very expensive connections.

Constitution avenue would give direct access to the central area. But it would create problems on Washington streets, generate restrictive traffic volumes on already crowded Arlington boulevard and involve esthetic values in the Lincoln Memorial area.

Noting that the Commission of Fine Arts preferred a tunnel to a bridge for aesthetic reasons, the report said of the tunnel option:

This type of facility would be very costly and would, because of grade, preclude contact with the inner loop. All traffic would tend to be unduly concentrated on Constitution avenue. Extensive approach roadways would be required.

Further, among immediate needs, the report gave priority to improving District streets before building the central area bridge:

Coincident with the improvement of existing bridges, and their approaches, and taking precedence over the construction of new crossings, it is essential that additional street capacity be provided on the Washington side of the river.

Roadways are currently taxed during peak hours and cannot accommodate the additional loadings which would result from increased bridge capacity.

The concern was that the bridge would open before the Inner Loop Freeway, thus compounding congestion on the local streets that would have to carry the traffic.

On the issue of timing, General Prentiss told reporters the plan was to open the Inner Loop before the bridge, but not necessarily to full freeway standards:

We plan to have the loop ultimately built to limited-access characteristics and consultants are studying it. I've asked them to plan the ultimate development and also to give us an interim plan. For some parts of the loop, for example, we've been talking in terms of using existing streets with parking banned temporarily.

We can't just sit back until we build the belt to its ultimate. I want to see the money spent as judiciously as possible to develop the most critical parts of the loop and the most critical intersections, and to use existing pairs of streets until we have money to go further.

Third, the report recommended replacing the trestle-topped bridge and widening the approach roads to the 14<sup>th</sup> Street Bridge completed in 1950. The report did not specify where the trestle replacement would be, but under the District-NCPC agreement, it would be built downriver from the existing 14<sup>th</sup> Street Bridge near Roaches Run. It would carry one-way northbound traffic while the existing bridge would carry southbound traffic.

The fourth immediate need was to increase the capacity of Key Bridge up to 15 percent by removing streetcar tracks and moving the sidewalk off the bridge proper. These changes would allow the District to add two traffic lanes. The report also recommended improving the District approaches by, for example, building a grade separation structure at M Street. Robertson indicated the city was preparing to make these changes.

Finally, the report recommended immediate improvements to the approaches on both sides of Arlington Memorial Bridge to increase automobile capacity by 10 percent. The NPS, which was responsible for the Virginia approaches, had not planned any changes. In the District, highway officials and NCPC had agreed on a plan for improving traffic flow in the vicinity of the Lincoln Memorial.

The report also recommended bridge projects that should be under construction by 1960:

- A six-lane Roaches Run Bridge downriver from the 14<sup>th</sup> Street railroad span;
- Improved approaches to Chain Bridge by improving Canal Road;
- Construct a four-lane bridge at Jones Point.

By 1965, a replacement bridge would be needed at Cabin John, Maryland, as part of the outer loop beltway. Maryland and Virginia had conducted traffic studies for the bridge, but did not have funds for construction. ["Planners Consider Consolidated Area Development Data," *The Evening Star*, December 4, 1954; Beveridge, George, "Bridge Report Proposals Win D.C. Approval," *The Evening Star*, December 5, 1954]

As 1954 neared an end, Webb and Knapp reopened discussions with NCPC about reconstructing 10<sup>th</sup> Street as a wide, mall-like "grand entrance" to the District's redeveloped southwest quadrant, free of heavy through traffic. Under the developer's plan, 10<sup>th</sup> Street would be a divided street

from Maine Avenue along the Washington Channel to Independence Avenue south of the National Mall. The plan included a roadway east under Independence Avenue to 9<sup>th</sup> Street. Fourteenth Street would be a one-way expressway from Maine Avenue to Constitution Avenue, carried under the National Mall in a tunnel. To avoid heavy through traffic, 10<sup>th</sup> Street would not be connected by interchange with the planned Southwest Freeway.

In a letter to NCPC's Bartholomew, Zeckendorf suggested ways of handling traffic without including 10<sup>th</sup> Street as a major artery and requested formal approval of principles for other elements of the redevelopment plan that NCPC had indicated it supported. Bartholomew reconstituted the Wirth, Spelman, and Zack committee to consider the proposals. [Beveridge, George, "Webb & Knapp Offers 3 plans For Southwest," *The Evening Star*, December 21, 1954; "Webb & Knapp Calls For Mall Policy Decision," *The Evening Star*, December 22, 1954]

### **Ole Singstad's Views**

On January 8, 1955, Representative Broyhill revealed that the NPS had asked Ole Singstad, a well-known bridge and tunnel expert based in New York City, to consider whether a tunnel would be a feasible alternative to a bridge in the vicinity of the Lincoln Memorial. In New York City, he had designed the ventilation system for the Holland Tunnel and completed the tunnel project after the death of chief engineer Clifford M. Holland. He designed the Lincoln, Brooklyn-Battery, and the Queen-Midtown Tunnels. His firm had designed the Big Walker Mountain Tunnel in Virginia and the Baltimore Harbor Tunnel as well as tunnels in other countries.

Wirth had agreed to the compromises negotiated by Senator Case the previous July. However, he agreed with the Fine Arts Commission's doubts about the aesthetic impact of the Constitution Avenue Bridge that Congress had authorized.

The District had rejected the tunnel idea several times, in part because of cost and because of the difficulty of connecting the tunnel with its approaches. Now, highway officials expected to approve a contract soon to prepare detailed plans for the bridge. Representative Broyhill understood the District's thinking on the matter but said:

I'm in entire accord with this further exploration of the tunnel idea. But I'm not optimistic about the possibility because of the problems involved. At the same time, this will not delay plans already under way for the bridge. [Beveridge, George, "Expert Asked for Views on Potomac Tunnel," *The Evening Star*, January 9, 1955]

In a telephone interview with George Beveridge, Singstad revealed that he had been studying the matter for several weeks at the request of the District Chapter of the National Society of Professional Engineers, which had adopted a position in support of a tunnel on November 16, 1954. "Don't expect a complete and final report. But I'm not discouraged about the prospects of a tunnel, and I'll be in Washington to exchange views." Although a tunnel would present "complex problems, especially on the Virginia side of the river, I don't see anything insuperable about it as far as I've gone." [Beveridge, George, "Expert to Back Practicality of Tunnel Here," *The Evening Star*, January 11, 1955]

Singstad was in Washington on January 15 for a meeting at the Interior Department with representatives of about 30 Federal and District agencies and private organizations. He rejected the District's estimate that a tunnel would cost \$80-90 million as "absolutely fantastic—just baloney." He expected a much lower cost, but could not provide a specific figure until he had studied the conditions of rock and mud that the tunnel would fit into. Those conditions would determine the feasibility of a tunnel as well as what it would cost, which also would be affected by whether the tunnel carried four or six lanes of traffic.

He had developed a plan to address the District's concern about the difficulty of connecting a tunnel with roads on either side of the tunnel. In his rough scheme, the tunnel would be built under the river bottom only for the length of the navigation channel. It would then begin a 5-percent grade rise to emerge on Columbia Island, just off the Virginia shore, to begin above-ground connections with Arlington Boulevard, Jefferson Davis Highway, and the George Washington Memorial Parkway. The District links, which he had not developed, would be less difficult.

Singstad said that the District's borings for the bridge would provide some of the information he needed about underwater conditions, but he would need a "super-sonic sounding device" to complete cost estimates. The NPS was looking for the device. Wirth said, "I'm very pleased and encouraged by all this. I just hope everyone will be reasonable enough to wait until all the facts are in."

Chairman David E. Finley of the Fine Arts Commission said that Singstad's preliminary report was "very reassuring" based on the group's concerns about the bridge option. At the same time, however, he was concerned that the tunnel's tall ventilating towers would have a negative aesthetic impact.

During this period, the District had a new engineer commissioner, Colonel Thomas A. Lane. He had taken office on December 10, 1954, replacing General Prentiss who assumed command of the Engineer Center at Fort Belvoir, Virginia. Colonel Lane had been commissioned in the U.S. Army Corps of Engineers in 1928, serving during World War II and had entered Japan in 1945 with the occupying forces. In 1950, he became District Engineer of the Okinawa District, a post he held for 2 years. He said his work on Okinawa most closely paralleled what he expected to do in the District. On Okinawa, "we built a complete community from scratch for more than \$200 million, including highways, harbor improvements, power plants and housing." His position before becoming engineer commissioner was engineer of the Army Field Forces at Fort Monroe, Virginia. Colonel Lane's address was 3915 Livingston Street, NW., in the District's Chevy Chase neighborhood near the Maryland State line. [Giles, John A., "Gen. Prentiss Named to Head Engineer Center," *The Evening Star*, November 24, 1954]

Colonel Lane did not attend the Interior Department meeting but based on an earlier briefing, said that the data presented thus far "wasn't sufficient, certainly, for us to start thinking seriously about a tunnel instead of a bridge." [Beveridge, George, "Expert Assails \$80-90 Million Tunnel Figure," *The Evening Star*, January 16, 1955]

On January 19, 1955, National Capital Parks officials conducted the sonar tests Singstad had requested. In "Operation Sonar," they mounted the device on a World War II-era amphibious DUKW (usually referred to as Duck) borrowed from the Beach Erosion Board and passed over the Potomac River several times upriver from the Arlington Memorial Bridge. On the Virginia side, the route ended near the north end of Columbia Island where the tunnel would link with Arlington Boulevard. The route swerved on the District side to line up with Constitution Avenue. [Beveridge, George, "River Bottom Tested by Sonar To Learn Feasibility of Tunnel," *The Evening Star*, January 19, 1955]

Singstad presented his report to NCPC on February 4. A four-lane tunnel at Constitution Avenue could be built for \$25 million; a six-lane tunnel, for \$35.8 million. These costs covered only the tunnel, not approach changes. The Operation Sonar data gave him "far more information than is usual when an engineer is called upon to make a preliminary estimate." He favored the four-lane tunnel option, but provided the six-lane estimate because the proposed tunnel was intended to replace a six-lane bridge.

District highway officials quickly discounted Singstad's figures. They said the cost of approach structures would be \$17 million. Since a six-lane tunnel would be needed, the total cost would be over \$52 million. Congress, they said, would have to be induced to authorize funds to make up the difference in the cost of the bridge and tunnel. ["Singstad Estimates 4-Lane Tunnel Cost as \$25 Million," *The Evening Star*, February 4, 1955]

In an editorial, the *Star* predicted that Congress would be interested in Singstad's estimates, but asked:

Who is going to pay the extra cost of a tunnel, the main purpose of which is said by the Fine Arts Commission to be avoidance of "conflict" with the Lincoln Memorial and the Memorial Bridge? Obviously, the District should not be asked to pay the bill for this esthetic enterprise. Which prompts another question: Just what is esthetically wrong with the idea of building another attractively designed bridge over the Potomac in the central area? A properly designed bridge can be a monumental asset to any city, as well as a utilitarian structure. ["Tunnel Versus Bridge," *The Evening Star*, February 5, 1955]

### **The 10<sup>th</sup> Street Mall**

NCPC's three-man committee reported on February 4 that it rejected the 10<sup>th</sup> Street Mall that Webb and Knapp favored for its southwest redevelopment plan. The committee would recommend shifting the 300-foot wide mall to 9<sup>th</sup> Street. Tenth Street was needed for heavy traffic going through southwest from the Potomac River bridges and the new freeway in the F Street corridor.

Zeckendorf's firm had chosen 10<sup>th</sup> Street for its grand entrance partly because it could easily pass over the existing Pennsylvania Railroad tracks that rose sharply to the east. The three-man committee answered this concern by proposing to move the tracks underground near D Street between 4<sup>th</sup> and 12<sup>th</sup> Streets or simply build the 9<sup>th</sup> Street mall over the existing tracks.

The committee's report indicated that its plan could "readily adapt itself [to] any proposal for redevelopment of the Southwest area," adding:

It was also evident from these studies that the successful redevelopment . . . did not depend upon a mall specifically located at Tenth street: however, it does depend upon proper handling of the abnormal traffic that must traverse this area.

The report assumed construction of the Roaches Run Bridge across the Potomac River and Washington Channel to touch down in line with 10<sup>th</sup> Street. The *Star's* Beveridge described the committee's plan:

Their plan showed Tenth street as the major Southwest street for through north-south traffic, with a big traffic interchange at Tenth and the F street freeway. Tenth would be a single street as far north as D street. Then it would separate widely to Independence avenue, with north bound lanes connecting to Ninth street and southbound lanes connecting from Twelfth.

Both Ninth and Twelfth would underpass roads on the city's main east-west mall, providing non-stop expressways all the way to Constitution avenue.

The committee's report stated that a grand entrance at 9<sup>th</sup> Street would have a "much longer, gradual approach to the waterfront" and would permit adequate service for through traffic on other existing streets. It would leave the produce market in place and accommodate the Smithsonian Institution, which was planning a National Air Museum at 10<sup>th</sup> and Independence. The Smithsonian plan was in direct conflict with the Zeckendorf redevelopment plan. [Beveridge, George, "Tentative Approval Given by Planners to S.W. Mall Revision," *The Evening Star*, February 4, 1955]

The *WPA Guide* described the produce market:

Washington's water front, along Maine Avenue east of 14<sup>th</sup> Street, SW., on the north bank of the Washington Channel, is, after the ponderous monumentality of the Mall and the impounded elegance of posted parks, a realm of welcome small things and the reassuring clutter generated by humans going about their essential business. The buildings are modest, inclined to dinginess, and take character from the kind of merchandise that is handled in them . . . . There are excellent sea-food restaurants, wholesale and retail markets for fish, poultry, vegetables, and groceries, yacht clubs, yacht brokers, boat chandlers—in short, the water front, apart from the potentially lethal truck traffic, is probably just about as Pierre L'Enfant visualized it.

Immediately east of 14<sup>th</sup> Street, Maine Avenue dips under southbound railroad tracks separating Washington Channel from the Tidal Basin. In this blind end of the Channel are Government-built slips, complete with fresh-water and electrical outlets, which can be rented by owners of self-propelled craft. Across Maine Avenue from the public wharves are a series of busy wholesale markets where barrels, sacks, baskets, and boxes are perpetually shifted by stevedores from trucks into high piles, into warehouses and out

again. Immediately east of the public wharves are fish markets, where the customer may name it and get it fresh. Or he may go out on the whitewashed wharf and bargain first hand for "SALTY WATER OYSTERS AND CLAMS" with fishermen who hawk from the decks of their boats, and who offer samples of raw oysters shucked on the spot. [*WPA Guide*, page 324]

Zeckendorf agreed to study the committee's proposal, but added in a statement that if the plan could not be reconciled with the principles behind the Webb and Knapp plan, "We shall regretfully be forced to withdraw" from the southwest redevelopment. Except for "paramount reasons," if the principles could not be carried out, the development plan would become "purely academic." ["Planner Agreed To Study New Mall Proposal," *The Evening Star*, February 5, 1955]

In March, the consulting firm of DeLeuw, Cather completed a southwest traffic study for the District. Based on traffic projections for 1980, the firm recommended that the main north-south routes for heavy traffic through the southwest should be 9<sup>th</sup> Street for southbound traffic and 12<sup>th</sup> Street for northbound traffic. Tenth Street would be reserved for Zeckendorf's 10<sup>th</sup> Street Mall. The consultants recommended replacing the trestle-topped bridge with a structure slightly upriver from its present location.

Based on traffic projections for 1980, DeLeuw, Cather dismissed NCPC's favored Roaches Run Bridge. The consultants did not rule out the bridge; they said "no plan should be so inflexible that it cannot be modified to accommodate unforeseen developments." However "if and when" the bridge were built, it should not connect with the Inner Loop, but lead directly into redeveloped southwest.

The Southwest Freeway would continue over the Washington Channel from 12<sup>th</sup> Street, cross diagonally over West Potomac Park, and connect with two one-way Potomac River bridges near 14<sup>th</sup> Street. The freeway would contain eight lanes, not the planned six lanes. Within the District, the freeway would continue along Ohio Drive (instead of Independence Avenue as NCPC preferred) toward the Lincoln Memorial to complete the south leg of the Inner Loop. Using Independence Avenue for the freeway extension, although favored by NCPC, was impractical in the view of Deleuw, Cather. It would "require that substantial areas be taken from the Washington Monument grounds, the lawn bordering the Reflecting Pool and from the Tidal Basin."

To resolve the dispute on the grand entrance to the new southwest, President Eisenhower had asked George A. Garrett, president of the Federal City Council, to meet with the parties. (In 1954, 50 business and civic leaders formed the Federal City Council to provide citizen leadership whenever needed to promote civil development projects and attack problems threatening the economy and development of the Nation's capital. They selected Garrett, an investment banker and former ambassador to Ireland, to be the council's first president. ["Federal City Council Registers Charter, Prepares to Aid D.C.," *The Evening Star*, September 13, 1954; "Garrett, Investment Banker, Heads Federal City Council," *The Evening Star*, November 16, 1954]

Garrett had met with Zeckendorf on March 23. Zeckendorf, Garrett reported, was working on plans to resolve the controversy in time for NCPC's April 7 meeting. [Beveridge, George, "New Highway Plan For Southwest Gets Federal Study Today," *The Evening Star*, March 24, 1955; "Report Denies Roaches Run Span Needed," *The Evening Star*, April 7, 1955]

Somewhat surprisingly, NCPC voted "tentative approval" of Zeckendorf's 10<sup>th</sup> Street Mall in April, reversing NCPC's tentative approval in February of a plan that retained 10<sup>th</sup> Street as a major traffic route. The vote, with four members absent, including Bartholomew, came after a report by BPR's Spelman on behalf of the Wirth committee on the issue:

Key points in the planners' approval were that the new plan does far less damage than earlier proposals to the wholesale produce market center on the waterfront and does not preclude eventual construction of a Roaches Run bridge—a pet planning commission project.

The plan calls for the Tenth street mall to be angled slightly eastward from Tenth as it approaches the waterfront, ending in a wide circular "overlook" atop Maine avenue and the Washington Channel.

Several problems remained. One was that the plan would divide the area where the Smithsonian Institution planned to build its National Air Museum south of Independence Avenue near 10<sup>th</sup> Street. Others included Zeckendorf's plan to add 6,000 to 7,000 more Federal workers to the area than NCPC had proposed in its comprehensive plan. Spelman said the committee had not considered the possibility that the Central Intelligence Agency (CIA) also was considering a southwest location that would add as many as 10,000 more workers.

Garrett said that NCPC's action was "a great encouragement to me and to the Federal City Council." Zeckendorf also appreciated the tentative approval. He said his firm looked forward "to continued reconciliation of any divergent details which may remain to be worked out toward realization of a definite comprehensive plan." [Beveridge, George, "Key Proposal Of Zeckendorf Is Accepted," *The Evening Star*, April 9, 1955]

Wilbur Smith and Associates, NCPC's consultants, reported on May 5 that the Roaches Run Bridge was needed, although not necessarily right away. The 14<sup>th</sup> Street bridge provided convenient access to the downtown area, but handled only 38 percent of total peak hour traffic. "The limitations of available bridge capacity are clear." With volumes expected to reach over 390,000 trips a day, the Roaches Run Bridge would serve as a "Southwest portal" and, combined with the 14<sup>th</sup> Street bridge, accommodate 37 percent of that traffic.

Like the DeLeuw Cather study, the new Smith study saw the Roaches Run Bridge as a future need, not a current one. District officials agreed. Director Robertson said he would not object to the bridge "if it becomes necessary in the future."

That same day, NCPC approved the District's plan to proceed to detailed design of the eight-lane Southwest Freeway between South Capitol Street and 9<sup>th</sup> Street, SW. Several critical issues, including the dispute between Zeckendorf and the Smithsonian Institution over the 10<sup>th</sup> Street

mall, remained to be decided at NCPC's June meeting. However, the Roaches Run Bridge continued to be a sticking point as the District presented its plan for the Inner Loop Expressway as proposed by DeLeuw Cather and Company. Beveridge summarized:

Charles DeLeuw, explaining his plan, said the loop expressway was drawn to meet 1980 traffic estimates and contemplates a new Potomac River bridge at Constitution avenue. He said he wouldn't argue that a Roaches Run bridge might never be needed. But he contended the loop expressway, big as it is, "could not handle traffic from any other bridge in any location" in 1980.

Mr. DeLeuw proposed that the loop system be six lanes wide except for four lanes along Ohio Drive from Fourteenth street to Lincoln Memorial; eight lanes between South Capitol and Fourteenth street S.W., and eight lanes on the north leg east of New York avenue.

The firm's report estimated that the Ohio Drive expressway leg of the Inner Loop would cost \$13 million, compared with \$17.2 million for NCPC's proposed substitute of an Independence Avenue leg. [Beveridge, George, "Planners Add Up Facts To Speed S.W. Project," *The Evening Star*, May 6, 1955]

### **Bridge Versus Tunnel**

By March, top Eisenhower Administration officials were studying the bridge-versus-tunnel issue for the Constitution Avenue Bridge in the vicinity of the Lincoln Memorial. A White House spokesman said the tunnel was under study, but the issue had not yet been presented to President Eisenhower. Engineer Commissioner Lane said that if the President approved the tunnel, the District would not object on one condition: that the Federal Government pick up the difference in cost:

I don't believe the Board of Commissioners has ever taken a position on the question. But as one member, I'd say that as long as the facility were [sic] equally useful for traffic and meant no additional cost to the District, I'd certainly have no objection to it.

Representative Broyhill agreed that "the extra cost should not be charged to the District." He added, "I don't believe the House District Committee would stand for higher costs being levied against the city." ["Tunnel Acceptance By D.C. Indicated If U.S. Pays Extra Cost," *The Evening Star*, March 18, 1955]

In early March, the *Star* revealed that Maryland, Virginia, the District, and BPR had hired Wilbur Smith and Associates to study the feasibility of charging tolls on Potomac River bridges. The \$15,000 study was to consider existing bridges and those bridges the consultant thought were "likely to be required" based on

- Projected 1970 traffic volumes;
- Traffic volumes and toll revenue;

- Traffic and toll estimates and “the rate of retirement of such costs through the collection of tolls”;
- The use of special license plates to give “special rate privileges to commuters; and
- Whether individual planned bridges could be financed through toll collection.

The three jurisdictions and BPR decided on the study after conferences to discuss financial responsibility for the cost of several planned bridges.

The *Star* pointed out that Wilbur Smith and Associates had studied tolls for Virginia in 1953, taking “an extremely dim view of toll prospects here”:

Citing “administrative and political obstacles,” the 1953 report said there appeared to be “little hope unless a plan can be devised whereby tolls could be imposed on all of the river-crossings.” It also said the inter-jurisdictional problems would be so complex they “would likely be unworkable.”

. . . Some toll proposals affecting major bridges here, it is felt, would be certain to raise a storm of controversy. One argument is whether tourists should have to pay to get access to the Nation’s Capital. Any suggestion of tolls affecting Arlington Memorial Bridge also would be a red-hot issue.

Although Congress has never taken a position on tolling the bridges, officials “felt the possibilities should at least be explored”:

Aside from policy, some officials are worried about space considerations. They question whether existing spans, particularly, would have sufficient space for installation of toll gates. Two or three lanes of gate space are needed for each lane of bridge space, these officials said. [Beveridge, George, “Survey Made on Feasibility of Tolls for Potomac Bridges,” *The Evening Star*, March 6, 1955]

Representative Broyhill, learning of the study, told reporters the study was a “ridiculous . . . waste of the taxpayers’ money.” The idea of imposing tolls on citizens to visit the Nation’s capital was “an affront to every one of them.” He would vigorously oppose the idea. [Beveridge, George, “Broyhill Calls Study of Tolls on Bridges ‘Ridiculous Waste,’” *The Evening Star*, March 20, 1955]

In May, the *Star* summarized the consultant’s conclusion: “Prospects of tolls on Potomac River bridges, never exactly bright, appeared even dimmer today, after a preliminary discussion of the financial feasibility.” As a practical matter, tolls were not feasible if they were charged on some, but not all the bridges. Even the outer bridges (Jones Point and Cabin John) would not carry enough traffic to pay for themselves through tolls. They were, however, the only ones the consultant seriously considered. However, for tolls to be feasible, all the bridges would have to charge tolls. Even Arlington Memorial Bridge, despite the lack of space for toll plazas at the Lincoln Memorial or Arlington National Cemetery that would “not appear intrusive,” would have to be a toll bridge or motorists would use it to avoid tolls on the other crossings. [Beveridge, George, “Consultant Doubtful Over Prospects of Potomac Bridge Tolls,” *The Evening Star*,

March 15, 1955; Beveridge, George, "Tolls on Bypass Bridges Seem Doomed by Survey," *The Evening Star*, May 1, 1955]

As NCPC prepared to meet on April 7 to decide on the tunnel option, the Bureau of the Budget was pressing for a decision. Under the compromise worked out by Senator Case, NCPC was on record supporting the Constitution Avenue Bridge authorized by law. However, the Interior Department was working on legislation to amend the law to substitute the tunnel and authorize \$28 million in Federal funds to pay the additional cost to the District. The Budget Bureau wanted a decision by April 15 from the District commissioners, NCPC, and the Commission of Fine Arts.

At its closed-door April 7 meeting, NCPC received the special committee report on the issue. The report stated:

The objections which have been urged to the bridge are based upon esthetic grounds. Your committee believes that from a general planning and service standpoint, either the bridge or the tunnel will be suitable.

The committee has not attempted to pass upon the question as to whether the esthetic advantages of a tunnel . . . are worth the large increase in cost involved.

The committee believed the approach roads for the six-lane tunnel option would operate suitably, although the tunnel would have only 90 percent of the traffic capacity of the bridge.

During the meeting, Colonel Lane reportedly attempted to force NCPC to decide between the bridge and tunnel options. That did not happen, as the *Star* explained:

The farthest the Federal planners would go . . . was to "accept" a committee report saying that, from "a general planning and service standpoint, either the bridge or the tunnel will be suitable" . . . Mr. Bartholomew made it plain to reporters, meanwhile, that the planners believe a new bridge at Roaches Run – downriver from existing Fourteenth street spans – would be better than either a bridge or tunnel in the Lincoln Memorial area.

Asked if there was concern that a tunnel would provide only 90 per cent of the Constitution avenue's bridge capacity, he said he feels too much traffic is being brought into that area anyway. "We believe a Roaches Run and Fourteenth street bridges would handle enough traffic that it is not necessary to worry about squeezing every bit of capacity in that (Lincoln Memorial) area," he said.

NCPC planned to send a letter to the Budget Bureau, but would not release its contents to reporters following the meeting. However, the *Star* reported that the reply would point out that:

- The commission already has approved a traffic plan for the bridge.
- The commission will be glad to consider a specific tunnel plan if one is submitted.
- The question of whether the Federal Government should pay as much as \$28 million because of esthetic considerations involved is basically one for the Federal Fine Arts Commission and Congress to decide. [Beveridge, George, "Quick Answer By Planners

on Tunnel Asked,” *The Evening Star*, April 7, 1955; “Planning Group Avoids Firm Stand on Tunnel,” *The Evening Star*, April 8, 1955]

On May 6, the White House held a conference to discuss the bridge-versus-tunnel question for the Constitution Avenue crossing of the Potomac River. Participants included Bartholomew, Robertson, Wirth, District Commissioner Samuel Spencer, Finley of the Fine Arts Commission, Ambassador Grew of the Roosevelt association, and Rowland Hughes, director of the Budget Bureau. Officials conferred for 40 minutes with former Governor Sherman Adams, the presidential assistant who served informally as President Eisenhower’s chief of staff.

After the conference, the White House’s assistant press secretary, Murray Snyder, issued a statement:

There was no decision reached but a committee consisting of Commissioner Spencer as chairman, and Mr. Wirth and Mr. Bartholomew was set up to work with the Bureau of the Budget in developing the Government’s position on whether this should be a bridge or a tunnel. In other words, to iron out whatever differences there are and reach a conclusion. [“Three Named to Settle Bridge-or-Tunnel Issue,” *The Evening Star*, May 6, 1955]

The District asked the U.S. Army Corps of Engineers for a permit to build the low-level Constitution Avenue Bridge with an immovable span. Colonel Ray Adams of the Corps’ Washington District, took testimony in early May not only on the Constitution Avenue Bridge but on whether opening of the existing Potomac River moveable bridges should be stopped. He estimated that review of the testimony would take several months.

The District Highway Department favored permanent closure of the bridges, in part to save money on operations. The District also calculated that if the new bridge were built with a draw span, the change would add \$1.9 million to the construction cost and cost about \$109,000 a year for operation. BPR and AAA testified in support.

Several businesses testified against permanent closure. A representative of Spentonbush Fuel Transportation Services, Inc., said that his company made 132 trips between Norfolk and Rosslyn, Virginia, to provide oil to American Oil Company (best known for its Amoco service stations). The shipments could not be made by barge; fixed spans “definitely would mean our tank operation would cease.” American Oil estimated that shipping the oil entirely by truck would increase costs by about 18 cents a barrel.

The District Fire Department also opposed permanent closure of movable spans. Deputy Chief Fred Litteral said it was “very essential” that fireboats be able to pass the bridges to reach Georgetown industries along the waterfront. [“Closing Drawspans of All Potomac Bridges Studied,” *The Evening Star*, May 11, 1955]

The White House-appointed committee, which was expected to complete its report in early June, was unable to reach a decision. On June 2, Commissioner Spencer, the chairman, said he had told Governor Adams that the committee could not agree and would not submit a report on the subject. Despite the committee’s failure, Spencer was hoping for an early decision by the Budget

Bureau. ["No Agreement Reached Yet on Bridge or Tunnel," *The Evening Star*, June 3, 1955; "D.C. Seeks 'Yes' or 'No' On Bridge vs. Tunnel," *The Evening Star*, June 5, 1955]

After the committee failed, Representative Broyhill wrote to President Eisenhower urging him to decide the issue in favor of immediate construction of the bridge. He did not "concur in the fear . . . that a bridge would mar the beauty of the Nation's capital." He added that the possibility that Congress would approve a tunnel that would far exceed the cost of a bridge was "highly improbable." Congress was "friendly to the bridge idea," he said:

The mood of economy is merely a reflection of your own policies to cut Government spending to achieve a balanced budget and a reduction in the heavy tax load.

With the Senate about to begin hearings on the District's budget, now was "an excellent opportunity to obtain money for the project." Therefore, he wrote:

I request that you give immediate attention to this problem and that you direct the Bureau of the Budget to submit to Congress as soon as possible an estimate of the amount necessary to begin the erection of another bridge . . . in the area previously designated by Congress. [Beveridge, George, "Broyhill Urges Eisenhower to Decide for Span," *The Evening Star*, June 7, 1955]

Commissioner Spencer revealed on June 13 that the Budget Bureau had ruled out a tunnel:

It appears in the light of all the circumstances that a bridge will best meet the needs, and studies are now being made to determine whether some change in the site of the proposed bridge may be possible which will be satisfactory to the Fine Arts Commission and others concerned and at the same time will meet traffic needs and cost limitations.

This involves making certain engineering studies which it is hoped may be completed within about 10 days.

The Fine Arts Commission has never advocated a tunnel, except as an alternative to a bridge in the Lincoln Memorial area and would be in favor of a bridge at some other location.

The alternative location would cross the upriver part of Roosevelt Island. ["Bridge Proposal Gets Backing Over Tunnel," *The Evening Star*, June 13, 1955]

At NCPC's June meeting, the planning commissioners considered an objection submitted in a jointly signed letter from all but one member of the Ohio congressional delegation. Having worked hard to get a main city street named after their State, they objected to conversion of Ohio Drive to an expressway. "This is very disconcerting," they wrote. "This is the most important section of Ohio drive. We are strenuously opposed and urge that it be retained as a park drive." Aware of the delegation's concern, NCPC had formed a subcommittee to study the issue but it had not reached a conclusion. DeLeuw, Cather submitted an alternative during the meeting. The *Star* described it:

This would be a cutoff just south of Lincoln Memorial and use . . . Independence avenue paralleling the Mall and crossing the north end of the Tidal Basin before swinging into Southwest Washington.

Mr. DeLeuw said, however, he prefers Ohio drive for the freeway, although he realizes this involves one of Washington's nicer park areas. The point is, he said, that the Independence avenue route would cost about \$4 million more than the \$12 million estimate on the Ohio drive route.

On another familiar issue, District highway officials reported to NCPC that the Roaches Run Bridge would cost about \$5.5 million more than the estimated \$19-million cost of the bridge replacing the 14<sup>th</sup> Street trestle-topped bridge. ["State Delegation Protests Ohio Drive as Freeway," *The Evening Star*, June 17, 1955]

### **The Roosevelt Association's New Position**

On June 16, 1955, the Theodore Roosevelt Memorial Association conditionally approved construction of a bridge across the northern tip of Roosevelt Island as a substitute for the congressionally approved Constitution Avenue Bridge. The association listed three conditions as summarized by the *Star*:

- Both the National Park Service, the National Capital Planning Commission and the Federal Fine Arts Commission [sic] also have the right to approve the final "character and design" of the bridge and its location.
- The bridge be named "The Theodore Roosevelt Bridge."
- The bridge be a low-level one preferably of masonry construction similar to the Arlington Memorial bridge.

A low-level bridge might address the esthetic issues in the vicinity of the Lincoln Memorial, but a "fairly high span probably would be needed near the Virginia shore in order to rise from the river to connect with Arlington boulevard north of the new Arlington Towers Apartments."

The association, in a letter to Chairman Finley of the Fine Arts Commission, made clear that it would not support a bridge such as the E Street Bridge that would cross the middle of the island.

Reaction to the association's new stand was mixed. NCPC vice chairman Remon said, "We've studied this thing uphill and downhill. I don't want it to drift any longer." Donald E. Gingery, a Rockville-area developer who had served on the Maryland-National Capital Park and Planning Commission since his appointment in 1949, expressed irritation. "It is beyond my comprehension how a private organization, like the Roosevelt association, can sit and dictate how and where a bridge can be built with taxpayers' money."

District sources told Beveridge that city officials were perplexed about why Congress did not simply authorize funds for the Constitution Avenue Bridge approved by Congress and President Eisenhower under the Case compromise instead of waiting for, as Beveridge summarized, "this agency and that for new decisions." Nevertheless, Commissioner Spencer called the move "the

biggest step forward that's happened," adding that a bridge over the north end of the island was "a very good solution of the whole thing." General Lane said, "The decision clears the way for a possible alternate solution."

One interested observer was Senator John C. Stennis (D-Ms.), a former Circuit Court judge who had been in the Senate since winning a special election in 1947; he lived in the city's Wakefield neighborhood at 3609 Cumberland Street near Connecticut Avenue, NW. As chairman of the Appropriations Committee subcommittee handling the District's budget, he was about to chair a hearing on the budget on June 17 where the bridge issue was expected to be discussed. Reporters had the impression that his patience was growing thin:

"I don't want to appear to be threatening anyone," he said last night. "But here we are in a situation where a law authorizing a bridge at a certain place (Constitution avenue) is on the books, the money (\$1.5 million for 1956) is available and the need for a bridge becomes more urgent every day.

"Time is short. This matter should not be put off any longer."

Commission Chairman Harland A. Bartholomew had announced that the planning body was prepared to hold a special meeting if "prompt action" is requested before Congress adjourns.

Senator Stennis said his subcommittee wants a decision within a few days. "We are not thinking in terms of getting something before Congress adjourns," he said. "I am not interested in where the bridge is placed—there's a law on the books stating where—but I just don't like to see this matter suspended any further," the Mississippian said.

After the Friday hearings, Senator Stennis said he wanted a decision by Monday, June 20, when the subcommittee was scheduled to complete markup of the District appropriations bill. [Beveridge, George, "Budget Problem Arises In Dispute on Bridge" and "Stennis Presses District For Decision on Bridge," both *The Evening Star*, June 17, 1955]

As District officials worked over the weekend to study the feasibility of the plan adopted by the Roosevelt association, Senator Stennis postponed markup to June 22 at the request of the District commissioners and Budget Bureau director Hughes. Senator Stennis said he wanted "an all-around agreement" by all agencies involved and a detailed report on the "feasibility of the new location from the standpoint of engineering and of service to the public, as well as the cost thereof." [Beveridge, George, "D.C. Engineers Rush Plans for Island Bridge," *The Evening Star*, June 18, 1955]

On June 22, District officials met with Senator Stennis to discuss the city's findings. The bridge across the northern tip of Roosevelt Island would cost \$43.2 million. Although the city had studied the proposal, city highway officials emphasized that they did not support it. Highway planner Brinkley said, "We don't believe there is any good substitution for the Constitution avenue bridge." District officials explained that they were willing to consider other ideas, but

were not going to support a plan that would cost so much more than the Constitution Avenue span.

In response, NCPC rejected the District-drawn plan for the Roosevelt Island bridge as well as a proposal by Wirth to support concurrent construction of a Constitution Avenue tunnel and the Roaches Run Bridge. Instead, NCPC reaffirmed its support for the Constitution Avenue Bridge. Bartholomew concurred despite his doubts that it was wise to “keep concentrating traffic in the Lincoln Memorial area.” He was concerned that if the bridge were built, people would view it as the solution to the Potomac River crossing problem. He urged, again, early construction of the Roaches Run Bridge.

Remon addressed the point before the vote:

I feel that approval now of the Constitution avenue bridge is the current solution to this whole problem. What comes after is another matter.

Based on these actions, Senator Stennis’s subcommittee included \$1.5 million in construction money for the project. He said he wanted a bridge built, but during the meeting, no viable alternative had been presented. [Beveridge, George, “Constitution Ave. Bridge Is Backed by Planners,” *The Evening Star*, June 22, 1955]

The full Senate, with the support of the White House, approved the District appropriations act for FY 1956 on June 23, including the \$1.5 million for the Constitution Avenue Bridge. The vote was unanimous. The only change since Senator Stennis’s subcommittee added the provision came when the Senate adopted Senator Case’s amendment allowing, within a strict timetable, a possible shift of the bridge somewhat upstream. The amendment permitted the bridge to be built over South Island if the Theodore Roosevelt Memorial Association gave its consent by August 1, 1955. Senator Stennis accepted the amendment because it would not cause a delay in construction of the bridge. He added, “This bridge must be built to take care of mounting traffic demands.”

The Senate’s action, as the *Star* put it, “pointed today toward early construction of the \$24.5 million Constitution avenue span Congress already has authorized.” [Beveridge, George, “Senate Passes Bridge Funds,” *The Evening Star*, June 23, 1955]

The bill now went to a conference committee with members of the House, which had passed its version of the bill a month earlier without a provision on the bridge. The conference committee had to reconcile many issues, not just bridge funding.

### **Grudging Support For The Bridge**

While the conference was underway, bridge proponents and opponents continued to work toward their goals. Harry T. Thompson, associate superintendent of National Capital Parks, objected to plans for the Constitution Avenue Bridge between South Island and Arlington Memorial Bridge because he wanted Roosevelt Island to be the sort of place Theodore Roosevelt would have loved:

We have acquired a house with a view, and someone has come along and painted over the windows. It seems a great tragedy that the wealthiest nation in the world would suffer an irreparable damage to the greatest assembly of memorials in the world for the sake of a few dollars. We as a nation are not that poverty-ridden that we can afford to mar and almost commit a public act of vandalism against the men whom we have enshrined in our memorials.

If that is the will of Congress, “we will just have to live with the situation.” He promised that Interior Department officials were “not going to be bad losers. But we’re sorry about it.”

Thompson indicated that the NPS, NCPC, and the Theodore Roosevelt Memorial Association would take a second look at their plans for the island. The Interior Department had \$135,300 for a proposed new ferry landing. Other projects included a terraced memorial observation overlook, foot bridges, and a second comfort station. With the bridge project, however, the restudy may find that the present program would be a “waste of money.” [“Revision Seen In Plans for Island Retreat,” *The Evening Star*, June 24, 1955]

Officials put pressure on the association to allow the bridge to cross the upriver end of South Island. Commissioner Spencer said he would approach the association in support of the shift, which he thought was “feasible” for traffic needs and to answer aesthetic objections. Peets of the Fine Arts Commission sent the association a sketch of the proposal, including his idea that South Island could be built up with fill soil to screen part of the bridge from Roosevelt Island. His plan, which would leave the Lincoln Memorial area free of visual intrusions, would “infinitely decrease” the damage the original plan would do to the area.

One drawback to the shift was that the District had not worked out plans for a span across South Island. Peets thought it would hit Constitution Avenue. Senator Case, who had written to the association to request its support for the shift, thought the new bridge would tie into E Street. He said he had proposed the South Island crossing to the association a year earlier and was turned down:

The situation now, however, is different. Then, no bridge had been approved. Now, if nothing is done, the bridge will be built as a straight extension of Constitution avenue over the river. [Beveridge, George, “New Proposal Made to Solve Bridge Impasse,” *The Evening Star*, June 26, 1955]

Representative Saylor had not given up on the possibility of a tunnel to handle cross-river traffic in the vicinity of the Lincoln Memorial. He had asked Wirth why he did not support NCPC’s endorsement of the Constitution Avenue bridge. In a letter dated June 27, Wirth said it was “evident that more than one river crossing is needed.” Traffic relief in the vicinity of the Lincoln Memorial was needed, but the Constitution Avenue Bridge, “no matter how well designed or how much traffic relief it might give . . . would be greatly destructive of more important national values.”

Wirth recommended, first, shifting the \$24.5 million that Congress had authorized for the Constitution Avenue span to a six-lane bridge at Roaches Run. Second, he believed the Interior

Department should build a four-lane tunnel at Federal expense to carry traffic across the river in the vicinity of the Lincoln Memorial. In favor of his proposal was that while the tunnel had been rejected previously because of cost, the proposed tunnel had never been tied to concurrent construction of the Roaches Run Bridge. As for the difference in cost between a bridge and tunnel, he argued that the disparity was mainly for related road improvements that he did not think should be charged to the tunnel. ["Saylor Plans Another Pleas For Tunnel," *The Evening Star*, June 27, 1955]

House-Senate conferees on the District of Columbia appropriations act, 1956, resolved the longstanding controversy over the Potomac River crossing in favor of building the Constitution Avenue Bridge between south of South Island and Arlington Memorial Bridge. They included \$1.5 million in the bill for the bridge at this location, dropping Senator Case's amendment allowing a shift to South Island if the Theodore Roosevelt Memorial Association agreed to it. The House conferees had insisted on dropping the Case amendment because they believed that District officials did not strongly favor it.

On June 30, the House and Senate approved the conference report on the appropriations act and sent the bill to the White House for the President's signature. During floor consideration, no one in the House or Senate objected to the bridge provision included in the conference report.

Senator Case still thought his idea was worth pursuing. He was "not weeping" about the Constitution Avenue Bridge location, which he noted was the result of a compromise he had helped to forge. He also did not want to delay construction of the bridge, wherever it might be located. If the Roosevelt association changed its position, he would introduce a "quickie bill which I think probably could get through before Congress adjourns" permitting the shift to South Island. He cautioned, however, "I'm certainly not going to make another move myself unless something is done by them." [Beveridge, George, "Congress Oks Bridge Funds, Ending Wrangle," *The Evening Star*, June 30, 1955]

President Eisenhower signed the FY 1956 appropriations act on July 5, 1955 (P.L. 84-131).

### **The Endless Debate**

On July 8, 1955, the Theodore Roosevelt Memorial Association reversed its position and approved a crossing of the memorial island, most likely in a straight line from Constitution Avenue to South Island's southern tip. The concept was described as two short bridges, linked at South Island, which would screen the bridge from the Lincoln Memorial area. Director Hermann Hagerdorn included the decision in a July 8 letter to Secretary of the Interior Douglas McKay. Members, the letter said, had undertaken considerable soul-searching:

On the one hand they have the obligation, bequeathed to them by their predecessors, to defend the integrity and sanctity of the island as an area of wild solitude in the very heart of the Nation.

On the other, the trustees recall the part that Mr. Roosevelt as President played in conserving and developing the grand plan of the National Capital. They remember that

he encouraged, supported and defended the McMillan Commission in its (1901) efforts to salvage and revitalize the L'Enfant plan, and that he established the National Commission of Fine Arts to watch over the plan's development in the future.

In reconciling their loyalties to President Roosevelt, the Nation, and the memorial island, they realized that "their paramount obligation is to the National Capital":

They have, therefore, agreed to approve, in principle, the construction of a low-level bridge across South Island, provided that the proposed bridge shall be named the Theodore Roosevelt Bridge, that it provide access to the main island, and that its design be approved by the National Commission of Fine Arts.

During a morning meeting, Hagerdorn, the Interior Department, and the Fine Arts Commission agreed to meet with District officials to discuss the new route. They also would meet with congressional leaders to seek a legislative fix. [Beveridge, George, "Trustees Okay Bridge Over Roosevelt Island; Association Paves Way For Project," *The Evening Star*, July 8, 1955]

District and Federal officials quickly agreed to seek an amendment allowing the shift. The Fine Arts Commission, NPS, and District commissioners agreed that NPS would submit legislation permitting the location change. Meanwhile, their technicians would work on a practical location and design for the bridge.

Aside from numerous technical details, officials also had to reconcile broader concerns. Wirth insisted that the legislation give Interior Secretary McKay powers to approve all features of the bridge and its approaches, citing President Eisenhower's statement on the subject when he signed the Constitution Avenue Bridge legislation:

The Secretary of the Interior also should be authorized to approve all plans for the bridge and the approach roads and interchanges at both ends of the bridge since park structure and land are involved.

The current law left "no check whatsoever" on District officials. Wirth said that such an arrangement had "never been done in the history of the development of the city of Washington."

Commissioner Spencer asked Wirth to submit a bill for District review and, if he did, promised quick reaction.

Although Wirth and Hagerdorn endorsed the "two bridge" idea on a straight line from Constitution Avenue, District officials called the idea unworkable. The concept would not allow sufficient navigation clearance. Further, moving the bridge as far upriver as Wirth and Hagerdorn suggested would cause problems for the Virginia connections. With Congress due to adjourn soon, all parties hoped to resolve these differences promptly. [Beveridge, George, "Quick Plea to Congress On Island Span Planned," *The Evening Star*, July 9, 1955]

The District commissioners quickly agreed to yield their authority over the bridge. With the endorsement of the Budget Bureau and NPS, the commissioners agreed to an amendment that would permit construction of the bridge over the south end of Roosevelt Island and give the Fine

Arts Commission and Interior Department approval authority over the design and connecting roads. The amendment also would allow the District to revert to the location between Roosevelt Island and Arlington Memorial Bridge if technical details for the shift could not be worked out. In that case, the Fine Arts Commission and Interior Department would retain approval powers.

Despite the Federal-District battles over the past 3 years regarding the central area bridge, General Lane said he expected that with all parties in support, the amendment “will not delay this bridge in any way.” [Beveridge, George, “District Yields Strong Voice to U.S. on Span,” *The Evening Star*, July 16, 1955]

As Congress moved toward the August 2 adjournment of the first session of the 84<sup>th</sup> Congress, the amendment passed in the Senate, but not the House.

Failure of the amendment left the location of the bridge in doubt. Despite the lack of congressional action, all parties favored the new location. On August 4, 1955, NCPC voted unanimous approval of the bridge over the south end of Roosevelt Island. With this action, District officials could begin immediate plans for the bridge. However, congressional action on the amendment permitting construction in the new location would still be needed.

Despite agreement on the bridge location, NCPC and others were concerned about the connections in the District and Virginia as displayed on a diagram that District Highway Director Robertson submitted. The *Star* described the approach roadways in the District as resembling “the layout of the Union Station railroad yards.” It included “no less than 25 traffic lanes running more or less parallel and about half as many separate roadways between E street and Constitution avenue to provide access to or by-pass of the bridge.” The sketch drew “tart criticism.”

Robertson responded that the use of so many roadways resulted from the limited space for the approaches. Engineer Brinkley added that the sketch outlined adequate connections for the bridge in Virginia with Arlington’s Jefferson Davis Highway as well as direct connections with Constitution Avenue and the west leg of the Inner Loop. The *Star*’s summary of the meeting added:

The plan, Mr. Brinkley said, also offers the novel feature of tunneling the inner belt under the west grounds of Lincoln Memorial, preserving the vista there.

These explanations did not satisfy Douglas Orr of the Fine Arts Commission. To avoid marring the National Mall, he favored a District connection north of Constitution Avenue and completely off the Mall.

Although the District was prepared to begin design, Robertson said he would not begin until he received approval in writing from the Fine Arts Commission and the Roosevelt association. “Not that we don’t trust these gentlemen,” he told NCPC with a laugh. “We just want it in writing so that when we go back for the necessary legislation next session there won’t be any more changes.”

NCPC also approved construction of a four-lane bridge to replace the trestle-topped three-lane bridge at 14<sup>th</sup> Street in the approximate location of the existing structure. The District had

completed plans for the bridge and, with NCPC approval, could include \$9 million in the budget request for FY 1957 construction. NCPC approved this project with the understanding that it would not jeopardize the NCPC-supported Roaches Run Bridge or allow District officials to seek approval for new highways that NCPC opposed. [Beveridge, George, “Planners Back Bridge Location” and “Bridge Location Remains Hazy For Planners,” *The Evening Star*, August 4, 1955]

As will be discussed later, BPR released sketch maps in September showing the tentative outline of Interstate highways in urban areas. The maps showed black lines representing unnumbered Interstate highways on an outline of the metropolitan areas with limited details of jurisdictions and no depiction of other roads and streets. The map of the Washington area showed four Interstate crossings of the Potomac River:

- (1) the Jones Point Bridge as part of a circumferential,
- (2) the Chain Bridge crossing, also part of the circumferential,
- (3) the extension of Shirley Highway across the Potomac River and Washington Channel carrying traffic to the Southwest Freeway, and
- (4) a U.S.-50 bridge crossing south of Roosevelt Island and cutting across the northern tip of Columbia Island.

The map did not show the Roaches Run Bridge favored by NCPC.

By early September, District officials were hoping the Commission of Fine Arts would approve relocation of the Constitution Avenue Bridge to cross the lower tip of Roosevelt Island in the compromise worked out by District highway officials, NCPC, and National Capital Parks. On September 16, the commission replied that the revised location was “acceptable in general,” but could not “give approval in detail.”

The commission wanted the bridge to be as low as possible to reduce visibility from the Lincoln Memorial grounds. However, the main concern involved the approach connections on the District side of the river where it would connect with Connecticut Avenue and the Inner Loop. The commission wanted to move the complex interchange as far north of Constitution Avenue as possible to get it away from the Lincoln Memorial. The limitation was that as part of the Interstate System, the bridge and connections would have to meet Interstate standards. [“Bridge Details Stir Objections from Fine Arts,” *The Evening Star*, September 16, 1955]

By November 1955, all agencies involved had worked out their differences on the Constitution Avenue Bridge. The agreement shifted the crossing away from the Lincoln Memorial and the Arlington Memorial Bridge to cross the southern end of Roosevelt Island. Although referred to as the Constitution Avenue Bridge, the bridge would enter the District midway between Constitution Avenue and E Street, NW. The approach road network in the District was still complicated (one planner referred to it as looking like a “bowl of spaghetti”) but was a compromise that all parties accepted. In Virginia, the bridge would connect with George Washington Memorial Parkway, Arlington Boulevard, Wilson Boulevard, and Jefferson Davis Highway.

The District highway department had \$3 million to complete the bridge plans and start construction. An additional \$20 million would be needed to finish the project. Securing this additional funding might be easier because BPR had included the crossing in the Interstate System. Congress had failed to agree in 1955 on how to pay for construction of what was still officially called the “National System of Interstate Highways” but would return in January 1956 to try again.

The *Star*, in an editorial on November 3, 1955, commented that, “It is gratifying that an agreement apparently has been reached among all agencies on the location and approaches for the new central-area Potomac River bridge.” After summarizing the agreement, the editorial pointed out that another 3 years would be needed before traffic could start using the new bridge. “So the importance of getting an early start on the long-delayed undertaking is obvious.” The editorial was titled “Agreement at Last.”

In early 1956, Oscar S. Straus II, president of the Theodore Roosevelt Memorial Association, wrote to Engineer Commissioner Lane. Straus observed that the Commission of Fine Arts had suggested a change “in order to keep the necessary network of approach roads, on the District side, away from the Lincoln Memorial.” He added, “We in the association would not quarrel with that decision.” The association had only one condition, namely that the bridge “provide access to the island not only for pedestrians but also for motor cars” that would need parking spaces. He added:

We recognize the problems of parking involved, but believe that these can be worked out to the satisfaction of all the Government agencies concerned as well as of the association and the visiting public.

The city was awaiting formal letters of support from the Interior Department and the Fine Arts Commission, but Commissioner Lane said he would begin pressing immediately for House action on the needed legislative amendment. [Beveridge, George, “Island Trustees Back Span Plan,” *The Evening Star*, January 5, 1956]

### **Other Developments**

Several other developments were moving in a positive direction for bridge projects in the southwest redevelopment area. The Smithsonian Institution had identified an alternative site for the National Air Museum that would remove the conflict with Zeckendorf’s planned 10<sup>th</sup> Street Mall. The new site was between Independence Avenue and C, 4<sup>th</sup> and 7<sup>th</sup> Streets, SW. [“Alternate Site Is Studied for Air Museum,” *The Evening Star*, November 5, 1955]

(The National Air and Space Museum opened in 1976 on the opposite side of Independence Avenue between 4<sup>th</sup> and 7<sup>th</sup> Streets.)

Meanwhile, CIA Director Allen W. Dulles had decided to locate the agency’s headquarters at Langley, Virginia, on a 749-acre Federal tract partly occupied by BPR’s research facility. A consultant, Gilmore D. Clarke of the New York firm of Clarke and Rapuano, had studied the Langley site and one other candidate for CIA headquarters on the 100-acre Winkler tract at

Shirley Highway and Seminary Road in Alexandria. As the *Star* explained, planned transportation improvements made the Langley site superior in Clarke's view:

He noted that the George Washington Memorial parkway would be extended from its present terminus near Key Bridge all the way to the Langley site, a new Constitution avenue bridge is slated near the Lincoln Memorial and Key Bridge is to be widened.

These improvements alone, he declared, "would make the Langley tract more serviceable to CIA employes [sic] than the Winkler tract, even if Shirley highway is ever widened to six lanes . . . ."

The consultant conceded that drastic improvements to Chain Bridge, Canal Road and Virginia highways should be made. But his view was that they would be made in time, and that, meanwhile, the new parkway and its connections would take "more than 70 per cent of CIA commuters." [Beveridge, George, "Planners Start Study Of Langley as CIA Site," *The Evening Star*, November 5, 1955]

On November 3, 1959, President Eisenhower attended the ceremony laying the cornerstone for the CIA building at Langley. "Upon the quality of your work," he told the 2,000 spectators, "depends in large measure the success of our effort to further the Nation's position in the international scene."

On the way to the ceremony, he stopped at Spout Run to cut a ribbon opening a 5-mile section of the George Washington Memorial Parkway from Lorcom Lane to State Route 123:

Although the extension goes all the way to the CIA site, traffic will be shunted off at the cloverleaf intersection with Virginia Route 123. Contracts have already been let to carry the parkway beyond CIA to connect with the projected Washington circumferential highway at Cabin John.

The presidential ceremony took no more than 2 minutes. Mr. Eisenhower, wearing a gray felt hat and gray tweed overcoat, was handed two pairs of gold-plated scissors bearing the National Park Service seal by Roger Ernst, Assistant Secretary of Interior for Parks.

After clipping the red, white and blue ribbon in two places, Mr. Eisenhower was presented with one of the shears as a memento of the occasion. The President also kept a bit of the ribbon as a trophy.

Representative Broyhill, NPS Director Wirth, Superintendent Harry T. Thompson of National Capital Parks, and about 100 others attended the brief ceremony. ["President Lays Stone, Says CIA Helps Peace," *The Evening Star*, November 3, 1959]

### **The Tunnel Option – Again**

With the agreement on the new location of the Constitution Avenue Bridge, the next step was action by the House, where the bill amending the 1954 law was bottled up in the District subcommittee headed by Representative James C. Davis (D-Ga.). The problem was that

Virginia's Representative Smith, chairman of the House Rules Committee, opposed the bridge. He acknowledged as much to a reporter, adding that he would "not oppose" a tunnel across the Potomac River. Without Chairman Smith's approval, the bill could not reach the House floor for a vote. If the amendment did not pass, the city's only option was to complete work to build the bridge on the previously approved location.

The Interior Department was still promoting the idea of a tunnel instead of the bridge, whatever the location. In late March 1956, the department was preparing a bill for Representative Broyhill authorizing full Federal funding for a four-lane tunnel under the river near the Lincoln Memorial. The department had not secured White House approval for the bill; the Budget Bureau had objected to a 1955 version of the bill that called on the Federal Government to pay the difference in cost between a bridge and tunnel.

Now, Interior officials planned to argue that the Federal Government should pay 100 percent of the cost in view of vital importance of the Lincoln Memorial area. They added that if pending legislation to authorize the Interstate System became law, BPR would pay 90 percent of the cost of the bridge; additional Federal funds would have to cover only 10 percent of the cost.

District officials continued to favor the bridge across the south end of Roosevelt Island. They disputed the Interior Department's plan for a four-lane tunnel, arguing that a six-lane bridge or a six-lane tunnel was needed to accommodate traffic volumes. [Beveridge, George, "Bill to Propose U.S.-Financed Potomac Tunnel," *The Evening Star*, March 25, 1956]

Chairman Davis planned for his District subcommittee to hold hearings on the crossing, but as the day neared, the subcommittee gave conflicting information on what would be considered. In what Beveridge called "an on-again-off-again comedy of errors," the subcommittee said it would consider only the bridge amendment during the hearing. It planned to hold a separate hearing on the tunnel bill, but then decided to combine the bills in one hearing. Then it went back and forth, limiting the hearing to the bridge amendment, then switching back to both.

Beveridge, after talking with committee sources, suggested two possible reasons for the flip-flops on hearing plans:

One was that Mr. Broyhill, author of the tunnel bill, hasn't always had the vigorous support of other District Committee members for some of his proposals, so there was no great enthusiasm about considering his bill.

The other was that Representative Smith, Democrat of Virginia, and one of the District Committee's most influential members, is dead-set against the bridge, so his feeling probably helped rule out a hearing on the bridge alone.

Representative Broyhill, Beveridge explained, still supported the bridge, but had submitted the Interior Department's tunnel bill "only because the bridge matter appeared to be stymied."

Beveridge characterized the "confused Potomac River bridge-tunnel mess" as "more muddled than ever." [Beveridge, George, "Davis Sets Tuesday For Bridge-Tunnel Airing," *The Evening Star*, April 29, 1956]

The hearing took place on May 1. As in the past, Engineer Commissioner Lane favored the amendment and rejected the tunnel option. He explained that the proposed four-lane tunnel would be unable to handle the projected traffic, adding that because of grades on both sides of the Potomac River, even a six-lane tunnel would not be adequate. He estimated that a six-lane tunnel would cost three times the proposed bridge and require 30 times the annual maintenance cost. He added, in a new argument, that because the tunnel opening would be below water level on the District side, the project would have to include “a tremendous unsightly levee” northward from the Lincoln Memorial to prevent flooding of the tunnel.

Representative Smith, a member of the District committee but not the subcommittee, participated in the hearing as a courtesy. Beveridge summarized the exchange between the Congressman and the commissioner:

Mr. Smith questioned Gen. Lane sharply on several points. He said he thought the District’s decision to build a 27-foot high bridge with no drawspan threatened future development of the Georgetown Harbor and pointedly suggested that the District reconsider this.

Mr. Smith also drew from Gen. Lane a concession that the Interior Department must oppose the bridge since it has failed to respond to requests for approval Gen. Lane has been seeking since December.

Director Robertson pointed out the widespread agency support for the amendment. He was, he said, “highly disturbed” that Representative Broyhill had introduced the tunnel bill “at this late hour.”

Ole Singstad, after the hearing, told reporters that talk of a high levee was ridiculous. The grade of the District shore could be raised gradually to keep the tunnel out of danger. [Beveridge, George, “D.C. Fights Tunnel At Lincoln Memorial,” *The Evening Star*, May 1, 1956]

The subcommittee expected to hold an additional hearing to give the Interior Department and other tunnel advocates an opportunity to testify. However, by June, the subcommittee had not scheduled the hearing.

Appearing on the WWDC radio program “Report to the People,” General Lane said that if the House did not act, the District would move forward with construction of the Constitution Avenue Bridge as described in the current law. Construction, he said, could begin in about a year. [“House Nudged On Bridge Plan,” *The Evening Star*, June 3, 1956]

Chairman Davis scheduled a second day of hearings for June 13 to give tunnel advocates an opportunity to present their case. Ahead of the hearing, Chairman Davis predicted early action. He told reporters he was impressed by the case District officials made for the amendment to allow construction across Roosevelt Island, but reserved judgment on the bridge-versus-tunnel debate.

The issue of navigation clearance, raised by Representative Smith, would also be considered. He made clear his concern that the planned low clearance would harm Georgetown business

interests, such as Smoot Sand & Gravel Company, which had a harbor plant near 30<sup>th</sup> and K Street, NW., and American Oil Company, which had a terminal in Rosslyn, Virginia. (Much of Smoot's success resulted from its rights to the gravel at Gravelly Point, useful for construction throughout the area. [Kelly, John, "Gravelly Point Park's moniker is one that should just be shoveled aside," *The Washington Post*, February 6, 2018]

The U.S. Army Corps of Engineers had held a hearing on these concerns in 1955, but granted the District's request for a bridge 26½ feet above mean low water without a draw span. It concluded that Smoot operated with tugs and barges that would be able to pass under the bridge. It could substitute land-based transportation for the occasional shipment requiring a higher clearance. The oil company would incur additional costs because it would have to use barges instead of tankers, as well as "supplemental trucking" in bad weather. These additional costs, the Corps concluded, were "not considered unreasonable in the light of the public interests involved." [Beveridge, George, "Davis Predicts Action on Span," *The Evening Star*, June 10, 1956]

During the hearing, Chairman Davis heard from tunnel supporters. He did not get to hear from bridge supporters but indicated that if the subcommittee did not hold another hearing, they could submit their views in writing for consideration.

Harland Bartholomew appeared before the subcommittee as a member of NCPC, not as chairman speaking for it. Between a bridge and tunnel, he favored a four-lane crossing. As he had often said, he was concerned that any crossing at this location would strain the capacity of city routes unless the city also adopted the plan NCPC had approved – a widened Constitution Avenue, new roads on either side of the Reflecting Pool, and reconstruction of E Street as a major thoroughfare.

The Fine Arts Commission's Finley opposed any crossing at Constitution Avenue because of the damage it would do to the landscape in the memorial area. He favored a tunnel, but if a bridge must be built, he preferred that it cross Theodore Roosevelt Island instead of the route specified in the law.

Ole Singstad appeared to debunk criticisms of the tunnel option. A four-lane tunnel and its approaches, he assured the subcommittee, would cost \$25.5 million.

Other groups sending representatives in support of the tunnel were the Society of Professional Engineers, the Freedom Foundation, and the Marine Corps Memorial Fund. Time ran out before Conrad Wirth of the NPS or C. Melvin Sharpe of the Theodore Roosevelt Memorial Association had testified in favor of the tunnel.

District officials attended the hearing but were not called as witnesses before time ran out. They indicated they would submit a statement in favor of the bridge:

J. N. Robertson, District director of highways, said he would explain to the subcommittee that the city heads still favor a bridge and hope to build one. He made public estimates of cost ready for the subcommittee showing that a six-lane crossing [was] now estimated to be \$47,842,000 for the tunnel, \$18,699,000 for a steel bridge and \$15,550,000 for a pre-

stressed bridge. [Rogers, Harold B, "River Tunnel Urged At Construction Site," *The Evening Star*, June 13, 1956]

### **Moving a Bill**

Chairman Davis did not hold another hearing. However, the subcommittee amended the Senate-approved bill. With the House amendments, S. 2568 would:

- Name the structure the "Theodore Roosevelt Bridge."
- Allow the bridge to cross either of the two islands constituting Roosevelt Island as agreed upon by the Theodore Roosevelt Memorial Association and the District commissioners.
- Subject the general plan for the bridge to approval of the Commission of Fine Arts.
- Give the Secretary of the Interior approval of the general location of the bridge and its approaches, interchanges, and connecting roads, as President Eisenhower had suggested in his signing statement for the original Potomac River bridges bill in August 1954.
- Maintain the monumental character of the area as far as possible.
- The Secretary of the Interior would retain control and jurisdiction of all park lands in the vicinity of the bridge upon completion of the bridge except those needed for the bridge structure and the approach roads and streets, which would become the responsibility of the District of Columbia, also as suggested by the President.
- Call for construction of a "six-lane bascule span bridge" in response to concerns about the low-level fixed structure required by the original law and the Senate amendment.

The House considered the bill on July 9, 1956. Chairman Davis told his colleagues that the bill was a result of agreement by the Roosevelt association to allow the bridge to cross South Island. All parties, he said, agreed this new location was preferable to the location in the 1954 law; even the Interior Department agreed. He referred to the hearings on the bridge-vs.-tunnel issue, but said the consensus of the District Committee was that "this bill, as now amended, provides the best disposition of the problem which is presented by the need for another bridge in the area at or near Constitution Avenue.

After brief discussion of the cost of the bridge and approaches, the House approved the bill without a recorded vote. [Construction of Bridges Across Potomac River, *Congressional Record-House*, July 9, 1956, pages 12192-12194]

Because the House bill differed from the Senate bill approved in 1955, a conference committee would be needed to reconcile variances to create a bill both Houses could approve.

For conferees, the critical issue was the change from a low-level fixed span to a bascule bridge. However, conferees agreed on July 23 to retain the bascule bridge approved by the House.

On July 25, the House approved the conference report without debate. [Bridges Across the Potomac, *Congressional Record-House*, July 25, 1956, page 14448]

The Senate planned to take up the bill on July 27, the final day of the 84<sup>th</sup> Congress. However, Senator Albert Gore, Sr. (D-Tn.), chairman of the Subcommittee on Roads, Committee on Public

Works, presented a major obstacle. Senator Gore explained why he objected to the construction of a bascule bridge:

He told *The Star* last night he would fight any move for provision for the draw span in the new bridge, declaring that if it meant a six-month delay for a congressional decision he thought that would be worthwhile.

“With prospects of enormous growth of Arlington, Fairfax and the Alexandria area, several more bridges across the Potomac will be needed in the foreseeable future,” He said. “It would be far more economical, if necessary, to compensate the two concerns involved in the Georgetown harbor for their losses in connection with the occasional passage of vessels that will not clear the 27 feet allowed in plans for the new Constitution avenue bridge.

“I am perfectly willing to be reasonable with these two concerns but I am unwilling to let two concerns impose unreasonable requirements on the thousands of people who will use the bridge and on the taxpayers of the country and the District.

As one who lived in Arlington, I can testify to the inconvenience occasioned by the use of the draw span on a Potomac River bridge. I speak of the Arlington Memorial Bridge and the Fourteenth street bridge. By reason of the draw spans there I have missed roll calls, I have missed appointments. I have missed planes.”

(In 1938, Gore won election to the House of Representatives. He lived in Arlington, with his address shown in the *Congressional Directory* as 203 Arlington Village, then simply Arlington Village, and finally 1303 South Barton Street in Arlington. By the time he won election to the Senate in 1952, the Gore family, including future Senator and Vice President Al Gore, Jr., had moved to Suite 809 on the top floor of the Fairfax Hotel at Embassy Row, 2100 Massachusetts Avenue, N.W., near Dupont Circle. They spent the rest of the year in Carthage, Tennessee. [Maraniss, David, and Nakashima, Ellen, “Al Gore, Growing Up in Two Worlds,” *The Washington Post*, October 10, 1999]

Senator Gore had helped write the Federal-Aid Highway Act of 1956 that called for completion of the Interstate System in 13 years. Senator Gore’s willingness to delay the bridge bill raised questions about whether the District would be able to complete the bridge within the timeframe of the new Interstate program. It had only \$6.3 million in Interstate construction funds at present; District officials were concerned that eventually, some of the projects might not be completed in time and would cost the District more than the 10 percent local share authorized by the legislation. [Warren, Don S. “Senate Fight Expected On Draw for New Bridge,” *The Evening Star*, July 27, 1956]

On the final day of the 84<sup>th</sup> Congress, the Senate acted on many bills but did not consider the Potomac River bridge legislation. Senator J. Glenn Beall (R-Md.) took to the Senate floor to ask the Senate Majority Leader, Senator Lyndon B. Johnson (D-Tx.), why the bill was not called for a vote. Senator Johnson replied that as he had told Senator Beall privately, the problem was that

Senator Gore said he would not let the Senate approve the conference report if he could prevent it:

If the conference report in question had been called up tonight, I was fearful that we might be here all night. I did not think Senators would want to spend all night debating the proposed bridge.

Senator Beall accepted Senator Johnson's explanation, but added:

At this time, when we are thinking about the necessity of building a bridge over the Potomac River, whatever the merits of it may be, and we do not consider the conference report, and we adjourn without agreeing to the conference report, we have something to explain to the people of the District of Columbia and Virginia . . . . This is something all of us should think about. [Proposed Potomac River Bridge, *Congressional Record-Senate*, July 27, 1956, page 15146]

With that, the bill died.

Senator Gore had killed the bill by simply sitting in his seat on the Senate floor. With him present and ready to object, Senator Johnson would not call the bill for a vote that probably would have taken only a few moments. [Warren, Don, "White House May Decide Fate of Roosevelt Bridge," *The Evening Star*, July 28, 1956]

The *Star*, in an editorial, said the best that could be said about "the latest Constitution Avenue Bridge fiasco" was that the project "has had tougher controversies to work its way out of before." The editorial explained that powerful Representative Smith had insisted on a movable span bridge that House and Senate conferees agreed to include in the bill. However, "Senators, contesting the need and added cost, wouldn't hear of it." As a result, the "carefully worked out House and Senate agreement on a new and superior route for the bridge, across Roosevelt Memorial island, went by the boards."

The editorial stated that the House position was "indefensible." The U.S. Army Corps of Engineers, the real experts on the matter, had approved the navigation clearance of a fixed span.

The District could wait for January and hope the new Congress would approve the improved location, with or without a movable span. City officials could approach the White House for guidance on the best path forward. Or they could proceed with the bridge as approved by Congress and President Eisenhower in 1954. The latter would, however, "be a grievous mistake":

There is general agreement on the upstream location of a bridge passing over the island and that location should be retained, although the delay in starting construction will add to the inconvenience of Representative Smith's constituents who work in Washington.

The editorial agreed with General Lane's decision not to make a snap judgment. He wanted to talk with the White House and see if any other possibilities would allow the District to proceed. "He should do so without delay."

The editorial was titled “Bridge Fiasco.”

### **Unraveling a Fiasco**

On July 30, 1956, General Lane discussed the Constitution Avenue Bridge in a meeting with representatives of the Fine Arts Commission, National Capital Parks, and NCPC. They agreed to delay action in hope that the new Congress would approve the amendment shifting the bridge to cross the southern tip of Roosevelt Island. If Congress did not do so, the District would have no choice but to proceed to build the bridge at the 1954 location. However, Finley and others from the Fine Arts Commission made clear they would oppose proceeding on the line called for in the 1954 legislation.

After the meeting, General Lane told reporters that everyone agreed “very strongly” that they should do everything they could to secure congressional approval for the shift in location. However, no one had a “very explicit” idea how to secure the needed approval in view of the disagreement on the draw span. As a result, he said there was “very little likelihood” construction could begin before January. [“Officials Agree To Push Newer Bridge Sites,” *The Evening Star*, July 31, 1956]

Clinging to a slim hope, the District asked the General Accounting Office (GAO) for a ruling on whether, in view of congressional support for the new location, the District could use the available \$8.2 million to begin work on the crossing of Roosevelt Island. GAO ruled that the city could not legally spend the funds on the preferred route. The funds must be spent on the basis of the legislation approved in 1954, for a bridge between Arlington Memorial Bridge and a location that did not cross Roosevelt Island, unless Congress amended that law. Further, the U.S. Army Corps of Engineers added that it would not issue a permit for the bridge to cross Roosevelt Island unless Congress passed legislation changing the location. [Beveridge, George, “Ruling by GAO Forbids Funds For New Span,” *The Evening Star*, September 16, 1956]

With the fixed-bridge remaining the key obstacle to congressional action, General Lane wrote to Colonel George B. Sumner, the District Engineer for the Corps, to say the District would not object if he reopened the issue of a draw span. General Lane said he understood “new evidence” had been presented on the issue and, although he was concerned about the added cost of a draw span, he thought navigational needs should be the deciding factor:

If your conversations with interested parties indicate that there is substantial evidence available which would have affected the . . . Army’s decision on this approval, and which was not presented at the original public hearing, the Board of Commissioners would make no objection to your reconsideration of this approval in the light of the additional evidence.

He asked Colonel Sumner for “prompt action” to review the new evidence so all information on the subject could be presented to the 85<sup>th</sup> Congress when it convened in January 1957.

Colonel Sumner confirmed to reporters that American Oil Company had presented additional information. He added, “We have not yet determined, however, whether the new evidence is

sufficient to justify another hearing.” He added that any change would apply equally to which ever location was eventually selected. [Beveridge, George, “D.C. Agrees to Review Of Draw Span Dispute,” *The Evening Star*, September 25, 1956]

In the final days of the 1956 election, Representative Broyhill’s opponent cited the central area bridge situation as one reason voters should vote against the incumbent. On October 10, Democrat Warren D. Quenstedt, appearing on WMAL television, recalled that Representative Broyhill had promised “more Potomac River Bridges” in his campaign 4 years earlier. “Well, what do we have? We have the same number of bridges as we had in 1952, but we have more people using them . . . . How long does it take to plan a bridge? How long does it take to build one?” He singled out Representative Broyhill’s role in the central area bridge:

Here Joe Broyhill’s record is one of inconsistency and confusion. Repeated attempts to get action here have failed mainly because Joe Broyhill first opposed a tunnel in favor of a bridge and after it looked like this would become a reality, he suddenly threw the whole matter into a turmoil by advocating construction of a tunnel.

How long must people of the 10<sup>th</sup> district put up with this failure to produce? We have no new bridges and we have no tunnels despite Joe Broyhill’s four long years in Congress. [“Broyhill Cites Democrats to Defend Record,” *The Evening Star*, October 13, 1956]

Despite such criticisms, Representative Broyhill would win reelection.

When the 85<sup>th</sup> Congress convened, Senator Gore quickly made clear during an early hearing on the big new Interstate program that he still opposed more draw spans on Potomac River crossings. When Robertson, the District’s highway director, appeared before the subcommittee, Senator Gore raised the Potomac River issue. Robertson said the city would soon send the same amendment to Congress as in 1956.

Senator Gore explained that he did not want to be unfair to water traffic, but with motor vehicle traffic increasing, the opening of draw spans would cause additional delays. He planned to introduce a resolution calling for the District commissioners to survey ways to prevent draw spans, including the possibility of limiting water traffic to heights that would not require movable spans. He also thought that one solution might be acquiring the property along the waterfront to force businesses that needed draw spans to relocate. [“Gore Pushing for Bans On Potomac Draw Spans,” *The Evening Star*, January 10, 1957]

Senator Dennis Chavez (D-NM), chairman of the Committee on Public Works, had attended the subcommittee hearing. Instead of waiting for Senator Gore’s resolution, Senator Chavez wrote to the District commissioners to ask them to cooperate with BPR to investigate the wisdom of eliminating draw or lift spans on Potomac River bridges. The committee, he said, desired “that a study be made of the economics of providing draw or lift span bridges across the Potomac River as contrasted with the construction of fixed span bridges.”

He added that “it would be helpful to the committee if detailed information were available relative to the value of navigational facilities to those persons or firms now exercising them, and

the damage which would accrue from the termination of such facilities, and the cost to such persons or firms of modifying navigational equipment so as to eliminate the necessity of draw spans.” He requested a report by February 15. [Rogers, Harold B., “Chavez Seeks D.C. Probe of Potomac Drawspans,” *The Evening Star*, January 20, 1957]

In case anyone doubted Representative Smith’s views on the issue in the new Congress, he predicted that much additional study would be needed before a decision could be reached on the Constitution Avenue Bridge. He remained a “tunnel man,” he said, adding that he thought a better idea was to avoid any additional crossings of Potomac River in the central area. [“Smith Balks at Changes In Jones Point Bridge,” *The Evening Star*, February 7, 1957]

On February 15, the District commissioners submitted a response to Senator Chavez, arguing that Congress should not require draw spans on any future Potomac River bridges above Hains Point. The report, prepared by the District Highway Department and BPR, made the case for a fixed span for the Constitution Avenue Bridge. It also rejected the need for a draw span on the new Virginia-bound 14<sup>th</sup> Street bridge and the planned Roaches Run Bridge.

The report acknowledged that the fixed-span Constitution Avenue Bridge would affect American Oil and Smoot Sand and Gravel, but predicted they could make satisfactory adjustments. For example, American Oil could build two 10-inch pipelines from Four Mile Run, near National Airport, to Rosslyn. Smoot could use barges and towboats low enough to pass under the new bridge. Moreover, using taxpayer dollars to favor American Oil against its competitors would not be in the public interest “under circumstances which would not benefit the general public through a reduction in commodity prices.”

Pressure to substitute a tunnel for the Constitution Avenue Bridge continued. The same day that the District and BPR again rejected the option, Leon Chatelain, Jr., president of the American Institute of Architects, urged a tunnel across the Potomac River. A bridge would, he said, “irreparably damage the character and beauty” of the city. [“Commissioners Ask Future Ban On Draw Spans,” *The Evening Star*, February 16, 1957]

Chairman Davis convened a hearing of the District subcommittee to consider the location of the Constitution Avenue Bridge and Representative Broyhill’s re-introduced tunnel bill. The parties remained firm in their longstanding positions. Wirth of the NPS was one of many witnesses advocating a tunnel instead of a bridge on the first day of the hearing. He contended that a four-lane tunnel with approach roads could be built for \$25.5 million. He wanted to dispel any public misunderstandings regarding cost. The estimate was “a firm one we are prepared to defend.” He cited studies that he said demonstrated that tunnels were “at least equivalent to the efficiency of bridges in their capacity to handle traffic—lane for lane.”

The Fine Arts Commission’s Finley stressed that the tunnel was the only option that would not “sacrifice the beauty” of the area. Bridges at many other locations along the Potomac River would be satisfactory. “But that is not true of the area surrounding the bridge and Theodore Roosevelt Island.”

Bartholomew told the subcommittee that NCPC had approved either a bridge or tunnel, but he reiterated his concern about forcing six lanes of traffic into the Lincoln Memorial area. He estimated that the central area needed 14 new lanes to handle projected traffic, but they could be dispersed above Key Bridge and below the 14<sup>th</sup> Street bridge, where the Roaches Run Bridge would be located, as well as in the Constitution Avenue location.

In addition to testimony, the subcommittee accepted for the record a letter from Roger W. Jones, assistant legislative director of the Bureau of the Budget, to District Commissioner Robert E. McLaughlin, indicating the bureau was “inclined” to favor a six-lane bridge, but with a significant change from past views:

The Budget Bureau wishes to point out that while it inclines to agree with the District Commissioners in advocating a bridge . . . we recognize that the Congress may wish to take into account esthetic values and other considerations in advocacy of a tunnel.

A tunnel would cost more than a bridge, Jones wrote, and that was important with the Federal Government and the District trying to hold down expenditures:

However, except on cost grounds we express no opinion as to the tunnel. If the Congress should find considerations other than cost sufficiently overriding to enact legislation authorizing a tunnel . . . the bureau would be prepared to accept this decision.

[Beveridge, George, “Budget Bureau Gives Nod to 6-Lane Potomac Span,” *The Evening Star*, February 19, 1957]

### **To Break the Impasse**

On March 1, Senator Case introduced S. 1445, a bill to authorize construction of highway bridges across the Potomac River under the Federal-Aid Highway Act of 1956. The bill specified bridges at two locations long favored by NCPC, namely the Roaches Run Bridge and one crossing the Three Sisters Islands between Key and Chain bridges. He emphasized that his bill was not a substitute for the Constitution Avenue Bridge, which he had helped secure approval for in 1954. “My new bill has no effect on that. If the other controversy unravels itself, well and good.”

In a letter to Representatives Smith and Broyhill, he recommended the District should abandon its plan to rebuild the 14<sup>th</sup> Street trestle-topped bridge as part of the Interstate System:

It seems poor use of interstate funds to take out of use and build a replacement bridge when (1) the Fourteenth street bridge functions so well and (2) the great need is for additional bridges.

As long as we tolerate some of the temporary buildings that we do, certainly new money can better be spent in adding bridges than in destroying and replacing one as useful as the Fourteenth street bridge.

He favored the Three Sisters location for a bridge as a result of Maryland’s plans for U.S. 240. As will be discussed later, Maryland planned to route traffic on rebuilt U.S. 240 to a link with the

Potomac River Freeway as the entrance to Washington. Senator Case thought an upstream location at Three Sisters would keep Virginia traffic out of the heavily congested central area of the District.

In response to reporter inquiries, General Lane explained that the Roaches Run Bridge and the Three Sisters Bridge are in the District's long-range plans approved by the city and NCPC. The "most immediate and urgent need" was the Constitution Avenue Bridge, but the 14<sup>th</sup> Street trestle-topped bridge had "outlived its usefulness." The District had been planning the replacement project for 10 years, he said. Senator Case's bill "raises a lot of complex issues," General Lane said, adding, "I don't want to criticize Congress, but it is desirable for sponsors of a new plan to take it before the Planning Commission, where problems can be discussed, before reaching the legislative stage." [Bills and Joint Resolutions Introduced, *Congressional Record-Senate*, March 1, 1957, page 2852; Beveridge, George, "Case Bill Asks 2 More Bridges," *The Evening Star*, March 3, 1957]

The city was working to increase the lanes available for traffic moving between the District and Virginia. Aside from the plan to replace the trestle-topped bridge, the city was widening Key Bridge and removing streetcar tracks to add two lanes for motor vehicles. The city also planned to paint another lane on Chain Bridge to increase its capacity. [Beveridge, George, "A Primer on That Aging 'Bridge Problem,'" *The Evening Star*, February 24, 1957]

On March 20, District officials testified before Chairman Davis's subcommittee in support of the Constitution Avenue Bridge to be built across the southern tip of Roosevelt Island. They disputed many of the assertions of tunnel advocates. The District, they said, could build the six-lane bridge for \$15 million as a fixed span or \$18.6 million with a draw span, noting that whichever design was used, BPR would pay 90 percent of the cost as part of the new Interstate program. If Congress did not act, the District would build the bridge Congress had approved in 1954, regardless of the views of any other group.

Representatives of Smoot Sand and Gravel and American Oil testified in support of a draw span or, failing that, a tunnel.

The subcommittee also considered the project to replace the trestle-topped 14<sup>th</sup> Street bridge. The District's Robertson testified that adding a draw span would increase the cost by \$1.5 million, which the subcommittee, having previously approved \$9 million for the project, would have to authorize. Chairman Smith told Robertson that he'd better "get that draw span straightened out right fast. If you propose to cut off [navigation] traffic on the Potomac River, you're going to have trouble."

In executive session, the subcommittee approved that the new bridge contain a draw span. The new bill also increased the amount of funds authorized in the 1946 Act to \$17.5 million for two new 14<sup>th</sup> Street bridges. The subcommittee added a draw span to the project despite the possibility that passage of the bill in the Senate would have to overcome Senator Gore's objections. [Beveridge, George, "House Group Approves Bill For Draw Span," *The Evening Star*, March 21, 1957]

Earlier in the month, the Senate District subcommittee approved funds for replacing the trestle-topped bridge, but did not require a draw span. When the House District Committee approved the subcommittee's bill and sent it to the House floor, the committee was setting up a confrontation between the powerful Chairman Smith, who was unalterably opposed to a fixed span, and Senator Gore, who was unalterably opposed to a draw span. ["New 14<sup>th</sup> Street Bridge Clears Bar, Faces Another," *The Evening Star*, March 26, 1957]

On April 8, 1957, the House approved the bill amending the 1946 legislation authorizing funds for two four-lane bridges to replace the existing 14<sup>th</sup> Street bridge. The primary opposition came from Representative H. R. Gross (R-Ia.), a journalist who had won election to the House in 1949 and was known as a penny-pinching fiscal conservative who used every parliamentary device to slow down bills authorizing expenditures. His primary concern in this case was not the draw span, but why Federal taxpayers should pay for a bridge that would primarily benefit residents of Maryland, Virginia, and the District of Columbia.

Supporters replied that Virginia and the District were paying for changes in the approach roads and that the new bridge would serve Federal facilities such as the Pentagon and the Navy Department Building. Chairman Smith said:

There are large Federal Government installations situated on the other side of the river. Virginia did not tell them to put them over there. They just put them over there for the convenience of the Government. Those people have got to move back and forth across the river.

Chairman Davis added, "The reason for that [Federal expenditure] is, as the gentleman knows, that this bridge is on the main United States Route No. 1." ["House Passes Bill for Second Bridge at 14<sup>th</sup>," *The Evening Star*, April 8, 1957; Authorizing Commissioners to Construct Bridges, *Congressional Record-House*, April 8, 1957, pages 5270-5278]

The next day, April 9, the House District subcommittee approved a bill authorizing \$25.5 million to pay 100 percent of the cost for the Secretary of the Interior to build a tunnel instead of the Constitution Avenue Bridge. Representative Kearns cast the only vote against the measure after the subcommittee rejected his amendment calling for financing the tunnel with tolls. He later told reporters that with a 25-cent round-trip commuter toll, the tunnel could be paid for in 13 years. He thought the 14<sup>th</sup> Street bridge bill that the House had approved the day before should be "the last free bridge or tunnel over the Potomac the House will vote."

In the face of this defeat in the subcommittee, District officials hoped for a better result in the Senate. As the Senate District subcommittee prepared for hearings on the issue, Engineer Commissioner Lane said he and other officials would "continue to oppose a four-lane tunnel, as we have in the past." [Beveridge, George, "D.C. Officials Turn to Senate In Bridge Fight," *The Evening Star*, April 10, 1957]

On April 11, the Senate District subcommittee began hearings on the issue. During the first day, George Beveridge wrote, advocates of a bridge and tunnel "began to retrace the tortuous arguments over whether a six-lane bridge or a four-lane tunnel should be built over or under the

river at Constitution avenue.” Amid these familiar arguments, he reported that the “most lively testimony, however, was an exchange between Senator Gore and Mr. Smith over the draw span,” with Senator Alan H. Bible (D-Nv.) trying to intervene. Chairman Smith appeared before the panel as a witness:

Senator Gore, chairman of the Senate Highway Subcommittee, said he opposed draw spans on Potomac bridges “now and forever hereafter,” because the “safe and efficient movement of traffic” must have priority on the huge new Federal system of interstate highways.

Mr. Smith argued for a tunnel at Constitution avenue which would eliminate the draw span issue.

He also noted that the House this week passed a bill authorizing the old Fourteenth Street replacement with a draw span, however. Since the existing Fourteenth Street Bridge has a draw span, Mr. Smith said, he hoped Senator Gore would not oppose that.

“No, I’m also for closing those bridges that do open now,” Senator Gore said.

Mr. Smith said he hoped Senator Gore was “not as adamant on this as you sound.”

“He was pretty adamant about the Constitution avenue bridge last year,” put in Senator Bible.

“Yes,” observed Mr. Smith. “And we haven’t got any bridge, either.”

Beyond the drawspan issue, Senator Gore said he had no position on the bridge-versus-tunnel fight.

When it came to draw spans, neither Senator Gore nor Chairman Smith “intends to yield in the deadlock over whether the bridge should contain a draw span.” [Beveridge, George, “Gore and Smith Feud Again Over Draw Span,” *The Evening Star*, April 12, 1957]

On April 20, the *Star* urged the Senators to, as the title of its editorial put it, “End This Farce.” Congressional testimony over 5 years “proved conclusively that a six-lane river crossing is essential” and that a four-lane tunnel would be a bottleneck “connecting systems of six and eight lane expressways.” While Chairman Smith and Senator Gore “wield strong influence in the House and Senate, some resolution of the impasse must be found.”

Testimony on April 25 demonstrated the wide differences on the bridge-tunnel debate. Lloyd Rivard, a District traffic engineer, testified that park and planning officials were distorting the fight with “vague generalizations.” He particularly attacked their argument that a four-lane tunnel would carry adequate traffic while a six-lane bridge would generate too much traffic for local streets. Tunnel advocates, he said, cited “meaningless estimates” of traffic over a 24-hour period to show that a four-lane tunnel would be satisfactory. The real test was whether four lanes could handle traffic during the morning and afternoon peak periods. Rivard stated that a six-lane bridge would carry twice as much traffic as a four-lane tunnel during these periods on weekdays.

He added that the traffic capacity of the bridge should be understood in the context of planned expressways that park officials preferred to ignore in arguing for a tunnel.

By contrast, National Capital Park's Thompson questioned whether all the capacity of a six-lane bridge was really needed for full use only a few hours 5 days a week:

He took the position that a tunnel would handle all the traffic that should go into the Lincoln Memorial area and that new bridges elsewhere could provide for other needs.

Mr. Thompson showed the Senators a model of precisely how approach roads to a tunnel and the tunnel itself could function. He said the total cost would be \$25.4 million.

When Senator Beall suggested that the tunnel option might be the only way to overcome the draw span stalemate between House and Senate, Senator Bible pointed out that the same issue would affect the 14<sup>th</sup> Street bridge project. It would have to be resolved. He planned to order a committee study of the issue to resolve conflicts. He hoped to decide between a tunnel or bridge in about 2 weeks.

Smoot and American Oil Company officials also testified. Smoot vice president A. M. Parker said that his firm required openings only about 10 to 12 times year. Under present rules, the openings occurred outside peak periods and did not interfere significantly with traffic. American Oil's G. H. Montgomery contended that without access to the Potomac River, the company would have to shut down its storage plant at Rosslyn, shift operations to Baltimore, and truck oil into the Washington area. The result would be the loss of \$675,000 in payroll as well as substantial local taxes.

Walter Kurlo, a BPR attorney, testified in support of the six-lane Constitution Avenue Bridge. The bridge, which would be part of the Interstate System, would be adequate for traffic while the tunnel would not. He also referred to studies by the U.S. Army Corps of Engineers that ruled out the need for a draw span, prompting approval of a permit. He did not believe the Corps would have issued the permit if the fixed-span posed a real threat. As for American Oil, he suggested that the company could deliver oil downriver from existing bridges, then transport it by a pipeline that would cost about \$1.5 million.

AAA officials testified that a possible compromise would be to include the draw span but prohibit openings between 6 a.m. and 8 p.m. However, he and Arlington County Engineer Clifton G. Stoneburner supported the six-lane bridge. General Grant, on behalf of the Committee of 100 on the Federal City testified in support of the tunnel on aesthetic grounds. [Beveridge, George, "Rivard Assails Tunnel Backers," *The Evening Star*, April 25, 1957; Beveridge, George, "Bible Seeks Bridge Decision in 2 Weeks," *The Evening Star*, April 26, 1957]

In early June, the Senate District Committee's Subcommittee on Fiscal Affairs voted 2 to 1 for a bill, S. 1707, calling for a six-lane fixed span for the Constitution Avenue Bridge. Senator Bible discounted the testimony of witnesses who were concerned about impacts on the two businesses that needed a draw span. A fixed span would cause them some difficulties, but he was convinced they could overcome them. Senator Beall, the dissenter, indicated he would take his arguments

to the full committee but if he lost that vote, would not attempt to block the bridge. [Warren, Don S., "Potomac Bridge Issue To Be Debated Thursday," *The Evening Star*, June 5, 1957]

Senator Bible, as chairman of the subcommittee, may have expected to prevail when the full committee took up the bill. If so, he was surprised the following day when the full committee voted, 5 to 3, to support S. 944, which would amend the August 1954 legislation to authorize a tunnel connection between the District and Virginia. Senator Beall, noting that he was not opposed to a bridge, summarized the deciding factor:

We all voted for a fixed span bridge at the last session, and sent it over to the House only to have it die. [Carper, Elsie, "Senate Unit Kills Bridge, Favors a Tunnel," *The Washington Post and Times Herald*, June 14, 1957]

Senator Bible, in the odd position of writing a majority report when he was in the minority, explained:

This tunnel would be constructed north of the Arlington Memorial Bridge and south of, or under, Theodore Roosevelt Memorial Island, together with approaches and roads connecting the tunnel and approach ramps with streets and park roads in the District of Columbia, with streets and park roads on the Virginia side of the Potomac River . . . .

Proponents of this measure felt that the construction of a tunnel would provide a suitable traffic facility, and would result in a minimum of damage to the memorial character of the area, as well as the park lands on the Virginia side of the river which would be affected by such a crossing.

While writing the majority report, he endorsed the minority views included in the committee's report. Based on the hearings held April 11, 17, and 23, 1957, the dissenters were convinced that a four-lane facility, whether bridge or tunnel, "would not accommodate traffic demands." BPR, they pointed out, shared this view and had approved the bridge, but would not approve a four-lane facility for funding under the Interstate program. That was because the 1956 Act required that designs "shall be adequate to accommodate the types and volumes of traffic forecast for the year 1975."

The capacity of a six-lane fixed span was 4,500 vehicles per hour in one direction, but only 2,200 vehicles going in one direction through a four-lane tunnel.

The minority view also covered the aesthetic issue:

One of the very purposes of S. 1707 is to change the location of the bridge . . . and move it to an upstream location . . . so as to minimize its impact on the memorial area, the proposed location being controlled at both ends by physical considerations. For example, on the Virginia side, Arlington Towers and the Marine Corps War Memorial fixed the alinement of the bridge. On the District side, the connections to Constitution Avenue and the inner loop fixed that end of the bridge. We are convinced that bridge structures can be architecturally beautiful to the enhancement of the area, and would have the advantage

of not plunging those who use the crossing into a tunnel as they approach the monumental area and bring them to the surface after they have passed it.

The minority report commented on the navigation clearance:

The Secretary of the Army has concluded that the cost to the public involved in providing a movable span in the Constitution Avenue bridge alone could not be justified on the basis of any benefits accruing to the two companies which now require the spans to be opened, and all other benefits to other navigation interests. [*Amending the Act of August 30, 1954 . . .*, Report Together With Minority Views (To Accompany S. 944), Committee on the District of Columbia, United States Senate, 85<sup>th</sup> Congress, 1<sup>st</sup> Session, Report No. 477, June 20, 1957]

On July 3, the Senate considered two bills amending the August 1954 legislation authorizing the fixed-span Constitution Avenue Bridge. S. 944 authorized the Secretary of the Interior to construct, operate, and maintain a four-lane tunnel from the vicinity of Constitution Avenue in the District to Virginia, to be built north of the Arlington Memorial Bridge and south of, or under, Theodore Roosevelt Memorial Island, as well as approaches. In planning the approach ramps and connecting roads in the District, the Secretary was to consult with NCPC, the Commission of Fine Arts, the District commissioners, and BPR. For the Virginia approaches and connecting roads, the Secretary was to enter into agreements with Arlington County and the State Highway Commission. The amendment authorized \$25.5 million to cover all costs, including the cost of approaches and connecting roads.

An alternative bill, S. 1707, was identical to the bill the Senate approved in 1956. It authorized a six-lane fixed span bridge crossing the southern tip of Roosevelt Island.

Senator Bible informed his colleagues about the long history behind these bills, saying that S. 944 brings into focus the key question about the Constitution Avenue crossing, namely “whether that crossing is to be a 6-lane bridge crossing or a 4-lane tunnel crossing.” He summarized the history of his committee’s review as well as the testimony pro and con.

Senator Beall summarized the arguments for S. 944, adding, “I think, if we wish to have a crossing of the river, the main thing we must work out is a bill which will be approved by both bodies of Congress.”

Senator Joseph C. O’Mahoney (D-Wy.) was the chief sponsor of S. 944 and floor manager for it during the debate. Senator O’Mahoney, an attorney, had won election to the Senate in the Democratic landslide of 1932 and had strongly backed President Roosevelt’s New Deal legislation. He became chairman of the Committee on Interior and Insular Affairs in 1949, and served in that capacity until he was defeated for reelection in 1952. He was elected again in 1954 and returned to the Committee on Interior and Insular Affairs, although not as chairman. While in Washington, he lived in the Sheraton-Park Hotel, a largely residential hotel at Connecticut Avenue and Woodley Road, NW., just west of the National Zoological Park. (The hotel is now known as the Marriott Wardman Park Hotel.)

Senator O'Mahoney said that he had introduced S. 944 as vice chairman of the Theodore Roosevelt Memorial Association. The proposed bridge, he said, "would mar the scenic beauty of this area." The Federal Government "has been endeavoring to make this region of the Potomac River . . . a scenic center for the people of the United States." For the record, he entered a letter dated March 27, 1957, from Secretary of the Interior Frederick A. Seaton, a former Nebraska Senator who had taken office as Secretary on June 8, 1956:

I am, of course, vitally interested in this problem and am anxious that it be resolved in the total public interest.

As custodian of our national shrines, monuments, and memorials, which would be affected by either a tunnel or a bridge in the location now being considered, I wish you to know that you have the full support of the Department in pursuing the objectives of constructing a tunnel in the general vicinity of Constitution Avenue extended . . . . [The] Department of the Interior is opposed to a bridge trafficway in this vicinity . . . .

He also referred to the statement President Eisenhower issued upon signing the Potomac River bridges bill on August 30, 1954. President Eisenhower said he wanted trucks to be prohibited on the Constitution Avenue Bridge and that all passenger-carrying buses that were using the Arlington Memorial Bridge should use the new crossing. The Secretary continued:

This is an indication, it seems to me, that the President of the United States would not prefer the bridge to a tunnel which would carry the traffic.

Senator J. Allen Frear, Jr. (D-De.), a bridge supporter from the District Committee, asked if NCPC, the Commission of Fine Arts, and other organizations favoring a tunnel were willing to pay for the difference in cost between the tunnel and a bridge. Senator O'Mahoney claimed to believe that the cost of a six-lane bridge would be "much greater" than the cost of a four-lane tunnel and that, in any event, a four-lane tunnel "would carry much more traffic per square foot than any bridge which was ever built." Supporters of the two options disagreed on the cost, but Senator O'Mahoney added:

It is much more desirable to construct even a more expensive tunnel than to destroy the beauty of the memorial center of Washington.

With the vote nearing, Senator Bible urged his colleagues "to bear in mind that if a four-lane tunnel is built at the proposed Constitution Avenue crossing, the expert testimony is to the effect that from the day the tunnel is constructed it will be packed to capacity."

He then asked his colleagues to approve amending S. 944 by striking out the bill after the enacting clause and substituting S. 1707. Before the vote, Senator O'Mahoney said:

The result of the adoption of the amendment offered by the Senator from Nevada would be to reverse the action of the Committee on the District of Columbia, to repudiate the recommendation of the Department of the Interior, to violate the recommendation of the Fine Arts Commission, and other bodies, and to kill the tunnel.

Senator Bible responded that adopting the amendment would sustain the views of the District commissioners, BPR, and AAA.

Without a recorded vote, the Senate rejected Senator Bible's amendment. It then promptly voted in favor of S. 944 and the tunnel option. [Construction of Bridges Over the Potomac River, *Congressional Record-Senate*, July 3, 1957, pages 10881, 10883-10889]

### **The House Tries Again**

The Senate action encouraged Chairman Davis, who told a *Star* reporter, "Now that the Senate has passed the four-lane tunnel plan, I think we will get some action and move along." Recalling the debate over whether a four-lane tunnel would be adequate, the reporter asked if Representative Davis agreed. "Well, I think so." ["Sponsors Seek Action Soon on River Tunnel," *The Evening Star*, July 7, 1957]

On August 1, the House took up H.R. 6763, a bill to amend the Potomac River bridges act approved on August 30, 1954. The bill replaced Title I of the law with a 10-section substitute headed "Tunnel in Vicinity of Constitution Avenue." Six of the sections reflected the Senate-approved S. 944, including authorization of \$25.5 million to carry out the provisions of the act. In addition, H.R. 6763 provided:

There is hereby authorized to be expended from the appropriations available to the National Park Service the sum of \$1 million for the preparation of plans, designs, and construction purposes.

The bill authorized the Interior Secretary, at his discretion, to employ professional engineers, landscape architects, or other consultants as needed. He was "granted authority to incur obligations and enter into contracts [that] shall be deemed a contractual obligation of the Federal Government for the payment of the cost thereof . . . ." Finally, H.R. 6763 provided:

There shall be transferred to the Department of the Interior so much of the records, property, and funds of the District of Columbia as may be appropriate by reason of the enactment of the foregoing provisions of this act. Such measures and dispositions as the Director of the Bureau of the Budget shall deem to be necessary to effectuate the said transfer shall be carried out in such manner as he shall direct.

That this aspect of the bill would be contentious became clear when Chairman Smith of the Rules Committee introduced House Resolution 375 establishing the terms of debate. Almost immediately, debate began on the merits of a tunnel rather than the resolution. When Chairman Smith completed his initial comments on the resolution, Representative Arthur L. Miller (R-Ne.), a member of the District Committee, pointed out that the resolution referred to construction of bridges but the underlying bill was for construction of a tunnel. "I think the gentleman must admit that there is quite a vast difference in an efficient overhead bridge and a tunnel."

After Representative Broyhill briefly explained the background, Representative Miller requested evidence as to the efficiency of the tunnel for meeting the traffic demands. Chairman Smith

explained that the evidence would be presented when the bill, not the resolution, was up for consideration.

After a brief exchange with Representative James G. Fulton (R-Pa.) about the difference in cost, Representative Gross, the penny pinching obstructionist from Iowa, said he opposed the resolution because it waived points of order, one of his primary methods of delay since they allowed him to question whether a measure was in accordance with House rules. In the case of H.R. 6763, he said he realized “there are very good reasons why points of order are waived on this bill,” citing the \$1 million taken from the NPS appropriation and the transfer of records, property, and funds from the District to the Interior Department. The NPS and District funds, he said, were appropriated for one purpose and designating them now for a different purpose without action by the Committee on Appropriations was improper:

I submit that these are two reasons why this bill is brought here under a rule waiving points of order. The rule ought not be adopted, and we can dispose of the bill quickly by defeating the rule.

As far as Representative Gross was concerned, “the taxpayers of this country should not be saddled with the cost of building a tunnel under the Potomac River for the benefit, in part at least, of the State of Virginia.”

With the resolution still under review, other congressmen began debating whether a four-lane tunnel could handle traffic as well as a six-lane bridge. Representative Miller, for example, pointed out that “a four-lane tunnel under the river would be obsolete and not adequate to handle the traffic as soon as it is finished.” He favored a six-lane bridge, but if the House wanted a tunnel, he hoped it would have at least six lanes.

Finally, the House agreed to the resolution, allowing debate on H.R. 6763 to get underway. Debate would last an hour, with Chairman Davis given 30 minutes in support of the bill and Representative Sidney E. Simpson (R-II.) given 30 minutes in opposition.

Chairman Davis discussed the history of the debate in recent years and past congressional action, as well as the hearings held and Ole Singstad’s testimony, that allowed the subcommittee to draft the bill. He said:

The engineers and the traffic experts state that by 1970 we will need 17 additional traffic lanes from the Virginia side over to the District of Columbia. Very careful plans have been made to provide these 17 traffic lanes. Two of them have already been provided by the widening of the Key Bridge and the adding of two lanes to the Key Bridge [sic, probably Chain Bridge]. One of them will be provided by the construction of the new outgoing 14<sup>th</sup> Street bridge, which now has three lanes and the new bridge will have four lanes. A bridge is planned at Roaches Run which will provide six lanes. This tunnel will provide four lanes. Another bridge at Three Sisters will provide four lanes also.

With all these added lanes, the four-lane tunnel “will be able to take care of all the traffic that ought to be funneled into Constitution Avenue from Virginia.”

Further, the experts said “it would be a mistake to funnel more vehicles into the Constitution Avenue [sic] than could be carried through this tunnel.” He pointed out that NPS Director Wirth stated that “a four-lane tunnel would provide crossing [sic] for the maximum number of vehicles which Constitution Avenue and the streets in that area should be called upon to handle.”

Several congressmen expressed the view that, as Representative Louis C. Rabaut (D-Mi.) put it, “It certainly is apparent to anyone that on 6 lanes you are going to move more traffic than you are on 4.” Here and throughout the debate, Chairman Davis tried to convey they idea that six lanes were not needed at this location because with a total of 17 added lanes, Virginia traffic would be dispersed over several crossings:

It must be dispersed. It must be brought in so that it will not congest the approaches to these various crossings. So that when [traffic] is delivered over into Washington it will not all be funneled into one point.

When Representative Alfred J. Westland (R-Wa.) expressed support for the bill and commended Representative Broyhill for his presentation of the case, Representative Gross said he also wanted “to commend the gentleman from Virginia when it comes to tapping the Federal Treasury for the benefit of his people. He is always on the job.”

Another frequently raised issue was why the Federal Government should pay 100 percent of the cost of the bridge. Representative Broyhill had said that since the tunnel would tie into land owned by the Federal Government, “it is not different than the various national parks throughout this great country.” Of course, the people of Maryland, Virginia, and the District would be the primary users of the tunnel, “but since this is the Nation’s Capital, it will be used by all the people of the country.” He added that since the route was on the Interstate System, the Federal Government was going to pay 90 percent of the cost of whatever was built in the corridor, “so the only thing we can argue about is 10 percent of the cost of construction.”

Representative John M. Robsion, Jr. (R-Ky.) was one of several congressmen who took exception to the comparison with National Parks. “It would seem to me that 90 percent of the traffic over this bridge would consist of people who live in Virginia and work in the District of Columbia. I do not know on what theory the State of Virginia should be relieved of any responsibility for this expense, when they are getting taxes from the homes that are being built over there and from the people, yet they shift the entire responsibility to the Federal Government.”

Representative Broyhill replied that it was “the extension of the Federal Government through its nontaxpaying Federal installations that has caused the necessity for construction of this facility here in the District.”

He also pointed out that building a bridge across Roosevelt Island would affect planned memorials, including one to President Theodore Roosevelt on the island named after him and the Freedom Foundation Memorial to the Bill of Rights planned for construction near the Iwo Jima Memorial (Marine Corps War Memorial) in Virginia. (Sarcastically, Representative Gross said “that would be in the national park known as northern Virginia.”)

During the 2 days of debate, the House considered why Virginia and the District did not pay for the tunnel, possibly by making it a toll facility. Representative Kearns introduced an amendment calling for a 25-cent toll round trip. “Then nobody can go home and be accused of favoritism or that they voted for a tunnel to take care of Virginia.” As a member of the District Committee, he acknowledged that Virginia’s agreement to pay for the approaches would be a sufficient contribution to the project.

Some congressmen wondered where the District funds were coming from. Representative John Taber (R-NY) asked, “Would part of it come out of the school lunch program or the school education program?” This question and several others, including confusion about the cost of a tunnel versus a bridge plus the approaches, prompted him to add, “this is all mixed up . . . . You cannot tell a single thing about what the bill does or what it means. It is just a mess.”

The \$1 million taken from NPS was another sticking point. Several members called Director Wirth to ask his views on the transfer. One of those was Representative Michael J. Kirwan (D-Oh.). He recognized the need for the tunnel, but not at the expense of National Parks. He asked Wirth if he had a hand in shifting this \$1 million from park needs:

I just called the Director of the Parks, and he said no, that he made no such request for a million dollars . . . . I served notice on him then that “if we overgave you a million dollars this year for the Park Service, I will guarantee you will not get it again.”

As Representatives objected to the bill and the debate process, an impatient Chairman Smith took the floor to say:

I think more misinformation has been spread around this thing in an effort to defeat a good bill than anything I have seen around here lately. The most absurd questions have been raised about this. Gentlemen get up and talk about using the money for school lunches, and they will have some people think that is true. It has nothing in the world to do with this bill. This is a bill to build a tunnel across the Potomac River.

The issue had been debated for 3 years and he did not want to spend a day or two “on a filibuster about this bill.” He said, “If you want to strike out the enacting clause, go ahead and do it, and we will swim across the river if we have to.”

He was particularly upset by the debate over who should pay for the tunnel:

Now, if you want to throw this thing out of the window without any consideration, all right, but when you realize the Navy Department and your Pentagon Building employ thousands and thousands of people who use these bridges every day, that it is not for Virginia, it is not for Maryland, it is not for the District of Columbia, but it is for the United States of America . . . . Your Federal employees have to come across that river every morning and every night, coming and going to work, and that condition is getting bad.

As for the number of lanes, he pointed out that between the four-lane tunnel and six-lane Arlington Memorial Bridge, “you have got together there in one area 10 lanes of traffic that are

going to be turned in daily to the downtown area of Washington where the traffic is congested.” He asked:

Now, do you think you ought to make it any worse than we have to make it under this bill? If you put 12 lanes around the White House and the Jefferson Memorial into the business part of Washington, you just will not be able to handle it.

As a member of the District Committee, he could say that these factors and the expert testimony had been behind the committee’s creation of the bill:

If our thoughts on it, if our work on it, if the time we have spent on it, if the work of the various and sundry engineers and other experts we brought here are worth anything, then let us go ahead and pass this bill. If you do not want to pass any bill, if you want to go home and say, “Yes, we would not let them build a bridge across the Potomac for the people of Virginia and Maryland and the District,” if you want to demagog [sic] about this thing, then let us get through with it.

Representative Clare E. Hoffman (R-Mi.) immediately raised a point of order regarding the use of the “demagog business.” Chairman Smith replied, “If anybody is out of order on any occasion, on any bill, talking about demagoguery in this Chamber, I do not know him.” During the remaining debate, the phrase would be referenced repeatedly.

Representative Hoffman, who often used a humorous tone in the debate, discussed how the bridge approved in 1954 had turned into a tunnel. He said “the evidence is, and it is not disputed, that the engineers came up, as I got it anyway, with a six-lane bridge and that will cost less than a four-lane tunnel.” They also agreed a bridge would carry more traffic than a tunnel:

Then why do we not have a bridge recommended? . . . . Is it because two private enterprises, an oil company and a gravel and sand company, for their own profit want a draw in any bridges that may be built? Is that it? Or is it because over in the other body they insisted that if they built a bridge, they have a draw on it and they could not get a bill [with] a draw in the Senate because of the opposition of a gentleman from Tennessee?

. . . . So not being able to get a six-lane bridge with a draw, it is now a four-lane tunnel to accommodate those two companies and we soak the taxpayers. I cannot accept it.

Representative Gross said, “So they just sent this bill in to try it on for size and see how it will fit, and maybe next year we will have another one.”

Representative Hoffman continued, “I cannot soak the taxpayers for a tunnel when a bridge will better serve the people at a far less cost.”

Representative Saylor introduced an amendment to drop the \$1 million transfer from the NPS. Representative Walter H. Judd (R-Mn.) thanked him for the amendment, saying “This is the worst thing in the bill, from the standpoint of a great many of us.” He was for the tunnel, but not “this business of reaching over into somebody else’s pocket and taking money that was appropriated or planned for other purposes that are also equally worthy.”

When several representatives asked whose idea the \$1 million transfer was, Representative Broyhill said that the Interior Department's representatives had suggested it "to proceed with the drawing of the plans and construction of this facility because of the emergency. They stated that they had funds they could transfer over for temporary use until funds were appropriated for the specific purpose later on." However, in view of the controversy the provision had provoked, he planned to support the Saylor amendment. Chairman Davis agreed that he would not object if his colleagues dropped the provision.

Representative Gross offered his own amendment that authorized the District of Columbia and Virginia to build the tunnel. He explained:

Mr. Chairman [of the Committee of the Whole House], a little while ago those of us who were opposed to this bill were accused of being demagogues. I do not know anything that smacks more of demagoguery than to try to shift the building of all the bridges from Maryland and Virginia into the District of Columbia onto the taxpayers, all the taxpayers of this country, including those in Iowa.

Like many of his colleagues, he thought the District and Virginia could finance the tunnel as a toll facility, just as his own State had done to pay for replacement of a Mississippi River bridge that had collapsed in Representative Schwengel's district "only a year or so ago." Instead of coming to Congress asking for funds to replace the bridge, Representative Schwengel "asked for an authorization so that a new bridge might be built with private funds across the Mississippi River, a toll bridge . . .")

As for the \$1 million transfer from the NPS, he said he was "suspicious of committee members yielding so quickly when somebody offers an amendment as in the case of the gentleman from Pennsylvania . . ." Representative Hoffman suggested that "they be commended for acknowledging it was wrong and they took it out." To that, Representative Gross replied, "I wish they would acknowledge that the rest of the bill is wrong."

The House rejected the Gross amendment. [Authorizing Construction of Bridges Over the Potomac River, *Congressional Record-House*, August 1, 1957, pages 13365-13387]

On August 2, the House resumed debate on H.R. 6763. Chairman Davis, after stressing several points in response to the issues raised the day before, pointed out that since the Senate had already approved a bill authorizing a four-lane tunnel, "if we pass a four-lane tunnel bill we can coordinate the two bills, go ahead and move, and solve the traffic problem."

Representative Hoffman again wondered why a bridge bill had become a tunnel bill. The night before, he said, he had asked several Senators why they had passed a tunnel bill and the "answer from everywhere was that they understood that the House would not build a bridge but had to have a tunnel." He favored an amendment that would leave the 1954 law as the solution to the traffic problem. "If you gentlemen want a way of getting across the river, this amendment which will be proposed will give it to you and give it to you now."

In addition, he referred to Chairman Smith's comment about demagogues. "Well, now, my feelings are not very easily hurt, and I am not sure they were hurt at that time, but they should have been." Chairman Smith was hurling that charge "at everyone who opposed the position the gentleman takes on his bill."

Representative Broyhill observed that many of his conservative colleagues were trying to kill the bill under the impression that doing so would save taxpayer money. That was not the case, he said, because if the bill died, the District could proceed with the bridge project authorized in the 1954 legislation, with Federal-aid funds:

We are only here trying to work out a compromise so that these people whom we have charged with the responsibility of preserving these beautiful areas around our Nation's Capital can work out this problem. So far as paying the cost of construction is concerned, you have already answered that question before in the approval of Public Law 704.

Representative Hoffman introduced his amendment that would change four-lane tunnel to a "6-lane bridge." When Representative Broyhill pointed out that that the 1954 law already called for a six-lane bridge, Representative Hoffman replied:

Then why not see that it is built. Call for the ousting of the bureaucrats who defy the Congress. Cut off their compensation. Refuse to give them funds to operate. Who are they? Where do they get their power?

Chairman Smith said that the Hoffman amendment "raises a very fundamental question," namely whether a bridge or tunnel should be built:

Underlying the question of the bridge is the question of the use of the Potomac River by transportation. At Georgetown there is one of the oldest ports in the United States. There is important business there now. There is a movement on now to improve the ports of Alexandria and Washington for international shipping. If the amendment passes in its present state, there is no provision for a bascule span to permit traffic to go up and down the river . . . . Every bridge there now has a bascule span and if you put one in without such a span, you close up the oldest port in America.

He suggested amending the Hoffman amendment by adding "with a bascule span" to the wording. Representative Hoffman agreed, but said:

The cat is out of the bag now exposed by what the gentleman from Virginia said. And it is a sorry looking alley cat. Navigation. Navigation. Sometime in the future we are to have a seaport up the river in Georgetown.

In short, he said, the beneficiaries were "a couple of boatowners [sic] and oil company and a sand and gravel company":

The sand and gravel company and the oil company, their officers, their stockholders, their employees stand to profit—not the folks who want to cross the river . . . . We are to build this tunnel to pay a less cost for these two companies, private industries to operate . . . .

Do we need an investigation to learn why officials refuse to build a needed bridge and what kind of, and who is doing the lobbying for a tunnel instead of a bridge.

The House agreed to Chairman Smith's amendment of the Hoffman amendment.

As debate continued, Representative Gross offered another amendment, this one providing that for the purpose of building the tunnel, "the Secretary of the Interior shall offer for sale to the State of Virginia, at a fair appraised value, such lands and other property held by the Federal Government as may be necessary for construction of the said tunnel and approach ramps."

Chairman Smith pointed out that as a result of the approved Hoffman amendment, "this is no longer a tunnel bill." The House rejected the latest Gross amendment.

Undaunted, Representative Gross offered another amendment, this one authorizing \$25.5 million, one half to be contributed by the District of Columbia, the other half by Virginia. Without debate, the House quickly rejected the amendment.

Representative Kearns recognized that the amended bill now referred to a bridge, but he offered an amendment drafted earlier to require a toll of 25 cents, round trip, through the tunnel referenced in the original bill. By explanation, he cited the Holland Tunnel in New York City, which was paid for "in 7 years at a cost of 50 cents per car." Based on projected travel on the crossing of the Potomac River, "we could amortize this tunnel in 10 years, and I think we could keep the toll on for another 10 or 11 years, we would have sufficient money for maintenance for 25 years." He acknowledged the long-running dispute over a bridge versus tunnel. "It has rightly been said that we have enough bridges over the river; in my opinion, we must go to tunnels eventually. They are more consistent."

Representative Broyhill opposed the amendment. It was, he said, "rather superfluous" since the bill now called for a bridge, not a tunnel. As for the toll idea, he said that with the Arlington Memorial Bridge 1,000 feet away and Key Bridge about 2,000 feet away, Virginia motorists would have three choices, one of which involved paying a toll:

I believe if such a crossing were built it would not be used up to 10 percent of its capacity. It would certainly be a foolish thing for the Federal Government to do to the entrance to our Nation's Capital.

When Representative Kearns asked about the possibility of reducing the toll, Representative Broyhill replied:

As the bill is presently written—and I do not know anyone who knows how it is written with all these amendments in it—it is a superfluous bill. We have a law on the statute books now with certain funds appropriated for a six-lane bridge. The way this bill is now written we might just as well vote the whole thing down, because we already have a law to permit the building of a bridge.

Several congressmen tried to determine what would happen if the bill were returned to committee, leaving unchanged the bill approved on August 30, 1954. As for whether the District

of Columbia could use the available funds now, Representative Taber replied, “They would not have to wait 10 minutes.” Perhaps confused or in despair, Representative Broyhill pointed out that the language transferring the funds to the Department of the Interior had been stricken from the bill on the floor. Representative Taber replied that nothing had been stricken out of the 1954 law:

Representative Broyhill. As the bill stands today practically everything has been stricken out.

Mr. Taber. The money is there and they would be ready to go.

As the debate came to an end, the House took a roll call vote on the Hoffman amendment, as amended to include “bridge with bascule span.” The House voted for the amendment, 226 to 109.

Representative Miller offered an amendment to recommit the bill to the District Committee, which the House quickly approved. [Authorizing Construction of Bridges Over the Potomac River, *Congressional Record-House*, August 2, 1957, pages 13489-13503]

Recommitting the bill essentially killed it but gave the committee members a chance to redraft it if they wished.

On August 6, the House was debating a supplemental appropriations act that included funds for a new airport to serve the Washington-Baltimore area, with expansion of existing Friendship International Airport in Maryland or a new airport in what is now called now Burke Lake Park, Virginia, as options. Representative Hoffman observed that:

The local Congressmen cannot agree where they want it—Burke or Friendship. Many of us do not care where it is constructed just so one is built.

The situation is like this bridge-tunnel controversy; we would have had a bridge the other day if the bill had not been recommitted. If the gentlemen from Virginia want their people to have service, why do they block it? Already there is legislation on the books saying that there shall be a bridge, but someone does not want it where that bill authorizes its construction, so we do not have a bridge anywhere.

What is the situation? Our good friend from Virginia [Mr. Broyhill], our delightful friend from Virginia [Mr. Smith], they are keeping people waiting . . . Why? Because they cannot make up their minds. Yes, of course they have; oh, yes; they want a tunnel or they want a bridge, with a draw in it, so those two companies up the river can make larger profits.

Chairman Smith’s comment about the port of Georgetown was still on Representative Hoffman’s mind:

Well, now, the aristocratic population that lives up there in Georgetown may not welcome a lot of dockworkers under their noses, however fine the workers may be. They would not mix any more than oil and water.

And when is Georgetown going to be a seaport? Are we to dredge the channel of the river from Georgetown way down to the bay entrance? They are talking now about the channel not being deep enough to take boats up to Baltimore. What do the gentlemen want to do? Make a seaway to Georgetown? And after you get the seaway what are you to use it for? What do the gentlemen propose to ship up to Georgetown. The talk of Georgetown as a seaport, seems to be nonsense.

There is something about that bill or, rather, about the refusal to build that bridge, that was authorized a long time ago, that just smells to high heaven, and it would not be too bad a thing if the Congress, with the investigating committees it has, would just appoint another to find out what is loose somewhere around. It is all right to represent your constituents, but, after all, other people have some interest in what we do.

I asked the gentleman from Virginia [Mr. Broyhill]: “What makes you think you will get a tunnel any quicker than you would a bridge? He replied: “There have been a lot of folks who have wanted a bridge over there for a number of years, but they will not build it.” I asked him who would not build it, and he said the Department of the Interior.

Well, let us get after them. Who are they? It may be all right for the Supreme Court to defy the Congress and tell us we do not know what we are legislating about and that we do not mean what we say, but are we to let the Department of Interior come along and usurp the function of criticism which the Supreme Court has assumed? It is about time we sat down on the Department of the Interior, and if they will not do what we tell them to do, cut off their appropriations; they come to time [sic]. [Supplemental Appropriations for 1958, *Congressional Record-House*, August 6, 1957, pages 13778-13779]

On August 7, he introduced a bill to amend the 1954 Potomac River bridge act to shift the bridge to Roosevelt Island. With Congress due to recess on August 30, any consideration of the bill or of the issue would have to wait for the second session of the 85<sup>th</sup> Congress beginning on January 7, 1958.

(As Representative Hoffman suspected, a Georgetown seaport, if ever under consideration, never became a reality.)

### **Trying to Get Construction Underway**

At the end of July, Engineer Commissioner Lane left office. Speaking of his two and a half years as Engineer Commissioner, General Lane said he favored home rule to replace the current government by presidentially appointed commissioners. “This gives our friendly rivals in the suburbs more control over the spending of our tax dollars than we have ourselves.” His next assignment was Commanding Officer, Fort Leonard Wood in Missouri.

At a farewell party for him on July 25, the *Star's* principal political cartoonist, Jim Berryman, gave the departing commissioner a recent editorial cartoon about the battle over the Constitution Avenue Bridge. It depicted General Lane at his desk, happily waving his "Transfer Order to Command of Fort Leonard Wood." Behind him was a filing cabinet labeled "Potomac Crossing," with bulging drawers for "Bridge vs Tunnel." The caption read, "Hooray . . . Back to the Old PONTOON BRIDGES!" [Bassett, Grace, "Cool Controversy Marks Lane's Rule in District," *The Evening Star*, July 7, 1957; "Officials Laud Lane, Hail Welling at Party," *The Evening Star*, July 26, 1957; Berryman cartoon, *The Evening Star*, July 22, 1957, page 8]

General Lane's successor was Colonel Alvin C. Welling, a 46-year old civil engineer who had joined the U.S. Army Corps of Engineers in 1938 after graduating from the Massachusetts Institute of Technology. During World War II, he was stationed until 1943 in Alaska where he was involved in construction of the Corps' Southern Sector portion of the pioneer Alaska Highway in 1942. In 1943, he was reassigned to New Delhi, India, as executive officer to the Chief of Engineers, Service in Supply, in the China-Burma-Indian theater where he had been a staff officer on construction of the Assam-Burma Road. He had served several times in the Washington area: at Fort Belvoir, Virginia (1939), Office of Chief Engineer at Gravelly Point (in 1943, for 6 months, and again in 1951), and Fort McNair War College (1955-1956).

When President Eisenhower named him to the post of Engineer Commissioner, Colonel Welling was stationed in Heidelberg, Germany, as deputy engineer of the U.S. Army in Europe. He, his wife, and two school-age children moved into a home at 4629 Rockwood Parkway, NW., in the Spring Valley neighborhood of the District south of American University, just north of the Palisades, and not far from Glover-Archbold Park. The family included a beagle, named Gerald Kanine Beagle, that the Wellings had acquired in Arlington a few years earlier when he was a pup, (Having been shipped by mistake to Albuquerque, New Mexico, during the transfer, "Jerry" arrived belatedly in Washington.) ["Officials Laud Lane, Hail Welling at Party," *The Evening Star*, July 26, 1957; "Welling to Succeed Lane As D.C. Commissioner," *The Evening Star*, July 3, 1957]

After arriving in Washington, the family stayed at the Berkshire, a deluxe rental apartment building at 4201 Massachusetts Avenue, NW., where he talked to reporters in the lobby. None of his assignments had been "tame." As the *Star* put it:

Whether the task involved the 500-inch rainfalls of Assam, the 79-below zero cold of Alaska or running a teeming metropolis like the Nation's Capital, Col. Alvin C. Welling says he regards every last one as a challenge and source of enjoyment.

He told reporters, "Please. I don't want to talk about the Southwest Freeway, home rule, the Constitution Avenue Bridge or River Beno Dam. Right now, I'd rather talk about finding a house." He wanted to meet with his friend, General Lane, for updates on all the issues facing the new engineer commissioner, some of which Colonel Welling was familiar with from earlier postings to the area. He was looking forward with "keen anticipation" to his new assignment.

On July 29, General Lane and Colonel Welling paid a courtesy call on President Eisenhower at the White House. They declined to tell reporters what they discussed with the President, but

General Lane did say that he had not brought up any particular problems. They had discussed, he said, the position of engineer commissioner. [Stepp, John W., "Col. Welling to 'Enjoy' Challenge of D.C. Post," *The Evening Star*, July 19, 1957; "New Commissioner and Gen. Lane Call on President," *The Evening Star*, July 29, 1957]

By the time Colonel Welling took his oath of office on August 1, District officials had had enough. They were ready to move on the Constitution Avenue Bridge at its original location between Roosevelt Island and Arlington Memorial Bridge as approved in 1954. The District Highway Department asked the commissioners to authorize the project. Colonel Welling was believed to support the proposal, but Commissioner McLaughlin wanted time to examine cost estimates.

(Further, the Corps' permit for the fixed span was to expire on August 23. Robertson had requested an extension. The Corps extended the permit for 2 years to start construction and 4 years to complete the bridge.)

Two Senators stated they agreed with the District Highway Department. Senator Bible said the record was "abundantly clear" that the bridge was not only needed but congressionally authorized. "I urge that the bridge be built without further delay." Senator Gordon L. Allott (R-Co.) also recommended that the city "should start to build and build quickly." He acknowledged that he was "torn between loyalties" as a member of the National Monuments Commission. His preference was to keep the west shore of the Potomac clear for a monument to the Five Freedoms, but he felt that traffic needs overrode his preference. ["Officials Ask Go-Ahead On Constitution Bridge," *The Evening Star*, August 6, 1957]

On August 16, District officials announced they would go ahead. Colonel Welling predicted that construction would begin by the middle of 1958:

Commissioner Robert E. McLaughlin, who announced the decision jointly with Col. Welling, said the White House has offered no objection to proceeding with the bridge authorized in 1954. He said the city had agreed, however, to follow certain suggestions made by President Eisenhower at the time the 1954 legislation was signed. Included, he said, is a provision that trucks be banned from the bridge.

The District authorized Modjeski and Masters to begin designing the planned steel bridge while selecting a Chicago firm, Freyssinet-Preload Corporation, to design a bridge of prestressed concrete. The more cost-effective alternative would be chosen.

Design work on the bridge had begun after approval of the 1954 bridge, but approaches had been redrawn based on consultation with other organizations. The 1954 Act required consultation with NCPC and the Fine Arts Commission, but did not give them approval over the plans. As Beveridge pointed out:

This fact, nevertheless, is not likely to rule out heavy controversy during the next year among city highway officials and the planners, Fine Arts Commission and National Park Service.

Representative Broyhill, after the bruising battle over his tunnel bill, issued a statement:

I am of course gratified that we have no further obstacles to encounter and that the Commissioners intend to go ahead with construction. While there were a lot of annoying and disagreeable procedures we had to go through in Congress recently, we had to debate the issue to let the people know that Congress does not desire to amend the bridge authorization law which I sponsored in 1954. [Beveridge, George, "Work Expected to Start On Bridge by Mid-1958," *The Evening Star*, August 17, 1957]

Representative Broyhill later said he had conferred with White House officials since failure of his tunnel bill and had urged them to support the 1954 bridge location. They were, he said, primarily concerned about the traffic impact on the Lincoln Memorial area and the possibility of trucks on the roads in the memorial's vicinity.

Colonel Welling said the city had "a firm understanding" with BPR that the bridge would qualify for Interstate funds at a Federal share of 90 percent despite the truck ban. He also was reaching out to NCPC and the Fine Arts Commission to gain their support. Neither had, as yet, commented, but in a broadcast on WWDC's "Report to the People," Commissioner McLaughlin was asked if he thought the bridge would finally be built. "I certainly do. It is the full intention of the Commissioners and the Highway Department to go ahead with construction as fast as possible." [Beveridge, George, "Inter-Agency Accord Sought On River Span," *The Evening Star*, August 18, 1957]

Chairman Smith accepted the District's decision, saying he had exhausted his legislative efforts to secure a draw span. "There's nothing I can do," he said. "Congress passed the law." As for the businesses calling for a draw span, he said that if "the engineers who have the power to block the river want to do that, that's up to them." Still, he said, "I just don't like abandoning the age-old theory that rivers are highways" that should not be closed. ["Smith Stops Efforts to Get Draw Span," *The Evening Star*, August 19, 1957]

Before commenting formally, the Commission of Fine Arts asked for a model of the bridge and its approaches. Colonel Welling refused, saying the preparation of such a model would be a needless delay. On November 21, he gave the commission the plans for a multiple-arch span, faced with masonry, patterned after the Arlington Memorial Bridge. The *Star* praised the design, saying it was "far from the 'ugly scar' foreseen by one prominent opponent." It was "in short, a handsome design." The editorial pointed out that the 1954 law required consultation with the Fine Arts Commission, not its concurrence. "We hope, however, that the commission and the highway engineers will come to an early agreement on the design, so that actual construction of the long-awaited bridge can be started in the near future." ["Hardly an 'Ugly Scar,'" *The Evening Star*, November 25, 1957]

The commission did not agree. On December 19, David Finley replied in what Beveridge called "a bitter denunciation" of the city's plan to move forward with the bridge project. Finley said the commission strongly opposed the location of the bridge and hoped Congress would pass a law in 1958 shifting the bridge to a location across Roosevelt Island. However, if the city insisted on proceeding, the commission favored a masonry-type bridge. Finley also said the city should seek

the commission's advice on the architectural features of the connecting roadway structures in the District and Virginia:

In any event, the Commission of Fine Arts does not concur in or take any responsibility for the grave decision arrived at by the District Commissioners to proceed with the bridge in the short time intervening before the re-assembling of Congress.

You are at liberty, of course, under the law, to disregard such advice. We are not at liberty, however, to give you anything less than our considered, disinterested opinion as to what is best for the City of Washington.

He explained that the bridge was only a part of the project, which included roadways, overpasses and other structures. "These structures are hardly less important than the bridge itself, in the effect they will have on the appearance of the city." The commission was especially concerned about a planned 23<sup>rd</sup> Street overpass of Constitution Avenue which it said would "deposit a stream of traffic practically at the base of the Lincoln Memorial." In addition, the commission was concerned about how the approaches would affect Roosevelt Island, Arlington Memorial Bridge, and the Iwo Jima Marine Memorial:

Since you have refused to furnish the information requested, the commission is not in a position to advise as regards the proposed structures, except in the case of the bridge over the Potomac River at Constitution avenue.

In that regard, the commission would approve a masonry-type bridge "at some other location." To avoid any doubt, Finley added:

In considering the merits of the design, however, it must be understood that the commission does not, either directly or by implication, approve the erection of a bridge and its network . . . so near the Memorial bridge and the Lincoln Memorial. [Beveridge, George, "Fine Arts' Protest On Bridge Studied," *The Evening Star*, December 20, 1957]

The *Star* referred to the letter as "merely one opinion . . . expressed by an agency specifically created to give it." The editorial said that "after more than five years of interminable wrangling," the District commissioners had no choice but to proceed in view of the actions of other agencies and the Congress. "There has never been a more dismal demonstration of their utter incapability of working together in the common interest."

The point was not that the location was ideal. It was a compromise, worked out with Senator Case, that "Congress approved in its own confused exasperation over the hopeless conflict between the various executive agencies involved." The commissioners "seem powerless" to do anything but proceed. "Only the President of the United States can straighten out the inexcusable mess created by the inability of his executive agencies to reach agreement." There was still time for President Eisenhower to send "a forthright request" to Congress to approve legislation shifting the bridge to the tip of Roosevelt Island, and for the House and Senate to act. "If it is not done, and quickly, we shall have our own Bridge of Sighs near the Lincoln Memorial." ["Monument to Confusion," *The Evening Star*, December 22, 1957]

The day after the editorial, Colonel Welling replied to Finley's letter, saying the District was "pleased to have that architectural advice in writing" and adding that, "If it represents the commission's final advice on the bridge, then the commission and the engineers of the District could perhaps go on to further consultations."

He ruled out further discussions of the approaches and affected roadways. He planned to confine future consultations with the commission to design of pedestrian access between Small Island and Roosevelt Island:

The District has written the Theodore Roosevelt Association in search of the association's wishes concerning the pedestrian access from the bridge to Small Island. The item has since been discussed telephonically with a representative of the association.

The District would seek the Fine Arts Commission's advice after the Roosevelt Association offered its views on the pedestrian access.

As for the approaches, the District had consulted with the commission in 1955-1956. "The commission's views are well known, and every reasonable effort is being made to accommodate them." Colonel Welling added, "Any adequate bridge or adequate tunnel in that general vicinity will lead to the same general approach road system." ["Fine Arts Angered, Bridge Plans Pushed," *The Evening Star*, December 24, 1957]

In early 1958, Secretary Seaton informed reporters that he had written to the District Commissioners and spoken with Commissioners McLaughlin and Colonel Welling to request all plans for the Constitution Avenue Bridge. His request, he explained, was in accordance with President Eisenhower's August 1954 signing statement that the Secretary "should be authorized to approve all plans for the bridge and for approach roads and interchanges" to protect Federal interests. Secretary Seaton hoped to meet with Colonel Welling soon to discuss procedures for moving forward.

Asked if the NPS would continue to work on Capitol Hill against the bridge, Secretary Seaton said, "I have not any such intention." As for whether he thought he would approve the city's plans, he replied:

I certainly would hope so. I am entirely convinced that we need more ways and means of getting across that river. No one needs to convince me of that. But whether I can approve the plans, I can't say until I see what they are. I have never seen them at all.

He added that the President, in 1954, had given him "a heavy responsibility—I have to certify that whatever is done there will not be inimical to the interests of the Lincoln Memorial."

The NPS's Wirth indicated he had not initiated further discussions with Congress on the tunnel option.

Asked if he would meet with Secretary Seaton, Colonel Welling replied that he was "interested in working with anyone who has a legitimate interest in the various phases of the project—

provided the conversations are in the direction of progress rather than in the directions of impediments and delays.” He added:

I am not interested in a tunnel or in a four-lane bridge. From a considerable position of strength, I am opposed to efforts to amend the existing legislation, either in favor of a tunnel or to choose a new location for the bridge.

He said the District Highway Department had been working with National Capital Parks to ensure its concerns were addressed. [Beveridge, George, “Seaton Stresses Right to Okay Bridge Plans,” *The Evening Star*, January 12, 1958]

At the invitation of the District commissioners, they escorted Secretary Seaton and Under Secretary O. Hatfield Chilson on an inspection tour of the bridge site on January 27. Secretary Seaton also asked to see the site that would have taken the bridge over the tip of Roosevelt Island. The *Star* described the tour:

The inspection party first visited the District side of the river. The officials walked over ground which already has been staked out with the five roadways which would interlace park land near the Lincoln Memorial and link the projected bridge with Rock Creek and Potomac parkway, the Memorial roadways and the city street system.

The bridge would touch the shore slightly south of Constitution avenue near the ornamental Watergate, which flanks Memorial Bridge.

Mr. Seaton questioned particularly the elevation of the bridge approaches. Highway officials said the bridge at the shoreline would be 18 feet above the ground. The roadway would slope downward and reach ground level about 300 feet west of Twenty-third street  
.....

Later, the party crossed Memorial Bridge to the Columbia Island end of the proposed new bridge. Mr. Seaton there checked the vista which include [sic] the Lincoln Memorial, Washington Monument and Capitol dome.

Motorists, District officials told the Secretary, would have an unparalleled view of these sites. However, Associate Director Harry T. Thompson of National Capital Parks, “told a reporter . . . that in his opinion construction of a bridge at the proposed site would ruin this vista, which he called the finest in the area.”

The excursion did not resolve all concerns. Secretary Seaton was concerned about whether people in the vicinity of the bridge would be able to see the Lincoln Memorial. Although he had wanted to see the Roosevelt Island site that had been subject of recent legislative wrangling, he said of the 1954 location, “I’d rather work this plan out if I can.” [Deane, James G., “Seaton Hopes For Accord on Bridge Soon,” *The Evening Star*, January 27, 1958]

During a joint meeting of the Senate and House District Committees on February 4, Representative Broyhill asked the District commissioners when they would begin work on the Constitution Avenue Bridge. Commissioner McLaughlin replied that the city was waiting to see

how Congress would act on pending matters, including the bill authorizing a tunnel instead of a bridge. "I'd like to have that indication today," he said. That would not be possible, Senator Bible explained, until the Senate committee held hearings on a resolution that Senator O'Mahoney was about to introduce on the subject. Although Senator Bible favored the bridge, he did not want to deny tunnel supporters prompt opportunity for their views to be heard.

Colonel Welling, who was sitting in the crowd, tried to get Representative Broyhill's attention, stage whispering "Joel . . . Joel." When recognized, he told the joint committees that the District had submitted plans for approach roads on both sides of the river to Secretary Seaton 3 weeks earlier. "This is a procedure we always follow when roads cross park land." As soon as he received approval from Secretary Seaton, he said, he would start construction.

Despite Commissioner McLaughlin's hesitation, Colonel Welling and Commissioner David B. Karrick told reporters they were satisfied that the District had congressional authorization to build the bridge approved in August 1954. Karrick said, "I think we have all the congressional authority we need to build the bridge." ["Commissioners Differ On Bridge Go-Ahead," *The Evening Star*, February 4, 1958]

### **Another Look at a Tunnel**

On February 4, Senator O'Mahoney introduced a "sense of Congress" resolution calling on the District to halt preliminary work on the Constitution Avenue Bridge until Congress had "an opportunity" to consider the O'Mahoney tunnel bill. Representative Saylor introduced an identical resolution on February 5. (A "sense of Congress" resolution, if approved, does not require presidential approval or have the force of law. It is simply advice from Congress that Federal agencies may take – or not.)

The resolution angered Representative Broyhill, who said, "It doesn't have a chance." It also was, he said, ridiculous to say the House had not considered the tunnel alternative. "The House did, in effect, act on that proposition when it had my bill up late in the session and refused to pass it." [Preston, Alex R., "House Move Made to Block Bridge Project," *The Evening Star*, February 5, 1958]

Senator Bible was named head of the Senate District Committee on February 6, taking the place of Senator Matthew M. Neely (D-WV), who had died on January 18, 1958. The *Star* told its readers:

Senator Bible, a traditional friend of the District, has championed home rule, immediate construction of a Constitution avenue bridge and a study of Washington Metropolitan Area problems.

He parted with the District Commissioners and the Eisenhower administration on local suffrage by favoring an elected mayor, city council and school board in the past. The administration wants instead a territorial form of government for Washington. ["Senator Bible Named D.C. Committee Head," *The Evening Star*, February 6, 1958]

On February 6, Representative Broyhill introduced a resolution to the House that he said would “shore up, if necessary, the Commissioners so they won’t think there’s too much sentiment up here to halt the job.” Referring to action on his 1957 tunnel bill, he said, “After the battle we had, I don’t see how anyone can contend that that issue has not been settled in the House.” As for advocates of a tunnel in the House and Senate, he would ask Chairman McMillan to call up the O’Mahoney-Saylor bill at the committee’s next meeting:

If it’s action they want, by golly they’ll get it. I am confident they’ll back me up . . . .  
Their whole proposal is ridiculous.

He would not seek House action on his resolution at this time, but if the commissioners hesitated, he said:

I shall press for action up here. My resolution is here to back them up in case they are getting any kind of pressure to hold off . . . . I can understand why they wouldn’t act last year while Congress was thrashing out the question of a tunnel or a bridge and its location. It was only after Congress acted and settled the matter—I thought once and for all—and they got the nod from the White House that they went into action. [Preston, Alex R., “Broyhill Moves To Block Delays On New Bridge,” *The Evening Star*, February 6, 1958]

Senator O’Mahoney issued a new attack on the bridge on February 13. He was particularly concerned about the cost of the project, which had been estimated to be \$24.5 million in 1954. Given inflation in construction costs since then, he said, “it is not too much to say the proposed bridge . . . eventually would cost as much as \$40 million.”

The District’s highway chief, Robertson, denied the Senator’s claim. Land and construction costs had jumped since 1954, but the bridge still could be built for \$24.5 million. In part, that was because some of the approach road projects previously assigned to the bridge were now part of other projects, including the Inner Loop.

Senator O’Maloney also wanted to delay the project because he understood the State Department was concerned that the approaches might affect the new State Department building at 23<sup>rd</sup> and C Streets, NW. The department had asked Secretary Seaton for a report on the issue, but, according to the Senator, “the District Commissioners refuse to give the information.” Robertson told reporters that conferences with the State Department were planned to clarify that the bridge approaches “would not disturb the State Department layout in any respect.” [“O’Mahoney Hits Bridge As Costing \$40 Million,” *The Evening Star*, February 13, 1958]

Senator Bible’s announcement that hearings would be held on the O’Mahoney/Saylor resolution prompted Senator John M. Butler (R-Md.), who lived in Baltimore, had not taken a firm view on the Constitution Avenue crossing, to announce his support for the six-lane bridge on February 25. He urged the District to begin construction of the bridge immediately. Hundreds of his Maryland constituents were delayed in daily bottlenecks trying to cross the Potomac River. Congress, he said, “already has spoken” in support of the bridge. He particularly denounced lobbying by Federal agencies against the bridge project:

This opposition obviously is spear-headed by the National Park Service. Personally, I resent the lobbying of Federal agencies for their pet projects in Congress, and I respectfully urge the President to call a halt to Federal agency lobbying against the already-approved bridge legislation.

It is high time that the District Commissioners brush the minority opposition aside. They should proceed without further delay to build the Constitution avenue bridge.

The same day, District officials met with Department of State officials regarding the approach road near their new building under construction to serve 9,000 employees. Robertson said after the meeting that he thought State Department officials felt the approach road plan would help traffic flow around the building, not hinder it. Colonel Welling agreed, saying “the result of the conferences which I have attended is that the conferees end up agreeing that the Highway Department proposals are the most efficient and, all things considered, the most acceptable.” [“Butler Blasts ‘Lobbying’ By Agencies on Bridge,” *The Evening Star*, February 25, 1958]

Reacting to Commissioner McLaughlin’s desire for an “indication” of congressional intent, the House District Committee on March 3 rejected the “sense of Congress” resolution by Senator O’Mahoney and Representative Saylor calling on the District to delay construction of the bridge until the House had acted on Senator O’Mahoney’s Senate-approved tunnel bill. In an executive meeting, the committee adopted a resolution stating:

It is the sense of the committee that the Commissioners proceed forthwith with the construction [of] the Constitution avenue bridge project. The committee further requests the President of the United States to facilitate immediately through the Federal Government any clearances bearing upon the initiation of the bridge project construction.

With no delaying action likely in the House of Representatives, the last obstacle was approval by Secretary Seaton. Publicly, he indicated he was trying to work with District officials to resolve concerns about the impact of the approaches on the Lincoln Memorial. He was, he said, “very hopeful of having the whole thing ironed out next week,” adding that “nobody wants more time to go by” without another crossing of the Potomac River. [Beveridge, George, “Seaton Seeking Bridge Accord By Next Week,” *The Evening Star*, March 6, 1958]

On March 25, the District commissioners met with Secretary Seaton to present revised proposals for the approach roads. The new plans included “significant reductions,” according to Colonel Welling, in the elevations of roadways and overpasses in the vicinity of the Lincoln Memorial. In addition, the city planned to slope the embankments along the roads to create the appearance of gently rolling terrain. In addition, the commissioners presented photographs of current views from the planned location of approach roads. The roads, in the District’s view, would be only slightly visible from the memorial. The photographs also showed that the new approach roads would be concealed by existing vegetation.

Secretary Seaton conceded that the changes moved “toward” his objectives, but he declined to offer any judgment until his staff had reviewed the plans in detail. “This has given some

renewed hope that we can work this thing out,” he said. His goal was to allow the much-needed new river crossing without doing “violence” to the memorial area. [“Interior Officials Study New Bridge Road Plans,” *The Evening Star*, March 26, 1958; “Approaches Set Lower at Bridge,” *The Evening Star*, March 30, 1958]

Secretary Seaton submitted his report to President Eisenhower in April. He conceded the “urgent need for an additional bridge across the Potomac between Memorial Bridge and Key Bridge,” but in view of the limits imposed on location by the 1954 legislation, he “recognized the vital necessity—in the public interest—of minimizing the possible impairment of the monumental design and artistic setting of the Lincoln Memorial and other memorial structures in the area.” It was “regrettable” that the legislation was so specific as to location and type of bridge, thereby limiting the ability of “responsible executive agencies to carry out their obligation to preserve and protect to the maximum possible extent the distinctive aesthetic values associated with what has been universally acclaimed as one of the world’s outstanding national shrines.”

The focal point of the Interior Department’s concerns was the “location of approach roads and interchanges . . . lying directly northwest of the Lincoln Memorial bounded on the north by Constitution avenue, on the east by Twenty-third street and on the south and west by the Rock Creek-Potomac parkway.” Although the District had modified these facilities to address the department’s concerns, the result was that “within this relatively compact area and on immediately abutting lands, it will be necessary to place a maze of structures running as high as 22 feet above present grade, and involving a number of overhead grade separations.” Nearly 400 trees would have to be removed along with most of an evergreen grove at Ohio Drive and other plantings.

To avoid “such an encroachment on the dignity, beauty, serenity and magnificent setting of the Lincoln Memorial,” he asked the President to support “one last effort to secure from the Congress the slight modification of the controlling legislation” to shift the bridge to cross Small Island on Roosevelt Island:

Given full support of the executive branch, I firmly believe that communication of the facts as we now know them to the Congress might well result in a favorable response.

If Congress acted promptly, the shift in location “need not cause an appreciable delay in initiation of construction.”

He added:

Failing favorable action by the Congress during this session, and in light of the history of the entire matter and the present traffic situation, we would have no choice but to proceed—however regretfully—as expeditiously as possible to carry out the directive of the Congress [in the 1954 Act] within the strict limitations laid down by it.

On April 19, the White House announced that President Eisenhower endorsed Secretary Seaton’s recommendation. The President opposed immediate construction at the planned location to

allow for “one last effort” in Congress to shift the bridge so that the District end would be between Constitution Avenue and E Street, NW.

District officials were concerned about the delay, but considered the President’s decision to be final. Colonel Welling said:

It has been obvious for months that this bridge proposition would have to go to the White House for a decision. Now we have it, and that’s that.

Representative Broyhill, too, was disappointed about the delay, but was encouraged by Secretary Seaton’s assurance that if Congress did not act in the current session, the District would be authorized to proceed with the existing plans.

Members of the House and Senate District Committees promised quick action. [Beveridge, George, “New Site for Bridge Asked by President,” *The Evening Star*, April 20, 1958; Secretary Seaton’s letter is reprinted in the same issue]

Colonel Welling agreed with the President that shifting the bridge was preferable for aesthetic reasons, although the \$250,000 expended on the proposed bridge at its present location would be lost. He also noted that a “hard core of tunnel advocates” were not ready to give up on eliminating the bridge altogether. Further, he said, the draw span issue would remain to be resolved wherever the bridge was built.

The *Star* editors considered the President’s desire to shift the bridge “the only really satisfactory solution to an almost hopelessly complicated dilemma.” Three years earlier, “all Federal and District agencies” agreed on the shift, but “it was sabotaged on Capitol Hill by Federal park and planning officials who wanted no bridge at all.” The editors thought that with the President’s support “such a spectacle is not likely to be repeated.” [“Welling Cites Tunnel Bill,” *The Evening Star*, April 21, 1958; “Most Satisfactory Solution,” *The Evening Star*, April 21, 1958]

General Grant urged the Committee of 100 on the Federal City to remain firm in support of the tunnel, especially since the Senate had approved the tunnel bill. The committee continued to support the tunnel option, but conditionally approved President Eisenhower’s recommended shift of location, if a tunnel were not possible, as preferable to the one approved in 1954. [“Ike’s Choice Of Span Site Is Supported,” *The Washington Post and Times Herald*, April 29, 1958]

### **Back to the Hill**

Secretary Seaton submitted a bill on May 1 to authorize the location shift. In a letter to congressional leaders, he called the shift “a desirable and harmonious solution” to the long fight over the bridge. He also disclosed that the Theodore Roosevelt Memorial Association had submitted written approval of the plan to cross the tip of Roosevelt Island. To avoid any concern that the NPS would continue to fight the project, Secretary Seaton said, “agencies of this department are prepared to co-operate fully with the Board of Commissioners of the District in carrying out this project expeditiously.” [Beveridge, George, “Fast Action Urged On Shifting Bridge,” *The Evening Star*, May 2, 1958]

The bill amended Title I of the 1954 law to read:

That (a) the Commissioners of the District of Columbia are authorized and directed to construct, maintain, and operate a low-level bridge, to be known as the Theodore Roosevelt Bridge, over the Potomac River, from a point north of and in the vicinity of Constitution Avenue in the District of Columbia to the Virginia side of the Potomac River, such bridge to cross such portion or portions of the two islands comprising Theodore Roosevelt Island at the location approved in writing on April 30, 1958, by the Theodore Roosevelt Association,

The bill also amended subsection (b) of Title I to authorize the commissioners “to construct and maintain structures providing pedestrian access or vehicle access, or both,” to Roosevelt Island if requested by the Interior Department.

The House District Committee approved the bill on May 12, 1958, although six members voted “present” or “no” to protest the long delay in the bridge project. The committee’s report stated:

The committee voted reluctantly to report this legislation favorably to the floor. However, it is the feeling of the committee that there has been entirely too much procrastination and delay in the construction of a bridge in this area, particularly in view of the fact that the original location approved by Congress in 1954 was the result of a compromise by various groups . . . .

The Commissioners’ efforts in the construction of the project should no longer be subjected to delaying tactics on the part of the Commission of Fine Arts, Park Service, National Capital Planning Commission, and the Theodore Roosevelt Association. In fact it is only with the understanding that the President will keep the above-listed organizations in support of the bridge project that the committee has expressed a willingness to go along with the proposal to change the location of the structure.

Nevertheless, in view of “the great importance of maintaining the navigability of the Nation’s waterways,” the committee recommended that the U.S. Army Corps of Engineers, “in acting on any application for a navigation permit for the upstream bridge location, give serious weight to the requirements for vertical clearance by existing navigation.” [Amending the Act to Authorize and Direct the Construction of Bridges Over the Potomac River, Committee on the District of Columbia, House of Representatives, 85<sup>th</sup> Congress, 2d Session, Report No. 1721, May 14, 1958, page 3]

This reference to the permit, which the Corps issued for the low-level bridge in 1954, was seen as being included in deference to Chairman Smith, despite his promise not to try to block the bill. Asked about this committee statement, Robertson said that increasing clearance from the planned 27.5 feet would not delay construction. [“Robertson Discounts Delay for Higher Span,” *The Evening Star*, May 13, 1958; and “House to Act Monday On New Site for Bridge,” *The Evening Star*, May 15, 1958]

Chairman John L. McMillan (D-SC) predicted prompt House action.

When reporters asked Chairman Smith if he would oppose the bill, he replied:

I don't agree with a fixed span, but we need the bridge so badly I'm going to stop fighting it. They can build anything they want with no fuss from me. [Preston, Alex, "House Group Reports Relocated Bridge Bill," *The Evening Star*, May 12, 1958]

Senator O'Mahoney and Representative Saylor also conceded the measure. The Senator said, "If the administration takes such a conclusive position, I am willing to accept the bridge. And if the [Roosevelt] association accedes to Secretary Seaton's recommendation, then I accede."

Representative Saylor agreed. "If the administration feels that way about it and if the Theodore Roosevelt Association feels that way about it, I am willing to go along." ["Early Vote Due on Span As Tunnel Fight Fades," *The Evening Star*, May 14, 1958]

Chairman McMillan introduced the bill on the House floor on May 19, explained the measure, and secured House approval without debate in 30 seconds. [Amending the Act to Authorize and Direct the Construction of Bridges Over the Potomac River, *Congressional Record-House*, May 19, 1958, page 9005]

The Senate Committee on the District of Columbia approved the bill on May 20. Its report contained a sentiment similar to the view expressed in the House committee report, referring to "too much procrastination and delay":

The Commissioners' efforts in the construction of the project should no longer be subjected to delaying tactics on the part of the Commission of Fine Arts, the National Park Service, the National Capital Planning Commission, the Theodore Roosevelt Association or any other body. [Amending the Act to Authorize and Direct the Construction of Bridges Over the Potomac River, Committee on the District of Columbia, United States Senate, 85<sup>th</sup> Congress, 2d Session, Report No. 1622, May 21, 1958, page 3]

On May 26, the Senate approved the bill, with minimal discussion limited mainly to praise of committee members for moving the bill and expressions of support for the relocated bridge. [Construction of Bridges Over the Potomac River, *Congressional Record-Senate*, May 26, 1958, pages 9448-9449]

The congressional action earned praise in a *Star* editorial titled "New Era of Progress" on May 27. "It is a rare occasion when District legislation . . . swishes through Congress with such unanimity and speed . . ." The editors singled out Secretary Seaton, calling him "an earnest and effective mediator" who resolved "the heated controversy between his own park conservationists and the District Highway Department." The editorial ended:

So there now dawns for Washington a bright new era of building for a greater and more beautiful city. The whole community is grateful to all concerned in paving the way for this epochal progress.

Without fanfare or a statement, President Eisenhower approved the bill on June 4, creating Public Law 85-446.

## The Last Gasp(s)

The Commission of Fine Arts was still not convinced. On June 26, it approved preliminary design for a twin to the 11<sup>th</sup> Street Bridge over the Anacostia River. To be built in 1962, the bridge, located about 300 feet upstream from the existing bridge, would carry westbound traffic, with eastbound traffic crossing on the existing span. The commission acted on a number of other matters, but wanted further conferences with the District Highway Department on design details of the Theodore Roosevelt Bridge. [“Fine Arts Group Oks 11<sup>th</sup> Street Bridge Plan,” *The Evening Star*, June 27, 1958]

On September 11, the commission gave “general approval” to the design for the new 14<sup>th</sup> Street bridge to replace the trestle-topped bridge. With the new bridge scheduled to open in 1962, District officials indicated they would make some improvements to the trestle-topped bridge to keep it open until then. The commission requested some changes in the ramps for the Washington Channel bridge connecting to the Southwest Freeway, but they were not considered to be serious problems.

However, the commission was still not satisfied with “all the details” of the Theodore Roosevelt Bridge. A commission official said the problems resulted “from the basic difficulty of getting a satisfactory bridge in that area.” The commission held a closed-door meeting with District highway officials, during which, according to reports, a District official told participants that the two agencies “have never been closer in their aims than they are now.” [“Fine Arts Unit Oks 14<sup>th</sup> St. Bridge Plans,” *The Evening Star*, September 12, 1958]

By October, the final hurdle was Secretary Seaton’s approval of the bridge and the approach road network in the vicinity of the Lincoln Memorial. On October 30, Secretary Seaton informed the commissioners by letter that he was in “complete agreement” on the basic approach design, but wanted further discussion of three details based on traffic and engineering data. The three areas were road layouts south and east of the Lincoln Memorial; whether a bridge will carry 23<sup>rd</sup> Street over Constitution Avenue or an intersection with a traffic light would suffice; and, in Beveridge’s words:

The precise location of the opening of a tunnel which will carry the District’s “inner loop” freeway beneath the Lincoln Memorial grounds to the west of the memorial. Interior wants this tunnel portal moved as far as possible north of the memorial. The District says it must be near it, in order to permit “inner loop” traffic to get to the Arlington Memorial Bridge and to the Rock Creek and Potomac parkway.

Although these issues remained to be resolved, General Welling ordered highway officials to begin immediately to work on detailed plans and construction drawings for the bridge. (Engineer Commissioner Welling had been promoted to Brigadier General on August 9.) The first step would be approval of a contract with Modjeski and Masters for this work. The Interior Department’s issues about approach road details would not affect the bridge itself.

Further, Interior officials said the Secretary was not unalterably opposed to the existing approach details, but just wanted “a final look” at the most recent data on the three topics. General

Welling held a press conference, during which he said he was “confident” the data would convince Interior officials to approve the planned approach network. He said he also had instructed Highway Director Robertson to develop a contract for design of the Potomac River Freeway east from Key Bridge. According to Beveridge:

Gen. Welling also disclosed details of design for the new Constitution avenue bridge, which he said have agreement of the Federal Fine Arts Commission. These include decisions to build only six bridge piers, equally spaced, across the river with 222-foot spaces between them, and to build the “end piers” on each side of the river of stone masonry. [Beveridge, George, “Work Ordered On Potomac Bridge Design,” *The Evening Star*, October 31, 1958]

The remaining issues proved more stubborn than General Welling expected. As late as November, he responded to a question about the project on WWDC’s “Report to the People” by saying that if the District and Interior could not resolve remaining issues, “someone else” would have to reach a decision. Asked if “someone else” meant President Eisenhower, General Welling would not clarify his meaning. He did not expect the reviews to lead to an “impasse” and remained confident that traffic would be crossing the Theodore Roosevelt Bridge in 1962. [“White House Seen Getting Bridge Row,” *The Evening Star*, November 2, 1958]

One issue was resolved in January 1959 when BPR approved the plan to have sidewalks on both sides of the bridge. For safety reasons, BPR preferred to eliminate pedestrians from Interstate highways. In this case, however, BPR agreed to the plan approved by the Commission of Fine Arts that included a sidewalk on both sides, with steps to the island. [“Crossing the Bridge,” *The Evening Star*, January 27, 1959]

Mid-afternoon on April 19, 1960, the District held a ceremony near the intersection of Constitution Avenue and the Rock Creek and Potomac Parkway to mark the start of construction of the Theodore Roosevelt Bridge. With several hundred spectators on hand, General Welling presided over the event. He said the bridge had been a “prime project of mine” that had come “out of debate . . . into action.” He observed that approval of the bridge had broken the logjam of area projects, leading to construction of a Cabin John Bridge as part of the outer beltway, an underpass at Washington Circle, the Culture Center (today’s Kennedy Center), and an “interceptor” for removing raw sewage from the Potomac River.

Commissioner McLaughlin, calling the project “a tribute to the reasonableness” of the agencies involved, said the subtitle of the bridge should be “Potomac Compromise.” Reflecting the long debate, Commissioner Karrick said he “never expected to live to see the start of its construction.”

Representative McMillan described the legislative battles behind the bridge and said he hoped “to walk across this bridge some day.” Senator Frear of the District committee observed that it was “always a pleasure to see progress.”

As part of the ceremony, General Welling asked three officials to press three buttons. The first button prompted the District’s fireboat to shoot jets of water into the air. The second button would signal the start of the piledriver. The third button would begin three blasts from a 75-

millimeter cannon to signal that construction was underway. The fireboat shot the jets of water and the piledriver began, but the cannon failed due to a broken firing pin. Nevertheless, construction had begun. [McKelway, John, "Mighty Cannon Is Mute Witness At Roosevelt Bridge Ceremony," *The Evening Star*, April 20, 1960]

The Cabin John Bridge opened on December 31, 1962. In a ceremony on May 30, 1969, the bridge was renamed the American Legion Memorial Bridge.

Although NCPC's Roaches Run Bridge was not built, the \$7 million Washington Channel Bridge that was part of the compromise worked out by Senator Case was opened in a ceremony on July 31, 1962. During the ceremony, NPS's Wirth told the crowd that the District had "one of the best highway departments in the Nation." District Engineer Commissioner Frederick J. Clarke said the bridge was "the symbol of what can be accomplished by co-operation between city planners, the Park Service, the Redevelopment Land Agency and highway builders." ["Channel Bridge Passes Test," *The Evening Star*, August 1, 1962]

Senator Case, who would have been an honored guest during the ceremony, died a few weeks earlier on June 21 after a heart attack in his Senate office. Efforts to name the bridge in his honor began almost immediately. On September 25, 1965, Congress approved a Joint Resolution that the bridge be named the "Francis Case Memorial Bridge" and urging the District commissioners to place a plaque with the name in a visible location. The name, and the sign containing the name, remain in place.

(He was preparing for a reelection battle against his Democrat opponent, former Representative George McGovern, who most recently had been administrator of the Kennedy Administration's Food for Peace Program. McGovern would win the election against Senator Case's appointed replacement.)

(Although the Southwest Redevelopment Plan would continue, Zeckendorf would not be part of it. With Webb and Knapp in financial distress, the company signed a contract on November 2, 1964, transferring its commercial land holdings in the area to a consortium that included David Rockefeller of Chase Manhattan Bank (and brother of New York Governor Nelson A. Rockefeller). The company had lost its residential property interests in August to a group headed by local developer Charles S. Bresler. Webb and Knapp declared bankruptcy in 1965. [Ottenberg, Miriam, "Syndicate Buys SW Holdings Of Zeckendorf," *The Evening Star*, November 2, 1964; Gutheim and Lee, page 273]

(By the 1970s, the Tenth Street Mall had been completed. It formed an arrow-straight street that is now called L'Enfant Plaza. The mall was surrounded by tall office buildings, a hotel, and a plaza in the center of which was an impressive fountain. The grand mall consisted of sidewalks and a wide median walkway between traffic lanes. The development included a hidden shopping mall called The Promenade that officially opened on November 16, 1968, with over 30 stores, service establishments, and eating places, as well as a movie theater. The Promenade opened amidst great optimism, but over time, depended almost entirely on lunchtime business from nearby office workers.

(The boulevard-like mall Zeckendorf had envisioned stretched only from Independence Avenue to an overlook high above the restaurants and the Maine Avenue fish market along the Washington Channel, with a steep pedestrian path and traffic lanes connected to Maine Avenue. Beyond weekday work hours, the Tenth Street Mall sees infrequent foot traffic, with little to attract the public except parking spaces for visitors to the National Mall across Independence Avenue. As for the link between the Tenth Street Mall and the Maine Avenue waterfront, a 2017 book about southwest Washington explained:

An outgrowth of the Zeckendorf-Pei plan for Southwest, the Tenth Street promenade that was envisioned was unfortunately terminated with a fountain in 1968 at the Banneker overlook due to the exit ramp for I-395, and it remains an anomaly of urban vision from the 1960s . . . . Southwest residents and tourists headed to the Metro station from the waterfront continued to scale a non-landscaped hill on a dirt path from the popular Maine Avenue waterfront almost 50 years later. [Williams, Paul K., and Alexander, Gregory J., with the Southwest Neighborhood Assembly, *Southwest DC*, Arcadia Publishing, 2017, page 17]

(A paved path is also available.

(The James V. Forrestal Building straddles the entrance to the mall, stretching along Independence Avenue from 9<sup>th</sup> Street to nearly 12<sup>th</sup> Street; it was built in the late 1960s only after much conflict with the Smithsonian Institution, NCPC, Zeckendorf, the General Services Administration (GSA), and others. It initially housed the Department of the Navy and now is home to the Department of Energy. To the east of L'Enfant Plaza, the Department of Housing and Urban Development was on the west side of 7<sup>th</sup> Street, SW. Across 7<sup>th</sup> Street, the Nassif Building housed the Department of Transportation until 2007, when the department moved to two buildings on M Street, SE. (The Nassif Building, now known as Constitution Center, houses several Federal agencies).

(Richard F. Ward's 1978 history of the District's southwest described the Tenth Street Mall at the time:

Originally envisioned as the grand entrance to the Southwest, the Tenth Street Mall/Overlook has lost its purpose. There are several reasons for this. First, Tenth Street is not one of the streets which continues from the Northwest across the Mall and into the Southwest. It is a truncated street, always has been and always will be as long as there is a Smithsonian Castle on the Mall. Secondly, the original plan to build a parking garage under the Overlook fell through. People were to have been attracted to the Overlook not only for the fine view but also because of a national aquarium across the channel in East Potomac Park. A Ponte Vecchio on the channel (a touch of Italian in the area would be welcome) would span the Washington Channel so people could walk to the park. The idea is fine but has to wait for times when such things are given higher priority. And, finally, the true center of the Southwest is probably Fourth Street. The Tenth Street entrance is more of a side entrance. [Ward, Richard F., *South and West of the Capitol Dome*, Vantage Press, 1978, pages 83-84]

The waterfront restaurants, including Hogate's and Phillips Flagship, have disappeared, replaced by The Wharf, a multi-billion dollar mixed-use development. The first two buildings of The Wharf opened in October 2017.

## Getting U.S. 270 into the District of Columbia

### The Old Road

The road from Frederick, Maryland, to Washington, D.C, can be traced to pre-colonial times. A history of Rockville, Maryland, described the Indian trail that initially followed the route:

Indians defined the original path ten thousand years ago. Groups of Piscataways, Senecas, and Susquehannocks followed game, set up seasonal camps, and marked an inland north-south route along this piedmont ridge. By the 1690s, European settlers had displaced the Indians and appropriated the old road known as the Sinequa Trail.

[McGuckian, Eileen S., *Rockville: Portrait of a City*, Hillsboro Press, 2001, page 3]

A historian of Germantown, Maryland, stated:

The native Americans in this part of the country also used mainly waterways to travel from one place to another and the Indian paths usually connected one waterway with another. The Indians had a path along part of the eventual route of the Frederick Road, for they also had to have some way to get around the falls of the Potomac River; but their path veered off to the west above Germantown to proceed to the mouth of the Monocacy River. [Soderberg, Susan, *A History of Germantown, Maryland*, published by the author, 1988, pages 24]

During colonial times, the road was gradually improved as settlers formed towns in the corridor and farmers needed a path to market:

Travelers and planters in the area of present-day Rockville relied on the colonial route. They appreciated the Maryland Assembly's attempt to keep the roadway cleared of obstructions, notched for directions, and free of standing water. As early as the 1740s, local planters shipped hogsheads of cured tobacco down the *rolling road* to the port of George Town. Pioneers heading to western Maryland, the Ohio territory, and beyond traveled the Great Road. [McGuckian, page 3, italics in original]

In 1755, the road was part of one of the more disastrous moments in the French and Indian War. British General Edward Braddock took a force north to a French post at Fort Duquesne (site of Pittsburgh) in an attempt to force the French out of British colonial territory. From Williamsburg, Virginia, he led his army to Georgetown, then north, stopping initially at Owen's Ordinary (or inn) near the present site of Rockville. The British army continued north to Dowden's Ordinary (Clarksburg) and Frederick before turning west to Cumberland. From there, army engineers had to carve a wider road out of an old Indian trail to get the force to Fort Duquesne:

West of Fort Cumberland the road dwindled to a narrow path, and Braddock's army yielded to colonial engineers who cut a new twelve-foot right-of-way for the advancing army. On July 9, having marched two hundred miles to within sight of Fort Duquesne, they were surprised by French regulars, French Canadian militia, and Indian warriors. Braddock's troops were handily defeated, and Braddock was fatally wounded.  
[McGuckian, pages 1-2]

Braddock made many mistakes on this expedition, including not listening to his aide-de-camp, a young Virginian named George Washington, and others who explained that a British-style assault would not work in the wilderness:

Benjamin Franklin, who was called in to help procure supplies for the army, reports that it was Braddock's ignorance of wilderness fighting that was the cause of the failure.  
[Soderberg, page 25]

Following independence and creation of the United States of America, the road between Georgetown and Frederick remained important. "It is shown on the 1790 census map of Maryland as one of only seven major roads in the state at that time." [Soderberg, page 24]

Its importance increased when the general government built the National Road from Cumberland, Maryland, to Wheeling (then in Virginia) as a portage between the Potomac and Ohio Rivers. Construction took place from 1811 to 1818; soon, the general government began extending the road west. Maryland had chartered the Frederick Turnpike in 1805 and extended it to Boonsborough. With revenue from bank charters, Maryland financed the "Bank Road" to complete the road from Baltimore to Cumberland, reaching it in 1820, with only a few gaps.

In 1805, Maryland embarked on a network of turnpikes, many centered in Baltimore but in other parts of the State as well:

In 1805, the Maryland Assembly chartered the Washington Turnpike Company, the first in Montgomery County. Originally, the plan was to improve the existing roadway from the District of Columbia line, through Rockville and Clarksburg, to the main square in Frederick. This would be financed by shares of capital stock for twenty dollars each, with George Town, Washington City, Frederick, Elizabethtown (Hagerstown), and Rockville each responsible for raising subscriptions.

The twenty foot wide roadway . . . was completed by the mid-1820s. The company erected guideposts and milestones to inform travelers of distances from the District to toll gates, other turnpikes, and destination towns . . . . The turnpike company depended upon user revenue to keep the road in repair. Travelers paid tolls at gates in Tenallytown, Bethesda, and the Wilson farm (now Georgetown Prep). The Maryland legislature set the rates.

Tolls varied for herds of sheep, hogs, or cattle (measured in scores of 20); every horse and his rider or led horse; a chariot, coach, or stage with two horses and four wheels; and a carriage with four horses [McGuckian, pages 29-30]

The Great Road, as it was also called, was heavily traveled:

George Washington traveled the road many times and often stayed at Peter's Tavern (later Tabler's) that stood on the south bank of Bennett's Creek on Frederick Road. Other famous visitors to Tabler's were Lafayette and President Andrew Jackson. In the 1840s James K. Polk stayed at the Hyatt House, an inn in Hyattstown, on the way to his inauguration.

There was a considerable controversy from 1829 to 1831, when there was a push to replace [the Great Road] with a road from Washington to the National Road which would run further east, through Brookeville and New Market. The proposition was defeated, however, and the road remained as it was.

During the Civil War the Frederick Road was used by both the Union and Confederate armies . . . . [Soderberg, page 25]

Conditions gradually improved:

The turnpike company constantly attempted to improve service. Horse and foot travelers between George Town and Frederick in the 1820s shared the road twice weekly with a two-horse stage, which cost three dollars. By 1828, a passenger stage went daily; for four dollars, a passenger could ride from George Town or Wheeling. By then, the loops between Bethesda and Montrose, present-day Old Georgetown Road, had been bypassed with a straighter route . . . .

The Washington Turnpike Company remained solvent through most of the nineteenth century . . . . It fought constant wash-outs and could not raise funds to install planks in the deep wheel ruts in 1852. Public financing of the canal and the railroad westward from Baltimore provided an edge that road-connected towns did not match until the mid-twentieth century. [McGuckian, page 30]

New technology had been the turnpike's downfall. Transportation by "foot, horseback, carriage, and stage" had dominated for many years:

In the late nineteenth and early twentieth century, the alternatives greatly expanded. The steam railroad came into Montgomery County in 1873, connecting remote areas to markets in Washington and triggering a real estate boom that dramatically changed the size, appearance, and character of Rockville. Two decades later, the electric trolley opened another connection to the nation's capital . . . .

By the last decade of the nineteenth century, the Washington Turnpike Company had lost all incentive to maintain the Rockville Pike. The road was rutted and muddy, particularly during winter. Users paid insufficient tolls to warrant keeping the tollbooths open. The turnpike declared bankruptcy and deeded the roadway to the Montgomery County commissioners. [McGuckian, page 71]

In 1898, a report by the Maryland Geological Survey said of the road in Montgomery County:

The most extensive piece of road-construction undertaken in this state for a number of years is the rebuilding of the old turnpike between Rockville and Georgetown. No road in the county was more in need of improvement both on account of its condition and of its importance as the direct route from Rockville to Washington. It has long been known as one of the worst pieces of main highway in the state. The old foundation stones, many two or three feet in size, formed the surface of the roadway proper which was but little used. At the sides a rough single-track dirt road had been worn sometimes five to ten feet below the level of the old road-bed . . . . As a result where there should have been a well-traveled road and much improved suburban property there was but little travel and land values below those of other neighborhoods no farther removed from Washington.

As provided by State law, Montgomery County issued road bonds to raise \$25,000 to improve the road from Rockville to the District, a distance of 7.5 miles. To prepare the road for a macadam surface, the contractor removed the foundation stones of the old turnpike “which are taken out and thrown to one side and afterwards crushed to form the material for the new road.” Considerable grading was necessary “on account of the depth to which the sides have been worn and also to reduce the grades to 6 per cent, as required by the law authorizing the improvement.” Despite this recycling of material, “much additional stone” was needed. The result:

The road as constructed has 16 feet of macadam flanked on either side by a 12-foot dirt road. Broken stone is put on to a depth of 12 inches for a short distance from Rockville but elsewhere it is 9 inches . . . . At the present writing, October, 1899, about 3 miles have been completed.

The report listed three turnpikes in the county, including the Georgetown and Rockville Turnpike. At the time, tolls were not collected. [*Report on the Highways of Maryland*, Maryland Geological Survey, The Johns Hopkins Press, 1899, pages 242-243]

For Frederick County, the survey indicated that tolls were collected on 129 miles of stone road:

It is a noticeable feature that nearly all of the main thoroughfares in the county are turnpikes. This is especially true about Frederick from which radiate nine turnpikes that are very well traveled within three to five miles of the city.

A list of the county’s turnpikes included “Frederick and Washington (or Georgetown)” along the path of future U.S. 240 (now State Route 355). The listing indicated the road was “Piked” from Frederick to Araby (near the Monocacy River). The report did not comment on the condition of the road. [*Report on the Highways of Maryland*, pages 231-232]

### **The Road in the 20<sup>th</sup> Century**

The automobile revived interest in road travel. During the early 20<sup>th</sup> century, the Washington-to-Frederick road was included in the National Old Trails Road, a transcontinental route from Baltimore to Los Angeles, mostly over historic roads such as the National Road. In 1916, good roads writer Robert Bruce included a description of this segment in his book about the National Road. Beyond Dupont Circle, he wrote, motorists could leave Washington on Connecticut

Avenue or Wisconsin Avenue (reached via Massachusetts Avenue), with both connecting in Rockville. Either route took the motorist to the “suburban village of Bethesda.” Bruce described the route just beyond the District line:

Thence it passes over the railroad to the fork beyond; here leave the trolley by keeping practically straight ahead on the Rockville Pike. That part of this highway from the District line to Rockville, which had already been graded and macadamized by Montgomery County was taken over about three years ago by the Highway Department of the U.S. Government, and is now maintained by it for the purpose of experimenting with the different kinds of road surfacing. Signs giving the number and character of the “experiment” will be noted along the way.

A motorist would cross the trolley line alongside the road into Rockville. Riding through Gaithersburg, Bruce found:

At the west end of Gaithersburg begins a stretch of concrete road, part of which is a relocation taking the place of the former highway over Middlebrooke Hill. The points where the old route enters and leaves the present concrete road are easily identified.

After leaving this good road, the motorist reached Henderson’s Corner, near Brink:

From here on there is a choice of two routes, the one straitaway to the left being the continuation of the road followed by Braddock’s expedition of 1755, over which we have been traveling; this is about eight miles shorter than the other and a typical old-style pike, rough in spots and next to impassable in wet weather.

The alternate route “should always be taken after any considerable rain.” (Henderson’s Corner survives today as a sign at the intersection of Ridge and Frederick (MD 355) Roads.)

Crossing into Frederick County, the motorist would “pass through the first one of the three toll gates (8 cents toll), which are among the last in Maryland.” It was called the Monocacy and Urbana Turnpike. Beyond Urbana, the road passed through the field where the Battle of Monocacy took place on June 9, 1864, when Confederate General Jubal Early pushed back Union General Lew Wallace as the southern forces headed for Washington. Just before crossing the Monocacy River, the motorist reached the second toll gate:

Then we pay 10 cents at the second toll gate, and cross an iron bridge over the Monocacy River; almost immediately beyond is a bridge over the B & O R.R. tracks (“Monocacy Junction”), and to the left of it the monument to the New Jersey volunteers.

Also on the left our route passes a very large boulder overlooking the Monocacy battlefield and erected to the memory of the Confederates who fell in that struggle. The road here is level and fine, fully equal to the approach into Frederick by the direct road from Baltimore. Next is the third and last toll gate (8 cents), beyond which we enter South Market Street in Frederick. [Bruce, Robert, *The National Road*, Published in Cooperation with the National Highways Association, 1916, pages 89-93, maps on pages 86-87]

In September 1916, the Maryland State Roads Commission agreed to take over the three privately owned turnpikes along the road in Frederick County: the Washington Turnpike, the Buckeystown Turnpike, and the Monocracy and Urbana Turnpike, with a combined mileage of about 17 miles. Including toll-free county road mileage, the State acquired 25 miles for \$25,000. [“More Tollgates To Go,” *The Baltimore Sun*, September 30, 1916]

Maryland gradually improved the road to meet the needs of the automobile. On September 24, 1925, the State held a ceremony in Hyattstown to celebrate completion of the last mile of improved road, just south of that community. Prominent citizens participated in a parade over the last link of the new 42-mile highway and were entertained at supper. Ceremonies included a concert by the Browningsville Band, fireworks, and a dance, as well as addresses by officials such as John N. Mackall, chairman of the Maryland State Roads Commission, Maryland Secretary of State E. Brooke Lee, and U.S. Representative Frederick N. Zihlman (R). According to the *Star*:

The new road is shorter by 10 miles than either of the other two routes, through this county between Washington and Frederick, and is expected to promptly become popular with autoists generally. The other roads—by way of Rockville, Gaithersburg and Dickerson, and by way of Rockville, Gaithersburg and Ridgeville—are about the same distance—52 miles. [“New Highway Link Opened With Parade,” *The Evening Star*, September 24, 1925]

The improved road was one of the original U.S. numbered highways approved in 1926. Its number, U.S. 240, indicated it was the second branch off U.S. 40, then a transcontinental route from Atlantic City, New Jersey, to Oakland, California, “across the bay from San Francisco,” as the initial log put it. That same log, which the American Association of State Highway Officials (AASHO) published in 1927, described U.S. 240:

### **United States Highway No. 240.**

#### **Total Mileage, 39**

**Maryland** Beginning at Frederick to the Maryland-District of Columbia line at Washington. [*United States Numbered Highways*, American Association of State Highway Officials, 1927, pages 18-19, 43]

The second log, published in 1929, listed U.S. 240 as continuing into Washington, adding 4 miles to the route (43 miles). The logs did not identify control points within cities, which were responsible for deciding on the routing. The District gave U.S. 240 several routings over the years, but by the 1950s, it reached the District line at Chevy Chase, followed Wisconsin Avenue to K Street, NW., continued on 23<sup>rd</sup> Street, NW., to the Lincoln Memorial Circle, and ended at a connection with U.S. 50 before U.S. 50 crossed Arlington Memorial Bridge into Virginia. (Today, the former U.S. 240 roadway is designated Maryland Route 355.)

## A Modern Upgrade

In 1947, Maryland Governor William Preston Lane asked the State legislature to approve a \$200-million, 5-year plan to create “a system of highways second to none in the nation.” With legislative approval, Governor Lane’s 4 years in office (January 3, 1947 – January 10, 1951) included construction or reconstruction of 757 miles of roads at a cost of \$106 million, planning and the start of construction of Maryland’s expressway system, and early work on his pet project, the Chesapeake Bay Bridge.

A 1958 history by the State Roads Commission of Maryland discussed Governor Lane’s plan:

To finance it he asked for a 100-million-dollar bond issue, an increase in the gasoline tax from four to five cents, an increase in motor vehicle license fees with emphasis on the heavy trucks, allocation of the titling tax fees to the Roads Commission instead of to the general funds of the State, support of the State Police out of general revenues instead of motor vehicle receipts and a re-distribution of such funds on a 50-30-20 basis to the Roads Commission, Baltimore City and the counties which thereafter were to finance their own road construction and maintenance.

(The city of Baltimore is not part of Baltimore County or any other county; therefore, it received a share of the fund along with the counties.)

The General Assembly approved most of Governor Lane’s request in time for his administration to begin the 5-year program during the construction season of 1948:

One of the great contributions of the Lane administration to the highway system was the planning and partial construction of some expressways designed on the controlled-access principle.

The Baltimore-Washington Expressway, the Baltimore-Harrisburg Expressway, and the Washington National Pike south from Frederick were planned with full control of access except at traffic interchanges . . . .

Controlled access was slow to catch on in Maryland, as in the other states. From time immemorial people had gained access to their roads wherever they wanted; they did not take kindly to long detours to get on roads in front of their properties . . . .

The Lane administration made the courageous move to begin whole new highways on this principle—a worthy inheritance to future motorists of Maryland and to the next administration. This step was formalized by the Expressway Act of 1947. [*A History of Road Building in Maryland*, State Roads Commission of Maryland, 1958, pages 157, 161]

From Frederick south, the new expressway would be built on a new alignment, a proposition that caused concerns in Montgomery County, particularly in the heavily populated area near the District line. *The Evening Star* explained the route of the Northwest Freeway in May 1947:

The freeway is a proposed high-speed, limited access, divided highway that would be an alternate of Route 240 and would run from a point near Gaithersburg, west of Rockville and Bethesda, to take traffic off Wisconsin Avenue leading into Washington . . . .

When the freeway route first was announced a year ago, strong protest was made by owners of highly developed properties centering in the Bradley boulevard area.

As Maryland began planning an expressway in the U.S. 240 corridor, one issue that would have to be resolved was the connection with the District of Columbia. Officials were considering construction of two entrances. One route would enter the District in the vicinity of the current alignment along Wisconsin Avenue. The second route bypassed the Wisconsin Avenue corridor and the western side of the city. At Cabin John, the new expressway would connect with a road into the District parallel to the Potomac River.

The Maryland-Capital Park and Planning Commission would play a key role in the routing. The commission grew out of the need for planning in the two Maryland counties (Montgomery and Prince George's) surrounding the District of Columbia following establishment of the National Capital Park and Planning Commission in 1926. The national commission, whose authority did not extend beyond the District's border, was directed to cooperate with local planning organizations, none of which existed. Gutheim and Lee explained:

The Maryland legislature passed legislation in 1927 providing for a district containing the two counties contiguous to the District of Columbia. The Maryland-National Capital Park and Planning Commission was provided authority to plan, acquire land in the public interest, levy taxes to pay for park acquisitions, and draw up zoning ordinances . . . .

The relationship between the National Capital Park and Planning Commission and the Maryland-National Capital Park and Planning Commission was one that saw suburban planners identifying with the aspirations set forth by the federal commission. This relationship between the suburbs and the city was characterized by the similarity in the name selected by the Maryland commission. [Gutheim and Lee, pages 215-217]

The commission attempted to shift the western alignment to less developed land:

The second route would extend north from MacArthur boulevard near Cabin John, through Cabin John Run valley and Thomas Valley to Tuckerman lane and then to an intersection with 240 near Gaithersburg.

The commission was trying to keep the two alignments clear of new obstacles by withholding approvals for proposed subdivisions, but was running out of patience with the failure of the Maryland State Roads Commission and the PRA to agree on a route. On May 17, 1947, the commission released the text of a resolution, adopted unanimously, threatening to abandon protective measures for the Northwest Freeway "should current agreement, at least as to plan, now prove impossible between these agencies . . . ." ["Threat to Drop Freeway Made By Planners," *The Evening Star*, May 18, 1947]

By December 1949, Maryland roads officials were still undecided, but had a new proposal under review:

Maryland planning officials today were studying a Federal recommendation to change the route of the proposed new dual Northwest freeway from Rockville south so that it would bypass Washington, instead of entering the District via MacArthur boulevard.

Divulged for the first time yesterday by the commission, the suggested rerouting would require another Potomac River bridge near Glen Echo, it was said. The plan was to be taken up later today with Virginia officials and also will be incorporated into the comprehensive highway plans now being prepared for the metropolitan area.

Federal officials said the rerouting, which would bring through trucks and passenger cars down the east side of the Cabin John Valley, would cost less than the previous plan. It would also have the additional advantage of permitting traffic to flow uninterruptedly north and south across the Potomac.

Traffic crossing the Potomac River near Glen Echo would enter the George Washington Memorial Parkway. The parkway provided access along the Potomac River to Alexandria, U.S. 1, and Shirley Highway:

Southbound trucks from Rockville destined for points in Washington, it was explained, would continue to use Wisconsin avenue. [Shepard, Nelson M., "Planners Delay Action on Bridge Over Anacostia," *The Evening Star*, December 8, 1949]

While the routing in the vicinity of the District remained uncertain, Maryland began construction of the Washington National Pike near Frederick. On December 29, 1949, the Maryland State Roads Commission awarded \$13.4 million in contracts, bringing the year's total to \$56,123,549, a record to that date, fueled by Governor Lane's roads program. Among the new contracts was a 4.6-mile section of the Washington National Pike in the Frederick area. [Associated Press, "Maryland Lets \$13,447,900 in Road Contracts," *The Evening Star*, December 29, 1949]

The routing close to the District remained uncertain for several years, but in January 1951, the Maryland-National Capital Park and Planning Commission recommended expressway construction through the Maryland portion of Rock Creek Park. The expressway would connect with the existing Rock Creek and Potomac Parkway. The commission's vice chairman, Blair Lee III, said the expressway was the keystone of a plan that would be similar to the network of roads in the suburbs of New York City:

Under the plan, the expressway would continue north from its junction with a Rock Creek Park parkway to a point southeast of Kensington where it would fork. One prong would run northwest to join the new Northwest freeway (relocation of Route 240) and the other would go northeast to hook up with the new Columbia pike to Baltimore (relocation of Route 29).

In addition, an express highway would leave the George Washington Memorial Parkway along the Potomac and extend up Cabin John Branch to join the relocation Route 240.

Mr. Lee pointed out, however, the plan is opposed by the National Capital Park and Planning Commission and the Regional Highway Planning Committee. The latter, he said, favors bringing Route 240 into Washington through the Landon School, Wood Acres, and Sumner developments.

The planning committee's idea, he contended, would "mutilate" existing neighborhoods and seriously affect several school and playground sites, if carried through.

But the Maryland commission's proposal, he insisted, "would follow natural barriers and split no neighborhoods. The increased construction cost would be somewhat compensated by the fact that the right-of-way is either already in public ownership or is undeveloped." ["New Expressway In Rock Creek Park Proposed," *The Evening Star*, January 7, 1951]

In October, engineers of the Maryland State Roads Commission decided on a route through Montgomery County, subject to commission action. The new plan included the western alignment southwest of Rockville, down Thomas Branch and Cabin John Creek Valleys to MacArthur Boulevard parallel to the Potomac River. With completion of the George Washington Memorial Parkway in Montgomery County, passenger vehicles to and from the District would shift to the parkway. A new bridge across the Potomac River at Cabin John, if built, would provide for traffic bound to or from Virginia.

In addition:

Construction of a truck cut-off from the vicinity of Tuckerman and Lux lanes to Wisconsin avenue—or Route 240—just north to Grosvenor lane. An eventual parkway through Rock Creek Park extended would connect with Silver Spring and upper Sixteenth street.

A third element of the plan was to rebuild River Road from the new highway west of Burning Tree Country Club to the District.

The National Capital Park and Planning Commission had long advocated the route along the two stream valleys. ["National Pike Approach to D.C. Selected by Maryland Experts," *The Evening Star*, October 4, 1951; Roberts, Chalmers, "Route of District-Frederick Superhighway Settled at Last," *The Washington Post*, October 4, 1951]

The roads commission approved a plan on October 18, 1951, that included two entrances to the District. South of Rockville, the expressway would split, with one leg continuing south to MacArthur Boulevard and the other reaching East-West Highway between Silver Spring and Bethesda where traffic could use Wisconsin and Connecticut Avenues for District access. Basically, the roads commission had adopted the National Capital Park and Planning Commission's plan. A commission announcement explained:

The plan will carry traffic southeastward from the Brink area and will distribute it by means of new connecting roads, over the fan-shaped network of traffic arteries already

serving the suburban area northwest of Washington, from MacArthur boulevard to the East-West highway.

The plan involved construction of about 25 miles of new highways and extensive upgrading of about 10 miles of existing roads. [“Maryland Plans Roads Leading To New Pike,” *The Evening Star*, October 19, 1951; “Progress on an Important Highway,” *The Evening Star*, October 29, 1951]

A former Republican mayor of Baltimore (1943-1947), Theodore R. McKeldin, defeated Democratic Governor Lane’s reelection bid in 1950, part of a Republican wave against Democratic incumbents, and became Governor on January 10, 1951. As discussed by Anne E. Bruder in *Tomorrow’s Roads Today*, the new Governor’s experience in Baltimore gave him a good understanding of the need for better highways:

As [M]ayor he had received a 1944 proposal from New York City Planning Director and consultant Robert Moses to demolish blighted areas near the Central Business District (CBD) in order to construct a new expressway through the City. The area that Moses proposed for the new expressway was on the north side of the CBD in Baltimore City near the Mount Vernon District. The proposal would displace a number of residents, including business elites. The Mount Vernon residents opposed the plan, and it was dropped from consideration.

As Mayor, McKeldin also made the final decision on the location for the Baltimore-Washington Parkway entrance to the City. The City Public Works Department extended Russell street south to meet the Baltimore-Washington Parkway at the City-Baltimore County boundary. As with other portions of the highway, at-grade intersections were made into interchanges while other portions were made into bridges to avoid railroads. [Bruder, Anne E., “*Tomorrow’s Roads Today*”: *Expressway Construction in Maryland, 1948-1965*, Maryland State Highway Administration, September 2011, page 28]

While these efforts were underway to improve access to Friendship International Airport, Mayor McKeldin ran for Governor. He campaigned, in part, on taking a fresh look at Governor Lane’s highway building and financing policies.

With the Lane program providing funds for another year or two, Governor McKeldin did not announce his road plan until 1953, known as the Twelve-Year Program, to rebuild Maryland’s highway system by 1965.

Governor McKeldin appointed Russell H. McCain of Frederick to be chairman of the Maryland State Roads Commission. McCain had been on the commission since 1945, serving as a minority member during the two previous Democratic administrations. [*A History of Road Building*, page 165]

With construction well underway on the new expressway from Frederick to the Montgomery County line, a *Star* reporter talked with McCain about the progress:

The State Roads Commission, he said, decided to start the new highway near Frederick when the Maryland-National Capital Park and Planning Commission and other agencies could not agree on an approach to Washington.

Difficulties in planning a “northwest freeway” from Washington began after the war. A direct route would have gone through the Landon school property and many estates in which much money had been invested.

Route 240, at the time, was carrying 40,000 cars a day across the District line, making it one of the busiest roads in the State:

The difficulties of getting into Washington have not all been solved, but it has been decided to swing the highway well west of the direct route, down a valley called Thomas Branch to Cabin John Creek.

Entry to Washington from this road would be by River road and a new connecting link to Massachusetts avenue and then to Wisconsin avenue; or straight down the river along MacArthur boulevard. Sometime in the distant future, entry also will be possible along the Maryland section of the George Washington boulevard, to be built from Great Falls to the Key Bridge in the river valley.

Because the George Washington Memorial Parkway would ban trucks, the State would use River Road or Massachusetts Avenue for the connection. [Kennedy, George, “Frederick Superhighway Goes Nowhere and Most Motorists Don’t Know It Exists,” *The Evening Star*, November 14, 1951]

On November 20, 1951, the commission awarded a contract for the first construction of the Washington National Pike in Montgomery County. It was a 3.8-mile grading and surfacing project straddling the Frederick-Montgomery County line. [Associated Press, “Low Bid Announced On Pike Surfacing,” *The Evening Star*, November 21, 1951]

## **Second Thoughts**

Even as officials planned construction of the Washington National Pike in Montgomery County, the Maryland State Roads Commission began encountering opposition to the southwestern leg linking the road with Massachusetts Avenue, River Road, and MacArthur Boulevard. Meeting at Bethesda County Club on November 30, 1951, about 400 property owners from the area bounded by Bradley Boulevard, the District Line, Massachusetts Avenue, and Seven Locks Road urged the State to abandon the plan until Maryland and Virginia determined the location of the Cabin John Bridge across the Potomac River. The *Star* listed the owners’ concerns:

There is no present need in the area for such a route. Moderate expansion of existing highway facilities should meet the needs of the foreseeable future.

The proposed route would sharply increase traffic congestion along Wisconsin avenue, River road and Massachusetts avenue and would open the door to commercialism.

The commission's plan for a cutoff in the vicinity of Tuckerman lane to lead to East-West highway near Silver Spring would handle all through traffic originating outside the Massachusetts avenue-River road area. ["National Pike Link Proposal Opposed By Property Owners," *The Evening Star*, December 1, 1951]

In April, the commission hired consultants Wilson Ballard and Joseph Knoerle of Baltimore to prepare a report on how to address traffic problems in Montgomery County. They were already working on the final routing of the Washington National Pike near the District but now would expand their work to include the inter-county freeway plan that was part of the outer circumferential for the area. During a meeting in Baltimore, McCain emphasized to other commissioners that the two projects were closely related, in part because they were affected by the location of the Potomac River crossings. According to the *Star*:

Ballard said the National pike must serve to drain local traffic in the lower Montgomery County area. He pointed to the difficulty of obtaining rights-of-way for new construction in the highly developed sections, owing to high prices. The highway will cost around \$20 million, he explained.

He said the Cabin John and River road locations are among those being studied to bring the National pike into Washington.

The commissioners also heard from the county manager, Irving G. McNayr, who complained about delays in fixing the location of the road. The county, he said, was delaying construction of schools until the plans were known. [Millen, William A., "State to Assist Montgomery on Road Problems," *The Evening Star*, April 10, 1952]

State Senator DeWitt S. Hyde, a Republican running for election to the U.S. House of Representatives, addressed the subject during a Cosmos Club luncheon at the Carlton Hotel. "I think it is certain that the road will come down Thomas Branch [near Burning Tree Golf Club] as that is the only place that's feasible." With work stalled at Brink, he recognized that the location of the Cabin John bridge was a factor in developing the western leg:

The new National Pike would connect with that bridge, under a long-range program, he said.

"If we had effective regional planning that covered Maryland, Virginia and the District and the various jurisdictions would agree, we would save time, money and avoid many mistakes," Senator Hyde told his audience.

Senator Hyde pointed out that under legislation recently enacted by Congress, a regional council would be set up. But he explained this is only advisory and "the final say is in the hands of the local authority."

"Regional planning is urgently needed to take care of the Washington metropolitan area," he declared. ["National Pike Likely To Enter Capital Via Thomas Branch," *The Evening Star*, July 18, 1952]

(Hyde won the election and took office on January 3, 1953. His predecessor, Representative J. Glenn Beall, was elected to the United States Senate.)

The Maryland-National Capital Park and Planning Commission was working on a long-range master highway plan. By early October 1952, the commission had distributed copies of a proposed plan to the Maryland State Roads Commission, BPR, NCPC, and county officials. The commissioners identified a system of high-speed highways as the backbone of their comprehensive plan.

The plan assumed construction of the hub-and-spoke layout that was common in expressway proposals for the Nation's big metropolitan areas. In the Washington area, the inner hub would surround the downtown business district, while the Inter-County Belt Freeway would serve as the rim. The commission's plan for the Maryland suburbs called for five spokes or radials:

1. Washington National Pike from the District to Frederick,
2. Northern Parkway (Silver Spring to Gettysburg, Pennsylvania),
3. Relocated U.S. 29 (between Silver Spring and Burtonsville, Maryland),
4. The Baltimore-Washington Parkway, and
5. The Annapolis Freeway.

The *Star* described the general location of the Inter-County Belt Freeway in Maryland:

The freeway would extend from a proposed new bridge across the Potomac at Cabin John, Md., completely around the Nation's capital to another proposed bridge in the vicinity of Alexandria, Va. It would cross the Annapolis Freeway at a point near Ardmore, Md.

The Inter-County Belt Freeway would connect the arterial routes leading out of the capital at distances varying from two to five miles from the District line.

The circumferential would bypass the District, providing a bypass for traffic not bound for the city. ["Highway Plan For Maryland Nears Windup," *The Evening Star*, October 5, 1952]

By the end of the month, the park commission had to assure area residents that criticism of the plan was "premature" because it was not final and was not even due for publication until the middle of November. The criticism centered on relocation of U.S. 240 in Montgomery and the location of the Inter-County Belt Freeway. Residents, the park commission indicated, would have an opportunity for comment and their recommendations would be considered. ["Park Planners Assail Highway Plan Critics," *The Evening Star*, October 31, 1952]

On November 15, about "300 irate Berwyn" residents attended a protest meeting of the Berwyn Citizens Association to object to the way the route of the Inter-County Belt Freeway "dips in" toward the University of Maryland and Berwyn instead of continuing a logical path farther north. On the park commission's map, the freeway would cross Baltimore Boulevard (U.S. 1) at Berwyn a mile north of the university. State Delegate J. Frank Lillard, Jr., told the residents, "I intend to investigate whether there has been any pressure from the 'kingmaker on the hill' to

bring the freeway closer to the university. And you can draw your own conclusions as to who I mean.” He was referring to university president Dr. H. C. Byrd.

The park commission contended that the routing was affected by the large tract of Federal lands north of Berwyn (Beltsville Agriculture Research Center) and the heavy development to the south. The commission was exploring options for shifting the beltway routing through the area. [“Freeway Route Fight Flares at Berwyn Session,” *The Evening Star*, November 15, 1952; “New Route Suggested North of Berwyn for Proposed Freeway,” *The Evening Star*, November 17, 1952]

On October 26, the Maryland State Roads Commission completed work on *Proposed 12-Year Program for Road Construction and Reconstruction, 1954-1965*. With former Governor Lane’s 5-year plan ending in 1953, the plan called for \$568 million beginning in 1954. The commission asked for authority to impose tolls on roads already under construction or planned; a 1-cent increase in the gas tax; increased motor vehicle registration fees; and authorization for additional State highway construction bonds totaling \$330 million.

For the Washington area, the report identified priority for the inter-county circumferential route, completion of the Washington National Pike, and the Washington-Annapolis expressway (U.S. 50). Among the suggested toll possibilities that might raise a total of \$50 million for construction were the Washington National Pike, Annapolis expressway, and an Eastern Shore Expressway from Queenstown to Warwick. (The report did not cover the Baltimore-Washington Parkway or its Baltimore extension because they would be completed before the 12-year plan began.)

When the commission released the report on November 12, the *Star* included a map of planned new roads. The map showed the Washington National Pike ending on the west side of Washington at an indefinite point. “The new U.S. 240 from Frederick will be continued into Washington over a route not yet determined,” the caption read. The map also showed the Maryland portion of the inter-county circumferential, touching the Potomac River at Cabin John and Alexandria. The only town identified on the map of the circumferential was Berwyn Heights, which also the northern terminus of a plan to reconstruct Edmonston Road from Defense Highway. The plan, however, did not include either bridge. [“Maryland Maps Huge Road Plan,” *The Evening Star*, November 12, 1952; Bruder, page 28]

Governor McKeldin endorsed the program, including the call for additional revenue:

Despite the large sums of money involved, the program is based on economy and careful spending because it would be far more costly in the long run to permit our present inadequate roads to deteriorate than it will be to have a progressive program of modernization. [“McKeldin Voices Support Of State Roads Program,” *The Evening Star*, November 13, 1952]

According to the State roads history:

The Legislature of 1953 passed the entire Twelve-Year Program substantially as proposed except the increase in the registration fees was postponed to April 1, 1955, instead of 1954 as requested.

Subsequently, the Legislature postponed it again and finally repealed the increase altogether, thus eliminating one of the important arches of the 3-arch financial structure. The raids on construction funds for maintenance continued . . . .

The man tapped to carry on the new program was Norman M. Pritchett. He is a career man, having started with the Commission in 1928 as rodman on a survey party. As a result of his highway location work he is completely familiar with the road system in all its ramifications. [*A History of Road Building*, pages 168-170]

Governor McKeldin approved the initial legislation, covering the first 4 years, on April 27, 1953.

The park commission held a public hearing at the Glenbrook Club in Bethesda to present its plan to about 300 people on December 16. The *Star* summarized the public comments:

Each speaker urged that the big thoroughfares go through some other neighborhood than his own. Warm applause greeted a suggestion that major highways for through traffic be constructed to carry cars and trucks across the Potomac River to Virginia at a point well west of Bethesda . . . .

Most of the opposition fire was directed at plans for completion of the National Pike, a new route 240, through Bradley Hills Grove . . . . Residents of [the] Thomas Branch Valley route, west of the Bradley Hills Grove location, said they believe they have a commitment from the State commission not to build the pike through their area.

A resident of that area, Attorney David Fegan, warned of “guile and deceit among officials of the State Roads Commission.” Mr. Fegan charged that the State commission already has received a report on a study of the new route 240 made by the Ballard engineering firm of Baltimore, and he said the report recommends against the Thomas Branch route. But State commission officials still hope to use this approach, he asserted.

Mr. Fegan said he had been told by a State official that when the State commission gave the Ballard firm the contract, “it expected and understood that Ballard would recommend the Thomas Branch-River road route.”

He planned to ask the General Assembly to investigate the contract and, if necessary, “I shall name names and dates and be more specific in a situation that appears to be a waste of the public’s money and a fraud upon many of us property owners.” He said that Ballard and Knoerle had done “a thorough job,” adding, “It appears that the State Roads Commission is casting reflections on Ballard’s ability so that the commission can be whitewashed in the situation.” [“Wary Reception Given Highway Master Plan,” *The Evening Star*, December 17, 1952]

In a report to the General Assembly on the 12-year program, the Maryland State Roads Commission indicated that it planned to construct the Washington National Pike from Clarksburg to the Brink interchange in the first 4 years, along with extending the pike to Seven Locks Road, a distance of around 14 miles. At Seven Locks Road, the pike would split. For the southeast leg:

A Rock Creek parkway connection would run from the end of the pike to Wisconsin avenue at Grosvenor lane . . . . Another connection . . . would extend the route beyond Wisconsin avenue to East-West highway at or near Beach drive . . . . Also planned for the first four years would be acquisition of rights-of-way for the last .9 mile to bring the link all the way to the District line.

The southwest leg, from Seven Locks Road to River road, a distance of 4.5 miles, was scheduled for the second 4-year period. “The final 1.8 mile stretch from River road to the George Washington Memorial parkway on the Potomac River would be delayed until the last four-year period.” The current plan was to run this final segment down Thomas Branch, but the location remained to be determined. [“National Pike Slated to Reach D.C. Area Within 4 Years,” *The Evening Star*, January 21, 1953]

On January 24, 1953, the State opened the 4-mile section of the Washington National Pike from Frederick to U.S. 15 south of Urbana. Amid intermittent rain, Governor McKeldin failed to appear as planned to snip the ribbon, leaving McCain to open the road. The *Star* noted that, “The Governor, who seldom misses an opportunity to snip a ribbon and pass out some of his autographed photos, decided the weather this morning was fit only for dedicating duck ponds.” Following the ceremony, participants drove to Frederick.

The State was already constructing the extension to Hyattstown, about 5 miles south, to be opened during the summer, and the segment to Clarksburg, scheduled for completion by the end of 1953. [“National Pike Section Dedicated at Urbana; McKeldin Rained Out,” *The Evening Star*, January 25, 1953]

### **The Chevy Chase Revolt**

At the same time, the Maryland State Roads Commission had to deal with growing protests from the Chevy Chase area to the eastern leg of the link to the District of Columbia. Chevy Chase was one of the country’s earliest 19<sup>th</sup> century streetcar suburbs. Two entrepreneurs developed the area:

- William Morris Stewart, whose fortune stemmed from mining gold in California and silver from the Comstock Lode in what was then Utah Territory, and
- Francis G. Newlands, an attorney and friend of Stewart who had married the daughter of a financier who had also benefited from Comstock Lode silver mining.

Stewart and Newlands secretly bought about 1,700 acres of farmland between Calvert Street in the District and Jones Bridge Road in Maryland (just south of today’s Capital Beltway). They incorporated the Chevy Chase Land Company in June 1890.

To connect this farmland with the District, they extended Connecticut Avenue and an electric railway to the end of their property at a cost of \$1.5 million. They formed the Chevy Chase Club to attract wealthy buyers, dammed a small stream at Coquelin Run near Jones Bridge Road to create Chevy Chase Lake, and built an amusement complex to provide fare-paying streetcar riders. A history of Chevy Chase explained the attractions that would appeal to District residents with streetcar fare:

An amusement complex there drew people to the area on weekends; the complex eventually included boats for hire, refreshment kiosks, a merry-go-round, a bandstand where the Marine Band often played, and a dance pavilion where Irene and Vernon Castle introduced the Castle Walk in the ragtime era.

Growth was slow, in part because of the devastating Panic of 1893 and the slow recovery over about 4 years. As late as 1922, the Chevy Chase Land Company had not paid a dividend to investors. Activity picked up in the building boom that followed World War I.

Today, the lake is gone as is the streetcar line, but the company survived, as the 1990 history reported:

Today the company is going strong, with far-flung interests. In our area, it owns the Chevy Chase Shopping Center and the Metro building which it built in Friendship Heights on the northeast corner of Wisconsin and Western Avenues. It also owns land on Connecticut Avenue just south of the bus terminal in Chevy Chase, D.C.

In the area where Chevy Chase Lake once stood, the company owns the office and retail complex—land and buildings—on both sides of Connecticut Avenue between Manor Road and the railroad tracks, as well as the townhouses and garden apartments on Manor Road. [Town History Committee, *The Town of Chevy Chase: Past and Present*, Town of Chevy Chase, 1990, pages 11-14]

Citizens from 12 area organizations in the Chevy Chase area formed the Citizens' Action Committee for Fair Highway Planning headed by former Senator Gerald P. Nye (R-ND). A former journalist, he had joined the Senate on November 14, 1925, filling the seat of his recently deceased predecessor, and served until January 3, 1945, following defeat of his reelection bid. By then, he had purchased 3 acres of pasture land in Chevy Chase on a hill above Rock Creek Park; he lived at 6 Farmington Drive.

Attacking the roads commission for "secrecy" in preparing the plans, the new committee claimed that the State's goal was to open Rock Creek Park in Maryland and the District for commercial traffic on a six-lane superhighway:

The group specifically is objecting to what they call "Alternate B" plan [sic] for construction of the southeast leg of Route 240 from the vicinity of Grosvenor lane and Wisconsin avenue to a terminal point on East-West highway in the vicinity of Beach drive. The road planned, they say, calls for the route to follow the east boundary of the Bethesda Naval Hospital, cross Jones Bridge road via an overpass and head southeasterly

across Connecticut avenue by way of an overpass. The latter overpass would be 100 yards south of Jones Bridge road and would call for an elaborate cloverleaf interchange there.

The route then would cross the Baltimore & Ohio Railroad by overpass and, elevated to about rooftop level, would proceed along Cocquelin run over Jones Mill road coming into East-West highway, the group asserts.

The original plan made public recently in the State Highway Commission's 12-year program called for the southeast leg of Route 240 to run considerably north of Jones Bridge road and then along Rock Creek park to East-West highway.

The committee urged the State to abandon Alternate B, preserve Rock Creek Park from commercial traffic, and rely on existing regional planning agencies. Alternate B, they contended, would pass through more heavily populated areas than the original plan, thus reducing property values.

J. B. Hartranft, Jr., the committee's vice chairman, said "it was only by coincidence that the skullduggery was discovered in Baltimore." Alternate B had been "conceived under a veil of unprecedented mystery demanding public investigation." ["Super-Highway Plan Blasted at Chevy Chase," *The Evening Star*, February 9, 1953]

During a meeting with legislators and the citizens committees in Annapolis, Norman Pritchard admitted the commission had approved the shift because the new route would be six-tenths of a mile shorter. However, the approval came on November 7, too late to be included in the printed plan.

This explanation did not satisfy Senator Nye. He charged that the shift had occurred because the original plan would have required the taking of the home of an official of the Maryland-National Capital Park and Planning Commission. Pritchard denied this allegation.

Senator Nye claimed that the new plan included overpasses at Jones Bridge Road, Connecticut Avenue, the Baltimore and Ohio Railroad tracks, and Jones Mill Road. This amounted to construction of an elevated highway "alongside of and above the roof level of scores of new homes in the communities known as Rock Creek Knolls, Coquelin Terrace, North Chevy Chase and others." He pointed out that Senators Hubert H. Humphrey (D-Mn.) and Russell B. Long

(D-La.) lived in the affected area, as did several members of the U.S. House of Representatives. The expressway would affect 50 or more homes built in recent years at a cost of about \$40,000 each. Land in the area was worth \$30,000 to \$40,000 an acre. [Goodwin, Gene, "Restudy Sought On Chevy Chase Elevated Road," *The Evening Star*, February 13, 1953]

Donald E. Gingery was the accused member of the Maryland-National Capital Park and Planning Commission. Gingery, who lived at 9504 Jones Mills Road, denied any involvement in the road commission's shift to Alternate B, claiming that his home would not have been affected by the original plan. He stated, however, that Alternate B "in my opinion is the more logical and cheaper route":

Mr. Gingery urged a greater understanding by residents of the need for limited access, modern highways in the heavily populated suburban area.

He said the only open land left for a north-south route through the District was Rock Creek Park. But, he added, he opposed any such super highway being made accessible to truck traffic. ["Highway Foes Step Up Fight In Chevy Chase," *The Evening Star*, February 15, 1953]

Representative Hyde, who also opposed Alternate B, joined other critics in a conference with Governor McKeldin in Annapolis. Participants raised their concerns about the plot to open Rock Creek Park to a superhighway for trucks.

The roads commission defended Alternate B, pointing out that the plan did not call for overpasses at Jones Bridge Road and Connecticut Avenue. Rather, it called for underpasses. Moreover, Alternate B would cost nearly \$1.9 million less than the original plan and only one house was in the path of the right-of-way.

Ballard and Knoerle, the consultants who conceived Alternate B, also defended the plan, which would cost about \$2.6 million to build:

Mr. Knoerle said the route was nearly .6 mile shorter than the northern alternate, a plan that would have followed Rock Creek. He added the gasoline saving to motorists would justify spending \$2 million more for purchase of the right of way.

"The fact is however," he said, "we can purchase the alternate B right of way for about \$15,000 less than the northern right of way."

. . . The two consultants freely admitted that a major road eventually will go down the west side of Rock Creek Park. They denied, however, the Roads Commission was attempting to force such construction.

After listening to the concerns, Governor McKeldin promised to give the plan "thorough consideration."

Meanwhile, the Parkwood Civic Association of Bethesda and Kensington charged that

Alternate B favored trucking interests over residents. The association had launched a campaign to bombard Governor McKeldin with telegrams and night letters charging that the route would be "a permanent and continuing nuisance." ["McKeldin Talks To Chevy Chase Road Critics," *The Evening Star*, February 20, 1953]

Senator Nye and his committee continued their bitter attacks on the roads commission for conspiring with the District Highway Department to dump traffic on Beach Drive to open Rock Creek Park to truckers. The route would undermine the value of choice residential property in both jurisdictions.

At a protest meeting on February 27, Senator Nye accused the roads commission spokesman of switching his story about the number of overpasses, underpasses, and cloverleafs needed in less than 1 mile of the highway:

The freeway, he said, either would have to be “a replica of Glen Echo amusement park,” climbing and dipping at intersecting roads or an elevated highway above the rooftops and gardens of the residential communities.

The group and its allies promised to do everything they could to protect Rock Creek Park. [“Chevy Chase Area Picks Group to Fight Superhighway Plans,” *The Evening Star*, February 28, 1953]

By contrast, a Silver Spring Board of Trade resolution stated that an eastern entrance for relocated U.S. 240 to Washington in the vicinity of Rock Creek Park “is of vital necessity to the development of all sections of Maryland bordering on the District of Columbia.” The board was “not opposed to any relocation of leg B (the connecting link) of Route 240 either along the B & O Railroad or any other reasonably direct route that will reach the now planned Washington entrance.” [“Silver Spring Board Backs Commission On D.C. Road Plan,” *The Evening Star*, February 5, 1953]

On March 7, NCPC opposed Alternate B, as did the Committee of 100 on the Federal City. NCPC favored widening the existing road in Rock Creek Park to Colorado Avenue, then channeling traffic onto 16<sup>th</sup> Street and Tilden Street. John Nolen, Jr., NCPC’s director, said, “There is no need for an expressway into the northern regions” of the park. He favored an entrance for relocated U.S. 240 with the proposed George Washington Memorial Parkway in the vicinity of MacArthur Boulevard. Moreover, funneling traffic into the center of the city would merely increase congestion in the area. [“Two District Officials Oppose Chevy Chase Highway Plan,” *The Sunday Star*, March 8, 1953]

Additional groups announced opposition to Alternate B, including the Montgomery County Council, the Woman’s Club of Chevy Chase, and the Junior Woman’s Club of Chevy Chase.

The Silver Spring Board of Trade published a text advertisement in the *Star* on April 7 headlined, “Citizens of Montgomery County . . . We Believe You Should Know All The Facts!” Citizens opposing Alternate B “do not realize the large and continuing disservice to their own motoring safety and convenience their opposition may bring about.” If the eastern leg plan were not built “there will be no other route to the West remaining on the Bethesda, Chevy Chase, or Silver Spring side of Seven Locks Road, Burning Tree Golf Club, Bethesda Country Club, or Rockville, depending on where you will have to drive to reach the relocated and modern

Route 240.” The western leg of U.S. 240, bypassing the District, would be 5 miles from Georgetown and was designed to take truck traffic around the city, not serve residents in the Chevy Chase-Bethesda-Silver Spring area in their daily access to the District:

We Believe . . . that the west side of Rock Creek Park within the District of Columbia is the only location in which a modern, dual, limited-access highway can be built to move

motor vehicles quickly and safely from the central and northwestern Maryland suburbs of Washington to Massachusetts Avenue or to K Street, or down the Mall into Constitution Avenue.

*So, when Route 240 reaches the East-West Highway at Rock Creek Park, it is inevitable that this fine, dual, limited-access, modern highway will be continued to the Potomac River along the general alignment of the west side of Rock Creek Park.*

Construction of this highway was the “only salvation for the continued” mobility of the area. The advertisement concluded:

We Believe . . . that, if you as a citizen, who is constantly required to motor into Washington, allow the avenue of modern motor transportation to be closed to you at this time, you will regret its loss and suffer from its unavailability for all the years to come.

*You should support this far-sighted plan of the Maryland State Roads Commission, before this opportunity to use a fast, safe route into Washington and return, or to conveniently reach the same route for western traffic is lost. [Italics in original]*

### **Curbing Capper-Cramton**

On April 7, 1953, the *Star* reported on its front page that the Budget Bureau was “spearheading an economy move to scrap or modify” the Capper-Cramton Act, which President Herbert Hoover had approved on May 29, 1930. The authors of the legislation – Senator Arthur Capper (R-Ks.), chairman of the Senate District Committee, and Representative Louis C. Cramton (R-Mi.), chairman of the House District Committee – secured approval of \$16 million to acquire parkland. Gutheim and Lee described the legislation:

The Capper-Cramton Act provided land acquisition funds for the regional George Washington Memorial Parkway along both sides of the Potomac, on the Virginia side from Mount Vernon north to Great Falls and then south again on the Maryland side to Fort Washington. For the land in Virginia and Maryland needed for the parkway, both states were required to commit one-half the cost, either directly or through eight-year no-interest federal loans . . . .

The primary legacy of Capper-Cramton legislative efforts on the city of Washington’s behalf was the creation of the George Washington Memorial Parkway. The Capper-Cramton Act also provided \$1.5 million in funds for an extension of Rock Creek Park into Maryland and extension of the Anacostia Park system farther up the valley of the Anacostia River. In this act, Washington finally possessed the makings of a truly regional park system and at the same time had an important opportunity for demonstrating cooperation among the National Capital Park and Planning Commission and the Virginia and Maryland planning agencies. [Gutheim and Lee, pages 214-215]

Now, the *Star* reported, the Eisenhower Administration would reverse the Truman Administration’s final budget proposal, which called for \$1.25 million in funds for land purchases. (With the Korean War underway, Congress had not appropriated park acquisition

funds for 2 years.) At present, NCPC had no funds for land purchases. The Budget Bureau move would have many repercussions, including putting NCPC's master plan on the shelf, leaving park projects uncompleted. It also would abandon large tracts of land in Maryland that were being held in reserve from developers until funds became available for purchase of parkland. According to the *Star*, some Budget Bureau officials "want the act repealed outright," while others advocated killing only certain sections. [Hendley, Coit, Jr., "Budget Bureau Seeks to Scrap D.C. Parks Law," *The Evening Star*, April 7, 1953]

As Members of Congress and local organizations reacted to this news, a few days passed before the relocation of U.S. 240 was raised. The Maryland-National Capital Park and Planning Commission issued a statement on April 9:

Either outright repeal of the act or establishment by Congress of a definite policy of failure to make appropriations thereunder would be fatal to the metropolitan park system for the Nation's Capital.

The United States has a tremendous stake in these parks which would be sacrificed either through outright repeal or indirect repudiation of its commitments.

Congressional action also could affect the Federal Government's voice in acquiring Maryland park lands, as well as whether arterial highways should be routed through Capper-Cramton Act parks. The commission cited the Maryland State Roads Commission's proposal to extend one leg of relocated U.S. 240 through Rock Creek Valley:

It would be most unfortunate if the Congress should decide to abandon these controls and forfeit all interest in and control over the park system in Maryland thus far acquired.

The changes would repudiate agreements that President Hoover had reached with Maryland Governor Albert C. Ritchie under the Capper-Cramton Act. Paragraph 5 of the basic agreement that President Hoover, Governor Ritchie, Colonel Grant for the National Capital Park and Planning Commission, and Irvin Owings for the Maryland-National Capital Park and Planning Commission approved on November 19, 1931, for extension of Rock Creek Park into Maryland, stated:

It is further understood and agreed, in accordance with the Capper-Cramton Act and said Chapter 370, that the title to all lands acquired under the provisions of this Basic Agreement or any Supplementary Agreement shall vest in the State of Maryland, and that no part of any land purchased for park or recreational purposes with the funds provided by the National Commission, in whole or in part, shall at any time be conveyed, sold, leased, exchanged, or in any manner used or developed for other than park purposes by the Maryland Commission, and the development and administration of said lands shall be under the Maryland Commission but the development thereof shall be in accordance with plans approved by the National Commission, or the necessary approval of the Congress of the United States.

Such repudiation “would necessarily require Maryland to re-examine the park plan from the standpoint of Maryland alone.” Reconsideration might result in disposal of parkland to raise funds for future purchases. [“Planners See Repeal as Fatal To Park System,” *The Evening Star*, April 10, 1953]

Even as the House Appropriations Committee voted on April 17 to deny funding for the third year in a row to expand the area’s park system and slashed NCPC’s operating budget, the Committee of 100 on the Federal City opposed such changes. NCPC’s executive officer, Blair Lee III, told the Committee of 100 that the Budget Bureau had not yet attempted to repeal the Capper-Cramton Act, but “would be receptive to ideas from the outside.”

In addition, the Committee of 100 opposed construction of Maryland freeways in any part of the Rock Creek Park valley. General Grant, president of the American Planning and Civic Association, raised the issue before the committee:

The Maryland Freeway dispute arose when Gen. Grant protested plans for a road he said would extend from Maryland’s Route 240 through Rock Creek Park to the District line. He said such action would force the District to build a freeway through the city section of the park, and proposed a resolution opposing construction of a freeway in any part of the Maryland park.

Lee said the resolution also would apply to the Inter-County Belt Freeway that would enter the park on an east-west path for about a mile between Kensington and Wisconsin Avenue. District and Maryland planners had approved the route, in part because an alternative routing would require acquisition of valuable residential property:

“By prohibiting that East-West section of the park to the inter-county belt route, it will be killed because there just isn’t any place else it can go,” he declared. [“44 Pct. Cut Recommended In Planners’ Operating Budget,” *The Evening Star*; Beveridge, George, “Parks Growth Support by 100 Committee,” *The Evening Star*, both April 17, 1953]

On May 7, the Maryland-National Capital Park and Planning Commission released its 25-year master highway plan. The plan omitted the southeast leg of U.S. 240 that the Maryland State Roads Commission proposed to build across Chevy Chase to East-West Highway at Beach Drive. The planners decided to stay out of planning for the route because of the effect that action in Maryland would have on District decisionmaking. A spokesman said, “We are not in favor of dumping a lot of traffic on the East-West highway before the Rock Creek expressway is built.”

However, the commission did call for a change in the southwest leg of relocated U.S. 240. Under the commission’s plan, the Washington National Pike would be located about 1.5 miles to the west of Burdette Road; traffic would move along Thomas Branch to MacArthur Boulevard as the entrance to the District. [“Maryland Planners Omit Chevy Chase High-Speed Route,” *The Evening Star*, May 8, 1953]

*Star* editors understood the commission’s “wait-and-see attitude” regarding the southeastern leg of the Washington National Pike. In view of the plan to route the expressway through Rock

Creek Park, the “dispute over the expressway is the traditional one between park conservationists and highway engineers.” The editors, acknowledging the concerns of Chevy Chase residents and others, agreed that any further “invasion of Rock Creek Park by traffic would be unfortunate”:

But if, as the District highway planners assert, the highway is essential to the solution of Washington traffic problems, and if, as they also assert, it can be built along the western valley of the park in a way that will not seriously interfere with recreational use of the park or with its natural beauty, some concessions eventually may have to be made in the interest of the general public. [“Washington Must Decide,” *The Evening Star*, May 9, 1953]

On May 12, 1953, the Senate Appropriations Committee approved a bill that kept the Capper-Cramton Act program alive. It included more funds for NCPC than the House bill as well as funds for land purchases, including funds for park purchases in Maryland and to extend George Washington Memorial Parkway to Old Georgetown-Leesburg Pike. [“Senate Group Backs Capper-Cramton Act For Park Site Funds,” *The Evening Star*, May 12, 1953]

The Senate approved the committee’s proposal on May 20. Differences between the Senate and House appropriations bills would have to be resolved by a conference committee.

On May 26, Governor McKeldin met in Baltimore with opponents of the southeastern leg of the Washington National Pike. Republican political leaders told him that he could lose 4,000 to 5,000 votes in Montgomery County if the southeastern leg were built as planned. Senator Nye explained that he opposed the plan because it would open up Rock Creek Park for an expressway into the District. Norman Pritchard conceded the point:

That’s the way we had it planned. District highway authorities seemed very enthusiastic about using Rock Creek Park for that purpose.

Doing so would be logical, economical, and necessary in view of the heavy traffic between that part of the county and the District.

Senator Nye contended that the southeastern leg was unnecessary. The Inter-County Belt Freeway would provide needed access via existing roads into the District. That would not, responded State road officials, solve the area’s traffic problem:

“If the road is extended to the District through Rock Creek Park,” said Wilson T. Ballard, engineering consultant to the commission, “it would be along the west edge. It won’t destroy the park; it won’t do it any great damage.”

Senator Nye said NCPC had not consented to use of the park for an arterial highway. He also read a letter from the NPS indicating that the agency was “alert to the threat posed by the southeast leg” and would “vigorously oppose use of the Rock Creek Valley for any arterial highway.”

Regarding the politics of the dispute, Senate Nye told the Governor that Chevy Chase had “been a healthy community from a Republican standpoint. We’d like you to get credit for stopping this

thing.” [Goodwin, Gene, “McKeldin Asked To Block Work On Pike Route,” *The Evening Star*, May 26, 1953]

District Commissioner Renah F. Camalier, a local attorney and Masonic leader who had taken office in June 1952, announced on May 25 that he agreed with Engineer Commissioner Prentiss that relocated U.S. 240 should follow Rock Creek through the park into the District. The commissioners had previously endorsed the concept of a parkway only in principle. Now, Camalier told the Chillum Heights Citizens’ Association, that without the parkway, Washington businesses would “dry up.” [“Camalier Indorses Plan for Parkway Link to Route 240,” *The Evening Star*, May 26, 1953]

On June 12, the Maryland State Roads Commission met with the Maryland-National Capital Park and Planning Commission to request approval to use the Maryland section of Rock Creek Park for the southeastern leg. This permission would be needed because the planning commission owned title to the land. The commission deferred action until it could consult with opponents. However, the roads commission pointed out that while the planning commission held title to the lands, that meant the title actually was held by the State. If the planning commission denied use of the parklands for the expressway, a legal wrangle would result.

At the same time, the roads commission filed condemnation proceedings in Montgomery Circuit Court to block a 1,400-unit apartment development at Grosvenor Lane and U.S. 240. The development was on land needed for an interchange linking Wisconsin Avenue with the southeastern leg of Washington National Pike. [“Roads Group Acts to Block New Apartments,” *The Evening Star*, June 12, 1953]

Senator Nye appeared before the Maryland planning commission in a 90-minute plea to block the State’s plan to route the southeastern leg of U.S. 240 through the Rock Creek Valley. He disclosed a letter from Secretary of the Interior McKay calling Rock Creek Park one of the capital’s greatest assets. “Any adverse use of the park property which would be destructive of its natural beauty would be nothing less than tragic.” Senator Nye interpreted Secretary McKay’s letter to mean the Eisenhower Administration opposed use of the park for the expressway.

He also said conferees on the Capper-Cramton Act bills were holding off on reporting a conference report until they see what the planning commissions do on the issue. He did not suggest that he or his group had pressured conferees. He said, however, “I should go out of my way to see that no other funds are appropriated” under the Capper-Cramton Act if the expressway is allowed to go through the park.

As Senator Nye put it, “The roads commission is forcing you to be a leverage in the District to further destroy Rock Creek Park.” In dealing with the roads commission, he had never seen an agency “caught in so many falsehoods.” An attorney for the Chevy Chase Land Company agreed that the roads commission was an “arrogant, irresponsible group that concedes to no one.”

Senator Nye told the planners that his group favored construction of the outer circumferential and the widening and extension of Georgia Avenue, 16<sup>th</sup> Street, Connecticut Avenue, Massachusetts Avenue, and River Road. These arterials would provide needed access without the loss of

parkland. ["Parkland Funds Held Up by Road Plan, Nye Says," *The Evening Star*, June 19, 1953]

On June 25, State roads officials appeared before NCPC in closed session to argue in favor of Alternate B. NCPC argued that under the Capper-Cramton Act, NCPC and the Maryland-National Capital Park and Planning Commission must approve any plan for a road in Rock Creek Park. The legislation stated:

The title to the lands acquired hereunder shall vest in the State of Maryland. The development and administration thereof shall be under the Maryland National Capital Park and Planning Commission and in accordance with plans approved by the National Capital Park and Planning Commission.

The planners contended that roadways were covered by the term "development."

### **Hardening Positions**

The following day, Chairman McCain issued what the *Star* referred to as a "fighting-word statement." The roads commission would proceed whether NCPC or the Maryland planning commission approved the proposal. The statement said the commission had concluded "after an exhaustive study extending through the past several years that for a number of reasons only one logical and available route remains for the location of the main Western highway Route 240 into the District of Columbia."

He stated that "few unsolved traffic problems" existed in the State such as this one. With resources in hand and agreement from Federal and other highway authorities, "The Maryland State Roads Commission cannot fail in its duty to acquire the right of way and build Route 240 into Northwest Washington as a modern dual limited-access route."

The expressway would serve traffic that was presently using radials "planned for the horse-and-wagon traffic" of years past. The time needed for rush-hour traffic between Maryland and central Washington had doubled in recent years "due largely to the increased number of motor vehicles and the increased number of traffic lights." Allowing this situation to continue would render Maryland communities on either side of the park as "secondary areas because the people with means will save their time and energy and reduce their costs by taking advantage of the bridge and highway systems which reach into Virginia and for which great improvements will shortly be built without the opposition of any one on the Virginia side of the Potomac River."

For Maryland commuters from Wisconsin Avenue to Georgia Avenue, the Rock Creek Valley was "the only remaining central location in which a modern high-speed arterial highway can be located." Not building the expressway would "doom to ever-increasing traffic strangulation a present population of 100,000 people." As that population increased, ignoring "this vital need" would be impossible.

Further, McCain challenged the authority of either planning commission to block Alternate B:

The State Roads Commission is further of the opinion that the State of Maryland has never granted highway jurisdiction to either the Maryland-National Capital Park and Planning Commission or to any other national agency, superseding the State's paramount right to build arterial highways to transport its citizens from one portion of the State to another.

Under the Capper-Crampton Act, planning commissions had only "a joint advisory jurisdiction for park development and recreation planning." They were "in no wise to infringe on or eliminate the rights and obligations of the State of Maryland to provide arterial communication services for its citizens and the citizens of other States." [Beveridge, George, "Officials See Planners Today On Park Route," *The Evening Star*, June 25, 1953; Beveridge, George, "Roads Chief Denies Planners Can Block Rock Creek Project," *The Evening Star*, June 26, 1953]

In response to McCain's request that NCPC and the Maryland-National Capital Park and Planning Commission approve routing the southeastern leg of the Washington National Pike through the park to the District line, NCPC had intended to study it for several weeks. However, immediately after receiving McCain's letter challenging NCPC's legal authority, NCPC voted to oppose Alternate B.

NCPC denied McCain's legal analysis. In a statement, NCPC explained that the Capper-Crampton Act of 1930 gave both planning bodies control over the Maryland park areas and that it would exercise that power "until a contrary opinion shall be rendered by a court of law." The statement contrasted NCPC's approval of the Inter-County Belt Highway's use of an east-west section of Rock Creek Park near Wisconsin Avenue and Grosvenor Lane with the proposed use of a 1,200-foot section of the park at East-West Highway and Beach Drive for the north-south southeastern leg of U.S. 240 to near the District line and its continuation by District highway officials. NCPC recommended prompt construction of the beltline to Georgia Avenue "as soon as possible to provide a new facility between Route 240 and the Silver Spring area, relieving the East-West highway."

The statement also made clear NCPC's continued opposition to:

. . . the construction of a road of the expressway type in Rock Creek Park south of the inter-county belt route both in the District of Columbia and in Maryland. In lieu of the expressway, the commission favors further development and extension of a park road such as an extension of Beach drive, which might be planned to connect with the inter-county belt route within the confines of the park.

Although NCPC had not previously voted against the proposed southeast leg's use of Rock Creek Park, a spokesman explained the reference to "continued opposition" by pointing out that NCPC had not included the concept in its comprehensive highway plan adopted in 1950.

Prior to NCPC's vote, the commission heard from Senator Nye, who urged the commission to turn the proposal down. He acknowledged that his property would be affected, but that his opposition was based on destruction to the park. [Beveridge, George, "NCPC Vetoes Maryland Leg Of Rt. 240 Plan," *The Evening Star*, June 27, 1953]

McCain told reporters that the “time has come right now” to decide the legal issue. The State was holding up the apartment development near Wisconsin Avenue and Grosvenor Lane pending a decision on Alternate B; the State would acquire the property immediately if the plan were approved. Asked if courts would have to make the determination, he replied. “I don’t know. But the time has come right now to determine if we have the right to build needed roads in parklands. If we don’t we’ll have to readjust our thinking.” He still believed the State’s view was legally correct. “Now, we have to find out for sure just where we stand.” [Beveridge, George, “Maryland Aide Asks Decision On Park Roads,” *The Evening Star*, June 28, 1953]

Unlike NCPC, the Maryland-National Capital Park and Planning Commission was divided on Alternate B. As Gingery explained, the problem was the “lack of any land but park land available to accomplish the purpose” of the highway relocation. “We have to come to grips with problems,” he said. “If we’re wrong on a proposal, we stop planning it. If we’re right, we take the hell that goes with the planning.”

Blair Lee argued that the impact on Rock Creek Park was only one factor for the Maryland planners to consider. He considered it logical for the District to build the expressway toward Maryland instead of Maryland building it to a dead end at the District line. “That’s like building a house by putting the roof on first.” On July 1, the Maryland planners voted 4 to 2 to support use of Rock Creek Park for Alternate B. Support was conditioned on being able to approve detailed plans when they were available and that trucks would be banned, conditions that the Maryland State Roads Commission had already accepted. The Maryland planners also asked NCPC to reconsider its opposition to Alternate B.

Robert M. Watkins of Prince George’s County, the commission chairman, voted for Alternate B, but was concerned it would dump traffic on East-West Highway, long before the District built the extension into the city. He urged the Maryland State Roads Commission to work with the District Highway Department to get the extension built as fast as possible.

Senator Case of the Senate District Committee revealed that he opposed construction through the park. He wanted to know if NCPC would consider approving Alternate B “in order that the Senate committee might conduct a hearing in the matter.” [Beveridge, George, “Road Planners Seek Decision on Route 240,” *The Evening Star*, June 30, 1953; and “Roads Agency Studies Next Rt. 240 Move,” July 1, 1953, both *The Evening Star*]

Secretary of the Interior McKay wrote to Governor McKeldin on July 8 regarding Alternate B:

I shall oppose any such construction in Rock Creek Park in Washington.

I have spent a great deal of time in the park since I have been here in the department, and I am thoroughly convinced that the people in the District, yes, and the people of Maryland and the residential districts would be making a sad mistake in allowing a big, four-lane highway to come down through the park and destroy one of the loveliest parks in all of Washington.

I sincerely hope that you will be able to convince your Maryland State Roads Commission that it should not desecrate Rock Creek Park with construction of

U.S. Highway 240. [“McKay Attacks Plan To Extend Route 240 Through Park Here,” *The Evening Star*, July 8, 1953]

In response to McCain’s request that NCPC reconsider its opposition, Acting Chairman John A. Remon replied that another meeting to vote on Alternate B again would “serve no useful purpose.” NCPC members remained opposed. Instead, Remon suggested that NCPC and roads commission staff get together to exchange information. “A full exchange of information and ideas might induce either of our agencies to review its view of this matter.”

Remon particularly wanted information on reports that the Inter-County Belt Route and

Alternate B would run a short distance as parallel, separate roadways. NCPC previously had thought the two roads would merge through the narrow strip of the park. NCPC was concerned that parallel roadways would take even more parkland than expected and would move closer to residential developments on either side of the park. “The prospect for achieving an early settlement of the entire matter would best be promoted . . . by one or more conferences between our respective staffs.” [Beveridge, George, “Planners Reject Plea To Reconsider Stand on Route 240 Now,” *The Evening Star*, July 9, 1953]

A *Star* editorial acknowledged the merit on both sides of the controversy, but added:

It is not a controversy that is going to be settled in the public interest, however, if the merits continue to be obscured by name-calling, attribution of ulterior motives and the sort of emotionalism that has become so conspicuous a part of this fight.

The parties, namely NCPC and the roads commission, should “sit down together and reach an agreement in the public interest that is based on hard fact.” After all, the Maryland State Roads Commission and its supporters were not “ruthless vandals” determined to destroy Rock Creek Park. NCPC, the Interior Department, and others were not “dreamy visionaries” who preferred to preserve the park because they were “blinded” to rush hour realities. And the property owners that Alternate B would affect were no more “selfish than any other group of property owners would be in the same circumstances.

The *Star* did not believe that Alternate B would destroy the District’s Rock Creek Park. “Such a roadway, properly landscaped, might even improve the park by restoring qualities that are being lost now because of heavy traffic over winding park roads that were never designed for such purpose.” The problem was that “this highway through the District park is not going to be built in the near future.” That raised questions about Maryland’s wisdom in “terminating Route 240 at the Maryland gateway to the District’s Rock Creek Park.”

The editorial pointed out that Maryland and Federal planners had agreed to use the Maryland park for the Inter-County Belt Freeway. Like NCPC, the editors were surprised to learn that instead of running the two freeways on the same right-of-way, Maryland was planning two east-

west parallel freeways through the park. That plan could “not be easily defended” because it “would, indeed, ‘destroy’ that section” of the park.

The editorial summed up the situation by saying that neither the southwest leg of the Washington National Pike nor the Inter-County Belt Freeway were controversial, but they were not going to be built for several years. Alternate B was planned for immediate construction. Juggling the schedule to put the uncontroversial segments first did not seem impossible. But it provided a basis for discussion among the planners and road builders:

Certainly the National Planning Commission and the roads commission should arrange such conferences now and keep at it until they are in substantial agreement. They will reach agreement by such discussion much more quickly than by letters and press statements directed to and at each other.

[“The Wrangle Over Route 240,” *The Evening Star*, July 9, 1953; the same issue contained George Beveridge’s full-page summary of the controversy: “Route 240 – The Problem, Plan, Controversy and Outlook.”]

### **Looking For Accord**

The planners focused on the lack of “complete detailed” information on the State’s plans for the roadway in the park, particularly the structures, fills, and interchanges. Chairman Watkins of the Maryland planning commission directed his engineers to get the information from the roads commission immediately. “We are entitled to know and want to know everything planned in detail,” he said. Commissioner Sidney M. Oliver added, “And if you don’t get it, this commission will descend on the roads men in a body to demand it.”

NCPC’s Remon had written to the Maryland planners suggesting that since they had endorsed Alternate B, they “may now be in strong position to mediate the current issue, if it should develop that any basis exists for a mutually acceptable solution.” However, he doubted a solution was possible “in the present atmosphere of power politics.”

If the State proceeded with Alternate B, NCPC was prepared to go to court, but only reluctantly:

I believe that such litigation, regardless of its outcome, would have a damaging effect on the future relations between the various parties and especially on our requests for future appropriations under the Capper-Cramton Act. [“Area Planners Call for All Rt. 240 Details,” *The Evening Star*, July 10, 1953]

On July 18, House-Senate conferees agreed on the parks portion of the appropriations act. Conferees refused funding for land acquisition for parks in Montgomery and Prince George’s Counties. They agreed on \$100,000 for land acquisition in Virginia to continue construction of the George Washington Memorial Parkway in Fairfax County, as well as a compromise amount, \$126,457 for NCPC operations.

By refusing funds for land acquisition for parks in Maryland for the third straight year, the conferees put the Maryland-National Capital Park and Planning Commission in an awkward

position. The commission paid two-thirds of the cost of land acquisition, but if the Federal Government refused to pay its one-third share, the Maryland planners would have to rethink their master plan. Commissioner Watkins said, "We feel we have a very sacred contract with the Federal Government. Maryland has kept faith but Congress has not." ["Funds Refused for D.C. Area Park Projects," *The Evening Star*, July 19, 1953; "Commission to Study Ways to Save Area's Park Development," *The Evening Star*, July 21, 1953]

At the request of Governor McKeldin, McCain replied to Secretary McKay's letter. Given "the terrific development in and around the Metropolitan area of Washington," McCain wrote, all data and engineering expertise indicated "that the only possible way in which this situation can be solved is to utilize the small section of the border of Rock Creek Park." He pointed out that NCPC had approved "construction of a similar parkway in another section of Rock Creek Park." In view of the need and the limited options in highly developed Maryland communities adjacent to the District, "it appears that to provide a satisfactory facility, certain short sections of park land must be utilized."

McCain, in meeting his agency's commitment to address road needs, planned the southeast leg as "a highway of the parkway type." Moreover, the roads commission had agreed to permit the title to the roadbed "to be vested in" the Maryland-National Park and Planning Commission. That commission would determine the types of vehicles that would use the parkway. Since the roads commission did not have statutory authority to prohibit trucks from using the facilities it built, this shift in ownership would allow the planning commission to restrict commercial usage.

Acknowledging that NCPC and the roads commission had different obligations, McCain said the roads commission was "very willing at any time to sit down with the Capital Planning Commission to see if some mutually satisfactory arrangement can be derived that will solve this problem." ["Maryland to Bar Trucks From Park Route 240," *The Evening Star*, July 19, 1953]

At the end of July, planners and road builders made an unpublicized trip to New York to see how that State, famous for its parkways, built roads through parks. Participants in the 2-day trip included Norman Pritchett of the Maryland State Roads Commission; NCPC's Blair Lee III; planning engineers William C. Burrage and Warren Jiauque from the Maryland-National Capital Park and Planning Commission; William F. Boardman of the District Highway Department; BPR's Joseph Barnett; and the *Star*'s George Beveridge.

According to the *Star*, they learned that New York strongly resisted construction "of big traffic arterials through parks" if any alternative existed. However, parks occasionally gave way to "necessary new highways." When that happened, "meticulous care is taken to minimize the park damage." New York had miles of "shoestring parks" where no park had existed, consisting of modern, limited-access, six-lane parkways. Such parkways enhanced property values, according to New York officials. One of the important lessons was:

That New York, in contrast to Washington, has learned to resolve differences involving parklands on the merits of each project. In some cases, parks have been held inviolate against highway pressures. In others, highways have been found too important to be stopped.

Storms of protest erupted when highways threatened parks in New York and the Washington area, but conditions in the two areas were different. New York officials gave much of the credit to Robert Moses for resolving these problems:

As city construction co-ordinator, he has a mighty voice in building roads where they are needed. Sometimes they are needed through parks. As the city park commissioner, he has a major say in whether the parks can be used.

At the time, Moses was an admired figure around the country not only for his extensive road and park projects in the New York City area but as a consultant on thoroughfare planning in other cities. He was at the peak of power at this time, able to overcome or ignore critics of his plans.

The Washington area had no equivalent figure:

City planning and park officials said Mr. Moses' stature as a protector of parks has helped hold down the opposition. There is general assurance, they said, that affected park facilities will be rebuilt and additional improvements made.

"Any road that goes through a park is going to do some harm," one park official said. "But the people here have learned that the last man in the world who will do any undue harm to parks is Robert Moses."

(The image of Robert Moses today is very different than it was at the time, in part because of Robert A. Caro's critical biography, *The Power Broker: Robert Moses and the Fall of New York*, Knopf, 1974.)

New York officials would not comment for the record on the Washington controversy, but privately thought an expert could be brought in, not beholden to any group, to clarify the issues by determining whether the park absolutely had to be used and what damage the roadway would do. [Beveridge, George, "Planners Study N.Y. Parkways For Rt. 240 Key," *The Evening Star*, August 2, 1953]

Drawing on the lessons learned in New York, NCPC and the Maryland planning commission recommended staff meetings with the Maryland State Roads Commission, District Highway Department, and BPR for a joint attack on divisive issues. Remon explained:

I don't like this idea of every one going off in his own direction. It's time to get something done and kill off some of the conversation.

Watkins thought the joint approach might help apply the New York principles to the U.S. 240 question. He also thought an outside expert might be brought in, one "whose objectivity could not be questioned," someone of the stature of Robert Moses. He admitted that expecting everyone to agree to such a review might be "a Utopian idea," but he wanted to at least pursue it.

In view of agreement on the joint approach, Nolen held off on his intention to present a solution to the Alternate B controversy. His idea was that Maryland should end the southeast leg of the Washington National Pike at its interchange with the Inter-County Belt Freeway, rather than

continuing it through Maryland's Rock Creek Park to dead end at East-West Highway in the expectation that it would continue at some unknown time into the District. At Watkins' suggestion, Nolen agreed to let staff officials review the plan instead of presenting it to either commission at this time. [Beveridge, George, "Study by Staffs Urged to Solve Rt. 240 Dispute," *The Evening Star*, August 4, 1953]

On August 3, 1953, Senator Nye's group, the Citizens Action Committee for Fair Road Planning, published a full-page advertisement in *The Evening Star* highlighting the agreement between President Hoover and Governor Ritchie regarding ownership and use of Rock Creek Park in Maryland. With an arrow pointing at a box containing the paragraph on the signature page of the agreement, the advertisement's headline was: "President Hoover and Governor Ritchie didn't cross fingers when they signed this!" In view of the intentions of the Maryland State Roads Commission and the District Highway Department, the "challenge to the future of Rock Creek Park is very real and immediate."

As for whether building U.S. 240 through the Maryland portion of the park would be legal, the answer was "an emphatic 'No'" because of the 1931 agreement. Recent actions by the Maryland-National Capital Park and Planning Commission are "without the slightest weight."

Nye's committee offered a five-step plan for addressing traffic needs based on plans already under consideration. Build an outer belt for bypass traffic from Cabin John on the Potomac to Fox Ferry Point (across from Alexandria) at the southernmost point of the District. Provide better bus and other mass transportation service into the city from suburban terminals to reduce automobile traffic. Put bus bays on Sixteenth Street, Massachusetts Avenue, and Connecticut Avenue, so buses no longer block traffic while loading and unloading passengers. Broaden and improve existing arterial roads in Maryland. Continue to maintain existing roads in Rock Creek Park as parkways, "not four and six-lane expressways and speedways that will ruin the park forevermore."

The group called for a "concentrated effort" to preserve the park:

Between now and August 6<sup>th</sup>, and at that time, it is to be expected that individual members of the twelve-man National Capital Planning Commission will be under terrific pressure to change their minds, and approve the Rock Creek Park highway program. Possibly, three or four members of the Commission favor approving the use of the park for Highway 240. There is not now the slightest reason to believe that this minority could become a majority, but we can be sure there will be every effort made to cause a majority to favor the park road. **Let us not be caught asleep.**

We hope that community associations and individuals will find a way to let the National Capital Planning Commission know that their position against the expressway idea is in keeping with the best interest of Metropolitan Washington and that we want no such scars in Rock Creek Park as the road engineers would build at a cost of millions to the taxpayers.

A box at the bottom of the advertisement labeled “The Vicious Circle,” quoted F. Biggers: “We spend more and more millions of dollars to build more and more radical super-highways so that more and more thousands of people may drive more and more rapidly to the place where they must wait longer and longer to get into the District where it is harder and harder to move around at all.” [“Citizen Action Committee for Fair Road Planning,” *The Evening Star*, August 3, 1953, page A-15, bold in original. The advertisement did not identify “F. Biggers.”]

Planning for the Inter-County Belt Freeway had been relatively controversy-free except for the concerns about its location in relation to Berwyn and the University of Maryland. The Maryland and Federal planning commissions had endorsed construction of the belt freeway through Rock Creek Park between Wisconsin Avenue and Forest Glen. On August 7, however, NCPC received requests from two citizens groups to withdraw its approval from the belt freeway and continue to oppose use of the park for Alternate B. The two groups, the Rock Creek Hills and Parkwood Citizens’ Association, represented citizens living in the area north of Rock Creek Park between Wisconsin Avenue and Forest Glen. They argued that NCPC, which supported one use of the park and opposed the other, “should be made to conform” its inconsistent positions.

The Parkwood association also raised legal questions, pointing out that the developer of Parkwood sold land to the Maryland-National Capital Park and Planning Commission in 1938 with the understanding that the land would be developed “as a parkway to be used and maintained as part of the Rock Creek Park system . . . .” The association did not believe NCPC would have approved use of the park for the belt freeway if it had known about the contractual restriction on the Parkwood sale. Residents who bought their homes near the park had relied on that restriction.

Blair Lee’s initial reaction was to tell the groups that “the only possible alternative to the present belt route would be something outside the park which would go smack through both their subdivisions.” Instead, NCPC agreed to a staff review of the request from the two associations. [“Planners Asked To Revise Stand On Belt Route,” *The Evening Star*, August 7, 1953]

### **Working For Compromise**

Following meetings with the Maryland planners, McCain wrote to NCPC on September 16, about a change in plans. The Maryland State Roads Commission was willing to build the Inter-County Belt Freeway between Wisconsin and Georgia Avenues within the coming 4 years. Within that same time, however, the roads commission planned to complete the southeast leg of the Washington National Pike to East-West Highway. By advancing the schedule for the belt freeway for simultaneous completion with the southeastern leg, McCain addressed NCPC’s concern that Alternate B would dump traffic on East-West Highway. Traffic not bound for

East-West Highway area would now be able to use the belt freeway to connect with other arterial roads, thus reducing the number of vehicles reaching East-West Highway. [Beveridge, George, “Roads Agency Offers Rt. 240 Compromise,” *The Evening Star*, September 16, 1953]

Harland Bartholomew, who only recently had become NCPC’s chairman, indicated he was not familiar enough with the dispute to offer immediate comment. NCPC replied to McCain on

September 18 that advancing construction of the belt freeway was “an excellent decision on your part.” However, NCPC asked McCain to give “most consideration” to stopping the southeast leg of the Washington National Pike at the beltline instead of East-West Highway.

NCPC also suggested a joint meeting between the two groups to discuss options, as well as legal issues “which have been raised and which may even have a bearing on the action we have already taken.” This was a reference to the two citizens’ associations, whose attorneys had attended a meeting along with Senator Nye to detail the legal challenge to building the belt freeway through the park. The Inter-County Belt Freeway, they contended, could not be considered a “parkway.” [Beveridge, George, “Planners Ask Joint Parley on Route 240,” *The Evening Star*, September 19, 1953]

With the threat of lawsuits that could delay or block the belt freeway, Watkins of the Maryland planning commission suggested building both freeways as parkways like the George Washington Memorial Parkway or the Rock Creek and Potomac Parkway. A commission statement said that parkways would be “well within the spirit and letter of the Capper-Cramton Act.” As another example, the planners cited Fort Drive, the District loop that was planned for land acquired under the legislation. Of course, parkway construction also would address the legal issues raised by the attorneys representing Parkwood. [“Planners Seek To Lift Lawsuit Threat to Roads,” *The Evening Star*, October 2, 1953]

Gingery suggested that all parties make an informal tour of the land where Route 240’s southeast leg was to be built. The tour, which took place on October 11, included Bartholomew, Undersecretary of the Interior Ralph Tudor, Roads Commissioner McCain, District Engineer Commissioner Prentiss, A. B. McKee of the Maryland planning commission, and *Star* editor B. M. McKelway:

The tour started with a look at District streets slated for improvement to handle the increased traffic volume which would pour out of the park if the roadway were built. It followed the proposed route along the eastern edge of the park as far north as Colorado avenue, then along the park’s western edge to the District line and north to Wisconsin avenue.

The officials also examined Maryland park areas affected by the proposed intercounty belt highway across Montgomery and Prince Georges Counties. Mr. Gingery stressed that park areas must be used for the roadways and said delays in construction will only increase the costs.

The *Star* speculated that with Bartholomew, Undersecretary Tudor, and Roads Commissioner McCain “sitting together in an automobile examining a map spread across their knees, while traveling along the proposed Route 240, it was probable that more mutual understanding of the problem was gained than in months of letter writing and statement issuing.” [“Top Aides Take First-Hand Look At Route 240,” *The Evening Star*, October 11, 1953]

By October 30, NCPC and roads commission staff had worked out a plan for the Inter-County Belt Freeway that appeared acceptable to all parties as NCPC prepared to meet on this issue.

McCain outlined the proposal in a letter to NCPC on October 28. The agreement related to the belt freeway, but McCain hoped the agreement would lead to resolution of the U.S. 240 controversy. As the *Star* explained, “The roads commission wants to have the 240 leg drop out of the park a short distance east of Wisconsin avenue, and drop southward across North Chevy Chase to the East-West highway.”

The *Star* summarized the belt freeway proposal:

It would hug the extreme south edge of the park between Wisconsin avenue and Forest Glen, except for a 3,400-foot stretch outside the park and on privately owned property. A 198-foot right-of-way would be acquired.

Mr. McCain said staff members are agreed that for the time being, two 24-foot lanes could serve the dual purpose of carrying both belt freeway and Route 240 traffic over the park portion where the two roads would converge. Later, when the belt route is finished and the 240 leg extended through District portions of Rock Creek Park to downtown Washington, the area could be developed for two dual highways, he said.

The letter indicated Mr. McCain is willing to make two important concessions to the planners. One involves the limitation of a 198-foot right-of-way. The other is routing the belt road outside the park and over private property.

As traffic increased, the width of right-of-way would allow the roadway to carry six lanes.

The use of private property would increase the cost of the belt freeway but he explained:

If we can reach accord on all of our problems in the development of these highways in the park area, it is felt this additional expenditure may be justified.

Regarding the cross-section, McCain wrote:

This section provides for much narrower dividing strips than we normally use in our design and certainly much more restricted than is desirable for safety and comfort. However, any additional width of medium strips would entail a commensurate widening of the over-all section.

He added:

As mentioned above, staff members of each commission have worked out a plan whereby it is deemed that all of the objectives of the several commissions can be attained, with the possible exception of use of parklands for a 1,200-foot connection of the southeast leg of Washington National Pike (Route 240) from Beach drive to the East-West highway. [“Accord Likely On Maryland’s Belt Freeway,” *The Evening Star*, October 30, 1953]

Unfortunately, as George Beveridge wrote in the *Star* on October 31, “The bitter dispute between Capital planners and Maryland roadbuilders over the southeast leg of U.S. Route 240 dragged on today after a conference between the two raised several points of confusion.”

NCPC supported the revised plan for the Inter-County Belt Freeway, built to parkway standards, across Maryland's portion of Rock Creek Park. The planners not did agree on joint use of the roadway for the southeast leg of U.S. 240. They also did not agree that the southeast leg should cross North Chevy Chase and re-enter the park at East-West Highway near the District line. In a letter to McCain, Bartholomew wrote:

In order to prevent any misunderstanding as to this commission's previous action concerning Rock Creek Unit No. 3 for the south leg of U.S. 240, I take this opportunity to restate that this commission approved connecting the proposed southeast leg of U.S. 240 to the belt route in the vicinity of Wisconsin avenue or at some point further to the west.

During the 2-hour meeting, roads commission officials and Maryland planners urged fast action on the southeast leg and belt freeway. Norman Pritchett pointed out that homes under construction in the proposed right-of-way might add \$200,000 to land acquisition costs in the next 30 days. Gingery said that in view of the private development, "We're not calling 'wolf.' The wolf is here now." If the U.S. 240 project were held up, he added, it probably would "have to go not through a measly 5,000 feet of park but through all of the park from Wisconsin avenue to the East-West highway."

Consultant Wilson Ballard told NCPC that when his firm conducted its study, about 76,000 cars crossed the District line between Silver Spring and the Potomac River to the west each day. The volume had increased to 100,000 and would exceed 210,000 in 12 to 15 years. His partner, Joseph Knoerle, predicted that by 1980, 400,000 cars would cross the District line daily and that additional expressways to downtown Washington would be needed.

In that case, Bartholomew suggested that the road commission and planners study "the whole problem" of traffic crossings, not just piecemeal parts of it. McCain replied that he was willing to cooperate in such a study, but did not want the study to "be put in the position of [causing] unnecessary delay" on the Inter-County Belt Freeway or the southeast leg of U.S. 240. [Beveridge, George, "Planners Fail To Indorse Leg For Route 240," *The Evening Star*, October 31, 1953]

In response to an inquiry from Beveridge, Bartholomew, back home in St. Louis, agreed that several points in his letter to McCain were hazy. Bartholomew confirmed that NCPC approved the belt freeway, built to parkway standards, across Rock Creek Park. Although the map drawn as a result of the joint staff meetings showed the southeast leg of U.S. 240 meeting the belt freeway east of Wisconsin Avenue, NCPC wanted the connection west of Wisconsin Avenue and entirely outside the park.

Approval of the belt freeway across the park had no bearing on NCPC's view of including the southeast leg of U.S. 240 in the park. However, NCPC had no jurisdiction over the routing of U.S. 240 outside the park; if the Maryland roads commission decided to build the southeast leg across North Chevy Chase, NCPC could not object. However, Bartholomew made clear that NCPC had not given authority for the southeast leg to reenter parkland near East-West Highway.

As Beveridge wrote:

Under these restriction[s], officials pointed out, it would be possible for southeast-bound Route 240 traffic to pass through 8,000 feet of Rock Creek Park on the belt road, then move over an independent route to just north of the East-West highway park area.

This option would work only if projected traffic volumes on U.S. 240 could be handled on the belt freeway and a new terminal for the southeast leg could be found outside the park near East-West Highway.

Bartholomew made one other point clear:

Mr. Bartholomew told *The Star* by telephone from St. Louis that legal questions played a major part in the planners' action. He stressed that attorneys seriously questioned whether the parks could be used for even the belt freeway. The commission's approval of that road as having "parkway standards" was about as far as it felt it could go "at this time," he said. [Beveridge, George, "Officials to Plan Further Action on Route 240," *The Evening Star*, November 1, 1953]

With these understandings in mind, McCain ordered roads commission engineers to shift the southeast leg to East-West Highway outside Rock Creek Park. By keeping the route out of the park, the roads commission would avoid the planning commission's jurisdiction. The *Star* summarized the plan:

The revised plan calls for the southeast leg of 240 to connect with the belt route near Wisconsin avenue, and use the belt roadway to a point where the belt road dips out of the park.

There, the roads commission would build an interchange and divert 240 traffic off the dual-purpose road and to an extension of the 240 leg heading southward. Instead of entering parkland at East-West highway, however, the road would terminate at a new location still to be determined.

This alternative would involve acquisition of costly property that would not have been needed under the original plan using parkland:

Mr. McCain also disclosed, meanwhile, that roads commission engineers have been authorized to begin immediate land purchases in "tight spots" involved in the right of way.

The "tight spots," he said, are land parcels where development already is under way which would greatly increase land costs.

McCain had given orders to his staff after what the *Star* called "a fast-breaking exchange of telegrams" between McCain and Bartholomew regarding NCPC's position on the two routes.

At the same time, the *Star* reported that J. Joseph Barse, the attorney for residents bordering the park where the Inter-County Belt Freeway was to be built, said a lawsuit was "certain to be filed contesting legality of the belt route's use of the park." The new plan for keeping the southeast

leg of U.S. 240 out of the park, Barse said, “bears out my personal opinion that if consent were given for the belt route that Route 240 also would be built. The belt route is the key to the whole thing.” [Beveridge, George, “State Speeds New Plan for Route 240 Leg,” *The Evening Star*, November 7, 1953]

Barse and Edward S. Northrop filed the suit on November 20 against NCPC to block the use of Rock Creek Park for the Inter-County Belt Freeway. Their six plaintiffs, all owners of land abutting the park, contended that the park use violated the Capper-Cramton Act of 1930 and an agreement reached in 1931 between NCPC and the Maryland-National Capital Park and Planning Commission that prohibited use of the park “for other than park purposes.” They wanted the Maryland planners to advise the Maryland State Roads Commission that it could not use the park for the belt freeway or “any similar highways,” a reference to U.S. 240.

The suit also asserted the contention of Parkwood and Locust Hills Estates, located adjacent to the park near Wisconsin Avenue, that property had been deeded to the Maryland planning commission in 1939 “exclusively for park and parkway purposes.” NCPC’s approval of the belt freeway, the plaintiffs argued, violated this restriction.

The definition of “parkway” appeared to observers to be the key to the suit. In approving use of the park for the belt freeway as long ago as the 1950 comprehensive plan, NCPC had indicated it did so because of the “parkway” characteristics the freeway appeared to have. It did not, however, define the term.

The Maryland State Roads Commission and the Maryland-National Capital Park and Planning Commission indicated they would join NCPC as interested parties to the lawsuit. If so, the *Star* pointed out, “the bitterest contestants in the Montgomery County road issues will find themselves allied.” [Beveridge, George, “Federal Court Asked To Bar Belt Road In Rock Creek Park,” *The Evening Star*, November 20, 1953]

The *Star*, in an editorial, summarized the result of the unclear definition of “parkway”:

Two important traffic-relief projects thus will remain in a state of suspended animation until the suit is disposed of. It is to be hoped that the litigation can be settled without long delay. [“To Settle the ‘Parkway’ Dispute,” *The Evening Star*, November 21, 1953]

The Capper-Cramton Act provided for a “comprehensive park, parkway and playground system” for the Washington area. Reportedly, Congress first used the term “parkway” in 1913 when it authorized the Rock Creek and Potomac Parkway connecting Potomac Park and the National Zoological Park. *Webster’s Dictionary* first defined the term in 1914 as: “A broad thoroughfare beautified with trees and turf.” AASHO defined the term as well. A parkway was “an arterial highway for non-commercial traffic, with full or partial control of access, and usually located within a park or ribbon of park-like development.”

By contrast, NPR Director Wirth, the only NCPC member who had voted against allowing the belt freeway to cross Rock Creek Park, defined a parkway as “an elongated park, with a road usually used to connect two or more parks.” The George Washington Memorial Parkway, he

explained, was properly named, because it was “authorized specifically to protect land along the Potomac and to connect historic parks,” but neither Suitland Parkway nor the Baltimore-Washington Parkway met the definition.

Although NCPC had not defined the term while approving the 1950 comprehensive plan, Bartholomew now defined “parkway” as a “special type of automobile travelway of more than ordinary width and having park-like characteristics.” [Beveridge, George, “Roads Dispute Poses a Query on ‘Parkway,’” *The Evening Star*, November 22, 1953]

Despite the lawsuit, the Maryland State Roads Commission began negotiating to acquire more than 20 home sites near Rock Creek Park for the Inter-County Belt Freeway. They were in a new subdivision called Rolling Hills east of Kensington Parkway and south of Rock Creek Park. As then planned, the belt freeway would pass through Rock Creek Park east of Wisconsin Avenue, leave parkland west of Connecticut Avenue, and pass through Rolling Hills and other private land before reentering the park south of Forest Glen. [“Plan Is Pushed To Seize Sites in Freeway Path,” *The Evening Star*, December 6, 1953]

The controversy about the routing, however, was no longer confined to local agencies. The proposed use of parks for roadways in the Washington area and elsewhere was becoming a national issue. A gathering at the Hotel Statler of 39 national conservation and scientific research groups, organized by the Natural Resources Council of America, helped focus national attention on the controversy. On December 6, General Grant, the former NCPC chairman, stressed that if the southeast leg of U.S. 240 were built as far south as East-West Highway, keeping it out of Rock Creek Park in the District would be virtually impossible. He denied that such a use would do little harm to the park, as advocates for the road claimed. Senator Nye urged meeting participants to send protests to NCPC, “where our case rests at the present time.”

Chairman Samuel Ordway of the Natural Resources Council called the dispute “one of the major fights for conservation.” The council’s executive secretary, C. R. Gutermuth, said that the threat to Rock Creek Park deserved “as much concern” as encroachments to Yosemite or Yellowstone Parks would receive.

Tom Wallace, chairman of the National Conference on State Parks, told participants that there “isn’t a city in the United States that isn’t threatened by the blunderbuss efforts of a highway commission.” The Rock Creek Park encroachment was an “outrage that is intolerable, impractical and illegal.”

The National Conference on State Parks issued a statement that did not refer to the belt freeway or U.S. 240, but did say of threats to Rock Creek Park:

Use of Rock Creek Park as a right of way would be in sundry ways calamitous to Washington. The precedent would endanger every national, State, county and municipal park, every scenic recreation preserve in the United States, and subject United States culture to well-founded criticism in capitals of nations of the enlightened world.

Throughout the country, parks were “threatened by exploiters whose argument is that parks are ‘free land’ and should be used for roads and parking lots.” [“Route 240 Plan Held Threat to All Parks,” *The Evening Star*, December 7, 1953; “National Fight On Route 240 Shaping Up,” *The Evening Star*, December 8, 1953]

On January 7, 1954, Judge Matthew F. McGuire held a bench conference on the suit seeking to enjoin NCPC from approving detailed plans for the Inter-County Belt Freeway across a stretch of Rock Creek Park. Both sides recognized that NCPC had approved the use of parkland for the belt freeway. Assistant U.S. Attorney Oliver Gasch argued that NCPC should not be prohibited from taking administrative action while the court deliberates on the case. Barse and Northrup expressed concern that if NCPC approved the detailed plans, Maryland would begin construction immediately without waiting for a court ruling. Under an agreement reached during the bench conference, NCPC was free to approve the detailed plans, but the effective date would be delayed to allow for court action. Judge McGuire set a hearing date for late March. [“NCPC May Approve Belt Freeway Plans in Tentative Agreement,” *The Evening Star*, January 7, 1954]

The third section of the Washington National Pike, a 3.8-mile stretch between Hyattstown and Clarksburg, opened on January 18, 1954. This section was the first completed in Montgomery County. Construction had begun on October 1, 1953, on the next 3.7-mile section, which would take the pike to State Route 118 in Germantown. The road commission had begun planning for the next two sections, each about 4 miles long, that would take the pike to Rockville. [“3.8-Mile Stretch of Route 240 To Be Opened About Dec. 15,” *The Evening Star*, November 26, 1953; “McKeldin Will Open Route 240 Stretch,” *The Evening Star*, January 17, 1954]

### **The Olmsted Brothers**

On March 22, the *Star* reported that Chairman Watkins of the Maryland-National Capital Park and Planning Commission had retained Olmsted Brothers of Brookline, Massachusetts, to prepare detailed development plans for the Inter-County Belt Freeway through Rock Creek Park. As mentioned earlier, Frederick Law Olmsted, who had founded the firm, was a founder of NCPC (then called the National Capital Park and Planning Commission) and a commission member for several years. Olmsted Brothers had been a consultant for development of the 1901 general plan for the District, in 1918 on development of Rock Creek Park, and many other Washington area projects. In a letter to Bartholomew, Watkins wrote:

Because of their outstanding reputation in the field of park design, Olmstead [sic] Brothers were employed to prepare designs which would not only meet the standards desired by your commission and by this commission, but which would be an outstanding contribution to the park and parkway system of the Nation’s Capital . . . .”

The firm would design and locate interchanges and connections with the proposed parkway; landscaping for the area through which the road would pass; the type, design, and location of park and picnic areas adjacent to the parkway; foot paths and bridle paths; and placement of recreation facilities in the two park units. The contract also covered recommendations for relocating any part of Rock Creek that may be necessary to make more effective use of the park.

Watkins also said the plans involved developing about 500 acres of parkland on both sides of Connecticut Avenue from East-West Highway to the Kensington-Garrett Park Road. The road would enter Rock Creek Park at Wisconsin Avenue between Grosvenor Lane and Pooks Hill Road, ending at Connecticut Avenue. A second section would begin about 500 feet east of Kensington Parkway, ending at Jones Mill Road and Beach Drive.

A *Star* editorial pointed out that the Maryland planning officials believed that hiring Olmsted Brothers “should allay the fears and misunderstandings” that had delayed both projects. The detailed plans that NCPC received for the encroachment on the park were to be drawn “by consultants known to be advocates and protectors of park land, here and elsewhere.” [“Firm Named To Plan Road In Rock Creek,” *The Evening Star*, March 22, 1954; “Fortunate Choice,” *The Evening Star*, March 25, 1954]

Judge McGuire heard arguments in the Inter-County Belt Freeway case on March 24. Balse and Northrop argued that building the freeway through Rock Creek Park was inconsistent with park purposes as established by Federal laws. They contended that the term “parkways” referred to roads serving the parks, not commuter thoroughfares. Congress, Northrup said, had established proper uses of parkland; NCPC could not add uses.

U.S. Attorney Gasch moved for dismissal. He said that Federal law clearly gave the planners control over park development. As such, the belt freeway was a legitimate park use. NCPC, in recognition of its legal responsibilities, had approved the route through the park on the condition that it would meet proper standards to serve the park. The Maryland State Roads Commission, he pointed out, had recently hired the Olmsted Brothers to design the freeway in accordance with seven criteria NCPC had established.

After the 1-hour hearing, Judge McGuire took under advisement the government’s motion to dismiss the suit. He said the issue was whether the Inter-County Belt Freeway was consistent with park purposes as intended by Federal law. First, he would have to decide the extent of NCPC’s authority to act. Second, he would have to determine whether the proposed freeway was consistent with the use of the parklands. [“Court Studies Dismissal of Belt Road Suit,” *The Evening Star*, March 24, 1954]

On May 4, Judge McGuire denied the government’s request to dismiss the lawsuit. He also denied the government’s motion for summary judgment. In a notation on the government motions, Judge McGuire wrote: “No ruling possible without plans being extant and submitted.” The Olmsted Brothers’ plan, he implied, was the key. [“Court Denies Motion To Throw Out Suit On Belt Freeway,” *The Evening Star*, May 4, 1954]

While awaiting the court ruling and delivery of the Olmsted Brothers’ plans, citizens associations were issuing statements opposing Alternate B through the park for the Washington National Pike. The *Star* reported opposition by the Federation of Citizens’ Associations (April 18, 1954), the Federation of Civic Associations (April 24), and the Northwest Council of Citizens’ Associations (April 25).

On May 22, Beveridge reported that the Olmsted Brothers’ plan had been submitted:

The Federal planners . . . withheld comment on their first reaction to the plans. But other sources indicated Mr. Bartholomew, at least, was pleased by what he saw.

Maryland citizens fighting the roads, meanwhile, held one of their biggest mass meetings during the week. Spokesmen said it was a strategy session to map new moves. [Beveridge, George, "New Moves Start Speculation On Fate of Park Roadway," *The Evening Star*, May 22, 1954]

After the Maryland State Roads Commission and Maryland-National Capital Park and Planning Commission reviewed the Olmsted plans, officials of the firm and the two commissions flew to Columbus, Ohio, on May 18 to discuss the plans with Bartholomew. He told George Beveridge that the plans had been sent to NCPC staff and that he had instructed them to expedite their review. Neither Bartholomew nor other NCPC commissioners would reveal their reaction to the plans. [Beveridge, George, "Planners Get Detailed Plan On Belt Road," *The Evening Star*, May 21, 1954]

On June 8, the Maryland State Roads Commission and the Maryland-National Capital Park and Planning Commission approved the Olmsted Brothers' plan and rushed it to NCPC.

Olmsted Brothers included an eight-page statement with their plans. Based on the statement, Beveridge summarized the highlights:

#### The Parkway Route.

At its west end, Wisconsin avenue would be elevated and split with separated lanes for northbound and southbound traffic. The belt parkway would pass beneath Wisconsin, connecting west of Wisconsin with the southeast leg of U.S. Route 240.

East of Wisconsin, the belt road would hug the southern edge of the park a few feet above park level, except for an overpass at Cedar lane. About a mile east of Wisconsin, the road would dip out of the park through a corner of the Bethesda Naval Hospital property. It would pass about 3,500 feet across private property, overpassing Connecticut avenue and Kensington parkway, then re-enter the park. It would continue to hug the southern part of the park until overpassing Jones Mill road and Rock Creek at Forest Glen. It would leave the park at that point.

### Connection Planned.

Roads commission plans call for connecting the belt road, at the point it leaves the park near the naval hospital property, with a continuation of the Route 240 leg. The 240 leg would be extended to the East-West Highway, near Beach drive.

The divided lane parkway would have a maximum right-of-way of about 110 feet, with two lanes in each direction. Essentially, the Olmsted firm said, it will be “a border drive,” with its sides “merging naturally with the flattish floor of the park.”

### Park Design.

Olmsted Bros. said Maryland’s Rock Creek Park serves primarily “regional rather than local purposes.” Such local uses as “tot lots” and neighborhood playgrounds, therefore, it said, “should not, in spite of their values per se, be allowed to encroach seriously on the broader over-all values of a naturalistic park of this type and importance.”

On that premise, it proposed four major new recreational areas:

Near East-West highway and Jones Mill road; just north of the parkway near Forest Glen; near Wisconsin avenue north of the point the belt road leaves the park; in a northern park portion paralleling Wisconsin avenue opposite Saul road and Everett street.

### Plan Includes Ponds.

The latter three play areas include large ponds suitable for boating and fishing. The recreation provisions include playgrounds, baseball diamonds, court games, archery, and outdoor theatrical area and craft buildings.

In the northernmost portion of the park at Garrett Park road near Wisconsin avenue, the riding stable would be located.

### Park Access.

Driving access from the parkway to the park would be provided at Forest Glen, Cedar lane, Wisconsin avenue and Connecticut avenue.

Pedestrian overpasses of the parkway would be provided “for the convenience of adjacent householders” near Wisconsin avenue, at Kensington parkway and at Forest Glen.

### Beach Drive.

Instead of Beach drive across the East-West highway and northward into the park, it was suggested that Jones Mill road be widening and improved to link with Beach drive in the Forest Glen area.

Beveridge summarized three points about Beach drive:

1. The present gap between Connecticut Avenue and Cedar Lane should be closed.
2. Beach Drive should be relocated north of the creek where the drive extended south of the creek between Connecticut and Wisconsin Avenues, and
3. The drive should be extended from its terminus at Wisconsin Avenue to Garrett Park Road to open that part of Rock Creek Park to more use.

Exclusive of the cost of the roadway, the improvements included in the plan would cost an estimated \$1 million. [Beveridge, George, "Park Belt Road Put to Planners For Approval," *The Evening Star*, June 9, 1954]

NCPC began considering the plans on June 10. The commissioners also were considering a letter from the Maryland State Roads Commission regarding its plans. The letter said that as traffic increased, the road might have to be widened. Congestion might increase, the roads commission explained, because the Inter-County Belt Freeway would carry traffic from the southeast leg of U.S. 240 through about a mile of the park. The roads commission would deed certain parcels of land to the Maryland planning commission. Trucks and commercial vehicles would be banned. State and county officials would maintain and police the road. The roads commission would submit detailed contract drawings and specifications to NCPC for review. The statements in the letter, the roads commission said, were "a firm commitment."

The Maryland-National Capital and Planning Commission firmly committed to the recreation and other park developments proposed by Olmsted Brothers. [Beveridge, George, "Planners Delay Action to Study Park Belt Road," *The Evening Star*, June 10, 1954]

On June 11, NCPC conditionally approved the Olmsted Brothers' plans for passage of the road across the park. NCPC also indicated it would not object to linking the southeast leg of U.S. 240 to the belt freeway west of Wisconsin Avenue and outside the park. The approval also was given with the understanding that the Maryland roads commission would not build a road south of the park to carry U.S. 240 traffic from the belt freeway to East-West Highway.

Because the pending court case involved only the belt freeway, Federal attorneys planned to move quickly to present the plan to Judge McGuire. However, officials of the Maryland roads commission were reportedly "fighting mad" about NCPC's condition rejecting the link of the southeast leg to East-West Highway. They contended that in the November 1953 exchange of telegrams between the roads commission and Bartholomew, he had not indicated any objection to the link outside the park. Further, Olmsted Brothers had included an interchange in the plan for the connection where the belt freeway dipped south of the park about a mile east of Wisconsin Avenue.

While planners and road officials reacted to NCPC's "bad faith" action, attorneys involved in the court case pointed out that in the end, NCPC did not have any jurisdiction over what happened outside the park. Even with the NCPC condition, Watkins of the Maryland planning commission considered the decision a "clear-cut approval" for the belt freeway. The linkage between the southeast leg of U.S. 240 outside the park was a "matter for the future." [Beveridge, George, "Road Decisions By Planners Renew 2 Fights," *The Evening Star*, June 11, 1954]

On June 30, the Maryland-National Capital Park and Planning Commission began displaying the Olmsted Brothers' model in the commission's Silver Spring office at 8500 Colesville Road. The model, which cost \$7,500, would remain available for public review until July 12. It would then be transported to the U.S. Federal Court for the District of Columbia. ["Maryland Planners Have \$7,500 Model Of Belt Road in Park," *The Evening Star*, June 30, 1954]

After meeting with other roads commissioners regarding NCPC's condition on the southeast leg, Chairman McCain sent a telegram to NCPC:

If press release of your resolution of yesterday dealing with inter-county beltway is correct, we cannot concur with exceptions designated as A, B, and C, as these three sections involve areas outside of park lands, where full jurisdiction is vested in the State of Maryland.

We believe plans submitted are in full accord with your prior commitments. I am authorized to state that these views are unanimously concurred in by the members of the Maryland-National Capital Park and Planning Commission.

The goal of the telegram was to get on the record that the roads commission did not in any way agree with NCPC's conditions. [Beveridge, George, "Roads Officials Ponder Move For 240 Link," *The Evening Star*, June 12, 1954]

Judge McGuire set July 15 for final arguments in the court case, but Maryland roads and planning officials were still angered by NCPC's condition. On June 16, NCPC's meeting included what Beveridge called a "scathing attack" by Maryland officials. Watkins, chairman of the Maryland planning commission and a member of NCPC, read a "strongly worded prepared speech" arguing that the southeast leg conditions imposed "a grave threat" to the belt freeway. He argued that the schedule for constructing the \$29 million belt freeway in the next 4 years was threatened because the Maryland roads commission "might not be able to maintain the present priority" in view of needs elsewhere.

Bartholomew responded that the condition related to the southeast leg was entirely consistent with NCPC's longstanding opposition to encroachment by U.S. 240 on the park. NCPC, he said, was prepared to approve, without conditions, the belt freeway design in the park and a connection for U.S. 240 west of Wisconsin Avenue and outside the park. He pointed out that as an urban planner (and a member of the National Interregional Highway Committee that prepared the 1944 report to Congress on *Interregional Highways*), he was one of the country's foremost advocates of circumferentials; he strongly favored the Inter-County Belt Freeway. However, the design, he said, raised questions about whether the belt freeway was a "true belt distributor route."

Gingery defended the plan to use "this measly 3,000 feet of park" for the southeast leg because of the expense of building it through private residential areas in Bethesda. He contended that NCPC's ulterior motive was the fear that the District would continue the road through Rock Creek Park to downtown Washington.

Engineer Commissioner Prentiss, also a member of NCPC, replied that the District did have such a route in its long-range plan, but not in its work program for the next 10 years.

At Watkins's request, NCPC voted unanimously to support construction of the belt freeway through the park. ["Belt Route Suit Dismissal Plea Set for July 15," *The Evening Star*, June 17, 1954]

The hearing on the belt freeway was extended to July 27 to allow plaintiffs' attorney time for additional depositions.

Judge Edward A. Tamm, instead of Judge McGuire, conducted the hearing. As in the past, the definition of "parkway" was in dispute. Barse had said, "The word 'parkway' has been accepted so widely and used by so many agencies that now it means a hundred different things." The Olmsted Brothers' development plans for the surrounding area were "all window-dressing to try to make this highway fit the category of some sort of parkway." This segment, Barse pointed out, was part of a 36-mile beltline completely encircling Washington. It was, simply, a "major highway" except for the 2.5-mile segment through the park.

Gasch said NCPC's action was consistent with its responsibilities by adding conditions to its 1950 approval. With those conditions, parkways were, in NCPC's view, a "harmonious park use."

Northrop responded that calling the belt freeway a parkway was "just a rose called by another name, and its purpose is not changed in any way." He warned that the project was the "opening wedge to the destruction of our park system."

After hearing arguments for 3 hours, Judge Tamm dismissed the suit, finding that NCPC had acted within its legal rights in approving the use of parkland for the Inter-County Belt Freeway. The arguments by both sides, he said, raised "a number of collateral issues," but he based his finding on congressional action. He referred to laws dating to 1924, as cited by Gasch, as the source of NCPC's authority.

As for the plaintiffs' argument based on conditions placed on sale of the Parkwood land, Judge Tamm advised Barse that this question might better be considered by a Maryland court.

Barse stated that he and Northrop would appeal the ruling and asked for an injunction to halt construction while the appeal was underway. Judge Tamm denied the request. [Beveridge, George, "Appeal Planned With Dismissal Of Parkway Suit," *The Evening Star*, July 28, 1954]

### **Compromise – Pure and Simple**

That Saturday, July 29, in his "This Week in Area Planning" column, Beveridge began:

No matter what happens from now on between Washington's planners and road builders, this qualifies as the week of the big compromise.

For years motorists have been watching a frustrating running battle over major bridge and highway needs. At times the fights have become almost too complicated to follow. And traffic conditions got steadily worse. But within a few days, a basic agreement turned up this week that could serve as a blueprint of future improvements for years to come.

During the week, the Senate had agreed on construction of the Constitution Avenue Bridge just upriver from Arlington Memorial Bridge as well as a bridge at Jones Point for the area's outer circumferential:

Key to the agreement was a general resolution of what will make up the so-called "inner-belt" system of roads around the center of town. The new [Constitution Avenue] bridge, and others agreed to tentatively, will feed directly into the belt. And the belt itself—designed to feed traffic directly to whatever major street the motorist wants to hit—will make up some of the most expensive projects in the city.

It all came about through compromise—pure and simple. Generally, highway officials can see the new routes they want. The plan also preserves the planning principles that have started much of the squabbling.

Beveridge added that, "There's no evidence the bickering is over," since fighting over details was likely:

But, at least, for the first time highway officials have an accepted plan into which the details of specific improvements can be worked out as the city can afford to pay for them.

Also during the week, the bill to establish a presidential commission to study all phases of area transportation problems "came to life." It had passed the House in 1953, but the Senate had added a second commission to regulate bus operations between the District and Maryland. "House-Senate conferees revised the bill Thursday and accepted both commissions." Chances for approval by the House and Senate before adjournment were good.

Then there was the "bitter issue of new roads in Rock Creek Park." Two important decisions had occurred during the week on this issue, "with highway enthusiasts coming out on top in both." In the first decision, NCPC approved plans to extend Rock Creek and Potomac Parkway from its Calvert Street terminus to link up with Beach Drive just south of Klinge Road. Plans included a four-lane tunnel through a rocky hill to get traffic around the eastern edge of the National Zoological Park. The extension would be four lanes as far as the Harvard Street entrance to the zoo, then two lanes wide to the merge with Beach Drive. "Construction is likely to start next year."

Finally, Beveridge highlighted Judge Tamm's finding on the Inter-County Belt Freeway across Rock Creek Park:

Judge Tamm based his ruling on a single point of law—upholding the Planning Commission's right to approve the belt road construction in the park.

But he chastened both sides lightly for “costuming” the facts in “a pageantry type of display,” and added:

I am surprised that counsel on neither side has referred to “the forest primeval, the murmuring pines and hemlocks,” because that seems to be the sentiment that prevails in this argument. [Beveridge, George, “New Belt Accord Eases Traffic Ailments in Area,” *This Week in Area Planning*, *The Evening Star*, July 31, 1954; “Road Extension Plan Approved For Rock Creek,” *The Evening Star*, July 29, 1954. Judge Tamm was quoting the opening line of Henry Wadsworth Longfellow’s 1847 poem, “Evangeline: A Tale of Acadie.”]

(According to the NPS historic resource study of Rock Creek Park, construction of the Rock Creek tunnel was still a few years off:

The impediment of sharp curves and periodic high water levels, which closed the fords on the road in the National Zoological Park grounds, limited the speed and reliability of the route in the 1930s and 1940s. Highway advocates had anticipated the bottleneck and began lobbying for a tunnel link under the zoo as early as 1933. Park planners concerned with the impact of a traffic artery on the character of the park delayed the project. However, as part of the Mission 66 park improvement program commemorating the 50<sup>th</sup> anniversary of the National Park Service, a tunnel and road segment was built and opened under the zoo in 1966. The Service later regretted their support of this project because it greatly expanded commuter use of park roads. Today more than 10,000 cars daily utilize Beach Drive as a connecting route from Maryland into downtown Washington. [Bushong, page 145])

On September 17, the U.S. Court of Appeals rejected plaintiffs’ request for an injunction to block construction in the park until their appeal was decided. This decision prompted the Maryland State Roads Commission to consider developing contract plans for the Inter-County Belt Freeway through the park. Legal counsel, according to McCain, advised the commission that rejection of the injunction put the matter “right where it was before the suit was filed.” He continued:

In view of that, the commission has directed its chief engineer to instruct consulting engineers to proceed as rapidly as possible in connection with completion of detailed contract plans for the construction of the inter-county belt parkway which involves the use of certain parklands.

McCain also advised the engineers to work closely with Olmsted Brothers on the final contract designs.

He declined to tell reporters whether the park section would be the first portion of the belt freeway to go to construction. [Beveridge, George, “Decision Due On Quick Start Of Park Route,” *The Evening Star*, September 18, 1954; “Maryland to Hasten Plans for Contract On Belt Parkway,” *The Evening Star*, September 23, 1954]

## An Election Issue

Soon, the issue became part of the gubernatorial election between Governor McKeldin and his Democratic opponent, Dr. Byrd, who had resigned as president of the University of Maryland after 18 years to run for Governor. The *Star* said of Dr. Byrd:

He has been assailing his opponent's road policies in recent weeks, claiming excessive fees were paid to engineering consultants and implying favoritism with high real estate commissions to a former member of the State roads group.

On October 20, during a campaign appearance in Rockville, he told reporters, "I would appoint a new commission if I am elected." One of the issues he cited in Montgomery County was the need for a belt highway around Washington "with broad avenues leading into the city." As the *Star* noted, the McKeldin administration was working on such a project. In reply to a reporter's question, Dr. Byrd declined to state a position on extension of U.S. 240's southeast leg to East-West Highway. He said the issue was a local one that county residents should decide. [Preston, Alex R., "Byrd Pledges New Roads Commission in Maryland," *The Evening Star*, October 21, 1954; "Dr. Byrd Retires, Symons Heads U. of Maryland," *The Evening Star*, January 4, 1954]

With the issue raised, Governor McKeldin responded by telegram to an inquiry from State Senator R. Lofstrand, Jr., of Rockville:

I have just been informed today that an alternate plan on Route 240 has been submitted to the Maryland State Roads Commission and the Maryland National Park and Planning Commission which would permit the southeast leg of proposed 240 to reach East-West highway without jeopardizing Rock Creek Park.

I shall direct that the State Roads Commission consider this plan in the light of my desire to save the Rock Creek Park.

The chief engineer of the State Roads Commission has just informed me that there has been no attempt at any land acquisition which would be determinative of the route in question, and I have directed that there be no steps taken for any such land acquisition until the matter is finally and I trust satisfactorily concluded.

Initially, the Maryland-National Capital Park and Planning Commission told reporters it was not aware of such an alternative plan. Roads commission officials could not be reached for comment. ["Alternate Plan For Route 240 Being Studied," *The Evening Star*, October 31, 1954]

With the election only 2 days away, Dr. Byrd issued a telegram promising that, "If elected, I will find a way of avoiding the use of Rock Creek Park such as the present Republican administration contemplates . . ." He also said he detected "a change of heart . . . in the Governor's eleventh-hour telegram," which he said amounted to "political trickery."

By this point, reporters had figured out that the alternative plan Governor McKeldin mentioned in his telegram had been submitted by Washington attorney Ernest F. Henry, a civic leader who lived near the parklands in question. His alternative plan, which he had submitted several

months earlier, was to build the belt freeway over mostly undeveloped private land south of the park. The Maryland State Roads Commission and the Maryland-Capital Planning and Park Commission had rejected the plan at the time.

Senator Nye sent a telegram to Governor McKeldin seeking clarification on “apparent inconsistencies.” The inconsistencies were prior rejection of the plan supposedly under study and whether land was being acquired for the belt freeway. Senator Nye also asked Governor McKeldin for a more definite stand on the location of the belt freeway and the southeast leg of U.S. 240.

The former Senator also sent a telegram to Dr. Byrd thanking him for “your forthright statement.” His group, the Citizens’ Action Committee for Fair Road Planning, had printed circulars reminding voters to “stand by our friends,” with Dr. Byrd instead of Governor McKeldin listed. [“Park Highway Becomes Issue In Campaign,” *The Evening Star*, November 1, 1954]

The night before the election, Governor McKeldin replied by telegram indicating he would support any alternative that would be feasible based on cost, engineering, and traffic benefit. But as George Beveridge would say, “his wire didn’t indicate he thought there was much prospect anyone would submit such an alternate.”

On November 2, 1954, Governor McKeldin became the first Republican Governor of Maryland to win reelection. Although the mid-term national election went strongly Democratic in Maryland and elsewhere, Governor McKeldin won by around 60,000 votes. As a sign of the strength of Democrats in 1954, Governor McKeldin’s running mates lost the race for Attorney General to Democrat C. Ferdinand Sybert, and for Controller to J. Millard Tawes. (The Attorney General was the number two person on each party’s ticket. Maryland’s constitution of 1867 had abolished the position of Lieutenant Governor and it was not reinstated by constitutional amendment until 1970.)

In Montgomery County, Governor McKeldin won the race by 5,000 votes, but Democrats “swept into office yesterday, capturing all local offices except one seat in the House of Delegates after eight lean long years,” as the *Star* put it. Among the winning Democrats was Edward S. Northrop, one of the attorneys for plaintiffs in the Rock Creek Park case, who defeated State Senator Lofstrand. [Goodwin, Gene, “Byrd Defeated By Margin of 60,000 Votes”; Hoffman, Charles L., “Democrats Win All But 1 Office in Montgomery,” both from *The Evening Star*, November 3, 1954]

Summarizing the election results, George Beveridge speculated in his weekly planning column:

Despite a brave effort, last Tuesday’s election apparently didn’t net anything for the band of nearby Maryland residents who are trying to block construction of the new inter-county belt road in Rock Creek Park near their homes.

If anything, in fact, their prospects may have become a bit bleaker.

They had pressured Governor McKeldin for months regarding use of the park for the belt freeway and the southeast leg of U.S. 240, but backed Dr. Byrd in the election. When Governor McKeldin raised the prospect of an alternative plan that had, as it turned out, been rejected months earlier, project opponents praised Dr. Byrd and demanded clarification from the Governor.

Beveridge concluded with the observation that “Dr. Byrd, who lost the election, won’t have the job of living up to the flat commitment he made to find” an alternative. [Beveridge, George, “Election Seen Dimming Plan To Block Belt Road in Park,” *This Week in Area Planning, The Evening Star*, November 6, 1954]

## **Undeciding**

Citizens groups continued to express their views. Shortly after the election, the North Cleveland Park Citizen’s Association sent a letter to Governor McKeldin opposing construction of the southeast leg of U.S. 240 in Rock Creek Park as well as extension through the park in the District. [“Opposition to Route 240 Extension to Park Voted,” *The Evening Star*, 1954]

Meanwhile, members of the Rollingwood Citizens Association in eastern Chevy Chase were concerned by reports that the terminus south of East-West Highway would point the highway directly at Rollingwood Elementary School just west of Rock Creek Park. On December 6, officials of the Maryland State Roads Commission attended a meeting with a standing-room-only crowd of 300 Rollingwood residents to assure them that the area south of East-West Highway near the school was not in any danger. The officials read a joint statement from the roads and planning commissions indicating that the routing of the southeast leg would not be decided for 60 to 90 days.

The statement denied that land was being reserved for the leg south of East-West Highway, as the residents had heard. As McCain put it, “The whole idea has been pigeonholed.” In fact, the Maryland-National Capital Park and Planning Commission had approved a plat for a subdivision in the area south of East-West Highway.

Governor McKeldin, according to the statement, had directed the roads commission by telegram to restudy the southeast leg. The delay would allow engineers to complete plans for projects scheduled to be advertised in the near future:

It is obvious that until this additional study is completed, the State Roads Commission is not in a position to make any comments or commitments with respect to the location of U.S. Route 240.

The restudy, McCain made clear, did not preclude the original terminus at East-West Highway near Beach Drive.

Harry Thompson of the NPS informed the audience that his agency was unalterably opposed to the use of Rock Creek Park for an all-purpose highway. He believed that Congress would amend park legislation to define “parkway” in a way that would keep the belt freeway and U.S. 240 out of the park.

Senator Nye addressed the audience in a 25-minute speech. He threatened to use his influence with Congress to secure a change in law that would keep major roads out of parks if the current plaintiffs lose their appeal. The announcement about approval of a subdivision south of East-West Highway was just another attempt to gain support for construction of the road in the park. In addition, he continued his assault on Gingery, saying, “This thing is just as deep in the mud of politics as it can be put there by any one man.” [“Ruling Delayed On Exact Site Of Route 240,” *The Evening Star*, December 7, 1954]

As 1955 began, the Maryland State Roads Commission committed \$59.1 million to area roads, the “most concentrated in Washington area history,” according to the *Star*. This large amount in the overall statewide road plan of \$242 million was because the area experienced the heaviest congestion and had many residential developments underway that would increase the cost of land acquisition for projects unless they could be advanced quickly.

The commission did not include construction of the Inter-County Belt Freeway in the plan. The State hoped to begin construction in 1955, but decided to await court rulings before moving forward on construction of the road between Wisconsin Avenue and Georgia Avenue. The only construction contract on the segment thus far was for a bridge over Cedar Lane just inside the southern boundary of the park west of Wisconsin Avenue, while the State continued surveys, plans, and land acquisition for its 33-mile portion of the circumferential.

Key projects planned for 1955 included:

- Improving River Road as a city street just beyond the District border through a heavily-populated area, and as a dual highway to just beyond Goldsboro. The dual highway would eventually be extended to the southwest leg of U.S. 240 and an extension of Massachusetts Avenue.
- With construction of Washington National Pike underway to north of Falls Road near Rockville (9 miles), the State planned to extend the pike to Tuckerman Lane “and from there southeastward to Wisconsin avenue near Rock Creek Park.” Tuckerman Lane, therefore, would be the dividing point for the pike’s southeast and southwest legs. At Wisconsin Avenue, the southeast leg would connect at a big interchange with the second proposed inter-county belt freeway. Also at Tuckerman Lane, the southwestern leg of U.S. 240 would be built later southward to the Potomac River at Cabin John. [Beveridge, George, “Maryland Plans \$59.1 Million For Area Roads,” *The Evening Star*, January 2, 1955; Beverage, George, “D.C. Area Projects Taking Shape This Year,” *The Evening Star*, January 7, 1955]

On January 26, Bartholomew wrote to the Maryland-National Capital Park and Planning Commission to request that “Maryland authorities continue to defer any further commitments on the inter-county belt parkway” before NCPC’s February 3 meeting. He did so after receiving a letter in December from Senator James E. Murray (D-Mt.), chairman of the Committee on Interior and Insular Affairs, indicating that the committee might inquire into the proposed use of Rock Creek Park for the belt freeway. Bartholomew expected to learn more before the NCPC meeting about Senator Murray’s plans.

The Maryland planners replied on January 27 that they had made “very substantial contractual [sic] commitments,” particularly for the Cedar Lane bridge. At the same time, Maryland roads officials were developing detailed plans and acquiring right-of-way for the belt freeway. The planners wrote that they had no authority to require the roads commission to halt or delay work, especially since the U.S. Court of Appeals had declined to do so.

The planners also pointed out that in 1954, Senator Guy Cordon (R-Or.), chairman of the Committee on Interior and Insular Affairs before losing his reelection bid in November, had sent a similar letter the previous summer, but nothing had come of his inquiry. [“Senate Group May Probe Belt Road Project,” *The Evening Star*, January 28, 1955]

On February 1, Senator Murray went public on the Senate floor about his intentions. He introduced a resolution (S. J. Res. 36) that would require congressional authority for any road built in the District portion of Rock Creek Park. It also would forbid NCPC from approving any highway traversing the park and require it to “withdraw” any prior approvals. The purpose of the resolution was to provide a basis for hearings to determine whether current law was

sufficient to preserve Rock Creek Park against encroachment of its intended purposes. In a statement inserted into the *Congressional Record*, he referred to former Senator Cordon’s concern about “the creation of a new six-lane speedway through Rock Creek Park,” adding:

This modern superspeed highway, while bearing the name of a “parkway,” would of course destroy, in its area of the park, the scenic and recreational purposes for which the park was intended.

Senator Cordon’s inquiry into the matter had not been concluded when Congress adjourned in 1954, but the reports he received “indicate that the threat to the park may be very real indeed.”

Senator Murray praised the “great vision exercised back in 1890 when Congress made possible the creation and continued existence of Rock Creek Park” from the National Zoological Park to the north District line. He pointed out that the Capper-Cramton Act of 1930 made possible extension of the park into Maryland:

Some of the finest residential subdivisions in metropolitan Washington have been developed along each side of Rock Creek Park. These extended acres of Rock Creek Park, were they still in private possession, could not be purchased today for 100 times the cost that was involved when the ground was acquired 20 years ago.

Congress “could not wisely deny the use of Rock Creek Park for crossings by commercial highways.” Many such crossings existed:

But Congress ought to give most serious consideration to the challenge which now prevails in the form of plans which would let expressways and speedways (in this modern day sometimes called parkways) not just cross the park but run through it lengthwise. That challenge allegedly exists at this time with respect to the reaches of Rock Creek Park both in the District and in Maryland.

To supplement his concerns, Senator Murray introduced a letter from former Representative Cramton to NCPC dated June 8, 1954. Representative Cramton, who had been unsuccessful in his bid for renomination in 1930, was “very deeply concerned” about reports of “extensive super-speed highway encroachments” on the park. When he had come to Washington 40 years earlier, he wrote, he had been deeply impressed by Rock Creek Park in the District, but it was clear “that the charm and scenic values of the valley continued into Maryland.” The commission, at the time, “was greatly disturbed about the possible pollution and destruction of Rock Creek by reason of rapid developments of resident sections in Maryland.”

With cooperation from the commission and Maryland officials, Representative Cramton and Senator Capper had created the legislation that allowed for extension of the park beyond the District line:

All of this was park planning, not setting aside a great valley as a possible site for a 4-, 6-, or 12-lane highway. And to open that valley today in any part of it to such superhighway use opens the door wide to ultimate destruction of the most beautiful park any capital city enjoys. There is an attempt in some quarters to call this wonderful park area a parkway. And when they do that they put all the emphasis on the second syllable and would have it become “way,” dropping all emphasis on “park.” It is not a parkway, and was never intended to be a parkway . . . . The Capper-Cramton law says nothing about extending a parkway. It does propose and does extend that great park for many miles not as an avenue [for] easy vehicle approach to a city that already has more street traffic than it can endure.

Representative Cramton called on NCPC “to close the door with definiteness to any alluring proposals that involve preeminence of highway use in any part of this park.” The law anticipated that highways were needed for public use of the park, but pending proposals “would reverse the situation and make highway use preeminent.”

Senator Murray concluded his statement by saying that pending the planned hearings, he wished that planning and highway authorities would “refrain from any action that could in any wise alter the present status of Rock Creek Park until such time as Congress shall have the opportunity to consider the subject and prospect from every angle.” [Preservation of Rock Creek Park, *Congressional Record-Senate*, February 1, 1955, pages 1032-1033; “Senate Move Asks Delay in Extending Route 240 Into Park,” *The Evening Star*, February 2, 1955]

(Senator Nye claimed he had inspired Senator Cordon’s inquiry in 1954 and had spoken with Senator Murray in 1955 about continuing the inquiry. The NPS also had recommended hearings on the subject.)

The target of the hearings appeared to be extension of the southeast leg of U.S. 240 through the park in the District “as tentatively planned by the District Highway Department,” not the east-west crossing by the Inter-County Belt Freeway. A *Star* editorial saw Senator Murray’s planned hearing as possibly serving “a useful purpose,” especially since it would “help to clear up some of the misunderstandings surrounding the project.” The issue was “an old one, involving the weighing of modern traffic requirements against the natural desire to preserve park areas from

encroachment.” The editorial urged Senator Murray to keep in mind that linking the Washington National Pike with downtown Washington “is an urgent need that cannot long be delayed.” The editorial concluded:

If the committee can come up with some practicable alternative to the construction of a parkway approach through Rock Creek Park, it will have made a notable contribution to solution of a baffling problem. [“What Is the Alternative?” *The Evening Star*, February 3, 1955]

Harland Bartholomew was in town during this period. In a speech at a luncheon meeting of AAA’s District Advisory Board, he emphasized that a subway through the central business district for high-speed lightweight rail cars might be the answer to the area’s mass transportation problem. The area needed expressways, but in the future, the expressways might be flanked by room for the rail cars. The area also needed additional Potomac River bridges, including the Jones Point, Cabin John, and Roaches Run structures, as well as a ring of highways for crosstown traffic linking to the radial routes in and out of the city, and a complete parkway system, such as found in Westchester County, New York. He was disappointed that the Fort Drive intermediate ring was not being taken seriously, especially since 98 percent of the right-of-way had already been acquired.

In another speech, to the Joint Committee on the National Capital, he stressed the importance of ring roads. He praised cooperation among planners and road officials for agreement on the inner loop network that would ring the congested central business district. The loop would correct a drastic need for “better crosstown traffic facilities.” The much needed outer circumferential, he said, was well along in Maryland, and he hoped the expected new funds for the Interstate System would spur Virginia to activity. [“Subway Is Called Possible Answer to D.C. Traffic Problem,” *The Evening Star*, February 2, 1955; “U.S. Proposals Seen Offering Hope for D.C. ‘Ring Roads,’” *The Evening Star*, February 3, 1955]

Before Senator Murray could begin his hearings, Maryland scheduled construction to begin on the Cedar Lane overpass inside the park. The contract went to Ralph E. Mills Company of Salem, Virginia, for \$143,000. Contractors were poised to begin clearing land on February 21. Roads commission officials stressed that they had let the contract in December and it had progressed “as any other project would.” They had not, they said, speeded it up to get work underway prior to Senator Murray’s hearings.

In reporting on this development, Beveridge also discussed the status of the controversy. He explained that the Inter-County Belt Freeway was not really controversial. What was controversial was that the southeast leg of U.S. 240 was “bearing down on the Washington suburbs from Rockville.” He explained:

The opponents contend the roads commission’s real interest is not in the belt road itself, but in gaining a means of shooting Route 240 traffic into the main part of Rock Creek Park in the District.

Beveridge summarized the history of the belt freeway, noting that it had been on the highway plans as far back as the 1940s, but located north of Rock Creek Park:

At the end of the decade, however, the Maryland officials said, residential development had expanded to such a point that a suitable route could not be found. Also, they said, topography of the land was found to be not suitable. The National Capital Planning Commission, charged with approving park development, agreed.

The first official map showing the belt freeway crossing Rock Creek Park was the 1950 Comprehensive Plan adopted by the National Capital Park and Planning Commission. Maryland-National Capital Park and Planning Commission added the belt freeway to its official highway plan in May 1953, having “decided that a carefully designed roadway would constitute a legitimate development of the park, opening it for wider public uses.”

The State planned to build most of the Inter-County Belt Freeway in the final 8 years of Maryland’s 12-year plan. However, the State was advancing the section through Rock Creek Park between Connecticut and Wisconsin Avenues, NW., to be completed in the first 3 years. Beyond the Cedar Lane overpass project inside the park, the roads commission had acquired more than \$1 million worth of right-of-way outside the park for the belt freeway and was negotiating for another \$500,000 worth of property. The State was overseeing final touches for construction of the park segment of the freeway, with the expectation that the next construction project could be let in the summer. Plans were being developed in conjunction with Olmsted Brothers. Beveridge, George, “Inter-County Road Belt Work To Start Despite Park Dispute,” *The Evening Star*, February 20, 1955]

### **The Murray Resolution**

Senator Murray opened the hearing on February 25 in the large Senate caucus room to provide room for the many spectators. He explained that the purpose of the hearing was to determine if the Inter-County Belt Freeway and the southeast leg of U.S. 240 would harm the park in contradiction of the Federal interest.

However, he received a surprise from Maryland Senator Butler. In a letter that Senator Beall concurred in, Senator Butler accused the committee of intervening improperly in Maryland’s jurisdiction by attempting to block construction of the Inter-County Belt Freeway across the State’s section of Rock Creek Park.:

Regardless of the merits of the plans . . . this is fundamentally an internal matter . . . . My state has complied with the provisions of the Capper-Cramton Act by obtaining the approval of the National Capital Planning Commission . . . . I respectfully suggest that this committee, by injecting itself into the controversy, may very well be considered to be invading the rights of the sovereign State of Maryland.

Governor McKeldin submitted a lengthy letter, read by Commissioner McCain, objecting on similar grounds to congressional intervention. He cited the 1921 agreement in which Maryland agreed to pay two-thirds of the cost to acquire land for parks and that the parks would be

developed by the Maryland National Capital Park and Planning Commission subject to NCPC approval of the plans.

Maryland, he said, had spent \$1.6 million for Capper-Cramton Act parks, including Rock Creek Park extended, and \$1.5 million for park development. The Federal share of the acquisitions was \$851,000. Governor McKeldin concluded:

The United States is both legally and morally bound by its contracts and it is not only illegal but wrong and immoral . . . to repudiate its obligations.

For these reasons I earnestly suggest . . . that no change in the long-established contractual rights of the United States and this State and its citizens should or can be made without the full concurrence and official action of the General Assembly of this State and with my approval as Governor.

Maryland Attorney General C. Ferdinand Sybert wrote to say that with the matter in court, the resolution was “to say the least, premature and untimely.”

Harland Bartholomew, the first witness, insisted that NCPC’s approval of the belt freeway’s use of the park did not extend to use of the park by the southeast leg of U.S. 240:

Mr. Bartholomew said there was a sharp distinction between building a heavy traffic road in a well established park such as Rock Creek in Washington and the ribbon-like stream valley park extensions in Maryland . . . .

“I want to assure you the Planning Commission is extremely jealous of park values,” Mr. Bartholomew declared. “But it also is aware of severe traffic problems which must be solved.”

In planning road systems, he said, it is not always possible to miss all the ribbon parks in the Metropolitan area, but he promised his group will “always insist on a competent park design before it gives approval.”

NPS Director Wirth testified in support of the Murray resolution. He wanted to keep the belt freeway out of the park because as far as he was concerned, it was simply a stepping stone for routing the southeast leg of U.S. 240 along the western part of Rock Creek Park to the District’s downtown.

Senator Russell B. Long (D-La.) asked Wirth about use of the park inside the District and how much a road would harm it:

Mr. Wirth said only a small portion of Rock Creek, in acreage, was developed for active recreation such as golf and baseball. But he stressed the park was dedicated and set aside in 1890 as a wilderness area for city dwellers. “To that degree,” Mr. Wirth said, “all of the park is being used now.”

General Grant agreed with Wirth, testifying that the belt road would violate the Capper-Cramton Act, which made no mention of building highways across park lands. He supported the Murray resolution because it simply “states explicitly” the intent of Congress in approving the Capper-Cramton Act.

Senator Long replied that he could go along with preserving park values if the park were widely used. Otherwise, maintaining a wilderness in the city “may be trying to do more than you can,” in view of other needs, such as congestion relief.

(Later, Senator Long told reporters that his wife pressured him to oppose the road because their home at 4740 Quebec Street, NW., in the Spring Valley section of the city was near the Maryland section of the park. “He added, laughing, that he refused to do so and ‘ran into real trouble.’”)

NCPC counsel William S. Cheatham told the committee that he doubted the legality of trying to force the commission to withdraw its approval for use of the park by the belt freeway. He mentioned the court ruling on the issue, still pending appeal.

District Commissioner Samuel Spencer declined to comment on the Maryland portion of the park. However, he opposed requiring congressional authority for any road in the Washington segment of Rock Creek Park, calling the requirement “unnecessary . . . and burdensome on Congress.” In any event, because NPS controls the park in the District, city officials would need approval by NPS and NCPC before construction of a road could begin on park grounds. The proposal to build the U.S. 240 extension through the District’s park, he said, was not in the city’s 10-year public works plan, so it was at least a decade from being proposed, yet alone built.

Chairman C. Melvin Sharpe of the Committee of 100 on the Federal City supported the resolution because it was “not necessary to appropriate dedicated park land for highways.” For the record, he read letters from former Representative Cramton opposing such use.

At the start of the second day of hearings, on February 26, Senator Murray responded in a statement to Senators Butler and Beall by declaring that the hearing was “in no way involved” with Maryland’s sovereign rights. Senator Murray pointed out that in the District and Maryland, Rock Creek Park was “part of our national park system.” He had received “several hundred letters” from around the country protesting use of the park for the belt freeway, including letters from park groups in Belgium and Japan.

J. Bond Smith, counsel for the Maryland-National Capital Park and Planning Commission, told the panel that the 1931 agreement between Maryland and the Federal Government was a “solemn contract.” Because Maryland had complied with the terms of that agreement, Congress should not change the rules after the fact.

He added that Senator Nye “didn’t get interested until his house was threatened.” He was confident that no court would allow the resolution to be applied retroactively to the belt freeway project.

Senator Nye testified that routing the belt freeway across the park was purely a “hidden back door” for the road commission’s real desire “to build a high-speed expressway through the length

of Rock Creek Park to downtown Washington.” They have never deviated from “this continuing plan” that would “ultimately destroy all of Rock Creek Park in Washington.” The committee was “the last court of resort to prevent a magnificent expressway from coming all the way down to the heart of Washington through Rock Creek Park.” When Senator Murray said the expressway into the city could be blocked if NCPC and NPS stood firm, Senator Nye replied, “Yes, but they would get their way piece by piece.”

He argued that the Maryland States Roads Commission was not really interested in the belt freeway; it had become interested only when NCPC blocked construction of U.S. 240 along the park. Maryland had begun construction of a single belt freeway bridge merely as a way to get U.S. 240 into the District along Rock Creek Park. If Congress allowed Maryland to build the belt freeway, “there is nothing anyone can do to prevent them from dipping down out of the park to the East-West Highway” and eventually into the city. “It may not be called Route 240, but there would be no way to keep Route 240 traffic off it.”

In response to Smith’s assertion, Senator Nye said he lived nearly two miles from the proposed belt freeway and that U.S. 240 between the freeway and East-West Highway would be 300 feet from his home. “I could live with that,” he said. “I defy anyone to show I have a more selfish interest than contributing to preservation of the park.”

As the *Post* reported, Senator Nye had some predictions:

Nye said he favored a circumferential road around Washington, but not through the park. He predicted Maryland wouldn’t build any more than this one strip for 15 to 20 years. He also predicted that the promised truck ban on the park section would not stand up and that other plans to develop the park won’t materialize “in our lifetime.”

Maryland highway officials said he was wrong on all counts. The entire 32 miles of the circumferential road in Maryland will be completed within 12 years, they said.

Other critics on the second day of the hearing included David R. Brower, executive director of the Sierra Club in California, and Senator W. Kerr Scott (D-NC), a former Governor of North Carolina (1949 to 1953). Brower said, “I hope Maryland and Congress won’t sacrifice so much in park values to gain so little, if anything in traffic movement.” Senator Murray appreciated Brower’s appearance because, “it seems to me you express the views of people throughout the country” on whether roads would destroy parks.

Senator Scott said that during his term as Governor, the city of Raleigh had converted part of its park system to parking lots. The city now regretted that decision. “We should be very cautious before doing anything that could hurt the park.”

In George Beveridge’s view, the hearings ended “in sharp conflict” over Maryland’s rights. Senator Murray had told Assistant Attorney General Joseph D. Buscher of Maryland that if the State’s legal position were correct, “I don’t think the resolution will be passed.” He emphasized, however, that he saw “no merit” in that position. Another question was whether the resolution, if approved, would affect the outcome in Maryland for the Inter-County Belt Freeway. Counsel

Smith said he did not think so. “From a legal standpoint, whether this resolution is passed or not, I do not believe construction of the road is going to be stopped.”

Afterwards, Senator Murray told reporters he had not made up his mind and had only wanted the issue to be explored in a hearing. However, he said he would not drop the resolution simply because Maryland officials objected to it. The question will “require a lot of thinking because whatever is done, someone will be affected.” He ordered “an intensive staff study” of the issues, including the legal issues Maryland raised. [Beveridge, George, “Butler Assails Senate Role in Belt Road Row,” *The Evening Star*, February 25, 1955; Beveridge, George, “Belt Road Plan Probe Defended By Chairman,” *The Evening Star*, February 26, 1955; “Senate Roll In Belt Plan Assailed At Hearing,” *The Washington Post and Times Herald*, February 26, 1955; Beveridge, George, “Belt Highway Inquiry Ends in Row on Rights,” *The Evening Star*, February 27, 1955; Lyons, Richard L, “Belt Route Called ‘Park Destruction,’” *The Washington Post and Times Herald*, February 27, 1955]

According to a *Star* editorial, “the target of the Murray resolution to restrict road construction in Rock Creek Park is as yet without form or substance.” The resolution was really about the plan to extend the southeast leg of U.S. 240 to downtown Washington through the park. “Any legislation to control or ban such a parkway before it is even on the planning boards is premature, to say the least.” However, if Congress is going to force Maryland and the District to reroute the Washington National Pike “through heavily builtup [sic] territory, or over present north-south thoroughfares that cannot be widened except at unacceptable cost,” the Federal Government should pick up the extra costs.

The editorial concluded that the time to consider the impact is when a definite plan is developed for routing the southeast leg “from one end of Rock Creek Park to the other.” With that time still a good many years away, Senator Murray’s two-part resolution “ought to be put in a pigeonhole.” [“Shooting at a Formless Target,” *The Evening Star*, March 1, 1955]

That, in effect, is what happened. According to an NPS history of Rock Creek Park:

The highway issue was thoroughly ventilated in a Senate hearing on the bill, which was not brought to a vote in either house . . . . [Mackintosh, Barry, *Rock Creek Park: An Administrative History*, History Division, National Park Service, Department of the Interior, 1985, page 87]

## **Back to Court**

On March 1, the fight over the belt freeway was back in court. Barse filed a suit in Montgomery County Circuit Court on behalf of Mr. and Mrs. R. W. Brownell of 9702 Parkwood Drive in Bethesda abutting Rock Creek Park, seeking to block construction. The suit against the Maryland road and planning commissions raised basically the same issues as in the Federal court case, claiming the two commissions were “arbitrary and capricious” in approving the belt freeway route through Rock Creek Park.

Judge Thomas M. Anderson ordered the two commissions to appear March 16 and “show cause” why he should not halt the project. Judge Anderson’s “show cause” order did not affect any work undertaken before the hearing. [“Taxpayer Seeks To Halt Work On Belt Road,” *The Evening Star*, March 2, 1955]

After the parties responded, Judge Anderson scheduled further arguments for April 7. On that date, he declined to dismiss the suit as requested by the Maryland roads and planning commissions.

On April 28, the U.S. Court of Appeals for the District of Columbia issued its decision on basically the same issues. It dismissed Judge Tamm’s finding upholding NCPC’s approval of plans to construct the Inter-County Belt Freeway across the Maryland extension of Rock Creek Park:

Since the litigation seeks to declare invalid and to enjoin the National Commission from continuing to approve plans for a project which will in fact be built and maintained by the Maryland [Planning] Commission and other Maryland authorities, we think the questions involved ought not to be decided without opportunity to the Maryland Commission to be heard as a party if that is possible.

The Appeals Court ruling did not address whether NCPC had acted within its statutory authority. The ruling left open the possibility that plaintiffs could return to U.S. District Court for a new hearing, but the implication was that Maryland courts might be just as well suited to hear the case. [“State Role Seen In Road Fight,” *The Evening Star*, April 29, 1955]

(Around this time, Maryland found that right-of-way acquisition required careful oversight. State Senator Northrop raised questions about the contract awarded to two real estate firms that split \$750,000 in 7.5-percent fees for obtaining right-of-way for the Baltimore Harbor Tunnel. One of the firms was run by former Roads Commissioner David M. Nichols, who had resigned in 1954. More worrisome were allegations against Ben Du Pre, right-of-way engineer for the Maryland State Roads Commission. Commissioner McCain revealed that Du Pre had been suspended because of his activities in acquiring right-of-way in Montgomery County for the Washington National Pike. He was accused of tipping off land speculators about the State’s plans, receiving a percentage of commissions for land sold to the roads commission, and of being a part owner of land acquired from one of the speculators. [Associated Press, “Roads Agency Faces Quiz by Northrop on \$750,000 in Fees,” *The Evening Star*, March 21, 1955; “Maryland Road Agency Legislative Probe Urged,” *The Evening Star*, June 30, 1955; “Highway Land Deal Case Goes To Jury Today,” *The Evening Star*, March 15, 1956]

(According to the State roads history:

Following an exposé, DuPre [sic] was discharged from state service and went to Mexico City, his native place. When brought back in 1956 under legal immunity as a state witness, he admitted his part in the transactions and that he was paid \$8,500 for the advance information he supplied. The two real estate men who profited were convicted

of conspiracy and fined . . . . The state's ultimate loss, after recoupments of one kind or another, was approximately \$12,000, according to a board of real estate appraisal . . . .

The Legislature of 1956, at the request of the Commission's Legal Department, moved to plug the loophole revealed by the DuPre case. A statute was passed providing for the preparation of plats or maps showing the location of new highways and the Commission's valuation of each property concerned, such plats to be filed with the Commission "and not to be open to public inspection," with certain exceptions. It was thought that such a procedure would prevent land grabs in the path of future highway construction. [A *History of Road Building*, pages 171-172]

(Once the Federal-Aid Highway Act of 1956 launched construction of the Interstate System, similar right-of-way schemes would be one of the main concerns raising questions about whether the "Greatest Public Works Project in History" was corrupt.)

Meanwhile, Maryland was experiencing a fund shortfall of \$25 million after the General Assembly had rejected Governor McKeldin's tax program. State Senator Northrop headed the special committee established to investigate existing laws providing for mandatory increases in budget items, with the idea of removing some of them. The committee also was to examine distribution of State funds, including receipts from the gasoline tax and motor vehicle registration tax, among counties and municipalities. [Hoffman, Charles L., "Northrop Heads State Hunt for \$25 Million," *The Evening Star*, May 5, 1955]

By the end of May, the Maryland State Roads Commission was facing a \$21 million cutback. The cutback had several causes. Contracts underway were running \$11 million over budget. The State Legislature, which deferred an increase in automobile registration fees, charged about

\$4.5 million in unanticipated, nonconstruction expenses against road construction funds. The State would have to pay \$2.5 million for right-of-way acquisition on the Baltimore Beltway that Baltimore County was supposed to have paid; the schedule had been moved up to accommodate the opening of the Baltimore Harbor Tunnel in 1957.

Ongoing contracts would not be affected. For example, the commission had advertised for bids on the Kenilworth interchange on a 50-acre site, a complex of cloverleaves and bridges linking the Baltimore-Washington Parkway, the Washington-Annapolis Freeway, River Road and Kenilworth Avenue. The estimated cost of the interchange was \$2 million.

(On August 12, 1954, Commissioner McCain announced that the Washington-Annapolis Freeway, then completed between Annapolis and U.S. 301, would be called the John Hanson Freeway. On November 5, 1781, Hanson became the first President following ratification of the Articles of Confederation in March 1781. Maryland had been the last State, on March 1, 1781, to ratify the Articles to begin the "perpetual Union of the thirteen states of America." Hanson's selection as the country's first President may have been a reward for his efforts in securing Maryland's approval of the governing document. The position was mainly a ceremonial post that Hanson held for 1 year, the term the Articles had set for the position. A history of his service stated:

In his capacity as first president of Congress of the Confederation, Hanson established the first cabinet, consisting of secretaries of war, finance, foreign affairs, and state. Ironically, Hanson's first use of the "Great Seal of the United States" was on a 1782 commission authorizing George Washington to exchange war prisoners. Just days before he was to relinquish office, he issued a proclamation authorizing America's first national Thanksgiving Day to be celebrated the last Thursday of every November.

(Hanson had been in poor health during his 1-year term. He retired to his home in Frederick and died on November 15, 1783. [Gay, James Thomas, "Americans: 'first president of the united states,'" *American History*, June 1999, pages 12-14]

(Today, Hanson is largely forgotten outside the Washington area but the name of the first President of the United States survives on a school, a savings bank, other facilities and, of course, the Washington-to-Annapolis Freeway. In the Washington area, the freeway is sometimes referred to as the John Hanson Highway rather than U.S. 50 or I-595, its official designations. [Associated Press, "Annapolis Highway Called John Hanson After 1776 Leader," *The Evening Star*, August 12, 1954])

Several projects set for bids later in the year would be delayed until 1956. These projects included the contract to extend the Washington National Pike from Falls Road near Rockville to Tuckerman Lane and southeast toward an interchange with Wisconsin Avenue near Rock Creek Park. Contracts in 1955 would carry the pike only to Old Georgetown Road, northwest of Wisconsin Avenue.

Roads officials emphasized that the pike project and others in the area were facing "temporary deferral." The cutbacks, while regrettable, would not reduce expenditures during the course of the 12-year roads program. [Beveridge, George, "7 Highway Projects In D.C. Area Hit by Maryland Cutback," *The Evening Star*, May 22, 1955; "Funds Cutback To Delay Roads," *The Evening Star*, May 22, 1955]

## **The Interstate Map**

As discussed elsewhere, BPR released maps of urbanized areas throughout the country in September 1955 with black lines showing proposed Interstate routes. For the Washington area, the map included the circumferential in the general location of today's Capital Beltway with its Potomac River crossings at Alexandria and Cabin John. The Washington National Pike/U.S. 240 to Frederick crossed the belt freeway on a path to Glen Echo where it intersected a route along the Potomac River, roughly parallel to Canal Road, NW., to the planned Inner Loop freeway in the vicinity of the Constitution Avenue Bridge. District mileage totaled about 29 miles.

The map did not include the southeastern leg of U.S. 240 or any arterial interchange in Maryland with the belt freeway between Greenbelt and the southwest leg of U.S. 240. The connection between Baltimore and Washington on the main East Coast route was accomplished by a freeway from Richmond, Virginia, running across the city as part of the Inner Loop Freeway to the Baltimore-Washington Parkway via New York Avenue. A freeway along the east side of the Anacostia River began on the future Capital Beltway east of the Potomac River and ended at the

Baltimore-Washington Parkway. In addition, a northern segment of the Inner Loop Freeway intersected the river route freeway before heading into Virginia in the direction of Strasburg.

BPR said of the maps:

The present approval fixes only the general locations of interstate routes in the urban areas . . . . In many instances extensive studies of traffic needs, right of way costs and design problems must precede fixing the final location. [Douglas, Francis P., "Highway Links OK's for D.C.," *The Evening Star*, September 29, 1955]

The absence of the southeast leg of U.S. 240 was a blow to Maryland, but Chairman McCain was undaunted. Appearing before the Rockville Rotary Club, he said Washington National Pike would open between Germantown and Rockville in the early spring of 1956. Contracts for the extension to Bethesda would be advertised in the early summer, with construction to begin in August. ["Rockville Pike Widening Due In 9 Months," *The Evening Star*, November 20, 1955]

On February 21, 1956, the *Star* carried a photograph of the completed Cedar Lane bridge over the headline: "Montgomery Bridge With No Place To Go." The caption read:

This newly completed bridge is the one to carry the intercounty belt road traffic across Cedar lane north of Bethesda. The bridge is ready, but that's all. The contract for the first section of the beltway, a 2-mile stretch between Wisconsin avenue and Connecticut avenue, has not been let and no date set for receipt of bids.

The Maryland State Roads Commission advertised for bids on the 2-mile section on April 18, 1956. The contract covered drainage, grading, and surfacing for the Inter-County Belt Freeway from Wisconsin Avenue near Pooks Hill to Connecticut Avenue about 1,200 feet north of Jones Bridge Road. The work included grading for the "gigantic interchange," as the *Star* called it, linking the belt freeway, existing Rockville Pike (extended Wisconsin Avenue), and Washington National Pike. ["Bids Asked for First Lap Of Inter-County Beltway," *The Evening Star*, April 19, 1956]

After the real estate scandal involving Washington National Pike, Governor McKeldin had established a Commission on State Programs, Organization and Finances headed by Baltimore attorney Harry J. Green. Based on the Green Commission's findings, Governor McKeldin concluded, "Even more obvious has been the need for a strong hand of direction and authority in the affairs of the [Roads] Commission."

By then, the Maryland State Roads Commission was due for what *Star* reporter Gene Goodwin called a "long-rumored shake-up." Part of the commission's problem was inevitable; the projects in the 12-year program inconvenienced property owners and caused financial losses for many of them. The commission's problems, Goodwin pointed out, "began shortly after the \$568 million program was launched." The feeling of distrust grew with the scandals involving real estate for the Washington National Pike and the Baltimore Harbor Tunnel.

On May 21, 1956, Governor McKeldin announced that he had appointed Robert O. Bonnell, to become chairman of the Maryland State Roads Commission on June 15. Bonnell, a Baltimore banker, had been chairman of the Baltimore Aviation Commission during construction of Friendship International Airport, but had no experience in road building. The Governor also replaced one of the other two commissioners with John J. Mullen, a newspaper publisher from Cumberland. The third commissioner, former State Senator Edward T. Bennett of Wicomico County, remained in his position. "We need a general change in the system of administration and I feel it is best that we start out with an entirely new group of commissioners."

Where McCain had earned \$10,000 a year as chairman of the commission, Bonnell would receive a salary of \$25,000 in his new post. "Leaning back in his vice-president's chair at the Fidelity-Baltimore National Bank & Trust Co.," the 65-year old Bonnell told reporters:

I've worked pretty hard all of my life and I must admit I had looked forward to relaxing a bit. But this assignment is just too much of a challenge to pass up. I hope I can do the job in a way that will be rewarding and helpful to the State.

He added, "But I have nothing to lose. I don't need the job nor the money and if it doesn't work out, I'll quit."

Bonnell would tighten procedures, particularly for right-of-way acquisition, but as the State roads history put it, "The work of the Twelve-Year Program progressed with unabated vigor." [Associated Press, "2 Named to Posts In Roads Shakeup," *The Evening Star*, May 21, 1956; Goodwin, Gene, "Road Group Poses Questions," *The Evening Star*, May 27, 1956; Goodwin, Gene, "Bonnell Defies 'Hot Spot' In Maryland Road Post," *The Evening Star*, May 28, 1956; *A History of Road Building*, pages 172-174]

Construction on the belt freeway contract began in July, with the \$980,000 contract to be completed in late 1957. The right-of-way followed the southern bank of Rock Creek on land approved by the Maryland-National Park and Planning Commission. To protect as many trees as possible, special crews had marked more than 100 trees bordering the right-of-way with white paint. The contractor was instructed to use gravel fill and rock walls if necessary to protect the marked trees. ["Inter-County Parkway Link Gets Under Way," *The Evening Star*, July 11, 1956]

As McCain had indicated, the roads commission advertised in late August 1956 for bids to extend Washington National Pike from Chestnut Street to Pooks Hill (1.3 miles) and to Grosvenor Lane (4.5 miles). From Grosvenor Lane, the pike had only a half mile to go to the interchange with Rockville Pike and the Inter-County Belt Freeway. ["Bids Sought On Pike Job," *The Evening Star*, August 29, 1956]

### **Interstate Program Gets Underway**

By then, President Eisenhower had approved the Federal-Aid Highway Act of 1956, which launched construction of the Interstate System throughout the country. The legislation added 1,000 miles to the Interstate System, bringing it to 41,000 miles, and made a national commitment to pay 90 percent of the cost to complete all the mileage to full Interstate standards.

BPR and AASHO had been working on design standards in anticipation of passage of the legislation, which called for adoption of uniform design standards for the Interstate System to accommodate projected traffic in 1975 – shortly after the entire program was to be completed. As with all such standards, AASHO's Committee on Planning and Design Policies developed them with input from BPR, and then BPR adopted them. The standards adopted by BPR on July 17, 1956, reflected “desirable minimum values” to ensure the new Interstates were “designed with control of access to insure their safety, permanence, and utility and with flexibility to provide for possible future expansion.” The 1956 design standards stated:

Interstate highways shall be designed to serve safely and efficiently the volumes of passenger vehicles, buses, and trucks, including tractor-trailer and semitrailer combinations and corresponding military equipment . . . including attracted, generated, and development traffic on the basis that the entire system is completed.

The 1956 Act had provided maximum weight and width limitations for commercial vehicles using the Interstate System (with a “grandfather” clause for previously legal vehicles). “No funds authorized to be appropriated” were to be apportioned to States that violated these limitations.

The standards focused on rural segments, with urban design standards almost a side issue. For example, design speeds were specified for flat (70 m.p.h.), rolling (60 m.p.h.), and mountainous topography (50 m.p.h.), with adjustments for terrain and development. “The design speed in urban areas should be at least 50 miles per hour.” Medians throughout the network were to be at least 16 feet wide, but narrower medians “may be provided in urban areas of high right-of-way cost.” Similarly, right-of-way width for rural Interstates was detailed in a table listing different numbers of lanes, but in urban areas the width “shall be not less than that required for the necessary cross-section elements, including median, pavements, shoulders, outer separations, ramps, frontage roads, slopes, walls, border areas, and other requisite appurtenances.”

Immediately after the President signed the 1956 Act, Secretary of Commerce Sinclair Weeks announced apportionment of \$1.25 billion in FY 1957 funds to the State highway agencies. On August 1, he apportioned FY 1958 funds, bringing the total apportioned Interstate construction funds to \$2.55 billion. The funds were apportioned based on the same formula as the limited Federal-aid funds the Federal-Aid Highway Act of 1954 authorized for the Interstate System (two-thirds based on population, while area and post-road mileage counted one-sixth each).

Beginning with FY 1959 funds, Interstate construction funds were to be apportioned based on each State's share of the total estimated cost of completing the Interstate System. With this requirement in place, BPR began working with the State highway agencies to determine specific locations for the routes, including those in urban areas, and to estimate the cost of building them to full standards.

By December 1956, Maryland roads officials and BPR were at odds on two routes. One involved the stretch of the Inter-County Belt Freeway crossing Rock Creek Park between Seminary Road and Bradley Boulevard. BPR had deferred approval of this section because the State planned to ban trucks on the parkway section of the circumferential. Under the 1956 Act, the Interstate System was intended to carry all traffic within legal load limits. The head of BPR,

Commissioner C. D. Curtiss, said BPR “has not made a firm decision on whether the park portion could qualify.”

The other dispute involved the 2.3-mile segment of Washington National Pike near Tuckerman Lane in Bethesda and Wisconsin Avenue at Rock Creek Park. Maryland’s Pritchett called it “the most critical road problem we have to resolve in the Washington area.” Tuckerman Lane was the dividing point for the southeast and southwest legs of the pike, but Maryland had not yet scheduled construction of the southwest leg. Construction to Tuckerman Lane was to be completed in 1958, but the lane was not a suitable end to U.S. 240. Pritchett said that without Interstate designation for the segment, “the road couldn’t be built for several years.” [Beveridge, George, “Snarl Threatens 2 Road Projects In Maryland,” *The Evening Star*, December 16, 1956]

(Maryland and BPR also were disputing the location of the Interstate link between Baltimore and Washington. As will be discussed later, BPR wanted to designate an upgraded Baltimore-Washington Parkway as the link – the line shown in the 1955 black line map – thus reducing construction costs. Maryland roads officials vowed to wage a “continuous fight” for construction of a new link. [“Maryland Pledges Fight For New D.C. Expressway,” *The Evening Star*, December 16, 1956])

On January 15, 1957, Maryland and District officials met on the disputes with Federal Highway Administrator John A. Volpe, the first official to hold that newly created title for the head of BPR. (President Eisenhower had selected Volpe as interim Administrator until the permanent Administrator, Bertram D. Tallamy of New York, was able to take the post in mid-February following his confirmation by the Senate). He approved Interstate designation for extension of Washington National Pike between Tuckerman Lane and Wisconsin Avenue at Rock Creek Park. Maryland roads officials expected to award a construction contract for the extension later that year.

Officials discussed the southwest leg from Tuckerman Lane to Cabin John and a link to the District of Columbia. Maryland officials wanted to use the planned George Washington Memorial Parkway to carry traffic into the District. However, NPS officials, who planned to begin construction in the spring, were building the parkway to exclude trucks. They also were not bound by the design standards BPR had approved for the Interstate System. District commissioners had recently approved the extension within the District, and Volpe concurred. The link between the District line and the southwest leg was left open to additional studies that Maryland officials said would take about 3 months.

Volpe left open the designation of the parkway connector between the Inter-County Belt Freeway and the District line.

In addition, officials discussed the Baltimore-Washington link, but left the location up in the air. Volpe approved Interstate designation of the District’s Anacostia Freeway and a portion of New York Avenue between Florida Avenue and Bladensburg Avenue, NE. [Beveridge, George, “U.S. Road Unit Okays Route For Expressway,” *The Evening Star*, January 16, 1957]

On July 19, District, Maryland, and BPR officials convened at the Statler Hotel for a meeting called by Herbert C. Wells, chairman of the Maryland-National Capital Park and Planning Commission, to discuss the issues. The meeting lasted from 9 a.m. to 9 p.m. in an attempt to reach agreement on the U.S. 240 and Baltimore expressway links to the District.

The idea of continuing the southeast leg of U.S. 240 into the District via Rock Creek Park had been raised again in recent weeks. In response to the idea, NPS Director Wirth made clear that the Interior Department opposed any highway through the park. He distributed a letter from Secretary of the Interior Seaton promising to continue opposing any such construction.

The southwest leg also was in dispute. The District had let a contract with Clarkeson Engineering Corporation to study a link separate from the George Washington Memorial Parkway. However, Commissioner Bonnell said the roads commission was opposed to any alternative to the parkway for the link:

We are unalterably opposed to the construction of two facilities between Cabin John Creek and the D.C. line. Such a course would be useless duplication, economically unsound, trafficwise unjustified and would unnecessarily disturb and disrupt a large number of valuable properties occupied by tax-paying citizens of Maryland.

With the District reportedly abandoning Rock Creek Park as a route for the southeast leg of Washington National Pike, the city's focus was on the parkway entrance for the southwest leg. A "prominent possibility [was] a road through Glover-Archbold Park [that] would connect Wisconsin avenue above Van Ness street N.W. with MacArthur boulevard west of Georgetown University." NCPC had approved the link through the park, but seven citizens groups in northwest Washington had denounced the approval as "arbitrary and unnecessarily hasty." They wanted a hearing where they could protest the decision.

The meeting also covered the new Interstate link that Maryland wanted to place between the Baltimore-Washington Parkway and U.S. 29/Columbia Pike. "Maryland officials learned, many for the first time yesterday, from the District's Mr. Robertson that the Federal City connection might not be planned as an interstate link." The District had engaged the Clarkeson firm to study the question.

Most issues remained unresolved, but participants agreed on the location of the Cabin John Bridge that would carry the circumferential across the Potomac River between Maryland and Virginia.

Further, in what participants considered a "major action," they agreed to establish a coordinating committee that would meet monthly to seek solutions to regional differences on highway locations. Officials agreed the action was "overdue." Bonnell headed the committee.

After the meeting, Wells said, "It is possible we have made much progress." Still, he was philosophical about the outcome. "One hundred years from today, there still will be problems about issues like those discussed here." ["Parley Fails to Solve Link to Route 240," *The Evening Star*, July 20, 1957]

## **Glover-Archbold Park**

The idea of building an expressway through Glover-Archbold Park was not new.

In 1924, Charles O. Glover and Mrs. Anne Archbold offered 98 acres that they owned in the Foundry Branch Valley (Massachusetts Avenue to Reservoir Road, NW.) to the government exclusively for park use. Congress acted in June to complete the purchase. Subsequently, the National Capital Park and Planning Commission expanded the park to provide recreation for the surrounding residential district.

By the 1940s, the park, nestled among residential neighborhoods, seemed a perfect location for a freeway. The proposal was called the Arizona Avenue Freeway.

Arizona Avenue was named in 1893 as part of a subdivision that the Palisades of the Potomac Land Improvement Company developed beginning in 1890. [Stewart, page 68] The Palisades is a community located in the western corner of the District along the Potomac River at the city border with Maryland. Because of its location along the Potomac River, the Palisades has been a transportation hub from the start. It was crossed by Conduit Road, as mentioned earlier, the Chesapeake and Ohio Canal (reflected today in Canal Road), and the Baltimore and Ohio Railroad. It included the road to Chain Bridge.

The *Star's* "Affairs in Georgetown" column mentioned creation of Arizona Avenue in October 1893:

The proposed highway over the line of the Foundry branch sewer that is to run from the Loughborough road, near its junction with the Tenleytown road, to the Chesapeake and Ohio canal, at a point near the Independent Ice Company's big warehouse, is to be designated as Arizona avenue. ["Affairs in Georgetown," *The Evening Star*, October 12, 1893]

By the 1940's, the District, like many cities, was developing a highway improvement program. One of the ideas to emerge from this process was the Arizona Avenue Expressway. The idea did not involve converting existing Arizona Avenue to an expressway, but creating an expressway with that name from the intersection of Wisconsin and Nebraska Avenues at Tenley Circle, through Glover-Archbold Park, to Canal Road near the Potomac River. It would provide a bypass of congested Wisconsin Avenue in Georgetown and remove through traffic from Foxhall Road.

The 1946 plan submitted to Engineer Commissioner Young, discussed earlier, presented a plan for post-war highway improvements to take the District to the threshold of the 21<sup>st</sup> century. The plan included "somewhat lesser scale" improvements, such as "the opening of the valley along Arizona Avenue as a parkway to connect Canal Road with Wisconsin Avenue." The 1946 plan was consistent in many ways with the 1941 plan, but studies since then "have changed the plan to some extent, in that the Arizona Avenue Parkway has been approved as a substitute for the formerly proposed improvement of Foxhall Road as the 'major arterial highway' to serve the area west of Connecticut Avenue . . . ."

The pending approval of the Federal-Aid Highway Act of 1948, the first post-war reauthorization of the Federal-aid highway program, would affect the timing of projects. However, Young listed the Arizona Avenue Parkway for construction in 1950, with completion in 1951. [*Twenty-Four Years of Progress*, pages 74-76, 111-112, 114-115; Thompson, John W., Jr., "D.C. Heads Get Highway Plan Costing Millions," *The Evening Star*, December 13, 1946]

By 1947, the proposed Arizona Avenue Freeway/Expressway/Parkway was controversial because of its routing through the park, as the *Star* explained:

A new feud is developing between the District Government on one side and the National Park Service and National Capital Park and Planning Commission on the other . . . . Center of the controversy is the expressway the District Highway Department proposed building through Glover-Archbold Park . . . . [It] would be a dual roadway without lights or intersections and would meet the K street skyway now under construction.

General Grant of the planning commission and NPS Associate Director Demaray were opposed for two reasons:

1. The park, about half of which was donated to the Government by Charles C. Glover and Mrs. Anne Archbold for a children's playground and neighborhood park, is needed, they claim, to provide recreation for the highly developed area through which it runs.
2. The expressway, they maintain, would encourage more District residents to move to Montgomery County because it would make it easier for them to get downtown quickly. This, it is felt, would deprive the District of additional substantial taxpayers through the continued process of decentralization. [Kauffman, Rudolph II, "D.C. Planners Disagree on Expressway," *The Evening Star*, July 6, 1947]

Although the proposal was controversial, especially with park advocates, the Arizona congressional delegation was supportive. In December 1947, Senator Carl Hayden (D-Az.), who had been in Congress since 1912 and in the Senate since 1927, introduced a bill directing the District commissioners to prepare plans and construct the expressway with "suitable grade separations and interchanges at appropriate locations along Foundry Branch, following in general the line of Arizona avenue." The bill also provided that Federal agencies were to transfer to the District any land needed for the freeway. This provision, if enacted, would resolve the dispute over the use of parkland. In addition, the bill renamed the project "Arizona Freeway."

Senator Hayden, long a major force on the Committee on Public Works, complimented the District Department of Highways for its initiative, which "clearly demonstrates the imperative necessity for construction of the Arizona Freeway." He added that the proposal "is a fine illustration of advanced thinking in the highway planning field, where there is still time for corrections in the difficult traffic situation." He added that Arizonans "had waited long enough" for a real District street with its name, instead of the "paper" street shown on maps.

Senator Hayden said the freeway would "not only be a credit to the name of my State, but will materially reduce the hazards to life on other routes of travel to and from the business and

governmental sections of downtown Washington.” [Rogers, Harold B., “Hayden Bill Asks Developing of Arizona Avenue,” *The Evening Star*, December 21, 1947]

Representative John R. Murdock (D-Az) introduced the bill in the House. He predicted that the freeway would be a “well-traveled boulevard to facilitate traffic and help motorists avoid congestion on other streets.” He added that, “Naturally, we feel that the youngest State in the Union ought to have this due recognition in the Nation’s Capital.” [“Arizona Avenue Freeway Bill Before Congress,” *The Evening Star*, January 7, 1948]

His bill was assigned to the House District Committee, which held a hearing on the issue on January 13, 1948. Before the hearing, Chairman Everett M. Dirksen (R-Il.) received letters from Mrs. Ann Archbold, one of the original donors of the park, and from the son of the other donor, Charles Glover, who had died on February 25, 1936. Charles C. Glover, Jr., said that construction would “greatly mar the park and detract from its usefulness as a recreation area, the purpose for which it was given and accepted by Congress on behalf of the District.” His father’s donation, he said, was for a park and a children’s playground.

Mrs. Archbold added that she also intended her gift for a bird sanctuary. She, like Glover, Jr., asked the committee “to prevent the destruction and desecration of the beautiful and natural valley of Foundry Branch by a commercial freeway.” [“Glover-Archbold Park Highway Protested,” *The Evening Star*, January 12, 1948]

Representative Beall, chairman of the Subcommittee on Public Service, Streets and Traffic, conducted the hearing. Captain Whitehurst, who headed the District highway agency, and planning engineer Brinkley used maps and charts to explain the proposal. They explained that based on expansion of population and motor vehicles by 1990, the freeway was needed. They estimated the 3¼ mile freeway would cost between \$3 million and \$4 million.

General Grant led the opposition. He explained the commission’s concern about the use of the park as a right-of-way and indicated that the commission might have a compromise proposal. The implication was that the compromise would be an “express parkway.” [Rogers, Harold B., “Glover-Archbold Park Freeway Plan Pushed, Assailed at Hearing,” *The Evening Star*, January 13, 1948]

The subcommittee approved the bill on February 4, changing only the name of the proposed highway to “Arizona Avenue” instead of “Arizona Freeway.” The bill called for the District Department of Highways to build the project instead of putting it under Federal control as recommended by the National Capital Park and Planning commission. Representative Beall said, “The District has a competent Highway Department and should have control.” [“Arizona Avenue ‘Freeway’ Approved by House Unit,” *The Evening Star*, February 4, 1948]

In March, Chairman Dirksen said he was holding the bill for further study. He had met with the National Capital Park and Planning Commission, which recommended construction of a parkway, and representatives of the original donors of the park. He wanted to look into the issue in greater detail.

Representative Beall postponed a March 23 inspection tour for subcommittee members. He stated that not enough members were able to take the tour that day to make it worthwhile. He planned to reschedule the tour, but does not appear to have done so. ["Glover Park Highway Bill Held for Further Study," *The Evening Star*, March 19, 1948; "Beall Defers Inspection Of Proposed Parkway," *The Evening Star*, March 23, 1948]

On April 16, NPS and the District of Columbia approved a memorandum of agreement containing stipulations for developing Arizona Parkway between Canal Road and Van Ness Street in Glover-Archbold Park. The agreement's series of "whereas" provisions referred to the District's acquisition in March 1893 of a 100-foot right-of-way for the Foundry Branch highway that was "not adequate either in its location or width to construct a properly designed highway and to properly serve traffic and provide for adequate access to the park areas."

The District, another "whereas" stated, was willing to change the name of the highway from "Arizona Avenue" to "Arizona Parkway." The parkway "can be made to serve as an access to the park so as to permit of the full enjoyment of the property for park purposes and at the same time supply the needs for traffic in this section." All parties agreed that an all-purpose highway was not necessary; the parkway would be restricted to passenger-car traffic.

The agreement acknowledged the District's view on the "necessity for a traffic-way between Canal Road and Wisconsin Avenue in the vicinity of Tenley Circle, with appropriately developed connections with the K Street Elevated Highway currently under construction and with suitable grade separation structures and traffic interchanges at appropriate locations."

In view of these and other considerations, NPS agreed to make available sufficient right-of-way within the park for Arizona Parkway. Any land made available, but not needed, would be returned to the park. The District would construct the parkway, but consult with NPS during each stage, including preparation of plans, the width of the roadway, and the location and layout of access roads. The NPS would be primarily responsible for the "architectural design of bridges and other structures, including retaining walls and guard walls, and rate and shape of slopes in cuts and fills, the landscape development of the right-of-way, the location and design of park areas outside the curb limits of the parkway surface areas." The District would request PRA participation in the project on a 50-50 basis under the Federal-aid highway program.

Captain Whitehurst told reporters that the city entered into the agreement with the understanding that PRA would provide 50 percent of the cost. He could not yet estimate the total cost. However, with the agreement, the city could begin developing the plans and specifications, but he doubted construction could get underway for another year or more.

One impact of the agreement was that legislation was no longer needed. Congress would not take further action on the Hayden-Murdock bill. ["District, Park Service Reach Agreement on Arizona Parkway," *The Evening Star*, April 16, 1948; the agreement can be found in District of Columbia Appropriation Act, 1960, *Congressional Record-Senate*, May 26, 1959, pages 9094-9095]

President Truman approved the Federal-Aid Highway Act of 1948 on June 29. The legislation authorized \$450 million in Federal-aid funds for each of FYs 1950 and 1951. The District's share of the funds amounted to \$5,288,000 each year. Captain Whitehurst was ready with 16 projects to advance with the funds, including:

Arizona avenue from Canal road to Wisconsin avenue, including structures, paving and channelization, total cost, \$3,800,000, estimate of the amount included in this program, \$990,000. ["District Eligible For 5 Millions In Road Funds," *The Evening Star*, July 1, 1948]

### **Whitehurst Freeway**

The head of the District's Department of Highways, Captain Whitehurst, was a 1906 graduate of Virginia Polytechnic Institute. During World War I, he had been based in Washington as a combat engineer officer. After the war, he served as head of the construction division for Wilson Dam at Muscle Shoals, Alabama, before being assigned to the District Engineer Commissioner's office in 1926. Captain Whitehurst resigned in 1929 to enter the private sector, but the District commissioners brought him back as chief engineer and coordinator after they read a plan he had prepared before leaving for streamlining highway management. He became director of the Department of Highways when it was formed in 1930. During World War II, he continued to direct the city's highway development while heading the District Department of Civilian Defense.

In the late 1930s and 1940s, he focused on establishing a thoroughfare plan for the city. Working with the Department of Vehicles and Traffic and PRA, he conducted a traffic survey beginning in 1939. In April 1941, he unveiled the plan for a \$44.45 million construction program to achieve free flow of traffic on Washington's streets – to be completed in 8 years, with funding from a 2-cent gas tax increase to match Federal-aid highway funds where eligible.

One of the biggest projects was an elevated highway on the line of K Street, NW., along the Georgetown waterfront. The Department of Highways' history said of the project:

The need for an east-west limited access highway across Washington, which would serve adequately as a high-speed dispersal artery during the morning rush period, and as an equally rapid means of egress from the central business and Government districts during the evening rush period, was recognized by the Department of Highways in its preliminary highway report of 1941.

Whitehurst's idea for Georgetown was to build an elevated "Sky-Road" in the K Street corridor that would take through traffic off local streets, including the main east-west road, M Street, NW. The elevated bypass would connect Key Bridge with the bridge across Rock Creek and Potomac Parkway between 24th and 27<sup>th</sup> Streets, NW. Ultimately, the expressway would continue east beyond the park along K Street, beneath Washington Circle, to connect with an improved thoroughfare extending to the Public Library of the District of Columbia in Mount Vernon Square at the intersection of Massachusetts and New York Avenues.

Whitehurst told a *Star* reporter that he had considered, but rejected, improvements in the M Street corridor:

In selecting the various trunk routes, the problem was to choose as near as possible the most direct connection with the outlying residential areas and to select streets along which traffic could be made to flow most freely. Many of the existing streets, it was found [,] were usable in part, while other sections of them were not suited to convey traffic quickly. This led, the director said, to the selection of K street instead of M street as the radial line to the northwest section west of Wisconsin avenue and Key Bridge.

M street already was highly congested, it was not wide enough for a depressed highway and it was undesirable because of the business interests involved. As still another bad feature, its roadway was heavily loaded with underground construction and, to avoid a bottleneck in Georgetown, a subway [for motor vehicles] would be necessary.

It has been suggested that a bypass for through traffic be constructed north of M street. Capt. Whitehurst said this idea was dismissed because it would require expensive property acquisition, would border a residential area, and the eastern terminus would bring congestion back into Pennsylvania avenue and M street at Twenty-ninth street. Moreover, there would be no connection with Key Bridge.

Some of the routes were so obviously the proper streets for the trunk lines that there was little difficulty in selecting them, the director reported. K street to the east, for instance, has a wide right-of-way and involves virtually no property acquisition. It also taps and connects with other main highways, which would make its usefulness much greater, and will do a great deal toward taking some of the load off the congested portion of New York and Rhode Island avenues. [“\$44,450,000 Street, Bridge Program Proposed to Ease Traffic,” *The Evening Star*, April 25, 1941; Jones, Pat, “Radial Street Plan Designed To Eliminate ‘Bottlenecks’ Here,” *The Sunday Star*, May 4, 1941]

Among planners and highway engineers, the idea of elevated freeways in large cities had been considered since the 1920s. They had to overcome the prejudice against elevated rail lines in cities, as consultant Robert Whitten discussed in the 1930 *Report on a Thoroughfare Plan for Boston*. Elevated freeways, he acknowledged, would be subject to the noise, vibration, and blockage of views and sunlight that had given elevated rail lines, “Els” as they were known, a bad reputation. Still, Whitten argued, they were the best option for fitting a freeway into a built-up urban environment:

As a matter of first impression the erection of additional elevated structures in Downtown Boston is very objectionable. The comparison of course is with the present noisy and ugly elevated railway structures. It must be remembered, however, that the proposed upper level roadway will occupy the central portion only of a broad avenue; that it will be but two-thirds the height of the elevated structure in Atlantic Avenue; that great care will be taken in its design to make it attractive and to reduce noise and vibration; that it will be used by motor vehicles and not by railroad trains; that it is probable that hard tire vehicles would be excluded; that a vehicular subway [for motor vehicles] would interfere

with sewers and with present and future rapid transit subways; and that it is not physically and economically possible to take care of the large volumes of traffic on the street surface.

Despite all the likely criticisms, Whitten argued that in view of engineering and financial constraints, elevated highways were the best way to move heavy traffic volumes through Boston's central business district. [DiMento, Joseph F.C., and Ellis, Cliff, *Changing Lanes: Visions and Histories of Urban Freeways*, The MIT Press, 2013, pages 29-30]

Over the next decade, elevated freeways became an accepted tool in urban planning. In 1937, the American Road Builders' Association (ARBA) established a Committee on Elevated Highways, headed by V. G. Iden of the American Institute of Steel Construction, Inc. Captain Whitehurst was a member of the committee. In his first report to ARBA, Iden explained that beyond a doubt, conditions in cities demonstrated that "the greatest need of the age is express highways that will serve the congested centers." However, completely rebuilding cities to meet the needs of automobiles would be foolish:

We must approach this problem from a rational point of view and construct highways that will fit any need that we already have. If streets are too narrow to accommodate the extra roads, these extra roads must be built above and over the streets. Elevated highways affording all the limited features necessary to cope with the problem, and accommodating swiftly moving through traffic, are possible . . . .

According to present practice, elevated highways should clear the underlying streets by at least fifteen feet, thereby leaving the surface roads free for truck and local traffic . . . . The design should take into consideration the movement of traffic underneath and the types of ramps to and from the elevated highway above, the banking of curves, location of ramps, methods of snow removal and prevention of the formation of ice. The design should fully conform to the purpose of the elevated highway and assure that no matter what the weather conditions, or how heavy the traffic congestion, the highway will prove to be an express highway under all conditions.

Already, engineers were gaining experience in design and operation of elevated highways from examples such as the West Side Highway in New York City, the connecting link in Chicago's Outer Drive, and the Pulaski Skyway over the meadows of New Jersey. [Iden, V. G., "Report of Committee on Elevated Highways," *Proceedings, Thirty-fifth Annual Convention, American Road Builders' Association*, January 17-21, 1938, American Road Builders' Association, pages 492-500]

*Toll Roads and Free Roads* (1939) and *Interregional Highways* (1944), the two reports that provided the basis for congressional action on the Interstate System in 1944, advocated depressed or elevated freeways through big cities, with depressed freeways being the preferred option. Elevated freeways were especially suitable for commercial or business sections of a city.

*Interregional Highways* included a drawing to illustrate an elevated freeway. The six-lane road, built at the second story level, spanned the center of the wide ground-level street. Motor vehicles

entered by ramps to the outside lanes, while exit ramps were in the center. The freeway lacked a median; traffic moving in opposite directions was departed by what appears to be metal fencing. Similar fences were located on the outer edges of the expressway. Light poles were placed on poles built into the center fence posts. The caption described expressway operation:

An elevated section of the interregional system as it might be built according to the standards proposed, with central exit ramps and lateral entrance ramps. The sketch suggests the manner in which new properties might conform to curving lines of the expressway in widened sections at access points, and a show window at the elevated level dressed appropriately with the kind of large display that would be needed for comprehension by express traffic. [*Interregional Highways*, page 80 and Plate VIII, also see page 166]

Thus, as Whitehurst was considered an elevated freeway in the K Street corridor, he was advancing an idea that urban planners and highway engineers considered an up-to-date congestion reliever. He was on a committee studying the idea.

Moreover, Georgetown was not the modern, upscale neighborhood of today:

Both the Dupont Circle area and Georgetown had concentrations of wealthy families, the latter also being home to many prominent New Dealers who encouraged the local historic preservation movement. But the inner parts of the city were home as well to the majority of black Washingtonians, most of whom lived in much more modest circumstances. West of the White House, some four thousand African Americans lived near the utility plants, factories, and breweries of Foggy Bottom. Another substantial, though decreasing, portion of the working-class black population was scattered around the back streets of Georgetown. [Miller, Fredric M., and Gillette, Howard, Jr., *Washington Seen: A Photographic History, 1875-1965*, The Johns Hopkins University Press, 1995, page 158]

Moreover, the once important Georgetown waterfront was in decline. According to *The WPA Guide to Washington, D.C.*, published in 1942, “Along the river, old warehouses – relics of a once extensive commerce – crumble away beside railway sidings and modern industrial plants.” [*The WPA Guide to Washington, D.C.*, The Federal Writers’ Project Guide to 1930s Washington, Pantheon Books, 1983 (reprint), page 346]

Elevated freeways often were desirable along blighted waterfronts such as the one in Georgetown. As in Washington, planners developed elevated freeways along aging, deteriorating waterfronts in cities such as Boston, New York City, San Francisco, and Seattle.

Whitehurst developed the Sky-Road with little controversy. When the city held a public hearing on May 20 to receive comments on the \$44.45 million plan, the primary concern was the 2-cent increase in the gas tax proposed to pay for the projects. Contemporary news articles did not report objections to either the K Street elevated expressway or other specific elements of the plan. The *Post* reported that the plan “received – with minor reservations – wide support of civic and business leaders at a public hearing in the District Building.” The *Star* stated, “Rather

general support was accorded 'in principle' to the comprehensive long-range plan." The articles reported comments by representatives of organizations during the afternoon hearing, many of whom differed on how to pay for the plan without burdening District residents with the added gas tax. If any citizens spoke during the hearing, neither the *Post* nor *Star* reported their comments. [Wentworth, Howard F., "D.C. Highway Report Wins Wide Support at Hearing," *The Washington Post*, May 21, 1941; "Commissioners Study Mass of Testimony On Whitehurst Plan," *The Evening Star*, May 21, 1941]

On December 4, 1941, Whitehurst announced that construction of the K Street Sky-Road, at a cost of \$2 million, would begin in the spring of 1942, with completion expected later that year. The *Post* described the plan as "a graceful, sweeping 'sky-road' along the line of waterfront K Street." The *Post* added:

Traffic along K Street fronting the river will be undisturbed after the elevated structure is placed in operation, Whitehurst said. Motorists may use either route, depending on their destination and hurry. [Wentworth, Howard F., "Work to Begin Next Spring On Washington's 'Sky-Road,'" *The Washington Post*, December 5, 1941]

Three days later, the surprise bombing of Pearl Harbor propelled the United States into war with Germany, Italy, and Japan.

Whitehurst, in early 1942, was still advancing projects from his 1941 highway program. In May, however, he had to postpone the Sky-Road because of diversion of steel for wartime needs. ["U.S. to Pay 2/3 of 4 D.C. Highways," *The Washington Post*, February 2, 1942; "Priority Puts Off K Street Elevation," *The Washington Post*, May 26, 1942]

During the war, the city expanded in population and a proliferation of temporary offices. Heavy traffic endangered safety and congested the road network. Whitehurst, with his Sky-Road on hold, brought in the Baltimore firm, J. E. Greiner Company, to study the feasibility of converting K Street to a through highway from Key Bridge to eastern terminals at Sixth Street, West Virginia Avenue, and at 15<sup>th</sup> Street and H Street via Florida Avenue:

The Department's choice of K Street as best suited for this type of development was endorsed by the consultants on account of width, straight line location and contiguity to the business district, and was recommended as essential to the relief of traffic pressure on congested parallel streets.

Greiner calculated that the new thoroughfare would reduce about 60 percent of the traffic on adjacent streets and arterials.

In this heavily developed part of the city, a K Street viaduct was the best option for relief not only for through traffic but for local traffic. Further, the Arizona Avenue Expressway would provide ready access from the Potomac River entrance to the city via the K Street elevated freeway.

In 1944, Greiner worked with De Leuw, Cather and Company to develop a master plan for developing transportation facilities in the central area of the city. As the plan evolved in a 1946 post-war study, the K Street plan was revised to start at 3<sup>rd</sup> Street, NW, to connect with the Mid-

City Expressway, which, as noted earlier, extended from Canal Street near Independence Avenue across the city to the District line beyond Rock Creek Cemetery. [*Twenty-Five Years of Progress in Highway Development 1924-1948*, District Department of Highways, pages 68-76; “Georgetown Traffic Expediter,” *The Evening Star*, October 8, 1949]

Construction of the \$3.4 million, 1-mile K Street Skyway from Key Bridge to Rock Creek, began on July 7, 1947. The city awarded the contract to Alexander-Repass Engineering Firm of Des Moines, Iowa. The principals were Archie A. Alexander, an African-American, and his white partner, Maurice A. Repass. They had met as freshmen at the University of Iowa, where Alexander was the university’s only black student. A biographical sketch states:

He played tackle for the school’s varsity football team, earning the nickname, “Alexander the Great.” During the summers, Alexander worked as a draftsman for Marsh Engineers, a Des Moines bridge-designing firm, and in 1912 he received a Bachelor of Science degree, becoming the University of Iowa’s first African American student to complete the engineering program.

Alexander worked on bridge projects for Marsh after graduation, but in 1917 formed an engineering firm with a white contractor, George F. Higbee. By the time Higbee died in a construction accident, Alexander had earned a civil engineering degree from Iowa State University in 1925. After forming the partnership with Repass in 1929, their company worked on projects around the country, including several in Washington. In addition to the K Street elevated project, they worked on the Tidal Basin (including the Independence Avenue bridge over the north end of the basin), a grade separation structure for the Baltimore and Ohio Railroad; and extension of the Baltimore-Washington Parkway. Repass said the company liked working in Washington, because the “District is a fair outfit to work for.” [“Alexander, Archie Alphonso (1888-1958),” *Blackpast: An Online Reference Guide to African American History*; “Three-Million Dollar Elevated Highway Nears Completion,” *Afro-American*, December 25, 1948]

The District and PRA split the cost, 50-50, under the Federal-aid highway program. Completion was delayed by bad weather and slow delivery of materials, but was expected in 1949. [Millen, William A., “Weather, Slow Deliveries Delay Work on K Street ‘Skyway,’” *The Evening Star*, June 13, 1948]

On September 1, 1948, Captain Whitehurst died at George Washington University Hospital after a heart attack. He had been stricken at his home at 3115 34<sup>th</sup> Street, NW., and was taken to the hospital where he was pronounced dead at 4:15 a.m. The 61-year old, who had been Director of Highways for 18 years, had just returned from a 2-week vacation and had told associates he had enjoyed excellent fishing.

The *Star* obituary listed many accomplishments, including the Scott and Thomas Circle underpasses, the John Philip Sousa Bridge across the Anacostia River at Pennsylvania Avenue, SE., traffic surveys, his long-range program of street widening and surface improvements, his support for fringe parking garages, and his role in replacing “painted safety zones with the present raised streetcar loading platforms. “At the time of his death, he was supervising

numerous major projects, including the K street elevated highway, the new bridge across the Potomac at Fourteenth street, the Dupont Circle underpass and the South Capitol Street Bridge project.”

The newsletter of the American Road Builders’ Association added that he had served the association for many years, including as first president of its city officials division, treasurer (1940 until his death) and president (1935-1936). He also had been a member of the National Capital Park and Planning Commission and was active in AASHO, which he also served as president (1946-1947). [“Capt. Whitehurst, City Director of Highways for 18 Years, Dies,” *The Evening Star*, September 1, 1948; “Death Halts Distinguished Engineering Career of Capt. Herbert C. Whitehurst, ARBA Treasurer,” *Road Builders’ News*, American Road Builders’ Association, October 1948, page 4]

On September 9, the District commissioners decided to rename the K Street Skyway after the late director: “Whitehurst Freeway.” Engineer Commissioner Young recommended the change. Captain Whitehurst, Young explained, had been more responsible than any one for the city’s “magnificent” system of roads and bridges. “I recommend that the K street structure be named the Whitehurst Freeway, or possibly Skyway or Viaduct. Thus his name will be permanently associated with a structure which is unique in Washington.”

The day before, the commissioners had appointed Robertson, the former engineer of streets, to succeed Whitehurst as Director of Highways.

The *Star* agreed with naming the elevated freeway after the late director:

It was peculiarly the product of Captain Whitehurst’s own thinking in terms of providing in advance the sort of facilities that automobile traffic of the future will make inevitable. Washington owes him much for his courage, his vision and his ability to overcome the resistance of apathy by persuasive assembly of fact. Someday, the “Whitehurst Freeway” will run the course of K street across Washington, dipping below grade or rising above it, to accommodate the sort of unimpeded traffic flow that the future will demand.

The editorial also agreed with the appointment of Robertson, noting that Captain Whitehurst “would have indorsed [him] without reservation.” [“K Street Highway Will Be Named For Whitehurst,” *The Evening Star*, September 9, 1948; “The ‘Whitehurst Freeway,’” *The Evening Star*, September 10, 1948]

As completion of the Whitehurst Freeway neared in October 1949, the District was determining the next big project based on traffic counts in the area and in Maryland and Virginia that planning engineer Brinkley was compiling. As the *Star* pointed out on the eve of completion:

But compiling this report is a vast job and Mr. Brinkley does not expect it to be completed until a year from Christmas. But Mr. Brinkley expects the Arizona avenue Freeway [sic], the next logical step, will be a reality in the near future. This will run through the Glover-Archbold Parkway [sic], through Foundry Branch valley to Tenley Circle, linking up with the Whitehurst Freeway by way of Canal road. [Millen, William

A., “Whitehurst’s ‘Dream’ Freeway Will Be Dedicated Saturday,” *The Evening Star*, October 2, 1949]

The Whitehurst Freeway, the District’s first freeway, opened on October 9 with a ceremony at 27<sup>th</sup> and K Streets, NW. After speeches by officials, Captain Whitehurst’s 4-year old granddaughter Maria Whitehurst Brownnett snipped the red ribbon:

Hazel-eyed Maria, with white ribbons in her blonde hair, stood beside her grandmother, Mrs. Whitehurst, and Commissioner John Russell Young when she cut the ribbon. The big pair of shears was hard to manage but, with determination, she succeeded. The crowd applauded . . . .

After these ceremonies, the principals and guests drove over the freeway and the Key Bridge to Rosslyn at the Virginia end of the bridge. [“Whitehurst Freeway Is Opened to Traffic After Ceremonies,” *The Evening Star*, October 9, 1949]

Whitehurst Freeway carried U.S. 29 through Georgetown; U.S. 29 crossed the Potomac River on Key Bridge.

Generations of planners, Georgetown residents, and writers have loathed the Whitehurst Freeway and, as will be seen, wanted to tear it down – that dislike continues to this day. Nevertheless, it stands, still carrying U.S. 29 across Georgetown. However, it had an unexpected consequence on Georgetown, continuing a trend that had begun in the 1930s, as Gutheim and Lee explained:

Construction in 1949 of the elevated Whitehurst Freeway siphoned traffic off Georgetown’s congested narrow cross streets.

The realization of a new Georgetown, a maturing Georgetown as a distinctive community, had produced a strong concerted voice among residents and supporters against allowing the area north of M Street to be altered at will. Responding to these interests, Congress in 1950 declared all of Georgetown a historic district and placed the design of all future construction under the judgment of the Commission of Fine Arts. [Gutheim and Lee, page 252. Congressional action was in the Old Georgetown Building Height and Exterior Design Regulations Act of 1950 (P.L. 81-808); Secretary of the Interior Stewart L. Udall declared the Georgetown Historic District to be eligible for the National Register of Historic Places as a National Historic Landmark in May 1967.]

As another history put it:

One of the area’s few traditionally integrated neighborhoods, Georgetown, became increasingly wealthy and increasingly white. Following the diversion of most through traffic from Georgetown streets, accomplished by completion of the Whitehurst Freeway in 1949, Congress declared the area a historic district. The Commission of Fine Arts had to approve all physical alterations and new construction in Georgetown. As the neighborhood increased in desirability, housing prices rose, and multi-unit dwellings shifted back to single-family occupancy. In the process, Georgetown’s African American

population fell, from almost a quarter in 1940 to 3 percent in 1960. [Miller and Gillette, pages 222-223]

### **The Glover-Archbold Parkway**

In January 1952, the District unveiled its 10-year, \$140 million highway program. It set four goals:

1. Divert all possible “by-passable” traffic from the downtown area.
2. Create greater street capacity in the downtown area.
3. Improve the present main arteries leading to the District’s boundaries.
4. Develop a cross-town route linking the northwest and northeast sections.

The Regional Highway Planning Committee, including Maryland and Virginia representatives, had helped prepare the plan. Among the immediate needs addressing the first two goals was:

**Canal Road N.W.—Foxhall road to Thirty-sixth street; Arizona freeway, Rock Creek Parkway, Southwest freeway and Potomac River bridge (vicinity of E street)**—Preliminary studies and detail plans for roadways and structures. Cost \$800,000.

A later entry involved construction:

**Arizona avenue. Van Ness street to Canal road**—Construct parkway, two 24-foot roadways with grade separations and interchanges at Reservoir road, New Mexico avenue, Cathedral avenue and Massachusetts avenue, and with connections over street system to Wisconsin and Nebraska avenue.

The estimated cost was \$3.6 million.

Future needs included improvement to Rock Creek and Potomac Parkway and its extension to the District/Maryland line. [Stepp, John W., “Experts Representing Metropolitan Area Draft 10-Year Project,” *The Evening Star*, January 31, 1952; “\$140 Million Road Plan Urged For District; 1-Cent Gas Tax Boost Proposed for Financing,” *The Evening Star*, January 31, 1952]

The National Capital Parks and Planning Commission quickly joined with NPS officials in objecting to plans for construction in parks. They had not been part of the Regional Highway Planning Committee that identified projects such as extending Rock Creek and Potomac Parkway to the Maryland line. As discussed earlier, they also objected to the plan for the E Street Bridge spanning Roosevelt Island. They showed “forbearance” regarding “that portion of the Southwest Freeway project providing an extension from the Fourteenth street overpass encroaching on the Thomas Jefferson Memorial area and slicing through the tourist camps, tennis courts and East Potomac Park to span the Washington Channel.” [Shepard, Nelson M., “Federal Agency Fears Injury To Parkland in Highway Plan,” *The Evening Star*, February 1, 1952]

On February 15, as part of a 1952 series on “Highways of the Future,” the *Star*’s James G. Deane described how the plan for what was still called the Arizona Avenue Parkway fit into plans for

accommodating traffic in the northwest quadrant via Canal Road. “An elevated highway and a brand-new parkway may be in the Northwest’s future.” After summarizing the long history of the parkway, he explained the two-pronged plan:

The elevated would be a westward expansion of the Whitehurst freeway. The new parkway, through Glover-Archbold Park, would link the freeway—and Key Bridge—with the upper Northwest . . . .

Canal road will be widened from Key Bridge to Foxhall road. It will continue to take traffic to and from M Street.

At its west end, the elevated will have three lanes. Midway, one of them will cut across over the canal to carry eastbound cars to M [street]. The other two lanes will connect with the freeway.

Westbound through-traffic will use M street. Eastbound will use the elevated. The structure would be unusual—single-stem piers, supporting the roadway in cantilever fashion. This would leave the canal and its tow-path undisturbed.

Eventually, Canal road will be improved onward up the Potomac, becoming the George Washington Memorial Parkway at Great Falls. It will connect with the new National Pike (Route 240) from Frederick.

Ramps will cross from the elevated to the Arizona parkway. Foxhall road also will connect. [Deane, James G. “Proposed Elevated Highway Along Canal Road Would Link Key Bridge With New Parkway,” *Highways of the Future*, *The Evening Star*, February 15, 1952; the *Highways of the Future* series included 25 installments, running from February 1, 1952, to March 10, 1952]

In the final installment of the series, Deane discussed concerns by park authorities about the E Street Bridge, extension of Rock Creek and Potomac Parkway to Maryland, and the Arizona Avenue Freeway. He explained that the District had owned the right-of-way for a road through Archbold-Glover Park since 1893, that Mrs. Archbold opposed any road, and that Charles C. Glover, Jr., “also once protested a speedway but favors a less elaborate road”:

The planners insist on the road, despite the loss of park value to residents of the area. The main question, assuming the road goes through, is one of ethics: The plan is to call it Arizona parkway, but courtesy to the donors would seem to dictate retaining the present park name, Glover-Archbold, for the road.

District officials, however, were concerned about satisfying the Arizona congressional delegation.

Another concern was that if the parkway were not built, “Foxhall road probably would have to be widened. Foxhall residents don’t want that.” [Deane, James G., “Financing to Be Key problem In \$140 Million Road Program,” *Highways of the Future*, *The Evening Star*, March 10, 1952]

As Deane's series made clear, the road through Glover-Archbold Park was not desired for itself but as a connection in a series of roads linking the Washington National Pike with downtown Washington. On October 27, NCPC approved nearly 74 percent of the District's highway plans, including construction of a dual parkway through Glover-Archbold Park connecting Canal Road with Wisconsin and Nebraska Avenues. [Stepp, John W., "Engineer Group Indorses City's Highway Plans," *The Evening Star*, October 27, 1952]

In January 1953, the *Star* reported that a subcommittee of the Committee of 100 on the Federal City had prepared a "blistering criticism of the District's proposed highway improvement program." The subcommittee members were General Grant, president of the American Planning and Civic Association; John Ihlder, former executive secretary of the National Capital Housing Authority; architect Horace Peaslee; and Tracy B. Augur, a GSA urban planning officer.

Their "scathing, 21-page report" denounced District highway officials for trying to solve immediate problems based on present-day "traffic considerations." Highway planning, the report stated, should begin "with a concept of what the District will be like one, two or three decades hence." They urged the Committee of 100 to reject the overall plan and to endorse individual projects only if they were part of a satisfactory long-range program or were needed because of an emergency. The E Street Bridge was an example of a project that would not be approved in view of its impacts on Roosevelt Island and the Lincoln Memorial grounds

In the long range, the subcommittee expected Federal employment in the city to drop, with employment centers being built "20 to 40 miles, or even farther, from the city." As a result, "the District's primary highway improvement need for the future is a network of . . . expressways, extending radially from points as close to the center as possible outward for distances up to 40 or 50 miles." The report cited such radials as the Baltimore-Washington Parkway, the Annapolis Freeway, Suitland Parkway, Shirley Highway, the Washington National Pike, and a route on the Virginia side of the Potomac River. The radial roads would be linked by "ring roads" that would also serve as bypasses for traffic not bound for the city. The members agreed "in principle" with the inner-belt concept, but did not think the city had proposed a satisfactory plan.

The subcommittee favored converting North Capitol Street as a thoroughfare to carry the Washington National Pike instead of routing it through Rock Creek Park. The use of Rock Creek Park as the District link was, the report said, inferior to a freeway along the Maryland-District side of the Potomac River. A dual, six-lane freeway should run along Canal Road from Foxhall Road to the District Line. Among the advantages cited was that the plan could omit the road through Glover-Archbold Park at a saving of \$3.6 million. ["Federal City Group Blasts Highway Plan," *The Evening Star*, January 30, 1953]

In an editorial on February 2, the *Star* acknowledged "the conflicting views between park conservationists and highway builders over plans for traffic relief." The "steady encroachment" on parks by highways "has been resented, and understandably so" by park advocates. Thus, the subcommittee's "extremely dim view of the Highway Department's construction program for the immediate and near-future traffic needs" was not surprising. "Unfortunately, highway improvements cannot be avoided or left to future generations." The subcommittee "opposed in principle" the continuation of the Washington National Pike through Rock Creek Park and

construction of a parkway through Glover-Archbold Park, while also opposing the E Street bridge designed to relieve traffic in the 14<sup>th</sup> Street corridor.

The District would like to adopt the long view the subcommittee recommended “but it is limited by appropriations and legislative restrictions.” With the funds available each year, it must do the best it can to “design the piecemeal projects so that they will fit into a long-range highway program.” In doing so, “some park properties will be invaded, from time to time.” Unless park advocates can “offer some more reasonable alternatives,” the pressure to use parkland will continue. “The problem of reconciling the divergent schools of thought is a difficult one, calling for dispassionate conferences and study by all concerned.” [“Highways vs. Parks,” *The Evening Star*, February 2, 1953]

The Committee of 100 on the Federal City approved the part of the subcommittee’s report criticizing the District for planning short-range, stop-gap proposals rather than developing a long-range, primary need program. However, the committee rejected the project-specific portions of the report and asked the subcommittee to try to reconcile its differences with District highway officials and redraft it to be more in line with the approved general principles.

Blair Lee III, NCPC’s executive officer, said he agreed with the general criticisms, but in discussing specific projects, the subcommittee “suffers to a slight extent from schizophrenia.” Beveridge explained:

Mr. Lee said the report, with its emphasis on radial highways, should recognize a need for a new “central area” Potomac River bridge to connect with Virginia’s Arlington boulevard. If not at E Street, he said, such a bridge should be elsewhere to serve Washington’s downtown area.

Mr. Lee also attacked as too expensive a subcommittee proposal that North Capitol street rather than Rock Creek park, might be developed as a new northbound thoroughfare. “The report, to be consistent with itself, should say Rock Creek Parkway might be needed if alternatives are found impracticable,” he declared.

Mr. Lee pointed out that the subcommittee based its objections to the park proposal on traffic considerations, not on an encroachment of park land. The discussion that followed, however, brought out strong objections to the basic idea of yielding park lands to highway uses.

General Grant pointed out that the Committee of 100 was a member of a national group opposing the use of parks for highways. “Don’t let us be the people to say the use of Rock Creek Park is to be given over to be made into a highway,” he said.

Lee did not think a 200-foot wide parkway through the northwestern part of the park would destroy the recreation and beauty of the area.

Citing the *Star*’s February 2 editorial, John Remon said, “I don’t want to see parks destroyed. But I think we must give way at times. The greatest enjoyment I get out of Rock Creek Park is

taking a drive through the park from my house to the Interior Building.” [Beveridge, George, “Critical Report on Roads Plan Backed in Part,” *The Evening Star*, February 4, 1953]

The reason the road through Glover-Archbold Park was needed varied as officials debated the central area bridge and the entrance for U.S. 240’s two legs. For example, the District was considering options for increasing the capacity of Key Bridge. Double-decking the bridge had been rejected as too expensive, but by May 1953, the city was considering whether the sidewalks could be converted to traffic lanes, with new sidewalks built on cantilever structures off the bridge. In addition, the city was considering a two-lane ramp, carrying two-way traffic, from the center of the bridge about 300 feet from M Street to Prospect Street in line with 35<sup>th</sup> Street. The ramp, in theory, would divert traffic that presently turned left from the bridge onto M Street.

Already on the drawing board were improvements on both ends of the bridge, including the M-Street-Whitehurst Freeway connections. The plans included an elevated roadway for eastbound traffic on the west side of Key Bridge. Traffic would connect with ramps to Canal Road, Foxhall Road, and the proposed Arizona Parkway. [Beveridge, George, “M St. Overpass At Key Bridge Under Study,” *The Evening Star*, May 14, 1953]

Publication of an article about the concepts in the *Star* prompted immediate opposition in Georgetown. The ramp over M Street would carry unwanted traffic into the community, and possibly reduce property values, prompting concerns by the Georgetown Citizens’ Association, whose president, Frederick S. Hill, said “We have always believed we should try to keep through traffic out of Georgetown’s residential areas.” Stephen P. Dorsey of the Progressive Citizens of Georgetown said the group would always oppose solutions to traffic problems that unnecessarily drew additional traffic into the area. [“M Street Ramp Arouses Fears In Georgetown,” *The Evening Star*, May 15, 1953]

On May 25, attorneys Hugh Obear and Grant Wiprud appeared before the Committee of 100 on the Federal City representing Mrs. Archbold. They made clear that she intended to fight attempts to build a road through the land she and Charles Glover had donated. A letter from Mrs. Archbold to the group said they donated the land for park purposes and “for no other.” She did not object to the type of meandering road that exists through Rock Creek Park, but an express highway would be a breach of faith.

John Nolen discussed the history of the proposal, pointing out that the District and NPS had signed an agreement in 1948 following congressional consideration of a bill authorizing the road to be named after Arizona. The situation was complicated by District consideration of a bridge across the Potomac River that would tie into the road through the park.

Mrs. Archbold and Charles Glover, Jr., had opposed the plan at the time, and she intended to resume efforts to block the plan. If the city persisted, she would seek “the aid of the courts in restoring the property to its proper use,” as her letter to the Committee of 100 stated.

After discussing the controversy, the Committee of 100 adopted a resolution condemning the plan. The resolution suggested the alternative of widening Foxhall Road. [“Land Donor Fighting Plan for Expressway In Northwest D.C.,” *The Evening Star*, May 26, 1953]

In September, the District commissioners announced they would hold a public hearing on October 26 to consider street name changes, including redesignation of the proposed Arizona Avenue to Glover-Archbold Parkway. To return the State name on the map, Dalecarlia Parkway between Loughboro Road and Westmoreland Circle would be renamed Arizona Avenue. ["Street Names To Be Considered At Hearing October 26," *The Evening Star*, September 17, 1953]

The District commissioners heard from individuals on October 26 who favored changing the name of the Arizona Avenue Freeway to the Glover-Archbold Parkway. Representatives of Glover and Mrs. Archbold testified in support of the change, as did the Palisades Citizens' Association, the Progressive Citizens' Association, and others. The Arizona congressional delegation indicated it supported the changes. The Palisades representative, however, favored renaming Wheeler Street and Wheeler Place as Arizona Avenue and retaining Dalecarlia Parkway. The association thought that having a Wheeler Street and Place so close together was confusing while Dalecarlia Parkway was aptly named because it was near the Dalecarlia Reservoir.

On November 4, the commissioners approved the name Glover-Archbold Parkway for Arizona Avenue, NW., between Canal Road and Van Ness Street. They deferred action on the contested name change for Dalecarlia Parkway. ["District Heads Weigh Proposals to Change Names of 2 Avenues," *The Evening Star*, October 26, 1953; "Commissioners Rename Part of Arizona Avenue," *The Evening Star*, November 4, 1953]

The commissioners approved changing Weaver Street to Arizona Avenue on January 12, 1954, only after receiving assurances from the Arizona congressional delegation that the change was acceptable. Senators Hayden and Barry M. Goldwater and Representatives John J. Rhodes and Harold A. Patten had let the commissioners know of the delegation's support. The change became effective on February 15. ["Change of Weaver Street Name Gets Support," *The Evening Star*, January 11, 1954; "Weaver Street Changes To Arizona Ave. OK'd," *The Evening Star*, January 12, 1954]

Despite the accord on the name changes in the Palisades area, the Glover-Archbold Parkway remained controversial. As debate continued regarding connection of the Washington National Pike with downtown, the Glover-Archbold Parkway remained on maps as one way of routing traffic without having to acquire homes. City highway officials continued to promote it, but until other disputes were resolved, it remained in the background.

## **Congress Takes Up the Parkway**

In September 1958, the District's \$54 million highway plan included the Potomac River Freeway, the Washington Circle underpass, the K Street Expressway, and, as the *Star* described it, "another long-delayed project, the disputed Glover-Archbold Parkway to link the new river freeway and Upper Wisconsin avenue:

The new Potomac Freeway will follow the course of the present Canal road along the waterfront of Georgetown. It is planned to connect with the west leg of the inner-loop expressway, also to be started next year, at about Twenty-seventh street N.W. At the other end it will join the new Glover-Archbold parkway, which will run through a wooded park starting at Canal road just east of Foxhall road and running northward toward Wisconsin avenue.

The NPS was expected to extend the George Washington Memorial Parkway to the District line to meet the Potomac River Freeway.

The Glover-Archbold Parkway was to consist of "two park-type, two-lane, non truck roadways from 3 miles northward [from] the new river freeway to Tenley circle on Wisconsin avenue." At a cost of nearly \$5 million, the District expected to complete the project in 1963. [Deane,

James G., "\$54 Million Road Plans Pressed by District," *The Evening Star*, September 24, 1958]

By March 1959, the District had completed tentative plans for the parkway through the 2½-mile long park. The dual, four-lane parkway would consist of two 26-foot roadways along the center of the park, with access roads at some cross streets. The facility was designed for a speed of 50 m.p.h. Plans called for relocating much of Foundry Branch, a "meandering brook," in the *Star's* words, with the two roadways on either side of the stream. The plans were firm as far north as Upton Street, with the city's plans beyond that point uncertain. Connections might be with a tunnel under Tenley Circle or the tentative freeway in the Wisconsin Avenue corridor. Regardless of the ultimate northern connection, the District expected motorists to be using the Glover-Archbold Parkway by late 1963. [Deane, James G., "Glover-Archbold Park To Get 4-Lane Road," *The Evening Star*, March 1, 1959]

According to a *Star* summary of planned major highway projects published at the end of the month, the District planned to begin construction of the Glover-Archbold Parkway in the summer. A map showed the parkway as a dashed line, used to show "highways under construction or planned." It connected with the Wisconsin Avenue Freeway, shown as a dotted line ("proposed highways") carrying the southeast leg of U.S. 240 into the District (to be discussed). [Alibrando, Alfred, "Safer and Faster Travel Promised By 1962 on New Area Highways," *The Evening Star*, March 29, 1959]

National Capital Park's Thompson said in June that he wanted to thoroughly study legal issues associated with construction of the Glover-Archbold Parkway before giving final approval to the District's detailed plans. The study was underway, he said, because "we don't want to run the risk of being enjoined by the donors" of the parkland.

Thompson's announcement infuriated Senator Butler, whose Maryland constituents would benefit from the District parkway with its indirect links to U.S. 240. The legal study was, he said, the NPS's "usual collection of monkey wrenches, legal, political and otherwise, in an effort to stop construction of the parkway." He added that Congress had approved the project, an approval that constituted a "mandate":

The hearings are over, the Congress has made its decision and the District is expediting plans for the parkway. We will not have construction delayed for years while the Park Service rehashes old questions in a lengthy but ultimately futile attempt to deprive this area of the much-needed traffic artery.

He said the "obstinate and irresponsible delaying tactics of the Park Service have got to stop."

Harold L. Aitken, who had been become District Director of Highways and Traffic on March 2, 1959, agreed with Senator Butler. Parkway plans had been modified once to meet NPS objections. The revised plan had been submitted to the NPS 4 months earlier. "It's been over there long enough." ["Maryland Planners Ask For Rock Creek Route" and "Park Service Blasted Over Glover-Archbold," *The Evening Star*, June 11, 1959]

In referring to a congressional "mandate," Senator Butler was referring to the fact that Congress was working on the D.C. Appropriations Act, 1960, with a provision that provided \$880,000 for preliminary work on Glover-Archbold Parkway. The legislation was still under consideration, with Glover-Archbold Parkway one of the stumbling blocks to passage.

As usual with appropriation acts, the House took the initiative. The Committee on Appropriations released a report on the FY 1960 appropriations act on March 13, 1959. From the District's highway funds, the committee set aside \$880,000 for the Glover-Archbold Parkway. The House approved the bill on March 16 without discussion of the parkway during floor debate. [District of Columbia Appropriation Bill, 1960, *Congressional Record-House*, March 16, 1959, pages 4279-4288]

In early May 1959, a new proposal emerged for handling traffic between Maryland and downtown Washington. On May 6, a steering committee for the Mass Transportation Survey approved a six-lane expressway, proposed by Bartholomew, from Tenley Circle at Wisconsin and Nebraska Avenues, NW., along Upton and Tilden Streets, and across Rock Creek Park on a high-level bridge across a section known as the Melvin C. Hazen Park. East of the park, the expressway would continue toward 15<sup>th</sup> Street, then turn south between 14<sup>th</sup> and 16<sup>th</sup> Street to connect with the Inner Loop at T Street. The expressway would carry all traffic, including trucks.

The concept appeared to revive the idea of an expressway in the Wisconsin Avenue corridor to connect with the Washington National Pike, a plan the District had rejected just a week earlier (to be discussed later) in favor of the North Capitol Street corridor. General Welling opposed the Bartholomew plan because he did not think the need for an expressway between Tenley Circle and the Inner Loop had been proven.

District Commissioner McLaughlin, who headed the steering committee, emphasized that the new expressway would not eliminate the need for the Glover-Archbold Parkway. The parkway would connect expressway traffic at Tenley Circle with the routes along the Potomac River.

Federal Highway Administrator Tallamy said that based on information he had seen, the new expressway would qualify for inclusion in the Interstate System with its 90-10 Federal-District matching ratio. The NPS liked the idea of an east-west high bridge across Rock Creek Park because it would end discussion of the north-south route through the length of the park to link the Washington National Pike with downtown. [Deane, James G., "Cross-Park Freeway Project Wins Support," *The Evening Star*, May 7, 1959]

The Senate Committee on Appropriations completed work on its version of the appropriations act on May 21. In discussing the appropriation for the Department of Highways, the committee referred to the \$880,000 for the Glover-Archbold Parkway. Following House approval, the Senate committee had "received an extraordinary amount of oral testimony and also communications protesting the building of this road." Recognizing that these comments reflected the "public spirit of the citizens," the committee asked the Engineer Commissioner about the possibility of an alternate site for the road.

General Welling replied to committee staff on May 15 that, "The parkway is an indispensable feature of our traffic pattern." The 1949 agreement with the National Park Service stated that the parkway was considered essential for vehicular access to the park for the greatest number of people. However, General Welling stated, "There is no sensible alternate solution for handling the traffic." If construction were delayed, traffic would "continue to pile up and defer the reasonable use of the park as a recreation area and as a traffic facility."

The committee report indicated that deciding whether to include this funding item in the appropriations act was "particularly difficult in view of the deep interest of the citizens" in preserving the park. However, the committee left the funding in the bill in recognition of the Department of Highways' careful work, which made "it clear that no solution other than Glover-Archbold Parkway is feasible." [District of Columbia Appropriation Bill, 1960, Committee on Appropriations, United States Senate, 86<sup>th</sup> Congress, 1<sup>st</sup> Session, Report No. 304, page 6]

Opponents such as Wirth of the NPS thought the committee must be misinformed. He said the parkway would "destroy the value of the Park." Further, he was "dumbfounded" by General Welling's statement, quoted in the committee's report, that the parkway was "essential" to recreational use of the park. "I think any kind of road down there is about impossible if you're going to preserve any kind of park."

Mrs. Archbold's attorney hinted at possible legal action to stop construction. Such a parkway would, Hugh H. Obear said, be a "breach of trust." If the government persisted, he would demand return of the land to the donors and sale back to the city at fair market value.

Opponents added that the committee had not considered the new Bartholomew alternative for linking Wisconsin Avenue traffic with downtown Washington via a high-level Rock Creek Park bridge. It was only 2 weeks old, but offered the solution for getting traffic to the Inner Loop without the Glover-Archbold Parkway. [Deane, James G., "Senate Unit Okays Park Freeway Fund," *The Evening Star*, May 22, 1959]

The Senate considered the bill on May 26, with Senator John O. Pastore (D-RI) taking the lead. He summarized the bill's key provisions affecting all aspects of public services in the District, then paused for comments by other Senators. Senator Paul H. Douglas (D-Il.) asked about the plan for a parkway through Glover-Archbold Park. The Senator, who lived near the park at 3812 Fulton Street, NW., called it "one of the most beautiful parks in Washington," but said that if the parkway were built, it would "in my judgment, be spoiled." He pointed out that although the bill contained only \$880,000 for preliminary engineering, the parkway would actually cost as much as \$5 million, and even \$15 million counting the interchanges at either end.

Senator Wayne L. Morse (R-Or.), who agreed with the concerns Senator Douglas expressed, introduced General Welling's May 18 letter for the record. In it, General Welling summarized the history of the project, beginning:

Since 1893, the District of Columbia has owned a right-of-way 100 feet wide through Foundry Branch Valley which includes the area now designated Glover-Archbold Park. The right-of-way is for an all-purpose major highway, including trucks.

Beginning with the donation of property for Glover-Archbold Park in 1920s and the park's expansion through 1943, the 100-foot right-of-way was now surrounded by parkland, but was still owned by the District:

In the opinion of the corporation counsel, the terms of the donation permit the construction thereon of the proposed parkway, for passenger vehicles only, but do preclude the construction thereon of an all purpose highway such as is permissible on the 100-foot right-of-way (the Government-purchased portion of the park land is similarly available for parkway purposes).

In 1948 the District entered into a formal written agreement with the National Park Service for the construction of a four-lane parkway in Glover-Archbold Park subject to the following provisions . . . .

The provisions indicated the parkway would follow the natural contour of the park; be restricted to passenger vehicles; and use a combination of the District right-of-way and park land. The District also agreed to make available for park purposes any portion of the 100-foot right-of-way not used for the parkway.

As noted, General Welling's letter explained that the proposed parkway was a key part of the planned highway network for the area, and its importance was increased by controversies elsewhere:

The possibility of abandoning the Wisconsin Avenue project in favor of the North Capitol Street project makes the Glover-Archbold Parkway facility all the more indispensable for the portion of the city west of Rock Creek park. Furthermore, the parkway is vital to development of the park so as to permit the greatest use, greatest beauty and greatest convenience to the public of Foundry Branch Valley.

Regarding the existing park, a factual memorandum, also printed in the record, stated:

At present park has minor amount of useful, accessible recreation areas and is largely composed of unkempt woodland which is difficult to traverse. Debris clutters some of the area and a sewer line lies on the ground for much of its length.

The District, NCPC, and the consultants on the Mass Transportation Survey agreed that the parkway was "essential for passenger vehicles regardless of the decision concerning any proposed routes in or into Maryland." At NCPC's suggestion, the survey included a link between Tenley Circle and the Inner Loop. "The proposal, intended for interstate traffic, including trucks, was clearly in addition to the need for the four-lane Glover-Archbold Parkway for passenger vehicles."

Senator Douglas, referring to General Welling's comments about the indispensable need for the parkway, warned:

Furthermore, all of us know that engineers love to build highways, and do not have much regard for scenery, trees, or natural beauty. An engineer with a bulldozer tends to be a very ruthless person.

On the day of the debate, McLaughlin, president of the District's Board of Commissioners, wrote to Senator Pastore, who introduced the letter for the record. The Mass Transportation Survey, he said, would urge accelerated highway and parkway construction in the region, with the Glover-Archbold Parkway an "essential item" in the plan. For Congress to defer any item in the survey would "not be in the best interests of the region":

To put it another way, to delete funds from the District's fiscal year 1960 budget for Glover-Archbold Parkway is as unjustified as it would be to delete funds therefrom for the Inner Loop, the Anacostia Freeway, the Potomac River Freeway, and the Southwest Freeway, all of which appear in the final report of the Mass Transportation Survey.

The board, he said, urged the Senate to appropriate the funds for the parkway.

Because of the lengthy debate on the parkway and another issue involving school lunches, the Senate could not complete work on the bill on May 26. [District of Columbia Appropriation Act, 1960, *Congressional Record-Senate*, May 26, 1959, pages 9089-9095]

The Senate returned to the debate on May 28, with Senator Douglas introducing an amendment to strike out the appropriation for the parkway. The current bill asked for only \$880,000, he said, but soon the Senate would be asked for \$5 million for the parkway and that would “probably carry in its wake a later request for \$10 million for interchange connections farther up the line.” He admitted it was “somewhat ridiculous for the United States Senate to be considering a matter of municipal government,” but since home rule in the District of Columbia could not be approved, “we have to act as a board of aldermen for the city.” In view of the controversy and the likelihood of devastation to the park, “the simplest thing we can do is eliminate the appropriation for \$880,000,” at least while other studies are underway.

Senator Morse agreed. “I think the best interests of all interested parties would be served if we postponed this matter for decision for another year.”

Senator O’Mahoney, arguing a procedural point about authorizing in an appropriation act, asked if the appropriation was needed because of an emergency. Senator Pastore replied:

The Senator raises the question as to whether there is an emergency. As a matter of fact, there is hardly an emergency need for any road at any time.

The question is, “When are we to begin it?” The argument is made, “It is all right to build this highway, but let us not begin it this year. It may be all right for next year.”

Senator O’Mahoney protested that he was not making that argument, but Senator Pastore continued:

The argument has been made that the amendment applies only to a postponement. Why postpone? If we are to make the argument that we should never, never, never encroach upon the rustic natural aspects of this particular park, that is one argument. But if the argument is that we must not do it in 1959 but it is all right for 1960, I think the argument which is being made defeats itself.

With other business to consider, some Senators were impatient about the lengthy debate about District matters, but with some interruptions, the debate continued.

When Senator O’Mahoney explained that his only point was that he did not want a highway built through the park, Senator Pastore pointed out:

The question has to be weighed against whether it is desired to facilitate traffic moving into the District. If the Senator wants everybody to walk, and to walk through a park, that is the answer.

Senator Douglas suggested that “better alternative routes” for the needed highway were available that would “not damage the parks and community institutions threatened by the Glover-Archbold Parkway . . . .” He added, as he had earlier, “When a highway engineer makes his plans, he tends to destroy beauty.”

Senator Pastore pointed out that it was “a relative matter,” adding that he did not believe the District commissioners “have any innate desire to rape the beauty of a natural park.” When Senator Douglas pointed out that, “That is what they will do,” Senator Pastore replied:

They have esthetic qualities as the rest of us do. But a time comes when people must either walk or ride, or else not go to work. Either they will have to listen to the birds, or else ring the timeclock and go to work. That is the question. If the Senator from Illinois wants the park kept for the birds, that is his privilege. [Laughter.]

Senator Douglas replied, “I want the parks kept for the people. The autos going to work can take other routes.” The parkway was “only a part of a unified plan” for traffic from the west. The plan included the Bartholomew proposal of an expressway crossing Hazen Park for a link to downtown:

The point is that these highways are not primarily designed for local traffic. They are designed for interstate traffic—to take traffic from Highway 240, the continental highway [sic]; and we are now being asked to approve a little spur here. But if we approve it, that approval may very possibly carry with it approval for bringing the interstate traffic down Wisconsin Avenue, and splitting it there at Tenley Circle, with passenger car traffic destroying the Glover-Archbold Park, and with truck routes across eastward, virtually destroying the usefulness of St. Ann’s School and Church, Immaculate School, Sidwell Friends School, the Hearst School, and destroying Hazen Park, and impairing Rock Creek Park, with all the damage which would be done on the east side of the park and to the zoo.

With the protracted debate finally winding down, Senator Morse suggested that District officials had “plenty to do during the next year” with all the appropriations in the bill. In view of the many objections to the parkway, he thought “that no great harm will result from a year’s postponement, for the consideration of this particular matter.” The delay would allow Congress to consider citizen complaints.

Senator Dennis Chavez (D-NM), chairman of the Committee on Public Works, responded to the idea that consideration of the concerns and complaints of the citizen would result in a solution:

It never will be possible—whether under home rule or under congressional responsibility for the District of Columbia—to get the citizens of the District of Columbia to agree on anything. When someone from the northeast section of the city makes a proposal, an objection will come from a parent-teachers group in the northwest section. I know about that situation; I have served on the District of Columbia Appropriations Subcommittee.

Three or four years ago, we appropriated for, and authorized, the construction of [the Constitution Avenue] bridge; but the bridge has not been built, because it is impossible to get the people of the District of Columbia to agree on where the bridge should be built.

I have seen these proposals come and go. It is necessary to have the engineers report on them, and someone must make the determination.

I wish the District of Columbia could make its own determinations. But so long as Congress has this responsibility, I think it is our duty to try to provide a road which is needed for the traffic.

Finally, after more wrangling, the Senate defeated the Douglas amendment, 23-47. With little further debate, the Senate approved the appropriations act, 68-0, with Senators Douglas and Morse voting for the bill. [District of Columbia Appropriations Act, 1960, *Congressional Record-Senate*, May 28, 1959, pages 9267-9287]

The approved bill would now go to conference with the House to reconcile differences between the two versions.

In describing passage of the bill after “a full day,” the *Star* referred to the “deceivingly unanimous vote,” which was expected to have taken place around noon. The final vote took place at 4:45 p.m., largely because of debate about the school lunch program and the Glover-Archbold Parkway. [Bassett, Grace, “Senate Passes D.C. Budget In Day’s Fight,” *The Evening Star*, May 29, 1959]

Conferrees completed work on July 8. The appropriation for preliminary engineering on the Glover-Archbold Parkway had been in the House and Senate bills and was, therefore, not a subject for reconciliation during the conference.

On July 14, the House and Senate approved the District of Columbia Appropriation Act, 1960. The House did so without debate or a recorded vote. The Senate also approved the bill without a recorded vote following brief discussion that included only a confirmation that the Glover-Archbold Parkway funding was included. [District of Columbia Appropriations, 1960—Conference Report, *Congressional Record-Senate*, July 14, 1959, pages 13316-13318; District of Columbia Appropriation Bill, 1960, *Congressional Record-House*, July 14, 1959, pages 13352-13354]

On July 11, 1959, President Eisenhower had sent NCPC’s Mass Transportation Survey to Congress. As discussed elsewhere, the report called for four high-speed subway and surface rail transit lines, 330 miles of freeway throughout the Washington area, and express bus lines using eight of the freeways to link suburbs and downtown.

De Leuw, Cather and Company had provided the recommendations for the adopted report with one exception:

The exception is the addition of the so-called “Wisconsin avenue corridor” freeway from Tenley circle to the inner loop in downtown Washington.

The highly controversial route was added by the study steering committee as a policy decision, although it was not recommended as necessary by DeLeuw, Cather & Co., which . . . said that a Wisconsin avenue freeway should be built between Pooks Hill and Tenley Circle, but that the Glover-Archbold parkway, the intermediate loop freeway and other routes would be capable of handling traffic from that point without a further freeway link to the downtown sector. In fact, the report showed with traffic figures how a

large amount of traffic could be routed from the Wheaton area to Wisconsin avenue because basic traffic in the Wisconsin corridor was not excessive.

Although the District commissioners were split on the Wisconsin Avenue corridor, the corridor remained in the report. Area officials were split on the issue, but:

District Engineer Commissioner A. C. Welling and Washington resident John A. Remon [of NCPC] filed identical comments saying that a “balanced system” was proposed by De Leuw-Cather and that the additional freeway was “not justified.”

District officials would have to work with BPR to restudy the city’s Federal-aid highway system, including Interstate designations, as a result of the study. [Beveridge, George, “Subway and Road Needs for 1980 Outlined in Survey,” *The Evening Star*, July 12, 1959; along with several linked articles]

President Eisenhower signed the District of Columbia Appropriation Act, 1960, on July 23, 1959 (P.L. 86-104). Mrs. Archbold’s attorney quickly filed suit in District Court seeking to prohibit construction of the Glover-Archbold Parkway. The District Highway Department, NCPC, and NPS had violated terms of the donation of the land by “threatening to use [it] for a major speed highway of from four to nine lanes . . . .” Obear asked for a temporary and permanent injunction, contending that the parkway would violate the terms of the two families’ donation of the parkland.

The complaint sought to limit officials to construction of “a meandering narrow park road in keeping with the character of the park.” According to the suit, Secretary of the Interior Krug had written to Mrs. Archbold in January 1948 stating that “conversion of Foundry Branch Parkway to a commercial freeway would be a violation of the purpose for which the land was donated . . . . This Department will therefore oppose . . . a divided highway.”

The suit asserted that construction of the parkway would “cause irreparable injury in the wanton destruction of the memorial which she created in memory of her father . . . .”

Aitken responded to reporters’ inquiries by saying the District could build the parkway on the 100-foot right-of-way it owned along the centerline of the park, as permitted by the 1948 agreement with NPS. However, doing so would require deep cuts in the hilly terrain of the park:

A divided highway is better suited to the topography. We believe a parkway such as we are planning will improve the park.

Although NPS had backed away from the 1948 agreement, Aitken referred to a White House memorandum covering an agreement reached April 16 regarding the Washington National Pike’s entrance into the District. The memorandum stated that NPS agreed to build a divided parkway along the Potomac River, from Cabin John “to an intersection with the Glover-Archbold Parkway.” This plan would allow pike traffic to follow the circumferential to Cabin John, then proceed to the Inner Loop on the new parkway. The *Star* explained:

As part of this plan, the District agreed to widen Wisconsin Avenue to eight lanes from the District line to Tenley Circle and a “four-lane divided parkway down Glover-Archbold Park for passenger-car and bus traffic only, as per a 1948 agreement with the National Park Service.” [“Donor Fights Highway Plan,” *The Evening Star*, July 26, 1959]

The District, in a motion filed on September 1 in response to the suit, mentioned the 100-foot right-of-way the city had acquired for a highway in 1893, long before the Glover and Archbold families donated their land for a park. Further, because Mrs. Archbold donated the land to the government, she “now has no right of interest” in the land. Further, the District claimed, she could not show how the parkway would “invade any property in which she has an interest.” [“District Claims Right-of-Way,” *The Evening Star*, September 2, 1959]

Charles C. Glover, Jr., joined Mrs. Archbold’s suit on September 2.

On December 10, before District Court Judge Burnita S. Matthews, Assistant Corporation Counsel John A. Ernest contended that the suit had been filed prematurely and should be dismissed. He explained that the parkway plan had not been approved by any agency. NCPC came closest to approval by passing on the “basic concept” of a freeway system in the Washington area that included the Glover-Archbold Parkway.

Mrs. Archbold’s representative, attorney Edmund D. Campbell, informed Judge Matthews that Congress had appropriated \$880,000 for the project, and that the Highway Department’s budget for FY 1961 included \$1.6 million for the parkway. Judge Matthews wondered if waiting for final approval would be too late in view of the concerns raised in the suit. [“Glover Park Road Suite Held Premature,” *The Evening Star*, December 10, 1959; “Parks Group Enters Dispute Over Parkway,” *The Evening Star*, December 11, 1959]

Judge Matthews decided on January 27, 1960, that Mrs. Archbold and Mr. Glover were entitled to a trial on their suit. She questioned the validity of the 1948 agreement between the District and NPS. She doubted their authority to convert parkland to highway use. This finding was, as the *Star* put it, a “set back” for the city. The District would have to put its plans on hold pending the outcome of the trial:

Past law cases generally show that the Government which accepts land for park uses can’t divert it to other purposes except through condemnation, said the judge. [“Glover Freeway Foes Win Right to a Trial,” *The Evening Star*, January 28, 1960]

### **Getting U.S. 240 into the District**

As Maryland upgraded the Washington National Pike to a freeway, it had identified two entrances to the District via southeast and southwest legs. As discussed earlier, both legs were in trouble even before construction began on the freeway’s Frederick end. In 1946, Maryland officials had planned to run the freeway near Gaithersburg, west of Rockville and Bethesda “to take traffic off Wisconsin avenue leading into Washington.” However, protests by property owners in the Bradley Boulevard area prompted the Maryland-National Capital Park and

Planning Commission to propose a route farther west “through relatively undeveloped land.” This western route would extend north from MacArthur Boulevard near Cabin John, continue through Cabin John Run Valley and Thomas Valley to Tuckerman Lane before intersecting with the Washington National Pike near Gaithersburg. [“Threat to Drop Freeway Made By Planners,” *The Evening Star*, May 18, 1947]

In February 1952, the Regional Highway Planning Committee acted on a 10-year highway program for Montgomery and Prince George’s Counties. The program included the following:

Washington National pike – River road via Thomas Branch, Cabin Branch and Bogley Branch, bypassing Rockville and Gaithersburg to present terminus at Germantown road southwest of Hendersons Corner. A limited access divided highway.

Washington National pike truck cutoff – Wisconsin avenue at Grosvenor lane, northwest to Washington National pike south of intersection of Montrose road and Seven Locks road. Will be part of Inter-County freeway.

The program included the Inter-County Belt Freeway (Washington National Pike to Baltimore-Washington Parkway), the Baltimore-Washington Parkway, Washington-Annapolis Freeway, and Suitland Parkway. [“Action in Week Due on Maryland Roads Program,” *The Evening Star*, February 11, 1952]

By 1957, officials had still not pinned down the location for the entrance. In late January 1957, Clarkeson Engineering Company provided a preliminary report on alternatives for the U.S. 240 entrance to the District, favoring a Potomac River route. When the firm’s Harold Aitken, the future highway director, explained the plan to NCPC, Bartholomew said he favored a different alternative, namely running the pike through the Bethesda area to the District line, passing near Wisconsin Avenue to meet the Glover-Archbold Parkway at Tenley Circle. His favored route would follow the parkway to Whitehaven Parkway, then turn eastward to meet the Inner Loop near Sheridan Circle at Massachusetts Avenue and R Street. This alternative would have the advantage of not “dumping heavy traffic downtown.” It also would serve more traffic than a route along the Potomac River.

Aitken explained that Bartholomew’s preferred alternative would result in removal of “hundreds of homes.” The District planned to build the Glover-Archbold Parkway, which would be needed along with the Potomac River Freeway to handle future traffic.

Clarkeson’s preliminary report called for shifting the west leg of the Inner Loop from its approved location between 23<sup>rd</sup> and 24<sup>th</sup> Streets, NW., at Washington Circle in Foggy Bottom slightly west to accommodate the Potomac River Freeway. Connecting the two at the approved location would be “costly and difficult to build, possibly requiring three- and four-level interchanges.” Moving the Inner Loop west of Washington Circle would “be a little less costly to build and have a better design” than at the approved location. [Beveridge, George, “Shift Called Possible In ‘Inner Loop’ Plan,” *The Evening Star*, February 1, 1957]

The day after the Clarkeson presentation to NCPC, General Lane criticized NPS for not extending the Rock Creek and Potomac Parkway northward into Rock Creek Park, a plan that NCPC had approved in 1948. Wirth responded that he had not begun the extension, even diverted funds from it, because he was afraid that extending it would encourage the District to try connecting Maryland's Washington National Pike through the park. He added that with the District now planning the Potomac River entrance, he would move forward on the extension. [Beveridge, George, "Park Officials Push Upshur Street Span," *The Evening Star*, February 2, 1957]

In April 1957, the Palisades Citizens Association opposed the leg through its community in the corner of the District along the Potomac River. The association expressed its views after over 250 residents attended a meeting where District officials and consultants explained the plan. Samuel R. Harrison, deputy director of the District Highway Department, emphasized that the District had not officially adopted the plan to route the highway along the river to join the pike near Cabin John. It was, he conceded, favored over other options for the connection between the Inner loop and U.S. 240 along Wisconsin Avenue, via the Glover-Archbold Parkway, or around the Naval Observatory.

A member of the Palisades association's road committee pointed out that Bartholomew, the new NCPC chairman, had said recently in AAA's *American Motorist* magazine that he was opposed to a road along the river because the area was not densely populated; he favored the Wisconsin Avenue corridor. Clarkeson's Aitken replied that in 1955, Bartholomew had testified before a Senate committee that the Wisconsin Avenue corridor would require far more displacement of homes and stores than the river plan.

Residents wondered why the planned George Washington Memorial Parkway would not be sufficient. Harrison replied that the parkway would not be able to handle the expected explosion of traffic in the area. It also could not carry trucks and would not be eligible for 90-percent Federal-aid because it was not part of the Interstate System.

When Aitken explained that the Arizona Avenue Expressway would extend to a bridge across the Potomac River to relieve pressure on Chain Bridge, association member William Smith said, "I am not prepared as a taxpayer to throw Chain Bridge into the river." Smith added:

The question that has not been proved tonight is why we need this road. At a public hearing you will have to have a better reason for this road than that it will gain 90 per cent Federal aid.

The comment drew strong applause. ["Palisades Group Protests River Route Expressway," *The Evening Star*, April 3, 1957]

### **Alternatives for the DC Entrance**

By June, the National Capital Regional Planning Council was eager for a decision on where the Washington National Pike would enter the District. Gingery, a member of the council, said on

June 17 that the council was planning a top-level meeting with Maryland, District, and BPR officials to decide on the entrance in the next few weeks.

NCPC, which strongly questioned the District's preference for a river route, had established a committee to consider alternatives. The committee, by a 3-to-2 vote, favored a route that went through Glover-Archbold Parkway north to Tenley Circle. The route would follow River Road to the southwest leg of Washington National Pike or east of Wisconsin Avenue to some point in Bethesda to meet the southeast leg. On the south end, the route might leave the parkway to link with the Inner Loop near Sheridan Circle, NW., on Massachusetts Avenue, or continue through the park to an east-west link with Canal Road.

City officials were surprised by reports of the new routing. However, before the full NCPC could consider the proposal, District officials rejected it. City planning engineer Brinkley said it would be more costly, do more damage to the park, and would uproot more residents than the District's preferred river route. Brinkley pointed out that as an Interstate highway, the route would have to carry trucks, doing further damage to Glover-Archbold Park that the city was trying to avoid.

Engineer Commissioner Lane considered the proposal ill-advised. He and a BPR official on the committee had voted against the proposal. The proposal, just a concept, had not been subject to a detailed study. "I don't see how the planning commission can settle anything until we get the report of the consultant."

Moreover, Maryland officials did not want a U.S. 240 connection in heavily built-up Bethesda, and District officials felt the same way about any expressway north of Tenley Circle. Brinkley said that such an expressway would require the taking of many homes and arouse heated public opposition. [Beveridge, George, "Planning Unit to Urge Glover Parkway to 240," *The Evening Star*, June 18, 1957; Deane, James G., "District Balks at Hasty Park Route Commitment," *The Evening Star*, June 20, 1957]

Despite the objections, NCPC voted, 5-to-4, to support the new routing, with Bartholomew casting the tie-breaker. Members voting against the routing were Colonel Thomas B. Hunter, the District's Assistant Engineer Commissioner; John A. Remon, NCPC's Washington citizen member; Colonel G. W. Carlson of the U.S. Army Corps of Engineers; and BPR's H. J. Spelman.

Staff had refined the proposal to present three feasible routings to NCPC for the northern end. Each began at Van Ness Street just north of Glover-Archbold Park, as described in the *Star*:

All three routes terminated just west of Wisconsin avenue at the Maryland line, just across Western avenue from the new Woodward & Lothrop [department store] branch store.

One of the three routes kept to the west side of Wisconsin avenue. The other two tunneled under Tenley Circle to travel east of Wisconsin before crossing back over the

line. The commission said estimated property-acquisition costs of the three ranged from \$1.5 million to \$4.3 million.

As for the southern end, the NCPC majority left open “whether the road should follow Glover-Archbold all the way south to Canal road, or swing eastward on Whitehaven parkway to meet the proposed District inner loop expressway near Sheridan Circle.”

Mrs. Archbold’s attorney urged NCPC to reject the plan, suggesting that legal action might result from this violation of trust.

Wirth was one of those voting for the plan. The decision, he said, put him in “a most difficult” position, because neither alternative – whether through Glover-Archbold Park or along the river – was inviting from a park standpoint.

As for Maryland officials, the *Star*’s George Beveridge said their “precise intentions as to the new road were left thoroughly confused by the discussion.” Maryland had given up on the idea of a river entrance to the city along the Potomac River. The Washington National Pike’s southwest leg was now basically a link in the Inter-County Belt Freeway, providing a bypass for Virginia traffic:

Col. Hunter . . . insisted that the State has assured the District it still could meet the city part of the road near the river at the Maryland line. This, he said, could be done by putting the expressway in the Little Falls Branch parkway, which runs from Bethesda to the Potomac.

However, William C. Burrage, planning director of the Maryland-National Capital Park and Planning Commission, said the Maryland road officials were giving “heaviest consideration” to routes near Wisconsin Avenue and River road.

He noted that Little Falls parkland was acquired under Federal law which might not permit a truck road.

(Little Falls Parkway runs between Massachusetts Avenue and Bradley Boulevard to the Bethesda area.)

NCPC also had before it a minority report. Colonel Hunter urged its adoption because action on the Glover-Archbold Parkway was “premature,” pending receipt of the Clarkeson report on the river route. Bartholomew replied that now was the proper time for NCPC to submit what he called a “planning recommendation.” He said the District was constantly “shoving the commission into a corner” as if NCPC were a “rubber-stamp” for the city’s plans. NCPC’s action was “purely a planning action that always can be reconsidered in light of any later information.” It was, he added, NCPC’s duty to “guide the administrative agencies” at the earliest stage possible of such projects. [Beveridge, George, “Planners Back Park Expressway Route,” *The Evening Star*, June 21, 1957]

Around this time, controversy had developed about the route of the George Washington Memorial Parkway near the C&O Canal from the District line to Great Falls in Maryland.

Senator Murray, chairman of the Committee on Interior and Insular Affairs, had received so many protest letters that he asked NCPC to hold a public hearing to secure reaction to the proposed route and possible alternatives, as described by the *Star*:

1. Along the street car tracks east of the approved route in Brookmont [Maryland].
2. On the high bluff along the river edge of Brookmont.
3. Build the parkway on top of Conduit road (MacArthur boulevard).
4. On the hill above MacArthur boulevard.

NCPC held the public hearing on June 21. Nolen, the commission director, told the 50 or so people in attendance that all the land needed for the parkway in its planned location had been acquired with funds from Maryland and the Federal Government on a 50/50 basis. Maryland, he said, had indicated it could not advance additional funds without new sources of revenue.

According to the *Star*:

The protests fell in two groups. One deplored damage to the natural canal area and the other protested impact on private homes in the Brookmont (Md.) area just across the District line.

There also was scant support, however, for the alternate routes and their further destruction of private property. The most common plea was that the parkway . . . be built along the line of MacArthur boulevard.

Neill Phillips, speaking for 14 groups, asked that the parkway be built at least 300 feet from the canal. Edward J. Seymour, representing the Civil League of Brookmont, suggested that the parkway bypass Brookmont and continue via Little Falls Parkway to MacArthur Boulevard. Anthony W. Smith of the C&O Canal Association recommended that the parkway contain only two lanes, not four as planned, and preferred it be built on the hillside next to MacArthur Boulevard. He also criticized NCPC for waiting so long to hold the public hearing and limiting witnesses to 10 minutes each. [“Two Groups Attack Plans for Parkway,” *The Evening Star*, June 21, 1957; “Commission Reaffirms Parkway Route Approval,” *The Evening Star*, August 2, 1957]

As the public hearing indicated, the narrow corridor where District highway officials wanted to run the link to the Washington National Pike was growing increasingly controversial.

With options for U.S. 240 seemingly closing, David Scull suggested a new alternative. Scull, who worked in real estate and was a member of the Maryland-National Capital Park and Planning Commission, suggested building an elevated 7-mile highway over the Georgetown spur of the Baltimore and Ohio Railroad. The *Star* explained the plan:

The trestled roadway would be about seven miles long starting from Linden or Montgomery Hills where the Georgetown spur pulls off the main line near the head of Sixteenth street extended, and running in a southerly direction around the District, entering near the Army Map Service . . . .

The highway would serve as a collector route for Wisconsin avenue, Bradley boulevard and River road in the west, and provide direct access downtown for Route 29, the proposed northern parkway, Georgia avenue and Connecticut avenue, Mr. Scull pointed out.

“It would,” he acknowledged, “be expensive,” perhaps as much as \$10 million a mile, but if it were approved as part of the U.S. 240 Interstate route, BPR would pay 90 percent of the cost. It had the advantages that it would not cut through any parks, could carry trucks, and would not require taking homes for the right-of-way. The idea was “at least worth exploring.” [“7-Mile Elevated Road Urged as Rte. 240 Link,” *The Evening Star*, July 7, 1957]

Meanwhile, the possible link through Rock Creek Park suffered another blow on July 16 when Chairman Murray introduced Senate Joint Resolution 123, cosponsored by Senators Hubert H. Humphrey (D-Mn.), Thomas H. Kuchel (R-Ca.), George W. Malone (R-Nv.), and Richard L. Neuberger (D-Or.), for the preservation of the park. It was identical to Senate Joint Resolution 36, which Senator Murray had introduced in February 1955. He told his Senate colleagues:

Recently the long-deferred and ill-advised plan to bring Maryland’s Route 240 into the District of Columbia through Rock Creek Park has been revived. Therefore, let the introduction of this joint resolution serve as a “No Trespassing” reminder to those who would invade the park.

He also introduced for the record an editorial, “Highway Keep Out,” from the July 12 issue of *The Washington Post and Times Herald* in which the editors admitted they had been wrong:

At one time this newspaper believed, reluctantly, that the highway might be brought down the rim of Rock Creek Park with minimum damage. We are now convinced that we were wrong to envisage this concession, and the subject is one on which we feel quite adamant . . . .

Regional planning becomes a travesty when a traffic problem that has been building up for well over a decade is allowed to get to the point at which an invasion of park land is proposed as the only alternative to the razing of substantial numbers of homes. Unquestionably a connection with U.S. 240 must be provided, and there now remains a choice of disadvantages. In the circumstances a route through Glover-Archbold Park may be the least disadvantageous course, inasmuch as the park is narrow and undeveloped and its use does not compare with that of Rock Creek Park or the Chesapeake & Ohio Canal.

The point for the future, however, is that highway planners must be given to understand that the area’s parks are inviolable. Foresighted planning can avoid such dilemmas. The response to proposals to bring U.S. 240 either through Rock Creek Park or along the C & O Canal ought to be a flat and resounding “No.” [Preservation of Rock Creek Park, *Congressional Record-Senate*, July 16, 1957, pages 11796-11797]

The *Star* disagreed. Chairman Murray's determination to preserve the park was "commendable," and the public would agree that "any unnecessary encroachment on parkland by highway builders" is unacceptable:

But unless satisfactory alternatives can be found—and the search so far has been in vain – it might become absolutely necessary to use a strip through the park for a city approach to Maryland Route 240.

The right approach was to explore all options, not take one out of consideration. "And serious objections have been raised to all alternative routes heretofore suggested." In choosing among the alternatives, "it is conceivable that an unemotional, objective study of the various routes would find Rock Creek the least objectionable . . ." ["Wrong Procedure," *The Evening Star*, July 18, 1957]

In reply to Chairman Murray's resolution, NCPC's Nolen told the *Star* that the commission favored the routing through Glover-Archbold Park for the link to U.S. 240. The parkway would provide a link to Wisconsin Avenue above Van Ness Street and MacArthur Boulevard west of Georgetown University. "There is no parallel between the Glover and Rock Creek Park proposals. A right-of-way is available for the Glover road and a right-of-way through Rock Creek Park would upset both property owners and nature lovers."

By contrast, the Montgomery County Council, in a closed meeting 2 weeks earlier, had voted in favor of routing U.S. 240 through Rock Creek Park. Council members concluded that the park route would be less disruptive to Maryland communities than a routing through Glover-Archbold Park. ["Congress Ban Asked on Park 240 Link," *The Evening Star*, July 16, 1957]

As mentioned earlier, area officials met on July 19 to discuss several area issues, including the U.S. 240 link to the District. The meeting ended without a decision on the entrance, but with an agreement to form a regional coordinating committee to consider joint highway issues.

Clarkeson Engineering reported to the District commissioners on July 27 regarding its study of the U.S. 240 entrance to the city. The city had told the firm to rule out the controversial Rock Creek Park route. The best alternative, the firm concluded, would bring the all-traffic route into the District along the Potomac River, with one-half mile on structure over the water parallel to the Whitehurst Freeway. The *Star* summarized the 4.6-mile route:

It would extend on the high ground of the Potomac Palisades area from the District line to Dalecarlia filtration plant to the west leg of the proposed innerloop [sic] just west of Washington circle.

It would tie into "feasible" extension [sic] of the highway close to the Potomac in Maryland. State Road [sic] Commission officials have indicated their preference for a riverside location.

By means of a high-level Potomac River bridge in line of Arizona avenue just south of Chain Bridge, the route would provide connections with Virginia portions of the circumferential highway planned to circle Washington . . . .

It would be elevated not only over the Potomac (inbound lane) from Georgetown University to Thirty-fourth street, but over Foxhall road and Glover-Archbold Park. The existing Whitehurst freeway would be modified, especially around Key Bridge, and extended to a point near the university to handle outbound traffic. The “over-the-waves” part of the project would be as much as 125 feet offshore.

The number of lanes would range from four to eight as the freeway approached the Inner Loop. More than 300 homes and businesses would have to be acquired for the freeway, with about half for the downtown connection to the Inner Loop.

Clarkeson determined that this option was the cheapest at an estimated \$44.8 million, would do less damage to existing parks and recreation areas, and would improve access to them:

Noting that location of Route 240 anywhere in Northwest Washington would have a substantial impact on existing land uses in the area, the report asserted the recommended site is “the one location that holds this ‘conflict’ to a minimum and still provides a meritorious improvement from a traffic service standpoint.”

As for the Wisconsin Avenue corridor:

The consultant gave this only passing notice with a conclusion it is “not considered practical.” The required 200-foot right-of-way along this heavily-developed thoroughfare would “literally wreck” business establishments, apartment houses and homes, on at least one side of the avenue whose present width now ranges from only 35 to 60 feet. The firm did not even work up a cost estimate on this one.

The river alternative also had aesthetic advantages. It would be “close enough to the canal to provide an inspiring view, yet far enough away to preserve its natural characteristics.” From the north and west, “the approach will offer an excellent panorama with the Washington Monument as centerpiece.” [Stepp, John W., “Potomac Route Proposed for New Freeway,” *The Evening Star*, July 27, 1957]

Reaction from the Palisades Citizens Association was immediate. Colonel Robert B. Curtiss, who had drafted the Association’s April resolution, said:

It still doesn’t make much sense to taxpayers. Why put the road here? The city is already saturated with traffic and other sections are crying for relief, but they insist on building the road here where it’s not wanted.

He pointed out that counting Canal Road, MacArthur Boulevard, the George Washington Memorial Parkway on the Maryland side, and the proposed new connection for the Washington National Pike, highway officials were planning to channel 20 lanes of traffic into the narrow corridor along the river. He called the plan “ridiculous.” The association’s William G. Smith said, “We’ve known this was what they were going to do, but it is still preposterous.” [“Potomac Route for 240 Raises Citizen Protest,” *The Evening Star*, July 28, 1957]

On August 1, NCPC considered the Clarkeson report as well as the Glover-Archbold Parkway issues. Aitken was on hand for Clarkeson to defend the Potomac River alternative. However, the planners decided to await further studies on their proposal to use the Glover-Archbold Park route as part of the plan to connect U.S. 240 with downtown. Experience, Bartholomew told his colleagues, made it “perfectly obvious that, wherever we go, we will encounter problems and protests.” That, he said, was only one of the many factors that would have to be considered.

At the same meeting, NCPC reaffirmed its support for the 5-mile segment of the George Washington Memorial Parkway bordering canal property. It would stretch from Canal Road at Chain Bridge in the District to the planned Cabin John Bridge carrying the outer circumferential across the Potomac River between Maryland and Virginia.

As explained in a NCPC report, the planners rejected four alternatives that Chairman Murray had suggested they study:

1. Routing the parkway along the streetcar tracks would cut Brookmont in half, take 34 homes, and increase costs by \$1.1 million.
2. Building on the high bluff involved acquiring 38 homes and an additional \$900,000 in estimated costs.
3. Building on MacArthur Boulevard, the NCPC report said, was “entirely impractical and inadvisable. It would cost several millions of dollars (\$5.5 million) to properly strengthen the conduit [under the boulevard], for which money is not available, and it would be impossible to control access to any degree along the parkway road.”
4. Building on the hill above MacArthur Boulevard was “impractical” because it would take 40 homes, involve construction of 17 grade separation structures, and raise costs by at least \$10 million.

Regarding the public hearing, the report stated:

The hearing established that the people living in the area have understood for many years where the parkway was projected through Brookmont and Glen Echo, and that almost without exception they favored the location and desired to have it built. On the other hand, those opposed to the established general location were from organizations of people living in other areas.

As for impacts on the canal, the NCPC report stated that only at Brookmont and Glen Echo would the parkway be within 300 feet of the canal, and it could be effectively screened from the canal. [“Planners Sit Tight On Glover Park Route,” *The Evening Star*, August 2, 1957; “Commissioner Reaffirms Parkway Route Approval,” *The Evening Star*, August 2, 1957]

(As discussed elsewhere, BPR approved Interstate numbers in September 1957 as recommended by AASHO. The Washington National Pike/U.S. 240 freeway became Interstate 70-S. However, accounts of the routing debate continued to refer to the route by its original number as will this account until the public and newspapers began using the Interstate designation.)

On October 25, 1957, Governor McKeldin opened the first 1.5-mile section of the Washington circumferential freeway linking Wisconsin and Connecticut Avenues. The ceremony took place east of where Wisconsin Avenue intersects the freeway at Pooks Hill. His wife cut the ribbon. This first segment, Governor McKeldin said, was a “conspicuous symbol” of Maryland’s continuing effort to relieve the “ever-tightening tangle of traffic around our big cities.”

Because the segment went through Rock Creek Park and could not carry trucks, BPR had not accepted it as part of the Interstate System. However, a few days earlier, BPR had approved the adjacent 2.70-mile section carrying the route from Wisconsin Avenue, where an interchange with the circumferential was planned, west to U.S. 240.

After the ceremony, Governor McKeldin and others formed a motorcade to tour other area projects. The Governor joined Commissioner of Public Roads Charles D. Curtiss of BPR and District Highway Director Robertson to open the Kenilworth interchange connecting the Baltimore-Washington Parkway, the Annapolis freeway, and Kenilworth Avenue. The *Star* explained:

The Kenilworth interchange covers a total distance of 3.5 miles in dualized roads and overpasses. It is Maryland’s biggest highway complex of its kind. [“First Section Dedicated Of Circumference Road,” *The Evening Star*, October 25, 1957]

A few days later, Colonel Welling revealed that he wanted to begin building the U.S. 240 entrance to the city as early as 1958. “I’m anxious to start on it as soon as possible.” He planned to hold a public hearing to consider views on the two controversial alternatives for bringing the freeway into the city, whether along the Potomac River or in a corridor in the vicinity of Wisconsin Avenue through Glover-Archbold Park. He estimated that the river route would cost \$46 million, while construction in the Wisconsin Avenue corridor would cost about \$59 million. In either case, BPR would pay 90 percent since the route would be part of the Interstate System. [Deane, James G., “Welling Acts to Expedite D.C. Link to Route 240,” *The Evening Star*, October 27, 1957]

## **Back to the Public**

On November 25, General Welling announced a public hearing would be held on January 6, 1958, to consider four proposed District connections between the Washington National Pike in Maryland and the District’s Inner Loop. The four were limited access highways that would be open to all vehicles, not restricted to passenger vehicles as would a parkway. Whichever route was selected would be proposed for inclusion in the Interstate System.

Two of the routes were through the Palisades area, as the *Star* explained:

The District’s preferred route begins at the District-Maryland line between the Chesapeake & Ohio Canal and the tracks of the Baltimore & Ohio Railroad. It splits into two roadways, one on the bluff between the tracks and Potomac avenue and the other at the bottom of the bluff along the canal.

The lower roadway meets Canal road at Chain Bridge. The upper roadway remains on the bluff to Glover-Archbold Park.

Then, the westbound roadway would join the Whitehurst freeway; and the eastbound roadway would run adjacent to the freeway.

Director Robertson preferred that route. The Clarkeson proposal was the other choice through Palisades.

NCPC was still working on the third alternative:

This road would run from the District-Maryland line near Wisconsin avenue roughly paralleling the avenue to Tenley Circle; thence along the Glover-Archbold Park to the vicinity of Canal road; thence along the same right-of-way preferred by Mr. Robertson.

The fourth alternative was:

The fourth route to go before the hearing has the same beginning point as the third and then follows Glover-Archbold Park to Whitehaven parkway; thence easterly through Dumbarton Oaks Park across Rock Creek Park and under Sheridan circle.

The expressway was not in Robertson's plans for the next 6 years, but General Welling was eager to develop a construction schedule because the city needed more radial highways to absorb increasing traffic demands between Maryland and downtown Washington. [Bassett, Grace, "Hearings Slated On 240 Links," *The Evening Star*, November 25, 1957]

In early December, NCPC added another aspect to its preferred Wisconsin Avenue corridor routing for U.S. 240. Until this point, the preferred routing split just north of Massachusetts Avenue, with passenger vehicles able to continue on the Glover-Archbold Parkway. All traffic, including trucks, could use the alternative route to the Inner Loop.

The new idea was to build a tunnel from the northwest corner of Massachusetts Avenue and Macomb Street deep under the north side of Massachusetts Avenue for a mile to Normanstone Park near 34<sup>th</sup> and Fulton Streets, NW. Traffic would continue at grade through the Normanstone Valley, cross Rock Creek Park on a viaduct, then enter another tunnel, this one a half-mile long, ending near Decatur Place and 22<sup>nd</sup> Street. The expressway would continue to the Inner Loop at Sheridan Circle. This use of tunnels would reduce impacts to the Washington Cathedral and other facilities on the surface.

The tunnel would consist of two bores, each carrying two lanes, bored as far as 140 below the surface. The tunnels would cost about \$30 million, but the commission believed the entire Wisconsin Avenue routing would cost less than the District's preferred routing along the Potomac River.

NCPC presented the idea as a staff study and did not endorse or reject it, but the commissioners thought it should be presented at the public hearing. Commissioner Welling said he was

“completely open” on the U.S. 240 proposals, but was “disturbed” about the late arrival of this new proposal without detailed cost or engineering studies or even NCPC endorsement.

Bartholomew said that District officials regularly complained about NCPC proposals that lacked detailed studies. “We don’t have the funds to make these studies. And I think that until we can have plans made with the exhaustive study of engineering consultants we will always be in this difficult position.” He repeated his complaint that District officials seemed to think NCPC should simply rubber-stamp whatever they proposed. [Beveridge, George, “Route 240 Tunnel In District Proposed,” *The Evening Star*, December 6, 1957]

A staff report to the Maryland-National Capital Park and Planning Commission a week later also favored the Wisconsin Avenue corridor. The *Star* described the staff’s recommendation:

The recommended route would leave the Pook’s Hill interchange and continue to Cedar Lane where it would split, the northbound lane running on the east side of Wisconsin avenue and the southbound lane running on the west side of Wisconsin.

The southbound lane would cross Wisconsin at Jones Bridge road and run beside the northbound lane through Bethesda along Tilbury and Waverly streets.

The route would cross Wisconsin again at Grafton street and intersect with Western avenue behind the Woodward & Lothrop store.

The staff report rejected the route through Rock Creek Park because it would require eight or ten lanes to handle all the traffic diverted from Bethesda and Silver spring. “We believe, if well handled, this freeway can be the making of the Bethesda business district.”

After the commission meeting on the plan, representatives of the commissioners, the Maryland State Roads Commission, and the Montgomery County Council indicated they would hold a public hearing on the plan after the District’s January 6 hearing. [“Corridor Route Urged For 240 by Planners,” *The Evening Star*, December 10, 1957]

George Beveridge described the scene for the January 6 public hearing:

One of the largest public hearings [sic] crowds in the city’s history jammed the District Building board room today to hear arguments before the Commissioners on the Route 240 controversy . . . .

More than three hundred individual and organization civic leaders—some waving banners—occupied every foot of space in the board room and about 50 sat on benches outside to hear testimony through an amplifying system.

At one point, residents of the Palisades area along the Potomac—irate at expressway proposals through their area—raised banners above their heads from every part of the audience which bore the word “Palisades.”

The display led Commissioner Robert E. McLaughlin to warn that “this is not a political convention. The purpose of this hearing is to advise the Commissioners, not to arouse sentiment.”

The agenda included 58 witnesses, but by the lunch break at 12:15, only the first three had testified.

The hearing opened on a note of bitter controversy, with city highway officials urging a route along the Potomac river to the Maryland line, and Federal park and planning leaders calling for an expressway that would closely parallel Wisconsin Avenue from the Maryland line into the city.

NCPC Director Nolen and traffic planner Robert Keith presented the Wisconsin Avenue corridor proposal that they said would carry twice the number of vehicles near the District line than the river route the city favored. The corridor would relieve congestion on Wisconsin Avenue and other nearby streets in the District and Maryland. It would stimulate business and boost the real estate tax base. By contrast, the Potomac River route would cut through a “low-density, single-dwelling residential area” that should be maintained.

Keith argued that the city preferred the Potomac River route only because of the difficulty of building the needed eight-lane truck-passenger route through Glover-Archbold Park. The recent tunnel option NCPC staff had offered would offset the problem, since it would provide an alternative route for trucks. The suggested two-lane tunnels would not greatly increase the total cost to the District, especially since BPR would pay 90 percent of the cost. He and Nolen emphasized that the tunnel route would not impair the Washington Cathedral, embassies, and other buildings along Massachusetts Avenue.

In the absence of detailed information, they urged the District Highway Department to make obtaining that information a top priority.

The District’s Robertson and planning aide Brinkley defended plans for a six- and eight-lane expressway along the Potomac River and K Street parallel to Whitehurst Freeway, joining the Inner Loop near Washington Circle. “Mr. Robertson attacked the planners’ argument and launched a special criticism against the tunnel route.” Although sufficient studies had not been conducted to determine the feasibility of the route, Robertson said the District had studied the plan enough to know that the tunnels would have to provide at least seven lanes, not just the four being suggested. Total cost would be about \$110 million or more than double the cost of the Potomac River route. The city’s favored route, known as A-2, along Potomac Avenue and Canal Road near the C&O canal, would cost \$13 million less than any Wisconsin Avenue corridor option.

Robertson said that A-2 was better than Route A on the high bluffs overlooking the river and cutting through residential areas in the Potomac Palisades area. Only a third as many residents would be displaced by A-2, which would cause a “minimum net loss of park facilities,” comparable to the loss from NPS plans for the George Washington Memorial Parkway:

Route A-2 would provide a beautifully-dignified entrance to the nation's capital, no other entrance would have a comparable esthetic appeal.

Further, it would provide "the best balance in traffic service" for Maryland and Virginia residents who could cross the river on the proposed new Arizona Avenue bridge.

Harland Bartholomew did not attend, but his statement was read into the record. The Wisconsin Avenue corridor, he contended, was "superior in all respects" to the river route. The first consideration must be the number of motorists served and relief of congestion. On that basis, there was "little question" that the Wisconsin Avenue corridor was the best route because it would draw traffic from a corridor with high residential development.

He would prefer not to see any highway through Glover-Archbold Park, but did not think that concern should rule out the Wisconsin Avenue corridor. "Whatever is best for the community can and must be voted out."

As the day went on, testimony favored the route along the Potomac River or, if not directly in favor of that route, strongly in opposition to the Wisconsin Avenue corridor.

On the second day of the hearing, civic leaders "clashed sharply" on the same issues. Only about 100 people were on hand as the "parade of dozens of witnesses on the 240 controversy moved steadily along at the District Building."

In contrast with the day before, testimony tended to favor the Wisconsin Avenue corridor as the best way to meet the greatest traffic demand. Palisades residents especially attacked the Clarkeson study, which they considered a "misleading and incompetent effort" to justify the decision the District had already made. (District officials later assured reporters that Clarkeson had "a completely free hand" to compare alternatives.)

Overall, the debate featured "bitter attacks and strong defenses":

At one point, the testimony led Commissioner McLaughlin to comment that in two days of testimony he had "not heard anyone say to put this road in his area. Some want to go underground like an ostrich, and others say, just put it somewhere else." [Beveridge, George, "350 Jam D.C. Building For Route 240 Hearing," *The Evening Star*, January 6, 1958; Beveridge, George, "Leaders Clash On 240 Route To Downtown," *The Evening Star*, January 7, 1958]

The Palisades Citizens Association appreciated the opportunity to testify before the District Commissioners. Eight association members had testified. "Our report was good, but we need public opinion to back it up," William G. Smith told reporters. The association would need "a lot of money" to convince the District commissioners to route the road elsewhere. "They'll have to pass it over our dead bodies before we are through fighting." The association was planning an aggressive campaign of letters to newspapers and Members of Congress to stop the river route. ["Palisades Group Lauds Conduct of 240 Hearing," *The Evening Star*, January 8, 1958]

## **The District's Decision**

On January 14, the District commissioners voted to support the Potomac River location for U.S. 240, leaving the District Highway Department to analyze the two options:

The Commissioners expressed strenuous opposition to a location that would follow Wisconsin avenue from Maryland and either pour large volumes of traffic through Glover-Archbold Park or divert it from Wisconsin avenue in a proposed “tunnel route” beneath Massachusetts avenue to downtown Washington.

They said a location along the river within the District “will adequately serve the traffic in the corridor through which it extends and hold to a minimum the conflict with existing land use, land use plans and community development. The engineering, economic and aesthetic values of the selected location are acceptable.”

In a statement, the Commissioners said they “recognize that the construction of an interstate highway anywhere in the District would cause some degree of disturbance and inconvenience to citizens, business interests, and various community programs. The Commissioners are determined the highway will be designed to full respect [sic] to the amenities so important in the Nation’s Capital.”

They added:

“There is unanimous agreement among the Commissioners that legal and moral obligations and sound Government policies dictate against the building of an interstate route in Glover-Archbold Park.”

The Commissioners said their quick decision on the District part of the 240 controversy was prompted partly by the appeal of Maryland officials who have “the real need to set aside as yet undeveloped land for the highway right-of-way.”

The “tunnel route” that NCPC had suggested “has no appeal to the Commissioners”:

“The facility required to serve the traffic assignable to the tunnel is estimated to cost at least \$110 million and is rejectable on the basis of cost alone. Without such capacity there would be a demand for service in Glover-Archbold Park of such magnitude as to be objectionable.

“In addition to the construction cost factor, the tunnel scheme is unsatisfactory because it would put heavy volumes of traffic on the inner loop near the center of the city where volumes assigned by other plans already approach practical capacities.

The commissioners did not offer a view on how the Maryland State Roads Commission should connect U.S. 240 traffic with the river route entrance to the District.

Maryland’s Bonnell said he told District officials that he would give “every consideration to the route they felt was most desirable.” He added, “And we certainly will do that.” He did not say what his preference was, saying he would withhold a decision until after the public hearing the State had scheduled on U.S. 240 for January 29.

Maryland had identified two alternatives:

One plan is to extend the so-called “west leg” of 240 due south from Montrose road to River road, follow River road to the Baltimore and Ohio Railroad tracks and follow the tracks to the District line near the Potomac river.

The other is to extend the 240 west leg due south beyond River road all the way to the Potomac River near Cabin John, then to follow the Potomac shore to the District line in the right-of-way planned for construction of the four-lane George Washington Memorial Parkway by the National Park Service.

The problem with this plan was the NPS restriction on trucks. Given the NPS resistance to any change, Congress might have to be approached to secure approval for trucks on this short stretch of the parkway.

Colonel Welling said he did not know when the District would decide on which river route was best for the link to U.S. 240. The project was not in the District’s 6-year plan, but the link might be substituted for one of the projects in the plan if a decision were made. [Beveridge, George, “Route 240 River Location Backed by Commissioners,” *The Evening Star*, January 14, 1958; Beveridge, George, “Maryland 240 Ruling Awaits Jan. 29 Hearing,” *The Evening Star*, January 15, 1958]

### **Public Hearing in Maryland**

The Maryland State Roads Commission, Montgomery County Council, and Maryland-National Capital Park and Planning Commission held a public hearing in the evening of January 29 at Leland Junior High School in Chevy Chase on the U.S. 240 routing controversy. As Beveridge put it “about 1,000 partisan Marylanders” attended to hear the debate on the “Route 240 wars.”

Roads Commissioner Bonnell chaired the three-agency “jury” that conducted the hearing. He explained that U.S. 240 was part of the Federal Interstate System, which was “not designed primarily for large volumes of local traffic.” It was intended primarily for continuous freeway travel across the Nation and for emergency access for national defense. This did not “mean, however, that the roads commission will close its eyes to any chance for relief to local traffic,” while still meeting the national goals. The roads commission, he said, “has not yet selected a route” and would not do so until they review all hearing testimony about the two alternatives – routing the Washington National Pike in the Wisconsin Avenue Corridor or along River Road.

The Seven Locks Citizens Association was the only group that favored the Wisconsin Avenue corridor outright. The Civic League of Brookmont was the only group to favor construction of the expressway on the west side of Rock Creek Park. No one supported the River road location.

Two options had some support. Ten groups, and a joint committee representing 30 organizations, favored the location along the Potomac River between Cabin John and the District line. Advocates said it was the cheapest alternative, would do the least damage to property values, would meet the national defense goals of the Interstate System, and would line up with the District’s approved route.

“This route also drew vociferous opposition from several speakers,” according to Beveridge in the *Star*. They “blasted it as a ‘foolish waste’ of money” because the George Washington Memorial Parkway is being planned to provide the same connection. It also would not serve heavily populated areas to the north and would wreck the Palisades area.

NPS Director Wirth submitted a letter stating that grading work was underway on the parkway. He warned the Maryland and Montgomery County officials that the parkway “should not be considered as potentially available for the construction of any part of Route 240.”

Also receiving support was a call for a feasibility study of a route east of Rock Creek Park following the Baltimore and Ohio Railroad tracks through Silver Spring and Takoma Park to North Capitol Street at the District line:

Advocates of the B&O route contended that it would pass through a heavily populated area to serve all traffic and particularly serve trucks which, for the most part, are destined for the eastern part of Washington . . . .

One critic of this plan was Mayor Samuel Powell, Jr., of Garrett Park, a town incorporated in 1898 and located between Rock Creek Park and Maryland Route 355 (former U.S. 240). He charged that the “reckless, indiscreet, mad-dog proposal” would wreck his town as well as the communities of Kensington and Garrett Park Estates.

County council member Robert T. Snure also opposed the rail alignment. In a written statement, he said that on behalf of his constituents, he had no choice but to oppose the alignment. It would damage Garrett Park, as Mayor Powell had said, but also would, as the *Post* summarized, “virtually destroy Kensington. It would, he added, erase too much taxable property from the county rolls.” Further, “it would dump too much traffic on ‘already overcongested arteries’ in the Silver Spring-Takoma Park section”:

Snure said he favors a two-pronged road plan – one route going through Rock Creek Park, another feeding into the George Washington Memorial Parkway under construction along the Potomac.

State roads officials did not comment on this new idea “but it was understood that they have apprehensions about both cost and traffic volumes involved in such a route.”

Former Senator Nye testified on behalf of the Citizens Action Committee for Fair Road Planning. He said that “in our estimation,” a superhighway into the city was not needed. Therefore, he did not take a position on the alternatives. He added that he would not oppose an improved parkway, not an expressway, through Rock Creek Park.

Many witnesses, whether they supported an alternative route or not, “blasted either the proposed Wisconsin avenue or River road locations.” These witnesses “contended that the expressway, built through either of the heavily developed areas, would sever the communities and wreck property values.”

One of the many speakers is worth noting, not because what he said was remarkable, but because he would play a prominent role in later years. Beveridge summarized the testimony:

Darwin Stolzenbach, president, Montgomery County Citizens' Planning Association – There is no justification for a Potomac River Route because it would not serve traffic needs. A fast 240 decision should be avoided until B&O route possibility can be studied. This would serve traffic and avoid fights over use of parkland.

The “jury” adjourned the hearing at midnight but announced that it would resume at 8 p.m. the following evening.

Beveridge summarized the result:

At adjournment time [at midnight], 30 persons had spoken, about half of a scheduled witness list. The speakers alternatively praised and attacked a variety of route proposals—with the emphasis definitely on the attack . . . .

Last night's overflow crowd heard overwhelming attacks lodged against proposals to bring the Maryland part of the freeway down either Wisconsin avenue or River road.

The *Post* concluded:

As the hearing neared a close, the two officially proposed routes – an alignment paralleling Wisconsin ave. and another using River rd. – were still unable to muster more than lukewarm support. [Beveridge, George, “Rt. 240 Plans Hit; Hearing Goes on Tonight,” *The Evening Star*, January 30, 1958; Stern, Laurence, and Anderson, J. W., “B&O Site For Rte. 240 Is Assailed,” *The Washington Post and Times Herald*, January 31, 1958]

During the first night of hearings, according to Beveridge, the Wisconsin Avenue corridor drew “the bitterest opposition . . . with hardly a nod of support.” As for the alternatives to that corridor - the river route and the new alternative of running U.S. 240 along the Baltimore and Ohio Railroad parallel to North Capitol Street, “the opposition roof fell in on these, too,” on the second day, January 30:

Citizen representatives of the Potomac Palisades region, joined by conservation and nature groups, turned out in force to deplore the proposal that Route 240 be substituted for the George Washington Memorial Parkway along the river in Maryland.

And the so-called B&O route – proposed for the first time only about a week ago – was roundly castigated as a “disastrous” proposal.

Frank L. Hewitt of the Washington Suburban Sanitary Commission said the rail routing would be an “economic catastrophe” that would affect apartment buildings, shopping centers, parks, a country club, commercial buildings, and Maryland State Roads Commission property along the route.

Many organizations testified against any river route, but some thought the State should study the rail routing. Others opposed any freeway entrance to the city, preferring a circumferential freeway that could feed traffic to arterials:

They unanimously urged that no effort be made to tamper with the George Washington Memorial Parkway, and contended this would help solve any future traffic problems in the river area. They also contended that a 240 route along the river would destroy recreational values of the Palisades parks and would cause heavy disruption of residential communities.

Only about 175 people attended the second evening of the hearing. “In all, nearly nine hours of steady talking was required to complete the testimony of more than 60 witnesses at the two sessions.” Chairman Bonnell ordered that the hearing record be kept open for 10 days to allow for submission of additional comments.

Bonnell promised a decision would be reached “as soon as possible,” which he estimated would take 30-45 days. Wells of the planning commission said officials would take “at least a preliminary look” at the railroad route, which was so new that no detailed study had been made. [Beveridge, George, “State Officials Push Rt. 240 Decision,” *The Evening Star*, January 31, 1958]

### **Decision Time**

Over the next weeks, officials and citizens expressed their views on how to get Montgomery County traffic into and out of the city.

E. Brooke Lee was one of those who endorsed the Baltimore and Ohio Railroad option. He released a statement on February 1 arguing that the route would not disrupt the Kensington-Garrett Park area. The *Star* reported:

His idea is that instead of following the B&O tracks at Randolph road, the 240 expressway would use the Washington Circumferential expressway between Wisconsin avenue at Pooks Hill and Forest Glen. Only at this point – south and east of Kensington – would it hit the railroad tracks, and then follow them through Silver Spring to the District line.

Mr. Lee said this was the “lowest cost per mile and shortest” route feasible unless Congress permits the 240 expressway to be built through Rock Creek Park. He said it would protect River road and Potomac Palisades communities and would not require the National Park Service to “scrap” part of the George Washington Memorial Parkway along the river. [“Modified B&O Route For 240 Is Proposed,” *The Sunday Star*, February 2, 1958]

District planner Brinkley predicted that without two “high capacity” expressways between the county and northwest Washington, the area would be “traffic-clogged beyond any comprehension” in two decades. At present, 29,700 cars and trucks crossed the District line on Wisconsin Avenue each workday, with trucks comprising nearly 10 percent of the traffic.

Clarkeson Engineering Company projected that by 1980, the total would be 70,000 vehicles daily. Closer to the Potomac River, Clarkeson estimated that MacArthur Avenue and Massachusetts Avenue each averaged 16,645 cars daily; by 1980 a river route for U.S. 240 would carry 34,000 vehicles. The District's planned Potomac River route would take 146,500 vehicles off crowded downtown streets. To make his point about the need for two expressways, he cited the current crossing by Massachusetts Avenue of Rock Creek Park. Trying to pass traffic across the park in 20 years would lead to "strangulation" during peak periods. "It would be like trying to accommodate 1980 traffic with existing bridges. People would just not get through." [Stern, Laurence, "Expressway in NW Vital, Official Warns," *The Washington Post and Times Herald*, February 2, 1958]

On February 2, residents of Glen Echo, Potomac Valley, and Palisades staged a protest at the construction site of the George Washington Memorial Parkway. To illustrate their opposition to the Maryland State Roads Commission's plan to ask NPS to cancel the parkway to make way for an expressway in the corridor, the protesters made their point with shovels on Sunday. A photograph in the *Post* showed a line of protesters using their shovels to push dirt in the direction of an idle bulldozer.

A few days later, the Palisades Citizens Association appointed a Roads Committee to lead the opposition to an all-purpose expressway through Palisades park land. The committee's chairman, William Griffith Smith, criticized the city for not considering any options east of Wisconsin Avenue. The committee would study feasible alternatives to a riverside route. ["Women Dramatize Opposition to Palisades Route for 240," *The Washington Post and Times Herald*, February 3, 1958; "Reconsideration Is Asked Of River Route Approval," *The Washington Post and Times Herald*, February 9, 1958]

Donald Gingery and David Scull of the Maryland planning commission criticized the District commissioners for not considering a route through Rock Creek Park for the 240 expressway.

Scull thought that if Maryland chose the route along the river, Congress should allow construction of a parkway for cars-only traffic along the west side of Rock Creek Park. The river route, he said, "would obviously be of no use to commuters in the fast-growing and already traffic-strangled Silver Spring-Wheaton area." Residents of the area "would be deeply grateful if the request [for the river route] could be coupled with a similar request for permission to utilize a strip along the west side of mile-wide Rock Creek Park as a passenger car, park expressway." He acknowledged that the river route was the "line of least resistance," but added that the Silver Spring-Wheaton area was "unquestionably the area of greatest need and will assuredly remain in that category for many years to come." With most existing roads in the area "impossible of widening," Scull urged Maryland and District officials to conduct "an imaginative search" for a way to relieve "nightmare" conditions east of Rock Creek Park.

The District's refusal to consider the Rock Creek alternative to the river route, Scull and Gingery said, did not preclude the planning commission from recommending the park route. Although Chairman Bonnell had said the roads commission would take up to 6 weeks to consider the alternatives, Scull was convinced that the Maryland State Roads Commission "has already made up its mind" in favor of the river route. ["Wheaton Area Freeway Urged," *The Evening Star*,

February 4, 1958; “Planners Hit D.C. Attitude On Route 240,” *The Washington Post and Times Herald*, February 6, 1958]

The *Post*'s editors found it “shocking to hear the continued drumfire of criticism aimed at every route for the proposed expressway to bring Route 240 through the Maryland suburbs and into downtown Washington.” Witnesses cited “a back yard, a golf course, a piece of commercial property or plans for a real estate development.” The editors lamented, “Are there no citizens or groups of citizens who can subordinate personal and neighborhood interests to the welfare of the community as a whole?” The editors were not minimizing the inconveniences, but whichever route is selected “is going to cause distress to a large number of families.” That was the price for “the lack of adequate city planning in the past.” Regardless, the price must be paid “for the sake of many future generations as well as this one.” Experts said that two expressways were needed to meet 1980 needs:

So the question facing the District and Maryland authorities is not whether this golf course or that church property or some other real estate development is to be saved. Rather, it is a question of whether public officials of today have the courage and foresight to build for the future as well as the present. If they try only to heed the interests that are most vocal on issues of this sort, they will do nothing or follow the course of least resistance. What they ought to realize is that a vast host of citizens who have had little to say on the subject are depending on them to raise their sights above relatively petty and narrowly local considerations to the major interests of the city of Washington – in 2000 and 2100 as well as in the 1960s. [“Raise Your Sights,” *The Washington Post and Times Herald*, February 6, 1958]

Representative Hyde, a Bethesda resident (at 5606 McLean Drive), issued a statement on February 10 urging decisionmakers to wait for completion of the Mass Transportation Survey. “I have no desire to add” to the delays, but a delay would be preferable to a mistake. The survey, which began “in anticipation of the very problem we face today,” was embracing “a new form of analysis” that would help officials decide on the best route:

It will conclude that the projected traffic to the central business district will increase to the point where the existing plans for the Inner Loop will break down in the congestion . . . . This collapse of the main feature of our present highway plan will have to be prevented at all costs. An additional central city circumferential is one possibility. The recommendations for the improvement of mass transportation will, of course, be one way to relieve the situation. [“Hyde Warns of Rt. 240 ‘Mistakes,’” *The Washington Post and Times Herald*, February 11, 1958]

The *Post*'s editors agreed with Representative Hyde that “a little delay” was preferable to mistakes. “Perhaps the officials who are to make the decision can get advance data from the experts who are conducting the mass transportation study and whose report is not due until summer.” Regardless, “they should make certain that Route 240 will not be out of joint with the improved transportation system that the survey is expected to envisage.” [“Route 240 and the Survey,” *The Washington Post and Times Herald*, February 12, 1958]

On the same day that Representative Hyde issued his statement, Chairman Murray complicated the decision by announcing he opposed any transfer of park property along the Potomac River for expressway use. He recalled that the Capper-Cramton Act authorized the parkway in Maryland and Virginia. "These would have given our Capital City an unusual park and recreational area extending from tidewater along a beautiful gorge and including a beautiful waterfall." However, "short-sighted opposition" on both sides of the river had stalled the project. "Washington appears determined to throw away its opportunity to be the most beautiful capital city in the world by paving its scenic and recreational areas and making them roadways." Extolling the natural advantages of his home State of Montana, he said:

For some time I have considered a bill to move the Capital of the United States out West, where the climate would be much better and the grandeur of the Rocky Mountains might revive in the minds of governing groups some of the spiritual and social values of the founders of the Republic. If Washington can no longer handle traffic without paving parks and playgrounds, then I shall offer a bill to move the Capitol to Montana, amid the Rockies. The bill will also provide an area in eastern Montana prairies where roadbuilders can [use] flat prairie land with a minimum of tree removal and bulldozers.

Washington would become a place where historians could study "prehistoric things like the mastodon bones at the Smithsonian Institution and Republican economic policies."

Because Chairman Murray's Interior and Insular Affairs Committee would have to act on any transfer of park property, his views were a serious obstacle. District Commissioner McLaughlin thought the prohibition against using park property for expressways might not kill the District's favored split-level routing - a divided alignment, with the inbound lane on Canal Road level and the outbound lane on the Palisades level. ["Senator Murray Set to Oppose Riverside 240," *The Evening Star*, February 12, 1958; Eisen, Jack, "Senator Murray To Oppose Use Of Park Lands," *The Washington Post and Times Herald*, February 12, 1958]

In early March, with the hearing transcript finally available, the Maryland State Roads Commission began studying the comments received. Their task had a serious challenge, as Chairman Bonnell explained. "We can't build 240 until we know where we're going to meet the District of Columbia." The city favored the river route, but NPS was unwilling to yield its park land for the expressway. Bonnell added, "I imagine the District is attempting to reconcile its differences [with NPS] and when that is done I am sure we can agree." ["County Awaits Decision on 240," *The Washington Post and Times Herald*, March 6, 1958]

Pushed by Gingery and Scull, the Maryland-National Capital Parks and Planning Commission expressed its frustration to the White House in a letter asking President Eisenhower on March 12, asking him to bring people together to make a decision. In essence, the planners wanted the President to "knock heads together." County officials saw no point in deciding where to route Route 240 without knowing where the District will want to build its segment. Progress, as Scull put it, was being help in the city by "archaic laws and ridiculous prejudices," with the result that Maryland officials were left to "spin our wheels."

The *Post*, on March 13, explained the origins of the letter:

The Planning Commission's abrupt move to bring the White House into the controversy was inspired by a letter received yesterday from Maryland State Roads Commission Chairman Robert O. Bonnell. He asked for another meeting of his Commission, the Planning Commission, and the Montgomery County Council to discuss testimony received during two public hearings on Route 240 in Bethesda last January.

Informed of the planning commission's letter, Bonnell said the Maryland State Roads Commission would be "delighted to have definite information from the District." [Willard, Hal, "Head Knocking Is Advocated To End Dispute," *The Washington Post and Times Herald*, March 13, 1958]

On February 21, the Committee of 100 on the Federal City had asked General Grant to prepare a resolution on the Route 240 controversy. He had stated that no park land should be used for the expressway, that other expressways should be built before a decision is made on Route 240, and that in any event, officials should not decide the routing until the Mass Transportation Survey was completed. A month later, he completed the resolution, which favored the Wisconsin Avenue corridor, which would connect with the long-planned Fort Drive intermediate circumferential. The road would be located east of Glover-Archbold Park "to comply meticulously with the terms and full intent of the gift" of the land for park purposes. The resolution also opposed "any use of park land, or land given or purchased for park purposes, as rights of way for freeways or main highways."

The Committee of 100 considered General Grant's resolution on March 28, but not without some opposition. Remon, a member of the committee, said, "The use of each park should be decided on its own merits." Calling the resolution "arbitrary and capricious," he suggested that if a decision were ever made to swap park land for other uses, the committee would be left in an awkward position. Pierre Ghent, a planner and civil engineer, said the committee was "putting itself in a foolish position" by adopting the resolution. No one could predict how traffic increases might affect future decisions.

During discussion of the resolution, the subject of Route 240 came up. Some favored the Baltimore and Ohio Railroad route, while architect Arthur P. Davis promoted his plan for an elevated roadway over the Potomac River near the District shore.

In the end, the Committee of 100 approved the resolution, 17 to 7, along with a second resolution opposing construction of any road in Glover-Archbold Park except a two-lane park drive. [Beveridge, George, "Architects Assail D.C. City Planners," *The Evening Star*, February 22, 1958; "Committee of 100 to Get Grant's Route 240 Plan," *The Washington Post and Times Herald*, March 22, 1958; "Federal City Group Asks Park Ban on Main Roads," *The Evening Star*, March 29, 1958; "Use of Parks For Roads Is Opposed," *The Washington Post and Times Herald*, March 29, 1958]

On April 22, 1958, Colonel Welling announced that the District, NPS, BPR, and the Maryland State Roads Commission had reached agreement on the river alternative for the U.S. 240 entrance to the District. The agreement had been worked out with former Arizona Governor Howard Pyle (January 1951-January 1955), Administrative Assistant and Deputy Assistant to

President Eisenhower. (Governor Pyle was the President's coordinator of programs between Federal and State officials. [PYLE, HOWARD: Records, 1955-59, Dwight Eisenhower Library, [http://www.eisenhower.archives.gov/research/finding\\_aids/pdf/Pyle\\_Howard\\_Records.pdf](http://www.eisenhower.archives.gov/research/finding_aids/pdf/Pyle_Howard_Records.pdf)])

The result of the compromise would not be an Interstate route, however, because trucks would be banned. Beveridge summarized the agreed route:

From downtown Washington near Washington Circle, the District will build an eight-lane expressway paralleling the Potomac River's Whitehurst freeway as far as Key Bridge. This portion will be part of the Federal interstate system, and the Federal Government thus will pay 90 per cent of its cost.

From Key Bridge to the foot of the proposed Glover-Archbold parkway, near the intersection of Canal and Foxhall roads, the freeway will continue as eight lanes. This will be built by the District, but financed by both the District (supplemented by Federal aid funds) and the Park Service.

From Glover-Archbold parkway along the Potomac River to Cabin John, beyond Glen Echo in Maryland, the road will be built by the Park Service entirely with Park Service funds.

Between Glover-Archbold parkway and Arizona avenue, where a new Potomac bridge is planned, the road will be six lanes wide. From that point to Cabin John it will be four lanes wide. The Maryland portion of this river route will be the George Washington memorial parkway, on which the Park Service already has started construction.

At Cabin John the parkway will connect with Maryland's long-proposed Washington circumferential freeway, which will connect with Route 240 south of Rockville and cross the Potomac River on a new bridge at Cabin John.

Route 240 trucks may use the circumferential road, but will not be permitted to use the new river route into town. They may either cross the Potomac at Cabin John or, if headed for Washington, use existing streets such as River road, Massachusetts avenue and Wisconsin avenue. These roads all will be improved.

Colonel Welling said the agreement included the District's plans to build the Glover-Archbold Parkway, between Wisconsin Avenue at Tenley Circle and the new river road, with four lanes for passenger vehicles only. Because NPS had agreed to this plan, officials would not seek additional legislation.

The key to this compromise was abandoning the idea of an expressway that could carry trucks from Rockville to downtown Washington. BPR had insisted on truck usage for any route included in the Interstate System. Now, Beveridge wrote:

A bureau official said today that his office definitely has not abandoned the belief that such an expressway may still be needed at some time in the future. The decision,

however, is that it will not be built immediately, but will await future analyses of traffic needs.

Although the agreement did not include construction timetables, all parties hoped to speed up construction plans.

Wirth said the plan addressed concerns in the Palisades area because it meant NPS would not have to acquire additional property along the river. The NPS was planning “a true parkway that will be fitted into the landscape and be a scenic drive. It will not be a highway such as the District intended to build, or as much of a superhighway as is the Baltimore-Washington parkway.” The eastbound lanes near the District would be built on the level of Canal Road while the westbound lanes would be located on the Palisades bluffs. [Beveridge, George, “Potomac Link for 240 Agreed on by Officials,” *The Evening Star*, April 22, 1958]

The agreement pleased *Star* editors who hoped each agency involved would give their part of the plan “the highest possible priorities for construction.” The positive elements, however, involved “temporary abandonment of the crucial factor,” namely BPR’s “edict” that an all-vehicle expressway was needed between Rockville and downtown Washington as part of the Interstate System. “In effect, the real decision has been to forget such an interstate system connection for the present.” Eventually, officials “may still have to face the job of finding an adequate interstate connection to Route 240 in the future, as traffic increases.” The editorial concluded:

It is encouraging, too, that for the second time in a week the powerful influences of the White House have been used to mediate highway controversies. (Last week end, the White House announced a Constitution avenue bridge agreement.) We hope the President maintains his interest in breaking such administrative deadlocks. [“Major Road Solution,” *The Evening Star*, April 23, 1958]

Even with agreement in hand for the western leg of U.S. 240, the Maryland-National Capital Parks and Planning Commission kept an eye on development in the Wisconsin Avenue corridor. By June, planners on the commission staff pointed out that two major buildings were planned in the path of the projected expressway. “We do . . . wish to caution the commission these projects, desirable as they may be, cannot take the place of a freeway through Northwest Washington and the Chevy Chase and Bethesda sector.” Relying on the river route without the Wisconsin Avenue corridor would lull the public into “a false sense of believing that adequate highways had been planned.” An expressway was needed not only in the Bethesda area but even more so in the Silver Spring area. A parkway only for passenger cars through Rock Creek Park was needed, “but this cannot be taken as a substitute for either a Bethesda or a Silver Spring expressway, let alone for both.”

First priority was the Wisconsin Avenue corridor. The planners urged the commission to work with District officials to preserve the corridor between Western Avenue and Tenley Circle. An expressway between Silver Spring and the Inner Loop was needed, but the planners believed it would be “more difficult, more costly, more disruptive of private property” than an expressway in the Wisconsin Avenue corridor. They added that if the Wisconsin Avenue corridor was abandoned “or allowed to die because of inaction at this time,” efforts for a similar expressway

from Silver Spring would be “doomed to failure before they start.” [Hoffman, Charles L., “Plans Unit to Air Rt. 240 Extension,” *The Evening Star*, June 25, 1958]

Commissioner Gingery was one of the strongest supporters of the Wisconsin Avenue corridor. With developers continuing to maneuver in the area, he believed that immediate action was needed to preserve the corridor. On September 13, he accused other commissioners of stalling on plans for the eastern leg of U.S. 240 between Bethesda and the Inner Loop. He thought the Montgomery County commissioners, in particular, owed the public an explanation for their inaction at a time when the situation had reached emergency proportions.

Gingery added that the Mass Transportation Study that would be released soon would demonstrate that relying on the river route for the western leg was an “unrealistic decision.” He urged the commissioners to pressure the Maryland State Roads Commission to include the corridor in its next 12-year highway plan. This step would allow Maryland and District officials to secure Interstate funds for construction. [“Planners Scored On 240 Stalling,” *The Evening Star*, September 13, 1958]

On November 6, the issue came up when the Maryland commission considered a request by developer Alvin L. Aubinoe for a permit for an office building in the proposed right-of-way at Waverly Street and East-West Highway. The resulting discussion of the corridor dominated the all-day meeting. Gingery pointed out that adopting the corridor without acting to advance it would be “frightfully unjust” to the developer. The commissioners decided to seek a meeting with the Maryland State Roads Commission, BPR, the Montgomery County Council, the District Highway Department, and the Bethesda-Chevy Chase Chamber of Commerce to review the alternative. [“Study Delays Planners’ Rule On 240 Path,” *The Evening Star*, November 7, 1958]

### **Locating the Inner Loop**

On January 5, 1959, the District commissioners held a public hearing in the District Building on the Inner Loop. They were considering:

- The eight-lane Potomac River Freeway,
- Upgrade of K Street from the river to Connecticut Avenue, and
- Location of the Inner Loop between 25<sup>th</sup> and G Streets and 21<sup>st</sup> Street and Massachusetts Avenue, NW.

The latter, known as the West Leg, was the most controversial of the three. District highway officials favored a path along 26<sup>th</sup> Street that Douglas Brinkley said would cost \$35.4 million and displace 480 dwelling units.

The public, as might be expected, was divided. The president of George Washington University, Admiral O. S. Colclough, favored the District’s preferred route, while opposing the route that would affect the university’s expansion plans. The Foggy Bottom Restoration Association had favored the 26<sup>th</sup> Street route because it expected that vacant land could be used to relocate displaced residents. However, the District had zoned the land for “high density apartments,” which the association opposed. Now, the association preferred the route through the George

Washington University expansion area. Further, the association urged the District to decide the route soon because in the meantime, Foggy Bottom residents were having difficulty selling or financing renovations due to the uncertainty.

Colonel William E. Shepherd of the Georgetown Citizens Association said his group favored the 26<sup>th</sup> Street route if an expressway had to be built. He said his members preferred improvements to existing streets. "I am not sure we are going to be satisfied with the loop after it is bought and paid for." He asked, "Why should we Washingtonians suffer our fair city to be slashed to pieces so that they [commuters] may tear through it at 50 m.p.h.?"

The Federation of Civic Associations urged the city to establish a relocation service to help displaced residents. The Washington Housing Association, Washington Urban League, National Association of Social Workers, and the National Capital Council of Churches also supported such a service.

The Progressive Citizens Association, out of concern for historic structures, urged that the interchange between the Potomac River Freeway and the West Leg be moved as far east as possible. The current proposal threatened, for example, the Thomas Peter House at 2618 K Street, NW., a colonial house dating to 1795 when the builder gave it to his son, Thomas Peter, and new wife, Martha Parke Custis Peter, George Washington's step-granddaughter. Washington stayed in the house several times while in the area on business related to construction of the new capital city. He stayed in the house on his final visit to the area in August before his death on December 14, 1799. Leo M. Bernstein, whose family owned the house, offered to turn it over to a foundation if it would be used as Washington City Museum. [*WPA Guide to Washington*, page 386]

The Washington Building Congress was concerned that the District's 10 percent share of the \$1 billion Inner Loop might jeopardize expenditures for education, water pollution, police protection, and other city functions only "to shave 20 minutes off commuter's travel time." With the increased number of cars entering the city, the group urged construction of adequate off-street parking, as well as imaginative designs to minimize "this great highway ditch" through the city.

The Washington chapter of the American Institute of Architects questioned whether the Inner Loop would "relieve traffic sufficiently to justify its enormous cost." The group supported the segment south of K Street, but favored holding off on the segment to the north until the city had a rapid transit system, provided more off-street parking, and improved city streets. Spokesman Francis D. Lethbridge said:

There is no point in encouraging the increased use of automobiles by building additional freeways within the city until we have successfully coped with the volume of traffic which existing arterial streets and freeways already pour in upon us. A good rapid transit system is what we need most.

According to the *Star*, "No specific opposition was registered to still another highway project before the hearing—drastic improvement of K street between the Potomac River and Connecticut avenue, including an underpass of Washington Circle." [Beveridge, George, "Loop Network

Plan Backed, Assailed,” *The Evening Star*, January 5, 1959; “Groups Rap Loop Plan For North of K Street,” *The Evening Star*, January 6, 1959]

Despite the District’s opposition, the Wisconsin Avenue corridor was still under consideration, especially in Maryland. The District had abandoned it after holding a public hearing and had reached agreement with NPS and BPR on a river route. Nevertheless, the Maryland-National Capital Park and Planning Commission staff continued to study alternatives for the corridor. A year earlier, the commission had favored Route B, which ran west of Wisconsin Avenue from the District line to Oliver Street (estimated cost: \$31,022,000). It continued along Wisconsin Avenue to Bradley Lane east of Wisconsin to Glenbrook Parkway.

From there, Route B and Route A were identical. Route A began east of Wisconsin Avenue, then paralleled the avenue between Oliver and Hesketh Streets (\$30,640,000). It cut through the western edge of the Chevy Chase Country Club before cutting one block east of Wisconsin Avenue to meet Glenbrook Parkway at the edge of the Bethesda business district.

Route C followed Route A from the District Line to Bradley Lane (\$30,916,000). From there it shifted about a block east of Route A and B to Glenbrook Parkway, then was identical to those routes.

Route D began east of Wisconsin Avenue along the path of Route B (\$31,415,000). It joined the other routes through the country club before shifting along the edge of the club to the end of the Bethesda business district. It then followed the other routes to connect with U.S. 240.

On January 31, 1959, commission staff revealed that they still recommended Route B because it would do the least damage to residential areas. To aid decisionmaking, the commission planned to hold a public hearing on February 21, again at Leland Junior High School. [“Planning Staff Picks Route B Expressway,” *The Evening Star*, January 31, 1959]

About 400 people attended the hearing, “most of them opposed to the proposal . . . to build the four-to-six-lane expressway from the District line through Chevy Chase and Bethesda to Pooks Hill,” according to the *Star* account. J. Newton Brewer, Jr., one of the commissioners Gingery had criticized the previous year, said that one problem was that neither the Maryland State Roads Commission nor District officials had agreed on a path through Washington. “Our big problem is that the District won’t give us any consideration. They won’t even come to the hearing. The best information I can get from the highest District officials is that Route 240 in the District won’t be built for 15 to 20 years.” Brewer added that while he opposed Route B, if the District would support it, “I may even vote for it.” (A District highway official attended the hearing as an observer.)

In introducing Route B, commission planning director Arthur K. Stellhorn warned that unless the State built an expressway in the corridor, congestion would grow even worse. He anticipated opponents’ arguments by pointing out that the county would lose only about \$125,000 a year in taxes from the properties acquired for the expressway. Moreover, it would not be a “Chinese wall” dividing Bethesda because the 10 to 12 crossings of the route would involve underpasses or overpasses for cross traffic.

Opponents argued that improving Wisconsin Avenue could solve problems for 2 or 3 decades along with removal of parking along much of the avenue. A Woodward and Lothrop department store representative said Route B would take 550 of the department store's 771 parking spaces, irreparably damaging the business. A resident of Bradley Boulevard argued that taking country club property would lead to its gradual replacement by housing developments. Others were concerned about the demolition of about \$4 million in property, while some speakers favored the river route, construction of a subway line in the corridor, a route through Rock Creek Park or along the Baltimore and Ohio Railroad line.

Some supporters among the 30 or so speakers mentioned the 90-percent Federal funding for an Interstate route, the inevitable growth of automobile traffic, and the likelihood that the expressway would draw traffic away from residential communities.

Despite the mix of views, the *Star* characterized the hearing in these words:

The sentiment of those attending the hearing was clear at the outset. They listened politely to those speaking on behalf of the expressway but made no demonstration. They loudly applauded those speaking against it.

The commissioners indicated they would decide the issue soon. [Alibrando, Alfred, "Expressway Plan Hit and Defended," *The Evening Star*, February 21, 1959; Alibrando, Alfred, "Civic, Business Interests Oppose Expressway Scheduled Through Bethesda, Chevy Chase," *The Evening Star*, February 22, 1959]

On March 2, 1959, Colonel Welling announced that Harold L. Aitken, formerly of Clarkeson Engineering, would be the new District Director of Highways and Traffic. He would succeed John Robertson, who had retired. Aitken, a Nebraska native, had been a design engineer with BPR from 1931 to 1951. He headed the Nebraska Department of Roads (1951-1953) and was chief of staff to Civil Defense Administrator Val Peterson before joining the District Highway Department in 1958 as a special assistant to Robertson. The new director lived with his wife and two children at 512 Horner Court in Fairfax, Virginia. ["Harold L. Aitken Named D.C. Highway Director," *The Evening Star*, March 2, 1959]

True to their promise at the public hearing, the Maryland commissioners did not take long to decide against adding the Wisconsin Avenue corridor to the map. After a heated debate on March 11, they voted 4 to 1 against the corridor, with the chairman and three members abstaining.

Gingery cast the only vote in favor of the corridor, calling the commission's decision a "rape of the general public."

Chairman Wells said the decision was "the most important thing that will ever come before us." He said that virtually all the engineers and professional planners favored the corridor. "It's got to come. The longer we put it off, the more expensive it's going to be." He said that District officials were close to resolving the issue of tying in with a Maryland route.

Commissioner W. Lawson King, one of the four negative votes, said he favored the Rock Creek Park routing. He did so despite objections from those interested in “birds, bees, snakes and turtles.” Another commissioner, Alva H. Bender, said, “I spent 23 minutes driving [on Wisconsin Avenue] from Bradley boulevard to East-West Highway.” He added, “We’ve got to have some new transportation facilities.”

Pritchett of the Maryland State Roads Commission said after the meeting that the Wisconsin Avenue corridor was “a good route.” He added, “Obviously, if the corridor doesn’t get on the interstate soon, it will be killed.” [“Planners Vote to Abandon Wisconsin Avenue Corridor,” *The Evening Star*, March 12, 1959]

The commission’s decision meant that it would approve Aubinoe’s permit for the office building at East-West Highway and Waverly Street. However, following the commission’s action, Gingery went to court to secure a 23-day temporary injunction to halt the building.

His action “apparently has spurred area officials into a last, sincere effort to find a solution.” Aitken indicated that District studies underway should result in “something in the way of a least objectionable route” for the corridor. He added that BPR had informed him that to qualify for Interstate funds, the route must be continuous from the circumferential to the Inner Loop.

Chairman Wells thought BPR had agreed to 90-percent Interstate funding of a route from the District line to Tenley Circle if District officials agreed to seek a connection to the Inner Loop. He urged a meeting of all parties to try to resolve such discrepancies and reach agreement on the route. [“Parley Urged to Clear Route 240 Impasse,” *The Evening Star*, March 15, 1959]

In a court hearing on April 3, the developer agreed to delay any action on his building for 30 days to allow officials to try to reach agreement on the eastern leg corridor. Pritchett had testified that during a recent meeting of BPR and Maryland road officials, the District said it would come up with an approved route into the city. The court agreed that after the 30 days, the developer could proceed unless Maryland began condemnation proceedings for his property. [“Builder Agrees To Delay Work,” *The Evening Star*, April 3, 1959]

On April 22, District officials and BPR were scheduled to meet at the White House to discuss the District corridor with Gerald D. Morgan, who had become Deputy Assistant to the President after Governor Pyle left the post on January 31 to become president of the National Safety Council. The *Star* reported that following the Maryland commission’s decision to drop the Wisconsin Avenue corridor from the map, the White House had “apparently ordered” the District and BPR to study alternatives. The meeting was canceled, but District highway officials sent the District commissioners a proposed corridor for the U.S. 240 connection between Pooks Hill and the Inner Loop. [“Plan for Corridor Sent D.C. Heads; Road Meeting Off,” *The Evening Star*, April 22, 1959]

A week later, the District commissioners decided not to build an expressway in the Wisconsin Avenue corridor. In a long meeting, the commissioners indicated they would proceed with the Glover-Archbold Parkway. They might at some unknown time build a six-lane freeway from Tenley Circle to the Maryland line near Wisconsin Avenue if Maryland insisted on building a

route to the District line. However, it would not be part of the Interstate System and would not be eligible for 90-percent Federal funding in Maryland or the District.

Moreover, the commissioners concluded that an expressway in the corridor was not needed. The river route would be sufficient for the west leg of U.S. 240, while east leg traffic could be handled by the Glover-Archbold Parkway and Fort Drive, the intermediate circumferential along the District border that would allow dispersal of traffic to several arterials.

The commissioners were aware that the preliminary Mass Transportation Survey, already released, recommended construction of a freeway in the Wisconsin Avenue corridor. They said that their decision did not repudiate that recommendation, but meant only that it would not be part of the Interstate System. [Beveridge, George, "D.C. Rules Out Freeway Along Wisconsin Ave.," *The Evening Star*, April 28, 1959]

On April 29, the Maryland-National Capital Park and Planning Commission, after a lengthy discussion, decided not to map an Interstate freeway in the Wisconsin Avenue corridor to the District border. BPR had indicated the corridor would be eligible for 90-10 Interstate funds only if the District and Maryland agreed on it, the commissioners had little choice but to abandon the Wisconsin Avenue corridor.

Gingery said the District's action in rejecting the corridor made a farce of the preliminary results of the Mass Transportation Survey. "It means the whole mass transportation survey might as well go up in smoke." As the commissioners knew, the survey had emphasized a freeway system as well as mass transit. He lamented the loss of \$40 million in Federal Interstate funds, but could not reverse the decision. "I'm at a loss to say what is an alternative." All the commission could do now was to let traffic become so congested that residents demanded action.

Vice Chairman Brewer suggested that the District's action could revive interest in a Rock Creek Park routing. "In my humble opinion, a good passenger car road can be built without disturbing the value of the park. It would make the park more available to tens of thousands of people who don't see it now." He urged Chairman Wells to have the planning staff study a new freeway route.

The developer, whose plans had been blocked by a temporary injunction secured by Gingery, said he would begin construction of the office building as soon as the court released his permit. He added that if the Maryland State Roads Commission still planned to build the freeway, he would not block it. [Hoffman, Charles L., "Dropping of Corridor Brings Mixed Reaction," *The Evening Star*, April 29, 1959]

In an April 29 editorial titled "No Wisconsin Freeway," the *Star* said the District's action had "slammed the door on the controversial 'Wisconsin avenue corridor' freeway with a resounding bang."

### **Still Thinking of Wisconsin Avenue**

A week later, a steering committee of the Mass Transportation Survey revived the idea. As discussed earlier, the steering committee had devised an expressway from Tenley Circle that

would cross Rock Creek Park on a high bridge over Hazen Park then meet the Inner Loop at T Street.

The idea, which NPS favored, would work only if an Interstate freeway in the Wisconsin Avenue corridor would connect U.S. 240 at Pooks Hill and Tenley Circle. District officials, who were now considering an expressway in the North Capitol Street corridor to connect the Inner Loop with the circumferential, were skeptical. Director Aitken favored the North Capitol Street plan, but Federal Highway Administrator Tallamy was open to Interstate status and 90-10 funding for the steering committee's proposal if the District supported it and the necessary link to the east leg of U.S. 240.

The steering committee's idea caused officials in Maryland and the District to rethink recent decisions. While the District was thinking of North Capitol Street, the Maryland-National Capital Park and Planning Commission had gone on record on May 6 in support of the proposed highway through Rock Creek Park to the Inner Loop. Vice Chairman Brewer had said:

There is not a single expressway in Montgomery County except part of Route 240, which ends nowhere and has taken 11 or 12 years to build. We're not serving the people who need to be served.

As planners interested in Montgomery and getting people to town we should come out in favor of the Rock Creek Park route. It wouldn't disturb the park: it would open it up to thousands who don't see it or enjoy it now.

Of course, NPS remained opposed to the north-south park alternative. Acting Director Elvind T. Scoyen made this clear. "I am sure that the National Park Service always has opposed a speedway through Rock Creek and continues to do so . . . . The only advantage of building a highway through Rock Creek is that it would be cheaper, but it is a firm policy of the National Park Service that the values of the park are greater than the cost of highways." [Deane, James G., "Cross-Park Freeway Project Wins Support," *The Evening Star*, May 7, 1959]

Pressure mounted on the District when NCPC and the National Capital Regional Planning Council, which were conducting the Mass Transportation Survey, voted to place the Wisconsin Avenue corridor on the official freeway map with a link via the high bridge across Hazen Park to the Inner Loop. They did so only after what George Beveridge called "a knock-down-drag-out joint session" on May 7.

General Welling argued against the plan, but only one of the 14 planners at the session, John Remon, supported the District. Remon argued that the plan for an expressway in the Wisconsin Avenue corridor was not popular in the District. National Capital Parks Superintendent Thompson replied that "no freeway routes are likely to win any popularity contests." He supported the new plan.

The joint commissions approved a resolution drafted by Bartholomew stating that the Wisconsin Avenue corridor had been left off the critical official transportation plan because of uncertainty about a route downtown. Now, a feasible freeway location had been found. Bartholomew

contended that both planning agencies had always supported an expressway in the Wisconsin Avenue corridor, believing that an expressway in the corridor and the Glover-Archbold Parkway were both needed.

Bartholomew said “a combination of errors” left the Wisconsin Avenue corridor off the freeway map. Gingery, who led the debate with Bartholomew, agreed that obviously, the consultants who prepared the map had been in error in leaving the corridor out.

Beveridge ended his report on the joint meeting by writing:

In a session filled with harsh statements, one of the mildest—and most influential—came from James L. Shotwell, a Federal Bureau of Public Roads official, who made it clear that the bureau is anxious to see an interstate expressway connecting Route 240 with the Inner Loop downtown.

In view of the commissions’ action, General Welling said the District commissioners would “consider” the new freeway location. [Beveridge, George, “Area Planners Back Wisconsin Ave. Route,” *The Evening Star*, May 8, 1959]

(Shotwell was Assistant Engineer-Coordinator in BPR’s Office of Engineering.)

The sudden reversal came as Aubinoe received his building permit even as Montgomery County officials considered constructing a county building in Bethesda within the expressway corridor. The president of the County Council, Mrs. Stella B. Werner, said, “They certainly keep us stirred up.”

Commission Vice Chairman Brewer said of the recent developments, “I am still violently opposed to putting that Chinese wall through Bethesda.” The rest of the commission remained divided. However, John A. Floyd, who had abstained in the 5 to 1 vote in March against the corridor, said, “Eventually Washington is going to need a minimum of three, and possibly four, high speed highways into the county.” [“Corridor Issue Stirs Nearby Officials Again,” *The Evening Star*, May 8, 1959]

In what Beveridge called “another day of talk and position-jockeying on the freeway controversy,” the commissions issued a joint statement pointing out that the Mass Transportation Survey, still not yet released to the public, recommended a modern mass rapid rail transit line in the Wisconsin Avenue corridor as well as an expressway. Aware that the commissions were about to approve adding the corridor to the freeway map, the District commissioners had voted the night before, 2-1, against adding it to the plan.

The White House, which would be the recipient of the Mass Transportation Survey, had cleared the joint commission statement, but not any other description of the plan. In fact, District Commissioner David Karrick had asked the commissioners to issue the statement because he did not think people realized the survey was going to recommend the mass transit plan for the same corridor.

Commissioner McLaughlin had cast the vote in support of the freeway in the Wisconsin Avenue corridor. He agreed that a mass transit line was needed in the corridor, but thought a corridor would have to be acquired as soon as possible to be used by the rail line and freeway lanes. Otherwise, acquiring the right-of-way would become so expensive that the transit line might be blocked for years.

In a hastily arranged press conference, Aitken said he would have to restudy the city's entire highway program before advising the District commissioners on the issue. Such a study might take 6 months or more. He said the Mass Transportation Survey called for an estimated \$870 million worth of new freeways, while the District expected 90-10 Interstate funds amounting to only \$355 million. The balance of \$500 million worth of freeways would have to be financed on a 50-50 basis under the regular Federal-aid highway program. For example, the District could consider dropping plans for an Interstate highway in the New York Avenue, NE., corridor to allow the funds to be shifted elsewhere. Alternatively, the U.S. 240 eastern leg traffic might be routed around the circumferential to enter the District in "another corridor" on or near North Capitol Street. [Beveridge, George, "Trains to Be Urged For Rapid Transit," *The Sunday Star*, May 10, 1959]

In June, NCPC Executive Director William E. Finley proposed building tunnels under Cleveland Park and the Bureau of Standards to reduce destruction of homes as part of the Wisconsin Avenue corridor expressway link. The Cleveland Park tunnel would begin west of Wisconsin Avenue near Tenley Circle and surface at Reno Road. The second tunnel would begin under the Bureau of Standards and Connecticut Avenue, emerging on Connecticut Avenue near Hazen Park, opposite the bureau:

Mr. Finley envisions this plan as preventing the destruction of many Cleveland Park homes, the Sidwell Friends School, the Home for Incurables and Phoebe Hearst Elementary School. He said no apartment house or homes in the Connecticut avenue area would be disturbed.

Finley also wanted to assure residents that NCPC had no plans for an expressway along Macomb Street. Such a route was shown on a map that had been prepared when Senator Douglas was fighting the Glover-Archbold Parkway, showing alternatives. ["Two Tunnels Proposed for Cleveland Park," *The Evening Star*, June 27, 1959]

### **Premature and Divisive Factionalism**

On July 9, 1959, the District commissioners and the area's planning agencies delivered the 4-year, \$500,000 Mass Transportation Study to President Eisenhower. Commissioner McLaughlin told reporters, "We found that while the President was obviously not aware of the contents of our report, that he foresees all the significant results." The President, the commissioner said, promised to "do everything possible to help in a quick realization of the results of our survey."

According to the *Star*, Gingery "was delighted when the President opened the meeting by asking, "How about this 240 business?" President Eisenhower did not know all the area's roads and bridges, but he was familiar with U.S. 240, the route he took to the Burning Tree Country Club

for golf and on occasion to Camp David. Author Helen Leavitt, a critic of the Interstate System, recalled the incident:

One of the planners who was present at the 1959 meeting recalls that the President also commented at that time about the heavy commuter traffic he observed during his drives to suburban Maryland's Burning Tree Club for a game of golf. Mr. Eisenhower noted that a large number of automobiles was entering the city, but that most of these carried only one person. He suggested that since these automobiles clog streets and demand precious space for parking it might be feasible to limit the number of automobiles entering the city.

Testifying before the Senate Committee on Public Works in 1960, Gingery recalled General Welling's response regarding U.S. 240: "Mr. President, we are going to put it down beside the Potomac River." This response frustrated Gingery, who told the committee:

Now, if that is not utter confusion, when you find the presentation made by the District Highway Department to run it down the central corridor; as late as last August [sic], the District was telling the President of the United States we were going to run it down the Potomac River which had been completely rejected by the State of Maryland.

He added, "We have got to have some idea what we are doing." ["Area Survey Hailed by Eisenhower," *The Evening Star*, July 9, 1959; Location of Interstate Route 70 South (Maryland and District of Columbia), Hearing, Subcommittee of the Committee on Public Works, United States Senate, 86<sup>th</sup> Congress, 2<sup>nd</sup> Session, June 14, 1960, page 49; Leavitt, Helen, *Superhighway-Superhoax*, Doubleday and Company, 1970, pages 298-299]

(During this period, President Eisenhower appears to have realized that, contrary to his vision, the Interstates were being built in cities. Stephen Ambrose, in volume II of his biography of Eisenhower, explained:

Of all his domestic programs, Eisenhower's favorite by far was the Interstate System. By 1959, it was in bad trouble. Construction costs were far higher than had been anticipated, primarily because of the expense of building urban freeways directly through the inner cities, where land acquisition prices and the problems of building the roads were so much greater than in the countryside. In Eisenhower's vision, the superhighways were not supposed to have gone into the cities, but only around them, as in Europe. His objections were not sociological—few if any of those associated with the building of the Interstates anticipated the tremendous effect the urban freeways would have on housing patterns, schools, inner-city conditions, the spread of the suburbs, or the other nearly limitless ways in which the four- and six- and eight-lane highways changed the face of urban America. Eisenhower's objections were to the cost, not the result.

(Why President Eisenhower did not know about the urban Interstates is unclear. He likely was not familiar with the 1939 report to Congress, *Toll Roads and Free Roads*, which discussed the urban freeway network, or the more detailed discussion of urban freeways in the 1944 report, *Interregional Highways*. Members of Congress were well aware of the urban segments as they

debated the proposed program in 1955 and 1956; mayors testified about the benefits their city would enjoy from the urban Interstates.

(President Eisenhower was apparently thinking of Germany's autobahn network that he had seen and used; it was an entirely rural network. General Clay, whose committee put together the President's highway plan, also was fully familiar with the autobahns. However, he may not have understood the urban commitment since the Clay Committee's plan for the program budgeted only \$4 billion for urban feeder and distribution routes over the life of what was thought to be a \$27 billion, 10-year program. If General Clay did not understand the planned urban Interstates, he could not have made it clear to his friend, President Eisenhower.

(Some sources indicate that the President realized the truth about the urban segments during his July 9 meeting with the planning commissioners and District officials about the Mass Transportation Survey as they described the area's freeway network. Ambrose offered another theory:

The evidence that Eisenhower was unaware of this deal [his Administration's promotion of the Interstate System to urban Members of Congress] comes from his reaction to seeing, in July of 1959, while driving from the White House toward Camp David, a deep freeway construction gash in the outskirts of metropolitan Washington. Surprised and appalled by what he saw, when he got to Camp David he called the Director of the Bureau of the Budget, Maurice Stans, to ask for an explanation.

(Ambrose provided an account of the July 9 meeting about the survey:

Unsatisfied with the result [of his call to Stans], he ordered a formal White House study of the urban Interstates [on July 2]. On July 9, he called in the members of the Mass Transportation Survey of the Washington Metropolitan Area and asked them what they were doing about a rapid-transit subway system. The reply was that some \$1 billion would be spent over the next twenty years. The President then "stated his concern that too much of the interstate highway money might be going into connections in the cities." Next, the President asked whether the committee had considered placing a special tax on automobiles coming into the central cities, "it being his observation that it was very wasteful to have an average of just over one man per \$3,000 car driving into the central area and taking all the space required to park the car."

(On April 6, 1960, President Eisenhower participated in a 55-minute meeting with his staff, Secretary of Commerce Frederick Mueller, and Federal Highway Administrator Tallamy to discuss the internal study of the urban Interstates. At the end, he remained unhappy about the urban Interstates, but after Tallamy handed him a copy of the 1955 Yellow Book showing outlines of the Interstate System in urban, conceded they were part of the program. (The Yellow Book will be discussed later.) As a result, the program "had reached the point where his hands were virtually tied." His staff completed a formal report on their review just before President Eisenhower left office on January 20, 1961; President Kennedy and his team ignored the report. [Ambrose, Stephen, *Eisenhower: The President*, A Touchstone Book, Simon and Schuster, Inc., 1985, pages 547-548, citing Memo for record, 9/15, 59, DDE/DS])

President Eisenhower transmitted the Mass Transportation Survey to Congress on July 11 (letter dated July 10). The brief transmittal letter said the report “points out the present and future problems of transportation of people and goods in the Region.” Based on the recommendations in the report, the actions taken in the years ahead “to meet the problems of transportation will have a profound effect on the economy of the entire area, the welfare of its people, and the status of Washington as the Nation’s Capital.” He asked appropriate Federal agencies to study the survey and make such “recommendations as are warranted” to the Congress.

The report, to be discussed later, included a rail transit line and freeway from the eastern leg of U.S. 240 (I-70S) into the District along the Wisconsin Avenue corridor via Bethesda and Chevy Chase, intersecting Fort Drive, and crossing Rock Creek Park to the Inner Loop. The survey also recommended the planned western leg, essentially a segment of the circumferential, and the link from the Cabin John Bridge along the Potomac River to the Inner Loop in the District.

Senator Bible took to the Senate floor on Friday, July 17, to say the Mass Transportation Survey “marks the beginning of a comprehensive long-range program of coordinated action in dealing with these problems.” The Joint Committee on Washington Metropolitan Problems would study the survey report, including its data and recommendations, before holding public hearings. The joint committee “must now face the very largest questions in Washington’s future.” This was because transportation decisions on the area’s transportation were “intertwined with its earlier conclusions on water supply, sewage disposal, land use, and economic development.” Taken together, these matters required “the closest cooperation of all interests, whether Federal or local, urban or suburban, public or private.”

He warned:

Let us not allow ourselves to be diverted, while dealing thus with fundamentals, into the premature and divisive factionalism which invariably surrounds the debate on the merits of specific transportation measures, particular routes, isolated projects, and which many Members of Congress have painfully experienced. What has been shown by the arguments which have raged in recent months over Route 240, Route 66, the Glover Archbold Parkway, except the impossibility of wisely deciding these matters when a comprehensive plan for regional transportation is lacking? We have now the opportunity to create such a plan. If we succeed, it will go far toward solving, or at least putting in proper perspective, not only such difficult past decisions as those involving the location of bridges and expressways, but the still more difficult future decisions our swelling population and the changing times will present. [Washington Mass Transportation Survey, *Congressional Record-Senate*, July 17, 1959, pages 13672-13673]

The Bethesda-Chevy Chase Chamber of Commerce had supported the Wisconsin Avenue corridor for the eastern leg of U.S. 240, but with the qualifier: only “if such a route is necessary.” Now, following release of the survey, the group gave the corridor its unqualified support. A spokesman explained that the members had “determined that something must be done in the immediate future to relieve the rapidly increasing traffic congestion on Wisconsin avenue in Bethesda.” The chamber favored construction “at least two blocks to the east of Wisconsin avenue.” [“Wisconsin Corridor Has Chamber OK,” *The Evening Star*, July 20, 1959]

By November, the Maryland State Roads Commission was ready to complete the segment of U.S. 240/I-70S from the north to the \$2.3 million Pooks Hill interchange, the dividing point for the east and west legs. Officials announced that the northbound lanes would open on Monday, November 9. Governor Tawes was expected to attend a ceremony opening the full interchange at the end of the month. [Herndon, G. O., "Pooks Hill Interchange to Open For Northbound Traffic Monday," *The Evening Star*, November 6, 1959]

### **The Joint Committee Hearings**

The Joint Committee on Washington Metropolitan Problems, chaired by Senator Bible and with Frederick Gutheim as staff director, held hearings on the Mass Transportation Survey on November 9-14, 1959. The hearings, which were primarily concerned with the transit recommendations, will be discussed later. [Transportation Plan For The National Capital Region, Hearings before the Joint Committee on Washington Metropolitan Problems, 86<sup>th</sup> Congress, 1<sup>st</sup> Session, November 9, 10, 11, 13, and 14, 1959]

Despite the survey's focus on mass transit, the hearing provided an opportunity for criticism of the proposal's highway elements. On the first day of the hearing, Roy W. Johnson, chairman of the American Council to Improve Our Neighborhoods or ACTION (and outgoing head of the Pentagon's space program), said that "the full impact of the Interstate Highway System upon this metropolitan area of 2 million people illuminates a national problem. Washington faces what all our large metropolitan areas must face, the challenge—and the opportunity—of modern transportation."

Regarding the survey's finding that the region needed 329 miles of high-speed, limited-access highways, Johnson said this conclusion was "not the novel conclusion it might appear" because all but 70 miles of the proposed 1980 network were already on the books. He asked whether the additional highways "will restore our already maimed city to health—or is it a crutch that merely eases the pain of a last, fatal illness?" As an illustration, he cited Los Angeles which had "probably one of the most acute problems in the country because of all of the highways." The result, he said, was "that the city is choking and we read in the papers every day of the problem it has." [pages 26-31]

Arthur H. Keyes, Jr., of the Washington Building Congress recommended "a financially feasible 'transit dominant' system (bus and rail-subway), rather than the proposed freeway system with a subway added to handle the traffic overflow at great cost to the taxpayer." Aside from the aesthetic impacts, extensive freeways would obliterate tax-producing properties, thereby imposing an "additional financial burden on the city." He urged efforts to "discourage the ever-increasing use of private automobiles for commuting" as well as to steer interstate and inter-suburban traffic away from the central city by the construction of loops and intermediate loops.

He singled out the Inner Loop. The public, he said, was only "beginning to comprehend the radical changes which the inner loop and its approaches will make in the appearance of the city during the next 5 to 10 years." Unfortunately, the Inner Loop had been authorized before the Mass Transportation Survey began "and prior to any public discussion of it." This meant the city was "virtually committed to what might be called the Los Angeles solution." If the Inner Loop

could not be halted, “then at least much can still be done through sensitive and skillful design to soften the impact of the broad highway design problems, their relation to adjoining spaces, the structural shapes, the use of the land, and so forth.” All, he added, “should be openly discussed.” [pages 71-73]

On the second day of the hearings, Chairman David Finley of the Commission of Fine Arts praised mass transit and attacked the freeway elements of the survey. The central area was already “beyond the saturation point.” To reduce the number of automobiles in the center city, he favored “rapid and comfortable means of transportation” and transfer of centers of employment throughout the city instead of its center. He was skeptical that more freeways were needed, but if they were, as the survey suggested, “care should be taken to avoid destroying vistas and causing damaging scars across the city.” He continued:

Such freeways are in principle an extension of the practice started by the inner loop belt, of which sections are now under construction. The city is being changed to fit the standard patterns of highway engineers rather than to conform to the Washington plan so long established. [page 121]

Grosvenor Chapman of the American Institute of Architects, Washington Metropolitan Chapter, favored bus and rail, including subways. “These sentiments are motivated, in part, by the earnest hope that our present heritage of national monuments, vistas, parks, public buildings, and river banks will not be lost in a confusion of highway ramps, loops and interchanges.” He urged Congress to scrutinize each planned freeway carefully to determine if transit could not provide greater service. [pages 127-128]

On November 10, Louis Justement, mentioned earlier in connection with plans for redeveloping southwest Washington, testified on behalf of the American Institute of Architects. The survey, he said, was based on “a projection of existing tendencies, and on an effort to comply with these existing tendencies, instead of providing a solution that would create a new and more desirable growth pattern based on stimulating changes in the mode of travel used to and from work.” That concept may seem reasonable until carried to the point of \$2.5 billion in costs and we “realize the monstrous city we would produce at such a fantastic cost.” Reconsidering the premises is warranted.

Polls showed that people preferred to commute in their private automobile, but they might think differently “if they were called upon to foot their fair share of the bill through increased taxes”:

We are just beginning to realize how horrible the freeway can make the central city, for the freeway, unlike rail transit, needs a tremendously wide right-of-way, and cannot go underground. The costs of going through a slum area can be accepted, since we want to get rid of the slums anyway. But the cost of going through fine residential areas consists of far more than the acquisition of the right-of-way. The destruction of adjacent values is so great that no acceptable solution can be found . . . .

To begin with, let us stop subsidizing the private automobile and endeavoring at great cost to the community to make the use of private automobiles more convenient than mass

transportation. Let us cease the contemplated desecration of parks in the central city with freeways and interloops, and let us merely complete those that are in advanced stages of planning and construction.

If city planning focused on making mass transportation more convenient and efficient, the results would be that “(a) the central city would become a more desirable place in which to live in comparison with the outlying suburbs; (b) the private automobile would become increasingly inconvenient and expensive in comparison with the mass transportation; (c) that mass transportation would be enabled to hold its own and offer better service and/or avoid rate increases.”

In short, “the freeway solution should be rejected because it simply will not do the job.” He cited the Whitehurst Freeway as an example. It was “choked bumper to bumper in the rush hours, not because it is two lanes in each direction or incapable of handling the traffic which seeks to use it, but because the outlets at the east end in the morning and the west end in the evening are incapable of absorbing these two lanes.” Providing four lanes in each direction would only worsen the situation. “And if these bottlenecks at the end are removed, they will simply recur one block farther east or west, for we cannot escape this basic fact.” Ordinary streets cannot absorb freeway traffic volumes. [pages 271-273]

On November 13, Colonel Shepherd testified on behalf of the Committee of 100 on the Federal City and the Georgetown Citizens Association. Attempting to “satisfy the ever-mounting desire of motor vehicle operators for highway capacity and parking facilities will tend to disfigure and bankrupt the city.” He cited the Inner Loop Freeway as an example of his claim that any freeway built in a closely packed urban area “gives rise to serious social and financial problems.” Problems included loss of tax revenue, increased need for parking, dislocated families and businesses, and replacement of public facilities, such as schools, in the path of the freeway. The city cannot, he said, afford to subsidize motorists at these costs:

I sometimes wonder how many taxpayers in this city are aware of these problems and how many know then what the inner loop is intended to do, how much it will cost, and what it will look like when finished.

He stressed that the Inner Loop Freeway was not a single loop, but a double loop:

In order to make room for the freeway and its ramps, block after block of existing buildings will have to be condemned, park land will be taken, and it will all be quite unsightly and enormously expensive, estimated in 1955 to cost upward of \$272,667,000 of taxpayers' money.

Colonel Shepherd pointed out that while the Southwest Freeway was a high priority, its extension west would “squeeze between the Lincoln Memorial and the river,” “pass west of the Lincoln Memorial as a 6-lane depressed facility, open to the sky except for a tunnel approximately 600 feet long,” and “the noise and fumes generated by traffic, particularly trucks using this route, will be most objectionable.” He urged “elimination of highway construction in this area of our city

which could be compared to the sacred precinct of Olympia, now and always protected from incursion by commercial activities.” [pages 782-784]

David Sanders Clark, accompanied by Samuel Spencer, former president of the District’s Board of Commissioners, testified on behalf of the Committee To Oppose the Cross-Park Freeway From Tenley Circle Across Rock Creek Park to the Inner Loop. The committee had formed to protest “attempts by certain overzealous planners” to force approval of “an interstate automobile and truck freeway through the midst of our fine quiet residential areas and through Melvin C. Hazen and Rock Creek Parks, before there had been any public discussion of the proposal, or any proper consideration of the lasting damage it would cause.” Proponents seemed to favor it to secure 90-percent Interstate funding, while the Mass Transportation Survey’s engineering consultants “found no requirement for such a route.” Their statement continued:

Yet this hasty proposal was inserted in the survey report as “The Northwest Freeway Link Between Tenley Circle and the Inner Loop.” This was done despite the vigorous objections of four members of the National Planning Commission and the National Capital Regional Planning Council, including D.C. Engineer Commissioner Welling.

Although the committee had other goals, “we still strongly object to the tactics which were used to promote the Northwest Freeway.” They would present their arguments against the freeway at the appropriate time. [pages 798-799]

### **Aiming Towards The City**

Governor Tawes came to the Washington area on November 30 to open several road projects, each with a brief ceremony. First, he helped remove the last “road closed” sign from a 2.4-mile stretch of Columbia Pike between Cedar Croft Sanitarium and Burnt Mills. It would be designated part of U.S. 29. At a small speaker’s stand erected under a bridge of the Pook’s Hill interchange, he discarded much of his speech on a cold, windy day, but commended the Montgomery County Council for its united front in presenting the county’s needs to the roads commission. Using 4-foot long scissors, Governor Tawes and Council President Werner snipped the ribbon opening the interchange. After lunch, the Governor completed his ceremonial day by opening a 6-mile section of State Route 5 in Prince Georges County between the District and Andrews Air Force Base. [“Tawes Makes It Brief Opening 3 Roadways,” *The Evening Star*, November 30, 1959]

By March 1960, District highway officials wanted to clarify what they had in mind for linking the eastern leg of U.S. 240/I-70S with the Inner Loop within the corridor identified in the Mass Transportation Survey. At the Pooks Hill interchange, traffic would be directed onto the circumferential. At an interchange in Silver Spring where the Baltimore and Ohio Railroad crossed the beltway, traffic would use the North-Central Freeway corridor east of Rock Creek Park to intersect the Inner Loop west of Soldier’s Home. This option, District highway officials believed, would avoid the resistance the Wisconsin Avenue corridor had provoked. [“Route 240 for D.C. Held No New Highway,” *The Evening Star*, March 15, 1960]

When Director Aitken and NCPC Director Finley met with BPR officials to discuss the proposal, Administrator Tallamy rejected it. The link would have to be a direct connection in the Wisconsin Avenue corridor, Tallamy said. Under the Federal-Aid Highway Act of 1944, Interstate routes must be “as direct as practicable”; any other corridor was unacceptable because it would add unnecessary miles to the Interstate corridor. Aitken agreed to study the Wisconsin Avenue corridor and present a routing to BPR. Aitken and Tallamy also discussed a third route for Interstate designation between Baltimore and the District through northeast Washington. This route would replace the Kenilworth and New York Avenue links to the Baltimore-Washington Parkway.

Although Tallamy’s position surprised Aitken, he was willing to study the controversial corridor because its rejection would cost the District millions of dollars (an estimated \$85-\$95 million) in 90-percent Interstate construction funds. The unexpected development prompted some speculation about why Tallamy took the position he did. The *Star* reported:

There is a strong feeling in the District Building that Mr. Tallamy’s decision may have been prompted by pressure from the National Capital Planning Commission, relayed through the White House . . . . [NCPC] has urged a Route 240 connection in the Wisconsin avenue area.

Aitken, aware that finding a suitable routing would be difficult, rejected any thought of expanding existing Wisconsin Avenue to Interstate standards. Construction was not in the current plans, but pinning down the location would at least allow Maryland highway officials to begin planning a connection between the Pooks Hill interchange and the District line. [Alibrando, Alfred, “District Told To Place 240 At Wisconsin,” *The Evening Star*, March 17, 1960; Alibrando, Alfred, “Wisconsin Corridor Proposal Revived,” *The Evening Star*, March 18, 1960]

A *Star* editorial called finding such a link “Washington’s most durable highway controversy.” Tallamy’s position might, the editorial suggested, revive NCPC’s idea of a freeway in the Wisconsin Avenue corridor to Tenley Circle, where links to the Inner Loop would be provided via the Glover-Archbold Parkway and a car-and-truck freeway across Rock Creek Park. [“Straight-Line Freeway,” *The Evening Star*, March 20, 1960]

Even as District highway officials and NCPC staffers considered the corridor, Senator Case expressed doubts. He wrote to Administrator Tallamy and General Welling on April 28, 1960:

I am somewhat concerned by the proposal to follow Wisconsin avenue—either all the way or part of the way, if that were to necessitate going east through a well-developed residential part of the city and would have anything like an overhead expressway crossing Rock Creek Park and many residential blocks east and west of the park.

He thought the routing should target District slums:

It seems to me . . . the routing of a link of the interstate system through a city—and particularly the Capital City—should cure a blight rather than create one. Offhand, it is

my opinion that any overhead throughway similar to the Whitehurst Freeway, if run through a good residential section, would blight the property on both sides to a serious degree.

On the other hand, it seems to me that if the route should go through an area which is marked for redevelopment or slum clearance, to the extent that the construction results in clearance and improvement, a second benefit will flow from the money expended.

He was considering legislation that would give Tallamy leeway to adopt a less-direct route as part of the Interstate System. A North-Central Freeway could, he understood, have more lanes and carry more traffic than the Wisconsin Avenue corridor, while costing less, thus reducing the Federal expenditure. "I want to be sure the basic law isn't injuring the Federal Government and doesn't have something in it that serves to defeat the maximum service of the highway at the most economical cost." [Alibrando, Alfred, "Case Dubious On Corridor," *The Evening Star*, April 28, 1960; "Case Urges Site Leeway On Highways," *The Evening Star*, May 3, 1960; Deane, James G. "Case Asks Hearing On Route 240 Location," *The Evening Star*, June 12, 1960]

### **The Inner Loop**

The loops or circumferentials as urban bypasses and radial connectors had been part of the District's thinking since at least the 1944 Central Area report submitted by J. E. Greiner Company and De Leuw, Cather & Company. Traffic congestion was delaying shoppers in the central business district and workers in the Federal buildings in downtown. The city was afraid that the problem would drive businesses into the suburbs where traffic could move more freely during weekdays.

The 1944 consultants' report proposed a master plan "for the correction and the future development of transportation facilities in the Central Area of the District of Columbia." The District's 24-year history summarized the proposal:

The master plan evolved by the consultants and presented in the Central Area Report, involved extensive improvements in the existing street layout through the construction of grade separation structures and channelized connections, to form convenient inner and outer belt line distributor routes around the central portion of the city. K Street, situated on the northern rim of this area, was earmarked for further improvement as part of the inner belt route and as a surface distributing artery.

Even if the inner belt route lessened congestion within its confines, "parking facilities in the shopping district were entirely inadequate at present." Building throughways into the heart of the city "would be wasted effort, unless storage facilities were provided to accommodate the increased traffic which would be attracted by the improved highways." The consultants suggested a solution:

The consultants also suggested that certain obsolete buildings in this area be replaced gradually by a type of building more in keeping with the character of motorized transportation in this modern age – buildings which would combine small shops and

offices, centralized service, underground merchandise collection and delivery, and offer parking facilities for clients and customers. They further suggested that land in Government ownership be converted into suitably landscaped parking lots for the accommodation of Federal employees. [*Twenty-Four Years of Progress*, pages 72-73]

This wartime vision of boulevards and one-way pairs of roads proved inadequate to the post-war reality. Transit, which had been boosted to high ridership by gasoline and tire rationing during the war, quickly entered a downward spiral that would cause the companies operating streetcars and buses in most cities to cut service and maintenance, raise fares, and eventually go out of business – leaving transit service to local governments. In the Washington metropolitan area, the use of private automobiles continued to grow along with population and government employment.

In December 1946, the consultants upgraded their proposal for an inner belt by proposing the Mid-City Expressway, as discussed earlier, to provide a bypass of the shopping district for traffic bound for the Federal Triangle, the southwest Mall, and other points beyond the central area:

Justification for the high-cost heavy construction work necessary to the execution of this ambitious project was based on [the] assumption that enormous volumes of traffic would be accommodated, to effect a welcome release in the pressure on other streets serving traffic destined for the Central Area, as well as that of a strictly local character. [*Twenty-Four Years of Progress*, page 75]

The National Capital Park and Planning Commission criticized the plan, especially the expressway portions. Traffic volumes in 1965 could not justify the cost, the commission said, while the traffic drawn into the city on them would overwhelm local streets. While improved circulation might increase business tax revenue for the city, “the opposite effect may well be produced on residential areas in the District which supply three-fourths of the District’s real estate tax income.” The commissioners also considered the city’s proposal to build tunnels for streetcars as lacking technical justification. Such a rigid network would prevent shifts in service to meet changes in employment and population centers.

The commission’s J. C. Nichols favored the intermediate circumferential known as Fort Drive. Nichols, involved in real estate, had been with the commission since its start in 1926. In a rare interview, he said the drive was “more valid today than ever before.” By allowing through traffic to bypass the downtown area, it would slow the suburbanization of District residents and businesses. He disputed recent estimates, such as the \$35 million price tag that District Budget Officer Walter L. Fowler had assigned to Fort Drive. In a report to Commissioner John Russell Young, Fowler had called the proposal “chimerical, useless and making no sense today.” Rufus Lusk, president of the Washington Taxpayers Association, estimated the cost to be \$60 million.

Three years earlier, Nichols said, the District Highway Department had estimated the cost of Fort Drive at \$16,800,000. That proposal included 58 grade separations but, Nichols said, “I don’t believe more than 9 or 10 of those grade separations would be needed, at least not until after the drive was built and more became necessary.”

He was concerned, too, about the radial highways contained in the consultants' proposal. They could lead to decentralization:

You've got to remember that the same expressway which makes it easier to get downtown to the big stores also makes it easier for shoppers to live farther out and shop in shopping centers. We shouldn't make it too easy to get out of the District.  
[Kauffmann, Rudolph II, "Planners Blast Road Program, Urban Substitute," *The Evening Star*, March 26, 1947; "Fort Drive Declared By Nichols to Be City's Greatest Need," *The Evening Star*, April 18, 1947]

With the commission developing a broad plan covering all phases of city development in accordance with the Redevelopment Act of 1946, Engineer Commissioner Young wrote to General Grant urging the planners to make "full use" of the 11-year plan developed by Captain Whitehurst for expressways, underground streetcar lines, and terminal parking facilities. General Young also recommended that the commissioners keep in mind the unfairness of current taxation to residents in a city where 50 percent of the land was tax exempt because of public ownership. He urged the commissioners to couple their recommendations with realistic estimates so their plans would not be "futile and academic." The commission had hired Harland Bartholomew as a consultant. ["City Heads Offer Suggestions on Redevelopment," *The Evening Star*, September 28, 1947]

The two bodies—the Highway Department and the planning commission—would remain at odds about the needed transportation facilities. For the commission, shifts in the metropolitan area were a guiding force. Director of Planning John Nolen, Jr., wrote in 1950 that the spread of population was one of the paramount changes. “Thirty years ago only one-fourth of the total population lived outside the District. Now three-eighths live in Maryland and Virginia.” He predicted that by 1980, one-half of the area’s population would live outside the District. One reason for the shift was “a more conscious and definite policy of decentralizing Government activities.” New employment centers in Bethesda and Suitland, Maryland, and elsewhere illustrated the trend. Even so and even with improved mass transportation, “traffic flow will take on characteristics of a circular movement rather than an in-and-out, reversing flow.”

To avoid repeating past mistakes, “we must design our system to separate major movements from the local on-and-off travel which now clogs the existing main routes.” To do this, planners should “encourage suburban focal points for a balanced community life.”

Suburban population centers, as well as the central business and government districts, should be bypassed. “In short, we must have a network of ring thoroughfares with good radials similar to the structure of a spider’s web, with certain routes more strongly emphasizing the form of the basic structure.”

Express highways and parkways would be provided for major movements on radial and circumferential alignments. They would form “the basic structure for the circulation system.” Where expressways were not feasible because of cost or location, major highways with grade separations at select locations were needed as collectors and distributors connecting with the circumferentials:

There will be an outer ring route in Maryland and Virginia about 8 miles out, and an intermediate ring road, the so-called Fort Drive and an inner ring. The latter two ring roads are inside the District of Columbia. [Nolen, John, Jr., “Regional Highway Plan for Washington,” *The Sunday Star*, February 19, 1950]

The idea of a spider’s web was in contrast with the usual contemporary hub-and-spoke concepts of urban transportation planning. It also was inconsistent with the District’s desire to retain population, businesses, and tax revenue.

By 1952, the Inner Loop was the District’s top priority in its \$140 million road program. The *Star*’s James G. Deane, in his “Highways of the Future” series, described it: “The proposed loop runs 10 miles around the city’s heart. Its function would be to shunt motorists away—or help them enter at the right point, faster.” He added:

It would not be a freeway: it would use mostly existing streets. But the benefit would be similar, say city engineers—and cheaper. Even so, the cost would be more than \$24 million.

According to Engineer Commissioner Bernard L. Robinson, the Inner Loop could cut congestion 25 percent in downtown. It was, he told Deane, “all important.” Deane listed the roads included in the loop:

The loop would consist chiefly of one-way streets: Q and R streets in the north, Fourth and Sixth streets east of the Capitol, F and G streets in the Central Southwest, and Rock Creek parkway and Twenty-sixth street on the west. Ohio and Basin drives would be a future link completing the circuit through West Potomac park.

Florida avenue would become the major link on the northeast corner, North Carolina and Delaware avenues in the Southeast. All three, however, remain two-way. In addition, there would be some major construction—an elevated entrance from South capitol street to F, and a bridge across the Washington Channel

The aim is to make the circuit as attractive to potential users as possible; otherwise it won't function.

Only tourists would travel the whole loop; local motorists would use only the portions necessary for their trips.

Deane added that the National Capital Park and Planning Commission agreed with the concept, but its comprehensive plans included a different routing:

There are three major differences: the commission plan shows a new freeway at about T street N.W. instead of Q and R as the north leg; the east leg is a freeway west of the capitol, on Third street N.W. instead of Fourth and Sixth N.E., and the West Potomac Park leg uses Independence avenue instead of Ohio drive, and Twenty-sixth street is not used.

The planning commission position has been that Q and R and Fourth and Sixth streets split residential neighborhoods; the commission frowns on this.

The plan had run into opposition from the area southeast of the Capitol. With private redevelopment expected to turn the area into a “new Georgetown,” the Southeast Citizens' Association was concerned that the loop would bring ruinous traffic into the area. In addition, the national planners were waiting for a report from the RLA on slum-clearance in the Southwest. The highway plan would have to dovetail with the redevelopment plans. [Deane, James G., “Top Priority Given ‘Inner Loop’ To Ease Downtown Traffic,” *Highways of the Future*, *The Evening Star*, February 5, 1952]

Deane also discussed plans for the intermediate loop known as Fort Drive. The first formal plan for the drive was in 1901, “although it had been talked about at least 20 years earlier” as a tourist attraction. The drive would use existing roads and some new streets. Congress authorized acquisition of needed right-of-way in 1930, but the concept gradually became a “belt” as that idea took hold among urban planners. “This is the current conception, and a speedy dual highway is now the design.”

As recently as 5 years earlier, “economy-minded District officials were opposing the project as ‘useless’ and too costly.” They wanted the 700 acres the city had acquired for the drive returned to the District’s tax base. Now, just 5 weeks earlier, the District proposed to spend \$20 million on two major segments of Fort Drive amounting to 8.2 miles of the 23-mile loop: (1) Fort Stevens at Georgia Avenue to Fort Reno at Nebraska Avenue and (2) Fort Totten at South Dakota Avenue to Fort Mahan at Benning Road. Each would be a freeway consisting of two-lane pairs separated by a median:

As a freeway, the drive would help motorists bypass snarls. But it would also be an attractive Sunday drive.

Deane quoted Fowler’s comment from 5 years earlier that Fort Drive “never will be built because there is no need for it and there will be no money for it.” As Deane concluded his article, “It remains to be seen whether he was right.” [Deane, James G., “1901 Plan for Linking Forts Revived as an Aid to Traffic,” Highways of the Future, *The Sunday Star*, March 2, 1952]

### **Evolving Inner Loop**

Cost had been a factor in the District’s thinking about the Inner Loop, but with planning for the Interstate System and its urban configurations, the concept evolved from two-way pairs to an Inner Loop Freeway.

The District hired De Leuw, Cather and Company to design an Inner Loop addressing traffic needs in 1980 without regard to cost. Instead of a single loop, the consultants’ October 1955 report proposed two connected loops that looked like a figure 8 on its side. The western loop had the White House in the center. The eastern loop included the Capitol along the west leg (the segment shared with the eastern edge of the western loop) while the east leg linked Florida Avenue and M Street beyond the intersection of Massachusetts and Maryland Avenues:

The Inner Loop Freeway System recommended herein is approximately 17.6 miles in length—14.6 miles of main freeway roadways, three miles of connecting roadways—and forms a figure 8 around the central district of the city. There are approximately four miles of eight-lane freeway, nine miles of six-lane freeway and 1.5 miles of four-lane freeway. There are six miles of 2-lane, one-way connecting roadways in interchanges and in connections to existing traffic arteries. All traffic lanes are a minimum of 12 feet in width. Center malls separating opposing traffic are 4 feet wide in fill or elevated sections and on bridges and 11 feet wide in depressed sections.

The consultants chose the location for the system based on three factors. The Inner Loop should:

- Be properly integrated with other existing and proposed street and highway facilities,
- Provide for the preservation of historical sites, parks, playgrounds, and institutional buildings insofar as possible, and
- Provide the maximum in traffic service, attracting sufficient traffic to justify its construction in accordance with highest possible standards of design.

They added, "Almost the entire route of the Inner Loop Freeway System is within areas which have been recommended for redevelopment." The system also connected with important arterials:

Routes were selected, therefore, to provide limited access connections between the Inner Loop and the proposed Constitution Avenue Bridge, Whitehurst Freeway, and a new freeway to connect to the Washington-Baltimore Parkway along New York Avenue. Connections are also provided to West Virginia Avenue, Benning Road, John Philip Sousa Bridge, Anacostia River Bridge (11<sup>th</sup> Street S.E.) including a new parallel bridge to the existing structure, and Highway Bridge as proposed to be improved by construction of a second one-way bridge.

Design standards allowed for safe and continuous travel at 50 m.p.h., although at peak periods traffic might move more slowly:

The freeways will be so superior to the parallel surface streets in safety, capacity, and time-saving features that they will attract vehicles from a wide area even at the expense of somewhat greater distances to be traveled by some motorists.

The consultants designated the segments of the system by their cardinal orientation: West, North/Northwest Section, North/Northeast Section, East, Center, South Route/Southwest, and South/Southeast. The report provided an alternate alignment for the center route involving a tunnel under the National Mall instead of passing through the mall at depressed grade. For the Southwest section along Ohio Drive between the Lincoln Memorial and the Southwest Freeway at Maine Avenue, they provided an alternate route via Independence Avenue.

The total estimated cost of the Inner Loop Freeway System was \$272,667,000. With "a vigorous planning and construction program," the system could be completed in 12 years. During construction, parallel two-way pairs would be employed to keep traffic moving a couple of blocks from the freeway corridor.

The consultants, after studying bus service, concluded that "most of the heavier movements are at right angles to the routes of the Inner Loop System rather than tangential." As a result, the Inner Loop would "not be useful for bus operation . . . except in isolated instances." Some express bus services might use the Inner Loop during peak periods:

Buses making such express runs will use the ramps provided for general use. Since no stops will be made by these buses along the freeway routes, no special facilities need be planned.

Construction of the Inner Loop would "not require abandonment or reconstruction of a major length of any streetcar track presently operated." However, if "all parts of the present rail system are still in use" when the Inner Loop is built, "rail and underground power distribution facilities will have to be installed on cross structures" in some cases.

Because one function of a theoretical inner loop was to be a terminal to keep cars out of the central area, the consultants studied whether to build parking structures over the freeway right-of-

way. They found that the cost of building parking garages above the freeways would be “abnormally high” compared with building parking facilities at ground level. Further, spacing for interchange ramps throughout the system did not leave “weaving” room for additional ramps to serve the parking garages. (A weaving section is the area where vehicles maneuver, sometimes crossing each other, to enter or leave a freeway.)

The consultants also were concerned about safety as motorists would operate in bright sunlight, drive into the darkness under the garages, and then move back into sunlight. “While the human eye can adjust to either level, given sufficient time, it cannot change rapidly enough to meet such problems safely at freeway speeds.”

The consultants concluded that parking garages should not be part of the freeway system. “Rather, such structures should be kept far enough away from them to permit the surface streets between to afford a cushioning effect.” [*Report on Inner Loop Freeway System, District of Columbia*, De Leuw, Cather and Company, October 1955, pages 1-3, 8, 13-27, 51-52, 63-64]

In August 1955, as the plan circulated through agencies, Gilmore D. Clarke and Michael Rapuano, New York consultants for NCPD, urged the commission to adopt the Independence Avenue alternative for the Southwest section, rather than Ohio Drive along the Potomac Park waterfront. Both alternatives “would result in a destruction of park values which should not be permitted.” Aside from the removal of trees, the link, wherever located, would form “wide traffic barriers” that would interfere with enjoyment of the park. Independence Avenue would be less disruptive:

Under the consultants’ plan, the inner belt would underpass the [Pennsylvania] Railroad, Fourteenth and Fifteenth streets, as well as Seventeenth street near Washington Monument. The belt also would underpass Arlington Memorial Bridge and Riverside drive by modifying the present structural arches, and would overpass the southeast approach to the Lincoln Memorial traffic circle.

The entire Ohio congressional delegation also opposed use of the road named for its State as a link in the Inner Loop.

Highway Director Robertson responded that from a traffic standpoint, the city did not have a preference between Ohio Drive and Independence Avenue. However, the Ohio Drive alternative would cost an estimated \$4 million less. [“Independence Avenue Urged as Inner Belt Link,” *The Evening Star*, August 3, 1955]

In the Yellow Book released in September 1955, BPR adopted the Outer Loop and the Inner Loop Freeway System, but did not include Fort Drive. As in the consultants’ report, the Inner Loop was a figure eight but with an extended eastern section that put the easternmost leg on the eastern side of the Anacostia River providing a link to the Baltimore-Washington Parkway. The northern leg crossed the city before dipping south to a Potomac River crossing in the vicinity of Theodore Roosevelt Island. The southern leg crossed the Anacostia River in the vicinity of the 11<sup>th</sup> Street/Pennsylvania Avenue, followed the Southeast and Southwest Freeways to cross the

Potomac River on the 14<sup>th</sup> Street Bridge. An Interstate route linked the north and south legs in the center of the city, but no link was provided on the western end.

The Yellow Book map did not include detailed descriptions of the black lines on the map or an accompanying narrative description. The lines for the District and other metropolitan areas were considered aspirational in that the detailed location would be determined by further studies. However, the *Star* summarized the links in the “17.6 miles of limited-access, depressed and elevated expressways” that comprised the Inner Loop:

The network, costing \$15.5 million a mile, is in the form of a giant horseshoe stretching from the Anacostia River to the Potomac River beyond the Lincoln Memorial and back to the Anacostia. Two north-south expressways would connect the long arms of the horseshoe.

More ambitious than any circumferential expressway ever considered seriously for a downtown city area, the road would be four, six or eight lanes wide, depending upon the amount of traffic estimates to use each section.

The freeway loop does not follow existing streets. Instead, it cuts wide swaths through residential blocks, would knock out an estimated 6,800 dwelling units.

The Inner Loop consisted of:

- The projected Anacostia Freeway from East Capitol Street south to the District line. It would connect with the southern sector of the circumferential highway near the projected Jones Point Bridge.
- A cross-town highway using part of the northern sector of the projected inner-belt highway. It would connect with the Baltimore-Washington Parkway by way of New York Avenue.
- The southern sector of the inner-belt highway. There would be a connection across the Anacostia River with the Anacostia freeway, and one across the Potomac with Shirley highway.
- The west sector of the inner-belt. This would have a connection across the projected Constitution Avenue bridge with Highway 50 in Virginia.
- A north-south highway roughly along the line of Third street N.W., which would cut across the inner-belt.
- A highway roughly paralleling Canal road N.W. running from the west sector of the inner-belt to Maryland’s 240.

In 1955, Congress had considered how to fund the Interstate System on a 90-10 Federal-State matching basis, but adjourned without completing the legislation before BPR released the Yellow Book.

As Director Robertson acknowledged, the city would not be able to build the Inner Loop unless Congress found a way to pay for the Interstate System – the issue that killed the legislation in 1955. At an estimated cost of \$272 million, the Inner Loop envisioned by the consultants would take 12 to 15 years to complete. However, the District’s budget could not support the project.

The city received \$5 million a year in Federal-aid highway funds, up from \$3 million a year. District revenue from its gas tax was up \$1 million over estimates. Under the Interstate bill that had failed, the city would have received about \$30 million a year over a 10-year period for regular Federal-aid projects on a 50-50 matching basis and Interstate System projects on a 90-10 ratio.

Robertson was optimistic that Congress would extend the Federal-aid highway program, with “almost a certainty that we will get something more.” He said the Southwest Freeway segment of the Inner Loop through the southwest redevelopment area would get underway in the summer of 1956 regardless of the legislation’s fate. Unlike other District expressways, the Southwest Freeway from the Highway Bridge to South Capitol Street was planned for an urban redevelopment area that had been stripped of virtually all buildings, thus eliminating the source of much of the controversy in other parts of the city. [Douglas, Francis, P., “Highway Links OK’d for D.C.,” *The Evening Star*, September 29, 1955; Beveridge, George, “D.C. Gets Plans for Freeway To Speed Downtown Traffic,” *The Sunday Star*, December 4, 1955; “Loop Road Plan Awaits Decision on Federal Aid,” *The Sunday Star*, December 4, 1955]

Although the consultants’ Inner Loop report was dated October 1955, it was not released to the public until December. Engineer Commissioner Lane told reporters that the report presented “a satisfactory guide” for gradual construction of the Inner Loop Freeway System. Now that “we have the plan,” he said, “we will begin immediately a review of the financial prospects, rated against cost of the program.” General Lane stressed that most of the loop freeway passes through aging areas slated for “urban renewal,” as illustrated by the Southwest Freeway. Construction would be scheduled in conjunction with redevelopment to reduce costs for right-of-way acquisition. [Beveridge, George, “D.C. Gets Plans for Freeway To Speed Downtown Traffic,” *The Evening Star*, December 4, 1955]

### **A Couple Legs**

Almost as soon as the plans were released, the West Leg of the Inner Loop through the Foggy Bottom section of the District became controversial. A NCPC coordinating committee called in developers of two projects to explain their concerns on December 13, 1955. One developer, the Potomac Plaza Corporation, was planning a hotel/apartment/office complex near the intersection of New Hampshire and Virginia Avenue, NW., on the former Washington Gas Light Company property (later to be named the Watergate complex), while Peoples Life Insurance Company had purchased a building site at New Hampshire and F, G, and 25<sup>th</sup> Streets, NW. The western leg of the Inner Loop would be built west of the two developments. The developers said that with construction of the West Leg still years off, they planned to proceed with their projects. They suggested the city abandon the conflicting highway segment.

To avoid the Potomac Plaza development, District officials had identified an eastern alternative, but it would cut through three blocks acquired over the years by George Washington University for its expansion plans. The university’s treasurer, Henry W. Herzog, said the university expected to grow from 13,000 students to 30,000. “We don’t like to have property that cost us \$1 million taken from us and then have to spend \$5 million or \$6 million for land somewhere

else.” [“Developers Ask Truce on Road; Loop Is Issue,” *The Evening Star*, December 14, 1955; “Planners Weigh Inner Loop Plea,” *The Evening Star*, December 16, 1955]

On December 16, NCPC unanimously approved the city’s alternative route for the Inner Loop through Foggy Bottom. Passing between 23<sup>rd</sup> and 24<sup>th</sup> Streets, NW., the route avoided the two private developments, but impacted the university, which owned three of the blocks. This action, the *Star* stated, “resolved one major Washington highway controversy.” [“Planning Board Approves Route For Inner Loop,” *The Evening Star*, December 17, 1955]

George A. Garrett, whom President Eisenhower had asked to work with all parties to resolve issues blocking the southwest redevelopment, submitted a three-page letter to the President on December 21, 1955. Garrett reported that the program “now appears to be fully under way and its ultimate success is assured.” NCPC, Garrett said, had approved the land use plans either finally or tentatively in the case of plans that remained shy of detailed plans.

The final issue had been the dispute between the Zeckendorf plan for a South Mall entranceway in the 10<sup>th</sup> Street corridor and the Smithsonian Institution’s plans for a National Air Museum. Based on a NCPC recommendation, the Smithsonian Institution would find another museum location. Garrett told the President:

Within 10 years, barring a national emergency, the area could be completely rebuilt, a model downtown urban community which could point the way for the salvation of obsolete city cores through the nation.

The President, in Key West recovering from a heart attack he suffered in Colorado the previous September, replied by letter dated January 1, 1956 (released January 6):

It is indeed heartening to know that the efforts of the agencies cooperating in the project will result in early initiation of construction and in a complete rebuilding of the designated area. Certainly the Capital of this great nation deserves to be a symbol of our best efforts to provide decent housing and attractive urban living. [Beveridge, George, “President Cites Southwest Job,” *The Evening Star*, January 8, 1956]

On February 2, 1956, NCPC approved all elements of the southwest redevelopment plan, subject to a final vote after detailed plans were submitted in coming weeks. District highway officials appeared before NCPC during the meeting in an attempt to postpone the feud over whether the Inner Loop would follow Ohio Drive or Independence Avenue, SW. With minor adjustments on the western end of the Southwest Freeway, the city would be able to accommodate either alternative, thus postponing the need for a decision.

NCPC took up the issue in more detail on February 3. Engineer Commissioner Lane told the commissioners that the District favored Ohio Drive, but was willing to postpone the decision. A connection was needed between Southwest Freeway, already slated for construction in the F Street corridor, at 12<sup>th</sup> Street, SW., and the two 14<sup>th</sup> Street bridges over the Potomac:

So he proposed a bridge across Washington Channel, linking the two facilities, and making “temporary connections” to both Ohio drive and Independence avenue. Since the

District has no money to extend the expressway soon anyway, he said, the temporary connections would permit either route to be used when a later decision is made.

The Ohio congressional delegation expressed its view. Representative Thomas A. Jenkins (R), who called himself “the Daddy of Ohio drive,” told NCPC that for many years, “no avenue, street or even alley” was named for Ohio in the District. Now, the two-lane drive along the Potomac River between the Lincoln Memorial and 14<sup>th</sup> Street was the “pride of the people of the great State of Ohio.” He said he was not arguing from an engineering or traffic perspective, only that “we’re proud of it.” He added that Senators John W. Bricker (R) and George H. Bender (R) agreed with him.

Bartholomew, who opposed Ohio Drive for the Inner Loop, was concerned about the District’s new plan to postpone the decision:

He said any connection with Ohio drive was “a foot in the door” toward its eventual construction as an expressway. And—widening the breach—opposed any crossing of Washington Channel until such time as the District agrees to build a Potomac bridge at Roaches Run, Va.

The commissioners could not agree on the proposed postponement plan. [Beveridge, George, “Way Is Cleared For Final Okay On Southwest,” *The Evening Star*, February 3, 1956; “Pride of Ohio’ Injected Into Inner Loop Planning,” *The Evening Star*, February 4, 1956]

In 1949, Representative Jenkins had led the effort to change Riverside Drive to honor his State. Ohio Street, behind the District Building, had been removed during development of the Federal Triangle area. Riverside Drive ran from the John Ericcson Memorial (honoring the inventor of the screw propeller for ships) at the drive’s intersection with Independence Avenue near the Lincoln Memorial through the Tidal Basin across West and East Potomac Parks along the Potomac River. At the time, according to the *Star*, it was “Washington’s most popular ‘hot weather’ drive.” At his urging, the National Capital Park and Planning Commission approved the change to Ohio Drive on August 5, 1949. The signs went up on August 12 in a brief ceremony with Representative Jenkins. With the change, all 48 States had a named street in the District of Columbia.

Over 300 Ohioians, including Governor Frank J. Lausche and Representative Jenkins, formally dedicated Ohio Drive on July 9, 1950. With rain pouring, Representative Jenkins was master of ceremony. Secretary of the Interior Oscar L. Chapman presented a scroll from President Truman to Governor Lausche and extolled Ohio’s contributions to the country. Mrs. Erma C. Marting of Irontown, Ohio, “Ohio’s Mother of the Year,” snipped the ribbon across Ohio Drive at the tip of Hains Point to officially open the road. Following the ceremony, Miss Mary Jane Hayes, “Miss Washington,” presented a three-layer cake to Governor Lausche, who cut it and passed out the rain-soaked slices. [“Ohio Gets Its Name Restored Along Six Miles of Channel,” *The Evening Star*, July 10, 1950]

(The name “Independence Avenue” was only about a decade older. It was an outgrowth of legislation signed by President Herbert Hoover on February 26, 1931, changing the name of B

Street north of the National Mall to Constitution Avenue. Chairman Delano of the National Capital Park and Planning Commission suggested changing B Street south of the mall as well to honor the Declaration of Independence. Senator Capper introduced a bill to change the name in 1933. The District commissioners approved the bill on January 16, 1934. The *Star* explained:

B Street is the south boundary of the Mall and under Mall development plans the street is to be extended from its present western terminus at Fourteenth street to the Potomac River. There would be a jog in the street at Fourteenth street because of the location of the Bureau of Engraving and Printing. ["D.C. Board Approves Street Name Change," *The Evening Star*, January 17, 1934]

President Franklin D. Roosevelt approved the legislation on April 13, 1934. (P.L. 73-150)

### **Getting Underway**

The future of the District's Interstate network depended on approval of the Federal-Aid Highway Act of 1956, which President Eisenhower signed on June 29. During the first 3 years of the construction program, the funds would be apportioned by the longstanding formula for distributing Federal-aid primary system funds. After that, Interstate System funds would be distributed based on periodic Interstate Cost Estimates (ICE) that BPR was to complete beginning in 1959 and submit to Congress for approval. After that, each State's share would be calculated on the ratio of the cost to complete its Interstate segments compared with the national cost.

The legislation meant an immediate boost in Federal-aid highway funds from the annual \$4 to \$5 million the District had been receiving. The District expected to receive \$40.5 million in Federal-aid for the first 3 years under the new law, with \$29.4 million of that amount for the Interstate System. The District's share could increase when the ICE formula was used, but the city expected to receive between \$390 and \$400 million overall, to be matched on a 90-10 basis. [Beveridge, George, "District to Map \$400 Million Road Program," *The Sunday Star*, July 29, 1956]

By late August, the District Highway Department had submitted to the commissioners the largest road construction budget in city history. It covered 13 projects with an estimated cost of \$22.9 million, including \$11 million for three projects on the Inner Loop. Interstate projects included the Southwest Freeway (14<sup>th</sup> Street to South Capitol Street), the Inner Loop segment from South Capitol Street to the Anacostia Freeway), and the West Leg (right-of-way acquisition in Foggy Bottom between E Street, NW., and Washington Circle). The District also planned to use the funds on the Constitution Avenue Bridge (pending congressional action) and replacing the trestle-topped bridge as part of the 14 Street Bridge (minor legislative action might be needed), and the Anacostia Freeway. [Beveridge, George, "\$29.9 Million Asked for Roads," *The Evening Star*, August 31, 1956]

Around this time, the 21 members of the D.C. Auditorium Commission were deciding where to place a proposed civic auditorium and cultural center. The commission, established in 1955, had narrowed the choice to two locations by November 1956. One was in the new Southwest east of

the 10<sup>th</sup> Street “South Mall” south of D Street and north of the Southwest Freeway. The other possibility, the one favored by the auditorium commission, was in Foggy Bottom west of 23<sup>rd</sup> Street and south of Virginia Avenue, NW. The Foggy Bottom location depended on where the District ultimately built the Inner Loop through the area.

On November 3, Chairman Garrett of the Federal City Council sent telegrams to members of the commission stating that the council supported the southwest location. A Foggy Bottom location would “create critical problems” for the private developments underway in the area. By contrast, “the location of the Southwest cultural center envisages a ceremonial entrance and link from the Grand Mall to the Tenth Street Mall. An auditorium on this site will be the focal point of the entire rebuilt area and a great asset to the Capital City.”

Engineer Commissioner Lane said he did not know enough about plans for the auditorium to take a position on where it should be built. As for the Inner Loop through Foggy Bottom, the “present approved location, as far as we know, is the proper one.” He added, “The whole feasibility of a relocation is undetermined. But if there are factors we have overlooked, we will listen to them.” [“Auditorium in Southwest Backed by City Council,” *The Sunday Star*, November 4, 1956]

The auditorium commission decided to delay a decision while advisers made “further studies . . . of the several sites considered suitable, and the commission will determine from the responsible agencies the availability of these sites.” Although the West Leg of the Inner Loop as presently located would cut across the middle of the favored Foggy Bottom site, the commission chairman, Mrs. Agnes E. Meyer, indicated that her talks with NCPC indicated that rerouting the West Leg was possible. [Beveridge, George, “Auditorium Unit Delays Firm Decision on Site,” *The Evening Star*, November 27, 1956] (Mrs. Meyer’s husband Eugene owned *The Washington Post*, serving in various leadership roles with the newspaper until his death in 1959.)

Highway Director Robertson was frustrated by NCPC decisionmaking as he made clear when he testified on November 30, 1956, before the Commissioners’ Citizens Advisory Committee regarding a proposal by former District Commissioner Samuel Spencer that NCPC’s five citizen members should be appointed by the District commissioners, not the President. NCPC Chairman Bartholomew opposed the suggestion, which he said would override Federal interests in the capital.

Robertson argued for a change. He said that “delays in obtaining definitive action by the National Capital Planning Commission have consistently resulted in retarding the highway program of the District of Columbia, have produced a continued economic hardship on the motorists of this area by delaying the construction of needed projects and may very well cause the District of Columbia to have certain Federal funds withdrawn unless allocated monies are soon obligated.”

For example, he said, during the 7 years of controversy over the Highway Bridge at 14<sup>th</sup> Street, rising costs would add \$16 million to the project. “Had the District received greater co-operation and understanding from the planning commission, the District taxpayers would have been saved millions of dollars.”

The controversy over the proposed Constitution Avenue Bridge across the Potomac River “has cost the taxpayers many thousands of dollars thus far on this project without a bridge having been started in this area.” The total was about \$100,000, Robertson said, adding that “this expenditure can hardly be justified as a means of satisfying the NCPC simply because they doubt the integrity or capabilities of responsible public officials or their consultants.”

The West Leg of the Inner Loop was another example. NCPC had approved the location, but was now reconsidering it:

Shifting of this route, he said, would curtail the multimillion-dollar Potomac Plaza project under construction in the area. Also, he said, the proposed Peoples Life Insurance Building would be “endangered by an auditorium site which is astride the original inner loop location.”

“It is difficult,” Mr. Robertson said, “to comprehend how any agencies, private or public, can proceed with any developments in the District with the possibility of this type of action endangering their plans and costing them considerable amounts of money.”

He also cited the District’s preference for routing the Inner Loop along Ohio Drive while NCPC had selected Independence Avenue. “That action will cost the taxpayers \$4.5 million.”

The advisory council decided to send Robertson’s 17-page statement to Bartholomew for his information, but “decided not to request a rebuttal for fear of stimulating continued argument.” [McLean, Hector, “Big Loss Seen In ‘Indecision’ On Planning,” *The Evening Star*, November 30, 1956]

As Robertson’s statement indicated, the location of the West Leg remained controversial and in doubt. NCPC indicated it was reconsidering its approval of the routing in view of its impact on George Washington University. The university added to the controversy in December by announcing a long-range plan for an extensive medical center to be built around the present 400-bed university hospital. Herzog explained that if the West Leg were built as planned, it would leave “no other place in the area where these facilities can be erected and still carry on effective communications and service with the hospital.” He hoped that the route could be shifted to allow not only the hospital expansion but the private developments underway in the area. [Beveridge, George, “GWU Reveals Plans for Huge Medical Center,” *The Sunday Star*, December 9, 1956]

On December 13, the District Auditorium Commission’s concerns prompted NCPC to delay asking the District to consider a location along 24<sup>th</sup>, 25<sup>th</sup>, and 27<sup>th</sup> Streets, NW., for the West Leg. This location, according to a NCPC special committee, would require little property from Potomac Plaza and avoid university property. It also would allow room for an interchange connecting the West Leg to K Street west of Washington Circle.

General Lane responded that the current route had been selected by the city’s consultant as the most feasible. The committee’s suggestions involved “paper plans” that might prove impractical when given detailed engineering review. As far as he was concerned, nothing before NCPC justified additional study. He added that wherever the route is built, “someone will be hurt.”

When NCPC decided to postpone a decision, General Lane said the approved routing remained on the books. The District would proceed accordingly and ask Congress for authority to begin acquiring right-of-way. [Beveridge, George, "Planners Put Off Vote on Inner Loop," *The Evening Star*, December 13, 1956]

The District Auditorium Commission, which was still awaiting a decision on the West Leg, increased the number of possible sites for the auditorium and cultural center to three. The Foggy Bottom site was in an area bounded by Virginia and New Hampshire Avenues on the north, E and Water Streets on the south, and on the east by 23<sup>rd</sup> Street and the west by 26<sup>th</sup> Street. The original southwest location was within 10<sup>th</sup> Street with D Street on the north, Sixth and Seventh Street on the east, and the Southwest Freeway on the south. The commission was now considering a second southwest option, this one bounded by Ninth Street on the east, 12<sup>th</sup> Street on the west, D Street on the north, and the freeway on the south. "Chairman Agnes E. Meyer disclosed that the commission favors Foggy Bottom, but would not be unhappy if one of the Southwest sites are selected." ["3 Cultural Center Sites Are Favored" *The Evening Star*, January 30, 1957]

On February 1, 1957, Harold Aitken, then still with Clarkeson Engineering, told NCPC he was considering a western shift of the West Leg as the best way to connect U.S. 240 along the Potomac River with the Inner Loop at Washington Circle. Based on the city's current plans, the connection was possible, but would be "costly and difficult to build" because it required an interchange that might include three- and four-level structures for all movements. Moving the Inner Loop to the west would "be a little less costly to build and have a better design" than at present.

Bartholomew was not sold on the Potomac River link to U.S. 240. He preferred a route through Bethesda, along the Wisconsin Avenue corridor to Tenley Circle, then via Glover-Archbold Park to Whitehaven Parkway, with a link to the Inner Loop near Sheridan Circle.

Aitken agreed that this routing would serve more traffic than the Potomac River route that he and District officials favored. However, building the section in Maryland would be very difficult and would possibly require the taking of "hundreds of homes" before reaching the District line. He said that the Potomac River Freeway and the routing via the city's planned Glover-Archbold Parkway, exclusive of trucks, were both needed. [Beveridge, George, "Shift Called Possible in 'Inner Loop' Plan," *The Evening Star*, February 1, 1957]

Aitken returned to NCPC on March 8 for a formal presentation of his plan for shifting the Inner Loop's West Leg to the west. Although the proposal would solve some of the issues involving private development and expansion of George Washington University, it would cut through the Foggy Bottom site favored by the District Auditorium Commission. On the plus side, the western shift would permit the Inner Loop to make "full traffic connections" with the proposed Potomac River link to U.S. 240. Aitken expected the proposed route to cost about 10 percent less than the currently approved route through Washington Circle.

The precise impact on properties had not been determined, but the apartment houses on K Street west of 25<sup>th</sup> Street appeared to be in greatest danger. The impact on the embassy area would be

the same as caused by the current plan. Regardless of property impacts, Aitken said, his primary concern was finding “workable connections” between the Inner Loop and the Potomac River Freeway.

For traffic service, he proposed a Potomac River bridge between the Key and Chain Bridges. It would connect with the George Washington Memorial Parkway in Virginia and the Potomac River Freeway near MacArthur Boulevard in the District. He recommended the bridge be an extension of Arizona Avenue.

Members of NCPC reserved judgment, referring the report to a committee for study. [Beveridge, George, “Another Route For ‘Inner Loop’ Road Proposed,” *The Evening Star*, March 8, 1957]

The District Auditorium Commission still favored the Foggy Bottom site over the sites in Southwest, but was disturbed that the District did not seem to give a high priority to avoiding conflicts between the cultural facility and the West Leg:

Mrs. Meyer charged that city authorities and Washington business interests have adopted a “cavalier manner” toward her commission’s desire to locate the cultural center in Foggy Bottom . . . . Mrs. Meyer said the city heads have handled the matter as one “merely . . . of parochial concern to be settled in the haphazard manner characteristic of the District’s chaotic government.”

Another time, she said all the “squabbling and procrastination” over the issue results from “the fact that the District of Columbia lacks an orderly and efficient government.”

As for the Clarkeson proposal, she told NCPC that her group would pay for a new route study if the auditorium commission could select the consultant.

General Lane agreed that the District Highway Department would meet with the commission’s engineer. He pointed out to Mrs. Meyer that the District had not acted on the Clarkeson proposal and did not, at this time, agree that additional studies were needed. If Congress determined the location for the auditorium and cultural center, as NCPC had recommended, the District would necessarily adjust its plans to comply with congressional decisions. [Beveridge, George, “D.C. Officials to Consult Center’s Group About Site,” *The Evening Star*, March 27, 1957]

On May 3, NCPC members spent half the day in the Potomac Palisades area to see where the planned expressways and parkways, including the U.S. 240 link, were to be built. They also heard from citizen groups, such as the Potomac Palisades Citizens Association. Its representative told NCPC that the river location was the “worst possible route” for an expressway. The group favored the George Washington Memorial Parkway if built in the Canal Road corridor, but the link to U.S. 240 should be built where it would serve more people.

Admiral Neill Phillips of the District Audubon Society told NCPC that if the U.S. 240 link must be built along the Potomac River, it should be combined with the George Washington Memorial Parkway. However, he wanted the parkway built along MacArthur Boulevard to reduce impacts on the C&O Canal and waterfront parks. Other groups agreed with the idea of reducing impacts

on the canal and park area. [Beveridge, George, "Planners Ask Adoption Of Lewis Zoning Report," *The Evening Star*, May 4, 1957]

Congress was considering legislation to extend the life of the District Auditorium Commission, which had expired on January 31, 1957. The House-approved bill extended the commission until the center was built. The Senate-approved version extended the life of the commission and directed it to "select and acquire" a site but did not specify where it should be. During the House-Senate conference to resolve differences between the bills, conferees changed the language to direct the GSA to acquire the site in Foggy Bottom favored by the commission. The conferees voted 7-1 for the change. Representative Broyhill, a member of the auditorium commission, was the lone dissenter because, he said, the Foggy Bottom site would be more expensive than a site in the southwest redevelopment area. He also pointed out that the Foggy Bottom site would remove property from the city's tax rolls, thus increasing its true cost.

In reporting the conferees' action, George Beveridge discussed the conflict with the West Leg of the Inner Loop:

It was learned that District highway officials have drawn tentative alternate routes, however, which could permit the auditorium to be built. These plans, still in the study stage, are being worked out with special consultants for the Auditorium Commission and for the big Potomac Plaza private development, which could be harmed by a major road relocation. [Beveridge, George, "Conferees OK Auditorium in Foggy Bottom," *The Evening Star*, May 10, 1957; "Foggy Bottom Site Hit As Too Costly for Center," *The Evening Star*, March 22, 1957]

On May 15, the Senate approved the conference report extending the auditorium commission and directing GSA to acquire the Foggy Bottom site. However, the House rejected the bill by a wide margin on August 9. Representative Broyhill led the opposition, arguing that the specified site would cost too much.

Mrs. Meyer, watching from the House gallery, denounced Representative Broyhill as a "completely irresponsible person." He knew, she said, that the Foggy Bottom site was less costly than the southwest sites. "Therefore, I think all his statements are unreliable and many untrue." She said, "The whole possibility of having a cultural center is lost unless the House reconsiders." ["House Vote Chills Cultural Program," *The Evening Star*, August 9, 1957]

(With the District Auditorium Commission no longer in operation, Congress continued the goal of the cultural center by passing the National Cultural Center Act, which President Eisenhower approved on September 2, 1958. It established a board to maintain and administer the National Cultural Center for the Smithsonian Institution. The law did not address where the center should be built. Gutheim and Lee described the outcome:

After the work of President Eisenhower's DC Auditorium Commission from 1955 to 1958, Commission of Fine Arts chairman David Finley arranged for the review of several possible sites for this facility and recommended the one on the Potomac River to the US Congress . . . .

After the assassination of President Kennedy in 1963, Congress voted to name the center in his honor. [Gutheim and Lee, pages 295-296]

(President Lyndon B. Johnson participated in the groundbreaking ceremony on December 2, 1964. The John K. Kennedy Center for the Performing Arts opened on September 8, 1971.)

### **Searching for Connections**

The District of Columbia was still assembling its full Interstate network for approval by BPR, with the U.S. 240 link still a major concern. In June 1957, District highway officials had finalized their plan for submission to BPR on July 1. These were the routes that would, if BPR approved, be eligible for construction in the next 13 years on a 90-10 matching basis.

The *Star* described the plans:

In broad outline, they connect an inner-loop skirting the downtown district with highways leading to Route 240 to Frederick, Md., to the northwest; to Richmond and points south and southwest, and to Baltimore and New York freeways to the northeast.

The District divided its system into five routes:

Route 1 – The still disputed connection to Route 240, running parallel to the Potomac river, \$47 million. The eight-lane roadway, partly elevated and partly depressed, would run from the District line to the west leg of the inner loop. A unique feature would be an extension of the Whitehurst freeway under one span of Key Bridge, one-way west, and a companion eastbound highway under another bridge span.

Route 2 – The Potomac River bridge leading to the west and north legs of the loop onto New York Avenue to the District line, \$141 million. Highway planners have included the bridge on the Federal plan, although the Senate has before it a bill for a tunnel at the Theodore Roosevelt island site.

Route 3 – The Southwest freeway linking the highway bridges across the Potomac with the center loop leg to the New York Avenue section to Route 2, \$95 million. Part of this alternately six and eight lane highway will shoot underground into a six-lane tunnel in front of the Capitol from D Street to Constitution Avenue under the Mall.

Route 4 – The Anacostia freeway alongside the Anacostia River to tie the projected Jones Point bridge to the new Eleventh Street bridge through the southwest to meet the Southwest freeway, \$55 million. This will join South Capitol Street with Route 3.

Route 5 – A continuation of the Anacostia freeway past the Eleventh Street Bridge on the Anacostia side to the East Capitol Street Bridge, \$12 million. At the latter bridge, the road picks up with widened, limited access Kenilworth Avenue to the interchange fanning to Baltimore.

The proposed District network did not include any Interstate highways in the northwest quadrant other than the Potomac River link to U.S. 240. The New York Avenue link to the Baltimore-Washington Parkway was the farthest north of any route in the northeast quadrant. [Bassett, Grace, "\$350 Million D.C. Plans For Expressways Readied," *The Evening Star*, June 19, 1957]

The New York Avenue expressway was planned from the Inner Loop at Florida Avenue to Bladensburg Road, NE., where it would connect with the Baltimore-Washington Parkway. The expressway would be six lanes for most of its length. District highway planner Brinkley said the expressway would include at least three interchanges as well as access ramps to cross roads.

The District's routes would have to match Maryland's and Virginia's plans for their Interstate networks in the Washington suburbs. During the meeting on January 15, 1957, discussed earlier, Federal Highway Administrator Volpe had approved the U.S. 240 Potomac River link to the Inner Loop and a connection at Washington Circle, but the Maryland routing was yet to be determined. Similarly, Maryland was proposing a separate alignment for the Baltimore-to-Washington line that would require a third east-side entrance across the District line (the other two being U.S. 1 and the parkway), rather than the parkway-New York Avenue link the city favored.

Brinkley said the New York Avenue expressway would also provide the connection to the District if Maryland secured approval of a Baltimore-Washington connection separate from the parkway. However, he said the highway department was studying a different connection with such a link because the present Kenilworth Avenue interchange limited the ability to add a third expressway to its capacity. [Deane, James G., "N.Y. Avenue Expressway In Road Plan," *The Evening Star*, June 16, 1957]

The prohibition of trucks on the Baltimore-Washington Parkway was a major factor in Maryland's thinking. BPR favored converting the Baltimore-Washington Parkway to an Interstate highway. The conversion would require transfer from NPS to the State, upgrading the pavement to carry trucks, and almost certainly an increase in the number of lanes, but the cost would be considerably less than that of a separate expressway link. Nevertheless, Maryland road officials preferred a third expressway connecting with the District near the Montgomery/Prince George's County line.

Colonel Welling wanted to pin down the connection. During a meeting of the regional coordinating committee on October 15, 1957, officials from Maryland and the District discussed the new expressway link between the two cities. The committee advised Welling to study a link to be located between Bladensburg Road, NE., and Kansas Avenue, NW. Director Robertson planned to ask Clarkeson Engineering Company to undertake the study.

The committee also considered the U.S. 240 link to the city, but could not resolve differences between the District, which favored the Potomac River route, and Maryland, which advocated a link in the Wisconsin Avenue corridor. ["Planners Still at Odds On Freeway D.C. Route," *The Evening Star*, October 16, 1957]

On October 18, Secretary of Commerce Sinclair Weeks announced designation of 2,102 miles of Interstate highways. The Federal-Aid Highway Act of 1956 had authorized 1,000 miles of this amount by expanding the Interstate System from 40,000 miles to 41,000 miles. The additional miles came from identifying direct-as-practicable locations for previously designated routes. The *Star* reported that the mileage included about 4 miles for the District of Columbia that were not linked to a specific route. Robertson said he would seek BPR approval to use for the new 4-mile

link to the Baltimore-Washington Parkway. ["More U.S. Road Aid Opened for District," *The Evening Star*, October 19, 1957]

Not long after the District approved the Clarkeson contract, the Maryland-National Capital Park and Planning Commission expressed concerns about the scope of the study. On November 27, the commission asked the District to study the area through the southeast quadrant of the city between Bladensburg Road and Southern Avenue along the southern District line. The commissioners were convinced that with the opening of the Baltimore Harbor Tunnel on November 29, 1957, most of the traffic using the third route between the two cities would come from east of Baltimore. They thought the new expressway should be south of the parkway rather than north as the Maryland State Roads Commission intended. This shift also would avoid the heavily populated areas of Prince George's County and the District and keep truck traffic out of those neighborhoods. In addition, moving the corridor to the southeast would allow it to serve the Anacostia Freeway and the new Jones Point Bridge while providing a better Interstate bypass for East Coast traffic. ["Maryland Planners Oppose D.C. Sector For Expressway," *The Evening Star*, November 28, 1957]

In December 1957, NPS was ready to begin construction of the 3.9-mile segment of the George Washington Memorial Parkway between the District line and Cabin John on land acquired for the project by the Maryland-National Capital Park and Planning Commission. The grading and drainage work would cover only two of the planned four lanes, with the lanes located between MacArthur Boulevard and the C&O Canal. Although building only two lanes initially would reduce local objections to the project, Director Wirth said the main reason for limiting the lanes was the NPS had only enough funds for four lanes. If the project remained on schedule, the two lanes carrying traffic in both directions would open in the spring of 1960 carrying two-way traffic. The second set of lanes would be built after the two-lane section reached Great Falls.

Wirth intended to have plans drawn at NPS expense to extend the parkway into the District as far as Glover-Archbold Parkway, but this routing conflicted with the District's plans for carrying U.S. 240 along the Potomac River. Further, the District's Robertson said he understood NPS would stop the parkway at the District line, with the city responsible for its extension. NPS opposed the city's plan for carrying U.S. 240 along the river, favoring instead the Wisconsin Avenue corridor for the link to the Inner Belt Freeway. [Beveridge, George, "Bids Open Tuesday On River Parkway," *The Evening Star*, December 8, 1957]

On the other side of the city, Clarkeson Engineering Company submitted plans for a 4.5-mile partly elevated New York Avenue expressway between Florida Avenue and a connection with the Baltimore-Washington Parkway. District highway officials were considering the plan. The elevated 1.5 segment would carry traffic from Fairview Avenue to beyond Bladensburg Road. Robertson, who expected the plan to be approved for 90-10 Interstate funds, said construction was not in the current 6-year plan. ["4½-Mile Road In N.E. Weighed," *The Evening Star*, December 19, 1957]

The Foggy Bottom controversy was resolved in November 1958 when District highway officials and NCPC agreed on the location of the West Leg of the Inner Loop. Under the plan, the northbound and southbound lanes of the eight-lane freeway would be close together on the west

side of 26<sup>th</sup> Street, NW., near the K Street interchange. The expressway would connect with the approach roads for the Constitution Avenue Bridge and meet the eight-lane Potomac River Freeway in what the *Star* called a “gigantic interchange” at 26<sup>th</sup> and K Streets. The Whitehurst Freeway would provide four of the lanes for the Potomac River Freeway, with the remainder to be built on a new structure.

The plan reduced the cost of the expressway by \$4 million, in part by reducing the impact on buildings in the area. Aitken, now the District’s planning chief, said the plan would not affect any “substantial building now existing in the Twenty-sixth street area.” It would require the taking of a “medium-sized apartment” building west of 26<sup>th</sup> Street between I and K Streets and a “small apartment” building under construction across the street from it. In addition, the expressway plan required the taking of the Indonesian Embassy, the former home of Evalyn Walsh McLean at 2020 Massachusetts Avenue, NW. (She was a wealthy heiress best known today as the former owner of the Hope Diamond, which is now the cornerstone of the Smithsonian Institution’s gem collection.) [Beveridge, George, “Expressway Okayed For Foggy Bottom,” *The Evening Star*, November 6, 1958; “D.C. Set to Order Expressway Plans,” *The Evening Star*, November 7, 1958]

The *Star*, acknowledging that some of Washington’s highway disputes can “produce irritating delays in needed traffic improvements,” said that in the case of the West Leg, the delay had resulted in “a superior plan which was well worth the waiting.” The earlier plans, with their drastic impacts on the area, “would have been a tragic mistake.” The new expressway “still will cause severe hardships, and this is one of the unfortunate prices the city must demand in order to obtain the traffic relief which only can come from the huge modern superhighways.” Officials, however, “must never relent” in the search for locations that would serve traffic while minimizing “possible disruption of surrounding community values.” [“Success in Foggy Bottom,” *The Evening Star*, November 10, 1958]

In December, Clarkeson Engineering Company submitted a progress report on a connector with Maryland’s third expressway, part of I-95, between Baltimore and Washington. As called for in its contract, Clarkeson identified routes between Bladensburg Road, NE., and Kansas Avenue, NW. The four possible routes through the District’s northeast quadrant linked the Inner Loop with the Maryland expressway, but were oriented to the District links to the Baltimore-Washington Parkway. Clarkeson was to narrow the selection to a single route in its final report in several months. [Barron, John, “Four Routes Drafted For New Expressway,” *The Sunday Star*, December 29, 1958]

Within the District, the Brookland Citizens Association objected to one of the routes because it would cut through property used by public and parochial schools. The route cut through the community between 10<sup>th</sup> and 12<sup>th</sup> Streets, NE., with Crosby Noyes School, St. Anthony’s High School, Brookland School, and St. Anthony’s Elementary School in the expressway’s path. [“School Damages By Route Cited,” *The Evening Star*, February 10, 1959]

While District officials were debating alternatives, Maryland selected a route for I-95 in Prince George’s County to the circumferential that BPR had approved. Inside the circumferential, Maryland was unsure, but the *Star* summarized:

However, present thinking is that the freeway would pass east of Knollwood and New Hampshire Estates. It would cross University boulevard West close to University Hills and pass west of the new Princes Georges Plaza shopping center. At the District line the highway would cross at either Gallatin street N.E. or near Michigan avenue N.E.

Maryland is waiting for the District to come up with its route. There is a possibility of an entirely new freeway route in the District or a connection combining a new freeway and a New York avenue expressway from some point west of West Virginia avenue.  
[Alibrando, Afred P., "New York Avenue Crisis Doubles," *The Sunday Star*, July 12, 1959]

In July 1960, Clarkeson Engineering Company offered a new alternative for the Northeast Freeway connection to I-95 in Maryland, the "third route to Baltimore." The best option, the company concluded, was to build it along the Baltimore and Ohio Railroad tracks running through the northeast quadrant, one block east of Catholic University. The freeway, with a mix of six- and eight-lane segments, would begin where the North and East Legs of the Inner Loop meet at Florida Avenue and K Street, NE.:

From there, the freeway would go along Montello avenue, curve north just beyond Holbrook terrace and go over New York avenue and Kendall street on a 1,950-foot viaduct.

At W street, the freeway would go under Brentwood road, Rhode Island avenue and Irving street. From there to Varnum street, the freeway would run alongside the railroad tracks except for skirting around the Catholic Sisters' College and the northwest corner of Providence Hospital.

The freeway would swing east at Varnum and hook up with Maryland's extension just south of Galloway street.

The freeway extension of I-95 would have eight lanes north of New York Avenue, and six to the avenue's south. Interchanges would be built at New York, Rhode Island, Michigan, and South Dakota Avenues as well as Fort Drive. The width of the freeway would be expanded 51 feet to accommodate rapid transit in the median.

The 4.14-mile, \$74-million route would cost more than other options, but Clarkeson concluded it was the best bargain. By running along the railroad tracks, it would be less disruptive to homes and businesses already accustomed to railroad noises. The routing avoided schools, playgrounds, and shopping areas, but would require the taking of 1,095 homes, 103 apartment buildings, 39 industrial sites, and one church, but no schools. The report estimated the cost of acquiring the properties to be \$30.8 million.

At a projected 108,000 vehicles a day, it would handle more traffic than the other options and "affords excellent connections for the urban dweller in his daily commuting to the downtown area." The preferred alternative avoided the Catholic University campus and would be built

below ground level in an open cut “to reduce the disturbance to serenity in the neighborhood.” The route would require use of some undeveloped land of the Catholic Sisters College.

District Engineer Commissioner Welling, who was about to step down, said he wanted to get the study “out on the table” before leaving his post. He planned to submit the study to NCPC for review. One point he was “particularly insistent” about was that the median be wide enough to accommodate a rapid rail line. [“Survey Backs B&O Route For Proposed New Freeway,” *The Sunday Star*, July 24, 1960; Eisen, Jack, “Third Route to Baltimore Would Skirt Catholic U.,” *The Washington Post and Times Herald*, July 24, 1960]

For one of his final acts, General Welling participated in the groundbreaking ceremony for the Potomac River Freeway at Rock Creek and Potomac Parkway and K Street, NW. On July 25, 1960, District Highway Director Aitken staged an elaborate ceremony for the groundbreaking because it would be Welling’s last in the District before he left for his new post commanding the Corps of Engineers Ballistic Missile Construction Center in Los Angeles:

In addition to two 75-mm. salute guns, which fired off five rounds, a miniature “guided missile” was fired.

The “missile,” about a foot long, was launched by Gen. Welling’s [9-year old] son, Peter, who attended the ceremony. After he pulled the cord, the “missile” went about 30 feet in the air, and then came down again.

As a final touch, Gen. Welling got into the driver’s seat of a caterpillar front-end loader tractor, and picked up the first mechanized shovel-full of the new freeway.

General Welling teased reporters, telling them, “One thing I don’t want you to write is that ‘Gen. Welling held his last groundbreaking as commissioner.’ You can never tell if this is the last.” [“Welling Starts Potomac Freeway,” *The Evening Star*, July 26, 1960]

His successor, Colonel Frederick J. Clarke, had spent 10 years in the Washington area on three previous assignments. He was coming from Fort Leonard Wood in Missouri where he was chief of staff at the U.S. Army Training Center. He said of his new assignment that the post was “one of the choice jobs of the corps of engineers. I was very glad to get it.” A profile in the *Star* said he expected to feel at home in dealing with the District’s construction issues because of his experience in the field. “I strongly favor working with the neighboring town, county and State Governments on such matters as reducing traffic congestion and improving water supply.” He added, “I recognize that many of these things cannot be solved unilaterally.”

Colonel Clarke, who would take his oath of office on August 1, 1960, was meeting with General Welling to discuss the issues facing the District. On August 19, he took a helicopter tour of the city for an aerial view of public works projects. He observed the Jones Point Bridge/Woodrow Wilson Memorial Bridge project, Glover-Archbold Park, and the Pooks Hill terminus of I-70-S in Maryland. After the flight, he commented that there is “not a great deal of room in the Glover-Archbold Park” for the planned parkway. [Pierce, Charles D., “Clarke Sees Joint Action Cure to Area Problems,” *The Sunday Star*, July 24, 1960; “Col. Clarke Takes Oath As New

Commissioner,” *The Evening Star*, August 1, 1960; “Clarke Gets Copter View of Projects,” *The Evening Star*, August 20, 1960]

On August 29, the Senate confirmed Colonel Clarke’s promotion to Brigadier General.

By November, opposition to freeway construction in northeast was growing. At an all-day public hearing on November 7, 1960, the District Commissioners heard 35 witnesses discuss the East Leg, which was to run along 11<sup>th</sup> Street from the Anacostia River through Lincoln Park in a tunnel to Florida Avenue, and the Northeast Freeway. One common theme heard during the hearing was to leave Lincoln Park alone. NPS describes Lincoln Park as “the largest Capitol Hill Park,” located “directly east of the United States Capitol Building at East Capitol and 11<sup>th</sup> Street in the Northeastern quadrant of the City.” The park, which was part of Pierre L’Enfant’s 1791 plan for the national capital, was renamed for President Lincoln in 1867.

William Finley, NCPC’s executive director (1958-1962), testified that his agency would offer modifications for the East Leg to avoid Lincoln Park and 16 homes in the 100 block of 11<sup>th</sup> Street. The homes, known as Philadelphia Row, had been built shortly after the Civil War in the Federal style of the 19<sup>th</sup> century. The National Trust for Historic Preservation had designated the row as worthy of preservation. Trust historian Hellen [sic] Deprey testified that the road “has great architectural merit and still retains much of its original quality.”

Witnesses emphasized the hardships the recommended route for the Northeast Freeway would cause businesses, churches, and property owners. Walter B. Lewis of the North Michigan Park Civic Association opposed the route, which he pointed out would take homes owned mainly by non-white residents. “The problem of the race of displaced families cannot be overlooked in the Washington area.” He added, “The housing available to Negroes is practically limited to that found in the District, since very few housing opportunities are offered to Negroes in the suburbs.”

Frank Coleman of the Brookland Civic Association raised the same issue. “Many of these citizens either will be forced to move to areas already congested, or by reason of such a mass migration, will cause congestion in the areas to which they move.” He recommended that the commissioners appoint a housing committee, including white and Negro members, to study the problem.

The “spirited public hearing,” as the *Star* described it, left the commissioners to consider whether to change their plans. [Gimble, Gilbert, “Route Change Pondered For Northeast Freeway,” *The Evening Star*, November 8, 1960]

In March 1961, General Clarke decided on new routes for the East Leg of the Inner Loop and the Northeast Freeway. The East Leg would be placed between 10<sup>th</sup> and 11<sup>th</sup> Streets. He disregarded suggestions from citizens who wanted to move the freeway to the 19<sup>th</sup> Street corridor; his concern was that it would cut into the National Arboretum. He also proposed to include two spurs to serve the new District of Columbia Stadium, then under construction at East Capitol Street. The spurs would follow Benning Road on the north and Potomac Avenue on the south and end in stadium parking lots. (The stadium, which opened in October 1961, housed

Washington's baseball and football teams. In 1969, the name was changed to Robert F. Kennedy Memorial Stadium.)

For the Northeast Expressway, General Clarke recommended that I-95 cross the District line just east of Sargent Road, proceed through the wooded Fort Drive right-of-way to the Baltimore and Ohio Railroad tracks. It would stay on the east side of the tracks and cut across Harmony Cemetery, which had been cleared, to avoid residential disruption in Brookland. After crossing the Pennsylvania Railroad tracks, the freeway followed along the east side of West Virginia Avenue to the link with the East Leg at Florida Avenue.

General Clarke submitted his recommendations to NCPC for consideration. [Gimble, Gilbert, "Clarke Shifts East Leg of Inner Loop," *The Sunday Star*, March 26, 1961]

The *Star* appreciated General Clarke's effort to "ease the impact of this major thoroughfare," including preservation of Philadelphia Row. "It also is good news that a proposed route . . . has been laid out, ending uncertainty that was unfair to property owners in that area." Unfortunately, some "disruptive effect" was inevitable, "but we are convinced that the inner loop in the end will benefit the whole Metropolitan Area." ["To Ease the Impact," *The Evening Star*, April 3, 1961]

On April 6, NCPC approved the shifts in the East Leg and the Northeast Freeway, with one exception. Because of NPS objections, the section through wooded Fort Drive was left pending further discussions. In addition, NCPC conditioned its approval on Maryland roads officials providing the I-95 link to the Northeast Freeway without seriously harming Northwest Branch in Prince George's County. [Gimble, Gilbert, "Planners OK Route Change For Inner Loop," *The Evening Star*, April 6, 1961]

Opposition to the plan arose quickly from the Northeast Washington Citizens Association. It joined the Capitol Hill Citizens Association on April 18 in opposing the 10<sup>th</sup>-11<sup>th</sup> Street routing of the East Leg. The two associations called for a public hearing to consider the routing. ["Northeast Group Joins Opposition To Freeway Plan," *The Evening Star*, April 19, 1961]

Later in the year, the Capitol Hill Southeast Citizens Association joined the opposition to the East Leg because it would "make Washington a key military as well as political target." As part of I-95, it could be bombed. The association's resolution suggested that "ordinary prudence and a sense of economy would seem to indicate that heavy through-traffic freeways could be built some miles distant from the capital at less expense and remain clear of rubble and open to military, trucking and other traffic in time of emergency." The association asked the District commissioners to determine whether "it is in the best interest of the national defense to locate the principal Maine-Florida truck route through the heart of the Nation's Capital." ["East Leg Protested As Military Target," *The Evening Star*, October 10, 1961]

The Baltimore and Ohio Railroad also was concerned about the routing of the Northeast Freeway. The company wanted to build a spur off Porto Rico Avenue and Taylor Street, NE., to serve the industrial area, but the tentative location of the Northeast Freeway would take this property to avoid taking nearby residences. The company had attempted to secure legislation allowing it to construct the railroad siding. Congress had completed work on the legislation with

Senate approval on September 7. However, President Kennedy had vetoed the bill on September 22, saying, “For the government to encourage the private development of property which it plans to acquire for public use seems inappropriate.” By “public use,” he meant the right-of-way of the Northeast Freeway. In vetoing the bill, President Kennedy took the advice of NCPC’s executive director, William Finley.

A railroad spokesman, Laidler B. Mackall, said the company would build the spur anyway. The route of the Northeast Freeway had not yet been approved. In response, District highway officials said that regardless of the railroad’s action, they would acquire the property rather than displace the many families in the area.

On October 11, Mackall asked the District commissioners to shift the freeway alignment. If the commissioners insisted on retaining the current freeway routing, the railroad recommended an elevated structure similar to the Whitehurst Freeway that would allow the property to remain available for industrial purposes. [“Third Baltimore Route Briefing Slated Friday,” *The Evening Star*, September 27, 1961; “Freeway Shift Asked by B&O,” *The Evening Star*, October 11, 1961]

NCPC also was considering whether the East Leg would harm the city. The manager of the District division of AAA, John W. Childress, said “it is inconceivable” that officials would drop or delay the Inner Loop. [“Freeway Shift Asked by B&O,” *The Evening Star*, October 11, 1961]

### **Preserving the Lincoln Memorial**

The NPS was still looking for ways to avoid traffic impacts on the Lincoln Memorial from the new Theodore Roosevelt Bridge.

On September 26, 1960, NPS Director Wirth held a press conference to announce that he would submit plans to NCPC for a tunnel under the Lincoln Memorial grounds. The tunnel was part of an overall plan for the grounds because, as Wirth said, “There are moments when the memorial is engulfed in a sea of cars . . . . It is time that we restored the calm tranquility of the scene by eliminating the buzzing traffic between the Memorial and its reflecting pool.” The plan included:

- Replacing a portion of the traffic circle with a plaza between the memorial steps and the Reflecting Pool, eliminating the traffic that designers had called “a vexing and hazardous” condition;
- Roadways on each edge of the pool with parking lots for memorial visitors, leading to a circle around the Washington Monument grounds with feeder connections to downtown;
- Independence Avenue would be carried through the 1,435-foot tunnel as a link between the Roosevelt Bridge and the Inner Loop;
- The tunnel would consist of two driveways of three lanes each, with traffic out of view;
- The tunnel, designed by the New York firm of Singstad and Baillie, would be built under the memorial grounds but not under any portion of the Lincoln Memorial itself;
- The tunnel entrances would be hidden from view by plantings and grading, with no traffic noise reaching the monument;

- A 212-foot underpass would carry Ohio Drive traffic underground between the Rock Creek and Potomac Parkway bridge leading to the Lincoln Memorial to the north entrance of the tunnel;
- Temporary government buildings on the south side of the Reflecting Pool area would be eliminated as part of the project.

As Wirth saw it, traffic on Arlington Memorial Bridge would be reduced significantly when the Theodore Roosevelt Bridge opened, but motorists using either bridge would follow the Reflecting Pool roads between the Lincoln Memorial and the Washington Monument circle. Wirth wanted to secure approval of the \$16-million tunnel plan as soon as possible so the tunnel could be completed before the Roosevelt Bridge opened. (Other aspects of the overall plan increased the total estimated cost to \$20 million.)

The overall plan, he said, would preserve “the dignity, beauty, serenity and magnificent setting of the Lincoln Memorial.” [Gimble, Gilbert, “Tunnel Plan Ready For Lincoln Shrine,” *The Evening Star*, September 26, 1960; Gimble, Gilbert, “‘Bonus’ Seen in Lincoln Memorial Road Plan” *The Evening Star*, September 27, 1960]

The District generally supported the Wirth plan as long as the city would not have to pay for it, but wanted to provide for other traffic movements. During a meeting, General Clarke and Wirth agreed on several points. One concern was that the tunnel plan did not include a direct connection between Arlington Memorial Bridge and the State Department. The District agreed to try to add a direct connection from the north entrance of the tunnel to E Street, NW.

Wirth agreed to a ramp allowing traffic on the Roosevelt Bridge to use the George Washington Memorial Parkway on the Virginia side of the Potomac River. He was concerned the parkway might be overwhelmed by increased commuter traffic, but reluctantly agreed as part of the District-NPS compromise after District officials agreed to yield somewhat on approach roads. The District agreed to seek approval from Virginia and BPR for two-lane ramps from the bridge to Arlington Boulevard that would attract more motorists than the single-lane parkway ramp.

Another gap in Wirth’s plan was a link for westbound traffic on Independence Avenue bound for Rock Creek and Potomac Parkway. The District and NPS agreed to design an intersection at 15<sup>th</sup> Street for this link. [Gimble, Gilbert, “Parkway Link For New Span Wins Approval,” *The Sunday Star*, October 2, 1960]

NCPC approved the NPS tunnel plan on October 6. Wirth told the commissioners that the Bureau of the Budget appeared favorable to the plan but had not yet approved it. [Gimble, Gilbert, “Planners Okay Tunnel Project,” *The Evening Star*, October 6, 1960]

## D.C. Freeway Revolt and the Coming of Metro

### Part 2

### Official Challenges to the DC Freeways

#### Table of Contents

Mass Transportation Survey .....	3
Transportation Plan for the National Capital Region-1959 .....	6
Highways and Transit .....	11
Introducing Peter S. Craig.....	23
The I-70S Hearing.....	25
National Capital Transportation Act of 1960.....	33
NCTA Gets Underway.....	41
President Kennedy’s Interest.....	42
Thinking About the Future.....	45
Defining the District’s Freeway Network .....	49
Transition at NCTA .....	50
The Cost of Right-of-way .....	54
Awaiting NCTA’s Report .....	58
Battle over the Inner Loop Freeway.....	60
Trying to Get Started.....	66
The Switch .....	73
Enter Chairman Natcher.....	85
A Blistering Report .....	89
A Matter of Jurisdiction .....	91
National Capital Transportation Agency Submits Its Report .....	126
Trying to Sort Out the Freeway Battles .....	131
Implementing the Year 2000 Plan .....	135
The Darwinian Theory of Transportation .....	137
In the Wake of the NCTA Report .....	139
Debating the NCTA Data.....	143
Responding to NCTA .....	146
President Kennedy’s Decisions - Delayed .....	154
The President’s Recommendations .....	159
Congress Considers the President’s Report .....	162
The Commissioners’ Views.....	166
Chairman Natcher Takes a Stand.....	168
Chairman Fallon – To The Rescue?.....	178
The New Engineer Commissioner .....	199
Searching for a Solution.....	200
Appropriations 1964 .....	208
Senate Considers the Appropriation Act, 1964.....	211
Waiting For Hearings on NCTA’s Transit Plan.....	216
Transit Program for the Capital Region .....	220
While Whitener Considers the Options .....	250
The Freeway-Transit Link.....	257

The Bobtail Plan .....	260
The House Debates the Bobtail Plan.....	267
In the Aftermath .....	275
Locating the Three Sisters Bridge.....	279
The North Central Corridor .....	285

## **Part 2**

### **Official Challenges to the DC Freeways**

During the 1940s and 1950s, District officials, BPR, and National, Maryland, and Virginia road and planning officials struggled among themselves to plan a freeway network that would address the city's chronic and growing traffic congestion while minimizing impacts on parks, historic sites, homes, and businesses. Maryland and Virginia highway officials had their own problems developing highway plans, but their concerns often were directly affected by the District's ever-changing plans. Citizens expressed their views, generally to protect their homes, businesses, and communities.

Highway officials believed they must try to minimize harm, but the road network was too important to be blocked. In the interest of the greater good, as they saw it, they continued with their plans.

In the late 1950s and early 1960s, many officials and government organizations turned against the highway plans in favor of transit, especially rail rapid transit. In many cases, the issue was no longer where to build Interstate expressways but whether to build them at all.

#### **Mass Transportation Survey**

NCPC and the National Capital Regional Planning Council established a Joint Steering Committee for the survey. The committee identified four major study areas: (1) planning the future region, including land use, the economy, population, and employment; (2) the region's future travel demands; (3) design of physical facilities to meet the projected requirements; and (4) design of machinery for financing and administering the proposed transportation system. For this work, the committee engaged several consulting firms and undertook a traffic survey with the cooperation of Maryland, Virginia, and District of Columbia highway authorities and BPR.

In 1955, BPR had completed studies, based on home interviews, of employees' place of residence and mode of travel to work as affected by the decentralization of government employment centers in the Washington area. The study found that the residents who were employed in the central area lived throughout the city and region "in the same proportion as general population distribution":

However, as agencies are relocated at increased distances from a central point, a larger number of employees have residences in the area of the new office location, with a secondary group having residence in the area of greatest population density near the central business district. When place of employment is removed approximately 8 to 10 miles from the central business district, most of the employees live in the vicinity of employment or in the semirural area beyond. As the distance from the central business district increases, there is a corresponding increase in the proportion of the work trips made by automobile. [Annual Report, Fiscal Year 1954, Bureau of Public Roads, Department of Commerce, page 35]

The traffic surveys helped BPR and State and local officials develop the initial plan for Interstate highways in the metropolitan area. In *General Location of National System of Interstate Highways*, released in 1955 and referred to as the Yellow Book because of the color its cover, BPR displayed a map of the Washington area showing an extensive Interstate network similar to the plan outlined in the Comprehensive Plan of 1950. An inner belt surrounded the White House and central core, with the Potomac River occupying one segment. A second, outer belt, later named the Capital Beltway, was shown entirely outside the city except where it crossed the District at its southernmost tip on what would be named the Woodrow Wilson Memorial Bridge. Neither the third outer beltway shown in the 1950 plan nor the intermediate beltway known as Fort Drive was included in the Interstate System.

Radial Interstates linked the two circumferentials:

- One of the radial left the western leg of the inner beltway and continued on the District side of the Potomac River to the outer beltway on its way to Frederick, Maryland (loosely I-270 in today's numbering plan).
- Where the Potomac River served as a quadrant of the inner belt, the eastern and western legs of the inner belt continued into Virginia (loosely I-66 and I-395/95).
- A route entering the area from the northeast crossed the outer beltway and split in the vicinity of Bladensburg, Maryland, north of the District line:
  1. One route continued east of the Anacostia River (I-295) and ended on the outer beltway near what is now the Woodrow Wilson Memorial Bridge.
  2. The other route coming from the northeast continued through the city, roughly in the New York Avenue corridor, to the inner belt (part of I-95).
- A short route linked the Anacostia Interstate with the inner belt (I-295 linked with I-395).

The map did not show any Interstate routes in northern Washington other than the Potomac River route in northwest and the New York Avenue corridor in northeast.

The *Post* described the routes in terms of existing roads that readers were familiar with:

Sanctioned was the north leg of the Inner Belt which general runs along Q and R sts. nw. and down 24<sup>th</sup> st. nw. to the proposed Constitution ave. bridge. Third st., which connects the north and south legs of the Inner Belt, also was approved.

New York ave., linking the Inner Belt with the Washington-Baltimore parkway, was designated an interstate highway. Also included were the Kenilworth-Anacostia Freeway and the Southwest Freeway which links the 14<sup>th</sup> st. bridge and the Anacostia Freeway

.....

The final road project inside the District made part of the interstate system was Canal Road which will connect the Inner and Outer Beltways. It generally will follow the north bank of the Potomac.

Maryland's Interstate System included the outer beltway, the roads connecting to Canal Road and New York Avenue, and a short stretch of the Kenilworth-Anacostia Freeway connecting to the outer beltway.

Virginia's network included the outer beltway, Shirley Highway and U.S. 50.

The District portion of the network totaled 22 miles (the District had requested 28 miles).

(The Interstate numbers employed here did not exist in 1955; they are intended to help with visualization of the Yellow Book map of the Washington area.)

Bartholomew appeared before the Joint Committee of Congress on Washington Metropolitan Problems, chaired by Senator Bible, in May 1958 to discuss the mass transportation survey. Transportation, Bartholomew said, "is the lifeblood of the community." An appropriate plan would "be of inestimable significance and benefit," while an "an inadequate or haltingly ineffective approach will be extremely costly and will be damaging to the community welfare." The key was to gather accurate information:

Mass transportation has been undergoing such a profound change in character in all American cities, particularly since World War II, that there is evident need for clarification of where we are heading and what should be the specific form of plan to be adopted and enforced. We must know whether or not individual automobile transportation can take over the full burden of transportation in a large metropolitan area such as Washington. If so, we will need many new expressways.

If not, we need to know what traditional forms of mass transportation such as the streetcar or the motorbus should be retained, and what particular function either or both should play in any new comprehensive plan. In addition to this, considering the demands of our 1980 community, which will be greatly enlarged both in total population and in area development, we need to know whether any new forms of mass transportation would be justified. And likewise, considering both total demand and alternate types of physical facilities, what is the most economical and effective means of providing the standard of service that will be required.

He emphasized three points. First, he said that as yet, "no American city has devised and constructed a mass transportation system geared to the needs and requirements of the modern metropolitan community now in process of formulation." That was why the "exhaustive survey" then underway on population and employment, and the dispersal of both was vitally necessary.

Second, the study was "the first profound attempt to ascertain the relative scope and function of the automobile, the bus, the streetcar, rapid transit, and other newer concepts of transportation." The result would be an areawide transportation plan showing the approximate location of highways and high-speed transit, "particularly any which may be located on separated ways either on the highway network or elsewhere." The report also would discuss parking needs, the cost of needed facilities, and basic plans for financing them.

Finally, he told the Joint Committee of Congress that, “There will be no quick or simple solution adequate to the need.” Transportation was as important to the community as “an adequate water supply and proper sanitation.” Creating the needed network would “be a most difficult undertaking, requiring extraordinary effort and cooperative endeavor.” [*Washington Metropolitan Area Transportation Problems*, Hearings Before the Joint Committee on Washington Metropolitan Problems, Congress of the United States, 85<sup>th</sup> Congress, 2<sup>nd</sup> Session, 1958, pages 15, 18]

While the surveys were undertaken mainly for mass transportation, BPR’s release of the Yellow Book established the first version of the area’s Interstate freeway network. Subsequent passage of the Federal-Aid Highway Act of 1956 provided the funds that Maryland, Virginia, and the District would need to begin planning, designing, and constructing the Interstate network.

### **Transportation Plan for the National Capital Region-1959**

On July 11, 1959, as noted earlier, President Eisenhower sent *Transportation Plan for the National Capital Region: The Mass Transportation Survey Report—1959* to Congress. His brief transmittal letter, dated July 10 and addressed to the President of the Senate and the Speaker of the House of Representatives, said:

Sir,

I herewith transmit for the consideration of the Congress the report of the National Capital Planning Commission and the National Capital Regional Planning Council on the Mass Transportation Survey of the Washington Region.

The report, the end result of several years of intensive study and research by the Planning Commission and Council, aided by experts drawn from public agencies and private concerns, points out the present and future problems of transportation of people and goods in the Region. The report also proposes a plan to meet the transportation problem and makes recommendations for organizing and financing the creation of the proposed transportation system.

The actions which may be taken in the years ahead to meet the problems of transportation will have a profound effect on the economy of the entire area, the welfare of its people, and the status of Washington as the Nation’s Capital. Accordingly, I am requesting the various Government agencies to make a detailed study of the Mass Transportation Survey report and the Planning Commission and Council’s recommendations. Such recommendations as are warranted will then be made to the Congress.

Sincerely,

Dwight D. Eisenhower

On July 15, President Eisenhower designated Maurice H. Stans, Director of the Bureau of the Budget, to screen the comments and recommendations received from other Federal Agencies. In effect, the bureau would serve as a clearinghouse for the ideas that might be submitted to Congress. ["Stans Is Designated For Transit Review," *The Evening Star*, July 15, 1959]

The \$500,000 plan was based on predictions about the region's development through 1980:

1. Population would increase from 2 million in 1959 to 3 million in 1980. "This increase in the number of persons to be served is the most important single factor in creating the need for new transportation facilities."
2. The outer spread of population would continue. "More than 80 per cent of the added population will be outside the original 10-mile square (the District of Columbia, Arlington County and part of Alexandria)." This dispersal would spread more in some directions than others, based on terrain, water availability, sewer services, and zoning. An especially large population will lie to the north and northwest of Washington in Montgomery County. Since suburban residents will make more and longer trips than at present, total daily person-miles will triple by 1980.
3. The downtown area (the area bordered by the Inner Loop Freeway) would remain the largest employment center in the area, with jobs increasing "moderately" by 1980. Work trips to downtown would increase by about 20 percent by then.
4. Most new jobs, however, would be located outside of downtown and, in fact, outside the District. "The large increase in trips to dispersed places of work will lead to a tremendous growth in peak hour trips through, around, or just short of the downtown area." Home-to-work movement across the 10-mile-square will increase more than 200 percent by 1980, but 24-hour travel volume into downtown will increase only a little more than 25 percent. "This type of dispersed traffic flow will place new demands on the transportation system, of a much different sort from the radial flow in and out of the downtown area that is so prominent today."
5. Automobile ownership and use throughout the region would increase as people "rely more and more on the private automobile for most kinds of travel," especially shopping, recreation, and social trips, as well as trips outside of downtown. "More than 80 per cent of the total regional travel will be in automobiles even with the proposed transit system in operation." Truck traffic also was expected to increase.
6. About half of the travelers during peak periods would be able to choose between the automobile and transit. They will base their choice on "the relative speed, cost, convenience and comfort of these two modes of travel." Of the other half, about one-fourth will have to use their automobile because they need it for work or for some other reason. In addition, one fourth will use transit, "many of them because they will not have automobiles available."
7. Peak volumes of travel (nearly half of all travel in a 24-hour period) in 1980 would occur during morning and afternoon weekday peaks. "These are the critical volumes that the transportation system must be designed to accommodate." Radial routes leading into the District will carry the heaviest peak-hour volumes.
8. Many key segments of the existing highway network "are rapidly nearing capacity, and some are already carrying more traffic than their rated capacities." Improving existing

roads and streets would “accommodate only a small part of the anticipated traffic increase.”

Because of these factors, the area’s transportation system must have greater capacities on all main routes of travel, including:

- Increased highway capacity throughout the region “since public transit can only serve economically a small proportion of the trips originating in the suburbs;”
- Larger capacities on the main radial routes;
- Emphasis on circumferential highways;
- Increased capacity serving areas north and northwest of the District;
- And “many new highways [that] must be built promptly” as well as high-capacity transit service to meet peak demand.

The Mass Transportation Survey considered three alternatives:

1. Auto-dominant with little change in transit – This alternative was “infeasible” because officials could not provide the number of freeway lanes needed to carry all the automobiles.
2. Express bus system – Providing express bus service on radial freeways would reduce the number of lanes needed by encouraging commuters to leave their automobiles, but more highways would be needed to accommodate the inevitable increase in automobiles and trucks, as well as the new express buses. Further, providing lanes for express buses would run into the same problem as freeway construction within the District’s built-up areas to accommodate traffic from the north and northwest.
3. Rail transit system – Rail transit could accommodate large volumes of passengers where express bus service would be inadequate, but construction of rail lines in the District would be very expensive, in contrast with buses that can be accommodated on existing freeways at little additional cost. Buses, therefore, had the advantage where they can accommodate all potential transit riders.

Because none of these alternatives was altogether satisfactory, the survey settled on a fourth alternative that combined the best features of the other three:

The most important conclusion to be drawn from the evaluation of the three alternatives and the recommended system may be stated as follows: An adequate transportation system for the National Capital Region must include a new form of express transit service, capable of attracting a large number of riders who would otherwise travel by private automobile from the suburbs to points in or near downtown Washington during the rush hours. Only if many of these people are induced to use public transit can the highway system within the 10-mile square accommodate the people who are not in a position to travel by transit.

Therefore, the recommended system consisted of an express system of rapid transit rail lines, express bus lines, and an extensive freeway and parkway network. Initially, express buses would serve the rapid rail corridors while the rail lines were under construction. Local bus lines would

serve as feeders for rail and bus lines and as distributors within the central business district. Buses also would serve areas in the District and the suburbs where express service could not be justified. Other streets and highways would need additional capacity to supplement the freeway/parkway system for shorter trips and to provide capacity beyond the limits of freeway construction.

Rail rapid transit lines would serve as radials linking downtown to points in Maryland and Virginia:

- Wheaton, Maryland, to Alexandria, Virginia; and
- Pooks Hill north of Bethesda to a point just beyond the Anacostia River, southeast of the central business district, to a feeder bus transfer station and parking lot.

To the extent possible, the trains would operate in the median of the new freeways. Within the center city, the rail lines would be built in cut-and-cover tunnels that, when covered by a deck would resume carrying surface traffic. Officials considered technological alternatives such as monorail, moving belts, automated buses, helicopters, and greater use of existing railroad service or right-of-way, but none was satisfactory.

The recommended network included 33 miles of rail rapid transit, 66 miles of express bus routes, and parking for the rail and bus passengers at an estimated cost of \$564 million.

However, transit could not serve commuters who needed their vehicles during the day and those beyond the range of feasible transit lines. It also could not serve traffic passing through the region or the movement of commercial vehicles. (The survey estimated that in 1980, trucks would constitute one-sixth of all trips.) Therefore, even with this mass transit network, the area would need freeways and parkways.

The report on the Mass Transportation Survey called for a freeway component of 326 miles at a cost of \$1.8 billion and \$119 million for related downtown parking facilities. To supplement existing freeways, area highway agencies were planning 179 miles of freeways and parkways in the next 10 years, but another 66 miles would be needed. Existing freeways would have to be widened to accommodate growth in population and, therefore, traffic. In addition to the planned inner and outer beltways, the report included the Northwest Freeway in the Wisconsin Avenue corridor.

Creating the area's modern transportation system should proceed in three steps. First, existing public transit should be improved. It should be organized on a regional instead of jurisdictional basis as at present, to eliminate barriers to crossing State, District, and county lines. Traffic controls and regulations should be employed to increase speeds, while detailed planning for new express transit facilities should get underway. Efforts should include reserving right-of-way on new freeways for transit service, with freeway construction completed well ahead of the present schedule. Quick opening of freeways would increase service by express bus lines.

Second, express bus service should be included in new radial freeways, beginning in the early 1960s. The accelerated highway construction should continue even as construction of subways

gets underway in the mid 1960s. Radial freeways should be built with increased demand in mind by building wide medians where additional lanes can be provided as needed. Alternatively, the wide medians could be used as reversible one-way freeways.

Finally, rail transit should begin service no later than 1970.

The survey also considered downtown parking needs. About the same number of downtown all-day parking spaces would be needed in 1980 as at present. However, many current spaces on temporary parking lots and on-street parking would be lost. About 22,000 new spaces would be needed for all-day spaces, mostly in multi-level structures, with 27,000 new short-time spaces to replace existing spaces and meet new demand downtown.

The survey estimated the cost of the recommended system would be approximately \$2.5 billion:

- \$1.8 billion for highways
- \$664 million for express transit facilities
- \$119 million for parking facilities in the downtown area

About three-fourths of the funding should be spent in the first 10 years. More than half of the funds (or \$1.3 billion) would be expended on transportation facilities in the District of Columbia.

Some funds could be expected under current laws but, for example, about \$500 million that would be needed for highway construction was not covered by present arrangements. New sources, such as 30-year bonds, would have to be considered.

The survey's assumption about transit costs and revenue indicated that "revenues would be sufficient—when the region's population reached 3 million and the transit and freeway systems are in full operation—to cover operating costs and a substantial part of the yearly payments of interest and principal [estimated: \$26.7 million a year] on the initial investment." The deficit would be about \$16.1 million in 1980.

The two most likely sources of added revenue for costs beyond present projections were increased Federal contributions and taxes and charges imposed within the region. Examples of taxes and charges included a regional motor fuel tax, motor vehicle license fees, special parking fees, payroll taxes, and real estate taxes. The best option would "probably consist of a combination of several of them." Governing bodies in the area would have to decide on the best mix, but serious doubts existed on whether they could provide the entire amount of additional revenue needed.

Considering the strong Federal interest in improved transportation within the area, the survey found that strong arguments could be made to support Federal loans and contributions. At the time, the Federal Government did not have a transit-aid program, but should contribute toward the planning and design of the rapid rail system, as well as the early construction stages undertaken by an interstate agency capable of raising funds within the region. The Federal Government also should identify a way of providing the necessary added revenue to pay for the additional highway mileage needed by 1980.

To carry out the plans, the survey projected several organizational stages. First, Congress should ratify the interstate compact approved by Maryland and Virginia to establish an agency to regulate transit throughout the area. This compact would allow for integration of transit lines across jurisdictional borders.

Second, Congress should authorize a temporary public corporation to begin planning, design, right-of-way acquisition, construction, and even operation of transit facilities. The corporation also would review ways of linking highway and transit service.

Third, the first two steps should end when local jurisdictions agree to an interstate compact to form an organization that would carry out all activities, including the financing, construction, operation, and maintenance of transit facilities. This organization would be in charge of the rail rapid transit system, including the subway segments. [“Summary of Mass Transit Program for Capital Area,” *The Sunday Star*, July 12, 1959; the summary provided the text of the summary in the Mass Transportation Survey report]

Harland Bartholomew said the report resulted from an “evolution of successive studies and steps” involving the top transportation, traffic, and urban development experts in the country. It was, he believed, the first such study based on widespread consultation with experts.

Gingery, chairman of the regional council, said the study had “developed the answers to any pet theory that anyone wants to throw at us.”

Engineer Commissioner Welling, however, was concerned that the funding goals would be impossible without substantial Federal assistance. “For the future, I foresee an increase in District tax rates and a heavier distribution to the Highway Fund of available revenues. Even so, it is reasonable to assume that the residents and business enterprises in the District cannot afford the cost of constructing the recommended system in the District, or even a major portion thereof.”

Senator Bible indicated that his Joint Committee on Washington Metropolitan Problems would hold hearings on the survey report in the fall. [Beveridge, George, “Subway and Road Needs for 1980 Outlined in Survey,” *The Sunday Star*, July 12, 1959]

## **Highways and Transit**

Chairman Bible’s joint committee held hearings on November 9-14, 1959, on the transportation plan. Overall, witnesses supported the proposed mass transit network, although they differed in some aspects of it. Witnesses were generally concerned about the inclusion of freeways, such as the Inner Loop and Northwest Freeway, in the plan.

On November 9, Elmer B. Staats, Deputy Director of the Bureau of the Budget, was the first witness. He recalled that in transmitting the survey report to Congress, President Eisenhower had indicated he would ask government agencies to review the survey and submit recommendations, which he would then send to Congress as warranted. Staats reported that the results of agency reviews indicated that the proposed comprehensive transportation system was

“a constructive approach,” with highest priority to be given to the proposed rail transit facilities. He emphasized that this support was general, not linked to any specific transit line or highway.

Staats encouraged Congress to ratify the interstate compact approved by Maryland and Virginia to regulate fares and determine routes of private carriers. Beyond that, Staats supported the proposed temporary Federal corporation to plan the express transit facilities, acquire right-of-way, and begin building the system. After the groundwork was in place, a permanent interstate agency should be established by compact among the jurisdictions to succeed the regulatory agencies and transit corporation.

He acknowledged the call for substantial Federal contributions to the capital costs of the new system. “As a general rule, the Federal Government does not assume responsibility for financing highways designed primarily to meet mass transportation or other predominantly local traffic requirements.” However, additional aid, especially for the rail rapid transit system “may be justified by the special Federal interest in the Nation’s Capital.” He cautioned that “long-term reliance on Federal financing should be avoided.”

He emphasized:

The objective would be furthered by making every effort by Federal and local agencies to emphasize or encourage the use of rail transit, express buses and outlying terminal parking, rather than emphasizing additional highways which tend to encourage automobile commuting.

In the absence of detailed plans, Staats could not talk dollar amounts, but agreed that initial Federal financing of the corporation for rapid transit would be necessary. “At the same time we believe that the scheduling of capital outlays for rapid transit services and the development of fare schedules should proceed on the basis that the corporation will ultimately be self-supporting.” He also wanted to ensure that “every opportunity” was given to employing private enterprise in operating and financing the integrated mass transportation system, “especially the express bus service and downtown parking facilities.” [pages 14-15]

As the *Star*’s George Beveridge explained, the Eisenhower administration was developing legislation providing for Federal aid to the corporation:

“The bill simply would authorize the Treasury to loan to the corporation,” Mr. Staats said, in answer to questions. “That is why we say the transportation system eventually must be self-supporting—so that receipts can repay the Federal loan.”

Budget Bureau aides explained they envision the set-up here as a parallel to financing the St. Lawrence Seaway. [Beveridge, George, “White House Backs Rapid Rail Plan Here,” *The Evening Star*, November 9, 1959]

(The St. Lawrence Seaway Bill (the Wiley-Donero Act, P.L. 83-358), approved by President Eisenhower on May 13, 1954, established the United States St. Lawrence Seaway Development Corporation to construct the seaway on United States territory. The project was to be self-liquidating in that the corporation would sell up to \$105 million in interest-bearing revenue

bonds to the U.S. Treasury to be paid back within 50 years through the collection of tolls, negotiated with Canada, for shipments on the seaway.)

As Beveridge pointed out, the first 2 days of the hearing were devoted to the planners' recommendations, "and some differing opinions are likely from planning and transportation experts who did not participate in the four-year study."

These differences were apparently on Bartholomew's mind when he testified after Staats concluded his presentation. He summarized the history of the survey, the "high caliber of technical competence engaged" in preparing the plan, and how the consultants and professional firms involved "exceed in their qualifications any group ever assembled for such an undertaking." They were mindful that:

Providing for a good transportation system in a great, growing, dynamic community such as this is, at best, a most complex undertaking. There is no patent readymade solution that can be pulled out of the hat, nor created by a single legislative or administrative edict.

The result of 4 years of work involved "an infinite number of meetings, as well as laborious staff work," and an "areawide cooperative endeavor":

Furthermore, we would call to your attention that this is a balanced transportation plan, wherein, probably for the first time, experts and qualified authorities in the fields of transit and automotive transportation both endeavored seriously to determine where, in this changing urban scene, these two forms of transportation meet and overlap.

The plan, he said, anticipated regional growth to 3 million people in 20 years, and possibly 5 million in 40 years. Traffic estimates based on those increases were realistic. "It takes no expert to demonstrate that, with an approximate 65-percent increase in total population, provision for the added traffic load necessitates bolder measures than have yet been taken, both in the new highways and in adequate rights-of-way for some form of rapid transit." The proposed plan, in short, "is conservative, especially since we cannot assume that future growth will cease by 1980, the target date of this plan."

NCPC and the Regional Planning Commission concluded that "our first obligation was to devise an adequate metropolitan areawide mass transportation plan." As shown by experience elsewhere, public financing would be required, especially in acquiring right-of-way. He thought that operation of the express bus system, and possibly the rail system, "might conceivably, and profitably, be by private enterprise."

The proposed rail system was "based on the use of the latest technological developments." Bartholomew said, "It is our firm position that only subways would be acceptable in the central city and that no so-called modern elevated structure should be used."

He emphasized jurisdictional cooperation, supported the idea of an interim agency referred to as a Federal Corporation to keep things moving as rapidly as possible until a permanent metropolitan agency could be created by compact. [pages 18-20]

As mentioned earlier ACTION's Roy W. Johnson was concerned by the superhighway elements of the comprehensive plan. He emphasized the importance of using science to find answers in "an era of great technological change." Transportation had been "revolutionized by the internal combustion engine," but society had not explored all applications of electricity, nuclear energy, computer technology, and new fuels. "Vistas of automation in transportation, offering dramatic advances in safety, comfort and economy, stretch out before us." He added, "We shall not solve the problems of metropolitan transportation by denying ourselves the resources we are employing to do the many modern scientific tests."

The worsening transportation situation in the metropolitan area was steadily "creeping along." Every day, people adjusted to it: "mostly bad adjustments," as reflected in the flight of people, businesses, and industry out of the city:

The city cripples itself. It limps more and more. Its capacity to recover, to combat further deterioration weakens. The very adjustments it made further complicate the disease as everyone who had grappled with financing the full range of Government services for sprawling suburbs knows. We are traveling a road to metropolitan disorganization and disaster.

As for building more superhighways, people should ask "whether it is wise to destroy many values of our Capital City" to accommodate commuters:

Is there an alternative to building expressways into the heart of Washington? Surely, it is the simple, obvious one of rapid transit. With all the possibility of developing transportation technology . . . we have in our hands today the means to build efficient, attractive, economical rapid transit that can be augmented as time goes on to an even greater degree.

Rail rapid transit should be not seen only as a means of transportation, but rather "as a means of organizing the future growth of the Washington metropolitan area, not merely the millions new population of the report—but far more in the future." With rail rapid transit beginning to solve urban transportation problems, "the city will build from strength to strength." In so doing, officials will halt suburban sprawl, build communities, reverse the decay of the center city, and "substitute for an uneconomic and hopelessly frustrating illusion of personal freedom on the highway the reality of comfortable and convenient journeys to work by mass transportation." [pages 27-30]

Other witnesses on this first day questioned some of the survey's projections of population and traffic, including the number of transit passengers, and the methodology used to arrive at them.

The second day saw additional attacks on estimates and projections. For example, Stanley D. Forsythe, general superintendent of engineering for the Chicago Transit Authority, questioned predictions of passenger numbers, the use of private rights-of-way, and the schedule for building the rail rapid transit system. The Mass Transportation Survey estimated that by 1980, with full implementation of the plan, "only 45 percent of the people coming into the central district" would use mass transit. He was surprised by the "pessimism of the report on that phase."

Experience elsewhere, including Chicago, suggested the percentage would be much higher – 79 percent in Chicago during peak hours and even higher, 87 percent in the Loop (the city’s central business district). Other cities were experiencing similar percentages. Forsythe cited Philadelphia (between 66 and 75 percent) and Boston (66 percent), as well as increases in Cleveland and Toronto. Even in Los Angeles, “where there is no rapid transit . . . today 54 percent of the people come in by mass transit.” [pages 137-138]

Forsythe stressed the value of putting rail rapid transit in the median of superhighways. As experience in Chicago with the Congress Street Expressway demonstrated, it was “an ideal combination, and no one is more enthusiastic about it in Chicago than the highway planners themselves, who see in that combination of rapid transit in the median strip and the terrifically expensive expressways an opportunity to increase the capacity of the highway, particularly in the last few miles as you come into the center area.”

He knew that debates occurred over whether to include rail rapid transit at the start of a transportation plan or the end. However, “any sort of prudent planning” would include rail rapid transit, or at least part of it, in the “very earliest part . . . and let it demonstrate itself.” It would prove to be a municipal asset, but he cautioned the joint committee:

You are going to find nobody operating rapid transit that will make any money out of it. You will have to subsidize it, the same as you subsidize your highways, but it is a municipal asset that is quite valuable, in my judgment. [pages 141-142]

Chairman Finley of the Commission of Fine Arts also testified, indicating that members of the commission “firmly believe that a rapid transit system is the most logical means of meeting these traffic needs.” The central area’s ability to absorb more vehicles had long since “gone beyond the saturation point.” One option that Finley said should be considered is “to organize the centers of employment and at the same time to retain the unique features of the Washington plan.” As for the centers of employment, he said:

For instance, if Government buildings were erected east of the Capitol, outside of the Mall, with residential areas adjacent to them, much could be accomplished to avoid congestion that results when all these employment centers are located in one general area far from adequate housing.

The city, Finley said, “was made by Washington, Jefferson, and L’Enfant, and further developed by their successors for a special purpose.” He continued:

It reflects our early aspirations that our Capital City should be worthy of this great Nation; and to this end it provides a harmonious relationship of streets, buildings, and parks to give to Washington the beauty and dignity so admired by visitors. This plan should be treated with the utmost respect. Washington, himself, said with reference to it:

. . . no departure from the engraved plan of the city ought to be allowed unless imperious necessity should require it or some great public good is to be promoted thereby.

The Mass Transportation Survey had applied to the District “the factors used in planning for the average city where commercial rather than governmental factors are dominant.” In seeking solutions to the area’s transportation problems, special emphasis should be given to a “solution to traffic problems which would preserve the unique character of Washington as the Nation’s Capital.” Fortunately, “a rapid underground transit system is excellent, so far as it goes, and should receive the first consideration.” As noted earlier, he added that the freeways planned for the area, such as the Inner Belt Freeway, would change the city to reflect the considerations of highway engineers, not the vision of the Washington plan. [pages 120-122]

On November 11, Virginia State Senator Fenwick told the joint committee that Virginia wanted to ensure that the Federal Corporation envisioned by the bill would be an interim agency. Virginia had reluctantly gone along with the idea on that basis alone. The Federal Corporation could work in the District, but he said that during meetings on the plan, “representatives from Maryland and Virginia were emphatic in their position that, under no circumstances, would they be willing to give to the Federal corporation the necessary powers to carry out the mass transportation plan which probably would include acquisition of rights-of-way by eminent domain, the levying of taxes, and control of such highways.”

They believed that “a compact with representatives from the jurisdictions involved was workable and acceptable.” Further:

In recommending the establishment of a Federal corporation it was their understanding that such a corporation would recognize the establishment of a compact and would go out of existence upon such compact being formed.

Any attempt to supplant such a compact would result in “vigorous opposition” not only from the local jurisdictions but the States:

The very idea of giving to a Federal agency the right to come into thickly populated areas and construct great barriers of concrete irrespective of property rights in zoning and residential areas would create such resistance that the whole concept of a mass transportation plan would be defeated. [pages 382-383]

On the same day, representatives of two private bus lines operating between Virginia and Washington testified that private companies should retain their rights. Attorney Manual J. Davis said on their behalf, “We are opposed to the rapid transit plan as it is not only infeasible, but will ultimately destroy existing private enterprise.” He added:

We are in general agreement to a plan of expressways with a privately owned transit system providing an expressway bus system and continuing the existing transit service. We cannot support parts of the proposed plan which do not support themselves.

He recommended that the plan include measures to discourage unlimited automobile use by removing free off-the-street parking. By staggering work hours in downtown government buildings, and including space in Interstate medians to operate transit, the plan would go a long way to relieving congestion. [pages 276, 289, 293-294]

Representative Howard Smith, a member of the Joint Committee, said during the question period that he wanted to comment on rail transportation:

I make [this comment] out of a long experience and from long observation from the time of the horse-and-buggy days with respect to rail transportation from Alexandria to Washington.

(Representative Smith had been born in 1883 and was in his mid-70s at the time.)

Now, I recall the days when the horse and buggy were fading, and the automobile was coming along, when an automobile was so rare in Alexandria that everybody would go to the window when there was one rattling down the street.

The Washington, Alexandria & Mount Vernon Railroad back then “was a gold mine.” He recalled the first bus he ever saw, which carried about 10 passengers on King Street and they had the “thrill for the first time of riding on a vehicle that did not have a horse attached to it.” The buses “began to prosper, and that has been history all over the country of these rail lines, as I understand it, particularly the suburban lines, and everyone of them around here went broke when the bus started.”

The reason he was recalling these experiences was:

If that has been the experience with rail transportation in the suburban areas and they failed and went completely broke, what has happened since [then] that will make anybody think that they can prosper again? I just do not see it. That is all. [pages 303-304]

The following day, November 12, O. Roy Chalk, the owner of the D.C. Transit System, Inc., was the primary witness. His predecessors, the four Wolfson brothers, had earned a fortune buying and selling surplus Florida shipyards. In 1949, they purchased a controlling interest in the D.C. transit company because they considered it another under-valued property. They spent much of the company’s profits in large dividends. Professor Zachary M. Schrag, in his history of the Metro System, explained that these payments were legal, but “were regarded by the public and many politicians as the plunder of what had been a prudent, conservative company.”

When operators went on a 7-week strike in 1955, Congress terminated the franchise, which the District sold to Chalk, an airline entrepreneur. Congress approved the transfer in the Washington Metropolitan Transit Authority Act (P. L. 84-757), which granted a franchise to D.C. Transit System, Inc., to operate a mass transportation system for passengers within the District of Columbia and between the District and points within the area. President Eisenhower signed the legislation on July 24, 1956. The law required Chalk to replace the system’s streetcars with buses:

Getting rid of Washington’s streetcars had been a top priority for the District commissioners as soon as they decided to revoke the Capital Transit franchise. Streetcars, they believed, were in the way of automobiles. A street with two-way streetcar tracks could not be converted to auto-friendly, one-way operation, and streetcar boarding platforms occupied traffic lanes. With congressional approval, the

commissioners required that any new franchise promise to sell off Washington's streetcars and remove the tracks. Within two years, Chalk would fight to keep his streetcars, but the District government and Congress were adamant. It seemed as though the era of rail transit in Washington was over. [Schrag, Zachary M., *The Great Society Subway: A History of the Washington Metro*, The Johns Hopkins University Press, 2006, pages 29-30]

Officials had been glad to see the Wolfsons go, but they soon came to regret the arrival of Chalk, whom Schrag called "the infamous transit baron." He said, "Many in Washington speculated that his true interest in D.C. Transit lay in selling off its valuable real estate: streetcar barns that could be converted to offices, shops, and even apartment buildings." The usual mix of declining ridership, increasing fares, and deteriorating service that many other cities had experienced undermined the company's finances. [Schrag, page 175]

In his testimony, Chalk rejected the Mass Transportation Survey's \$2.5 billion transportation plan for the area. He was "shocked and amazed" that the survey had placed overriding emphasis on public ownership, which he said was "inconsistent with American traditions of free enterprise." The assumption behind it, that "private industry either cannot, or will not, supply the mass transit needs of this area," reflected a "complete lack of faith in the ability, capacity, and ingenuity of American business." He was, he said, "alarmed by the ease with which the sponsors of this plan have departed from the fundamental principles of our national heritage."

He contrasted public ownership, as in New York City, with its "ever-increasing annual deficits, and their lack of imagination, efficiency, and ability," with the job done by private enterprise. "Throughout the country privately owned transit facilities have been operated profitably, while the municipally owned systems have averaged a loss of 16.3 percent on their operation."

Chairman Bible interrupted to point out that other witnesses had testified to the struggles of the private companies. When Chalk said he was referring only to cities comparable to Washington, Chairman Bible suggested that staff might examine operations in the 17 or so comparable metropolitan areas. Chalk suggested they had only to look at the District of Columbia, where the transit experience was "a record of progress and achievement—a subject of great interest and encouragement to the industry throughout the nation." [pages 595-597]

In any event, D.C. Transit's franchise was "a binding contractual obligation." Public operation of mass transit in the metropolitan area "would be a breach of this contract. It would be confiscatory and unconstitutional." This reality had been "ignored by the pending proposal."

Beyond the legal issue, he said, "we consider the total plan lacking in imagination." The planners appeared "to adopt a theory of status quo, so far as facilities are concerned" and were "still tied to the cast-iron age." He added, "it is inescapable, that, contrary to long-standing American tradition, the report with one fast brush stroke has pushed aside all thought of progress, innovation, and pioneering, and has gone forward on the assumption that the automobile is the ultimate, most desirable means of transportation." In fact, 72 percent of the recommended expenditures under the plan were for highway construction, and a "mere 28 percent" for all

public transportation. “In reality, a more appropriate name for the survey,” he said, would be “Superhighway Planning in and Around the Washington Metropolitan Area.” [pages 598-599]

He offered two alternatives. The first was to “exclude all but public transportation traffic from the central portion of the city during the rush hours of 7 to 10 a.m. and 4 to 7 p.m., when the mass transit job must be done.” Downtown street parking must be eliminated, fringe parking should be provided, work hours staggered, and commercial loading and unloading restricted during the peak hours. With those conditions, “D.C. Transit could, without question, provide really effective rapid transit throughout the metropolitan area, and not wait for 1980.”

He acknowledged that “such a project would be far from painless.” Doubtless, it would be met by “violent objections from the automobile and petroleum industries, their suppliers, and the automobile associations.” Still, considering the cost of the survey’s plan, he said, “I suggest trading \$2.5 billion for some guts.”

If Congress preferred to spend the money the survey suggested, he had a better alternative. In the spirit of innovation, he proposed to operate a monorail system:

We are not talking about the monorail system investigated by the survey’s engineers and found to be unsuitable for Washington. We present instead a system which has been designed, engineered, and perfected by one of the Nation’s leading aircraft manufacturers, the Lockheed Aircraft Corp. D.C. Transit is prepared, with appropriate Government assistance, to go forward with the installation of the system. With such aid, the first line could be constructed and in operation within 2 years following the acquisition of the necessary rights-of-way.

He displayed a scale model of the monorail and presented a brochure on the plan to the committee for review. The brochure outlined a 116-mile monorail system with cars riding about 20 feet above ground, 2 miles in tunnels through downtown, and another 2.7 miles in an uncovered cut below ground. Two lines intersected in downtown. One from Viers Mill in Montgomery County passed along 7<sup>th</sup> Street, NW., with branches to Andrews Air Force Base and Jones Point, the new CIA headquarters in Langley, Virginia, and Dulles International Airport. This route passed by the Pentagon and Falls Church and was the first priority in Chalk’s plan. A second U-shaped route ran between Rockville via a route west of the 7<sup>th</sup> Street line to Fort Meade and Friendship International Airport in Maryland:

Included in our proposal would be approximately 2 miles of tunneling through the heart of the city to avoid the necessity of having the monorail on the pillars in the center of the city.

He estimated the system would cost \$250 million.

Representative Broyhill asked if Chalk had checked with the Commission of Fine Arts about the aesthetics of a monorail in Washington. Chalk said the plan was so new, he had not yet checked with the commission, but would do so after the plan was completed. He was certain “they may

have some very fine suggestions for, possibly, beautifying various aspects of our proposal.”  
[pages 600-604]

Harvey Speak, counsel for D.C. Transit System, appeared on the panel with Chalk to attack the prospect of an interstate compact to operate the transit system. A tri-State commission would be “unconstitutional and an improper delegation, even if Congress retained approval authority. D.C. Transit System had an exclusive franchise for at least 20 years, running to 1976. The Mass Transportation Survey plan “represents a breach of contract, a breach of franchise, and hence a violation of the terms of the contract to which Congress is committed.” In the absence of a remedy for D.C. Transit System, the plan would give “cause of action for damages in the eyes of the law.”

Aside from the legal issues surrounding violation of the franchise contract, Speak argued that the District’s unique constitutional status was another issue. The Constitution created the District “for the benefit of the 50 States, and the Supreme Court . . . has in several opinions held that the District . . . must be operated for the benefit of all 50 States, not to the advantage of any one or two and, in particular, that Congress could not delegate to the control of one or more of the States control over the District at the expense of the other of the 50 States.” A compact authorized by Congress among the District, Maryland, and Virginia “would then be unconstitutional.”

He referred to State Senator Fenwick’s testimony that Virginia would not yield its sovereignty to a Federal agency or the other jurisdictions that would be party to the compact. As a result, the compact “is already a dead duck, because it serves no purpose . . . . It is a waste of time which creates legal complications, which will only delay the next stage, and I would suggest that in terms of the legality of this, if the committee were to take the entire project, grapple with it and come up with one solution, the legal problems raised, the unconstitutional problems, would be significantly diminished.” [pages 622-625]

Under Secretary of Commerce John J. Allen, Jr., testified later in the day, accompanied by Commissioner of Public Roads Ellis L. Armstrong and Garland E. Marple, Chief of BPR’s Planning Operations Branch, Division of Highway Planning. (During this period, the title Commissioner of Public Roads, once held by the BPR head, was a secondary title below Administrator Tallamy.) Allen had served in the House representing Oakland, California, from January 3, 1947-January 3, 1959 (R-Ca.), before taking the sub-Cabinet post after losing his reelection bid. The Commerce Department’s interest in the survey’s plan stemmed from BPR’s role in highway planning and financing for the road elements “and through our general responsibility for a coordinated national transportation policy to meet the needs of our Nation for effective and economical transportation.

His personal interest stemmed from his service on the House District Committee “and from being a citizen and representative of another great metropolitan center with similar transportation problems.” (He lived in the District’s Capitol Hill neighborhood at 110 Fourth Street, NE.)

He was impressed that the District, Maryland, and Virginia had agreed “to pool their power . . . to continue a common program of transport planning and regulation.” He urged Congress to

follow the example of the District and State officials “and also ratify the compact in behalf of the District of Columbia”:

So far the transportation plan is an outstanding accomplishment in intergovernmental relations. An act of the Congress can now make it a landmark in metropolitan regional government; a system of common planning and administration will be created among three independent jurisdictions and the Federal Government itself.

The proposed regional transportation plan was “an outstanding example of the art of city planning, a worthy successor to L’Enfant and the other great plans that have shaped the Nation’s Capital.”

That highways constituted 72 percent of the cost of the plan was appropriate because the survey predicted that by 1980, about 80 percent of all travel in the metropolitan area would be by motor vehicle on roads. “Anyway you look at the highway phase of the plan it is a large undertaking, considering both the volume of construction and the financial requirements.”

Under Secretary Allen praised the rail and transit elements of the plan, calling the rapid transit system “the boldest conception yet by advanced officials for solving the Washington commuting problem.” For rapid transit to succeed, the community must stay united even though patronage of transit would be concentrated in the few peak hours during the week, “a fact which defies the economics of most business enterprises and throws some of the cost on the community generally.” Beyond cost, “The community must furthermore cooperate by encouraging rapid transit use by coordinating traffic regulations, other transit operations, parking facilities, and in some instances zoning.”

Senator Bible asked if the panel could comment on the general feeling of many other witnesses that “we are overemphasizing the highway program, putting all this emphasis on a highway dominant program and we will end up with something like the Los Angeles situation which they point to as a horrible example.”

Under Secretary Allen replied that the Commerce Department did not have a preference among transportation modes. Instead, the objective was to promote “those transportation facilities which best serve the need for which they are made available.” He deferred to Commissioner Armstrong and Marple.

Armstrong explained that in trying to move people, “we in the highway field have been up against the very real problem of trying to do that in a way that will solve the problem, that is, it is one of trying to provide what people want.” The automobile age had introduced something to the American way of life “that all of us like quite well, and that is the freedom of movement of the individual.” He said:

And if we provide facilities that people won’t use, it doesn’t solve our problem. So in this plan the approach has been to try to realistically analyze what we are up against, what we think people will do if they have facilities, what their choice might be. And I don’t think we are going to, by any means, end up with a big sea of concrete.

The plan provided “a reasonable balance” for the region:

I think the approach has been quite sound, approaching it from the standpoint of first the travel that is done in automobiles by folks who will not be living within any reasonable distance of a mass transit system, they would still have to drive considerable distances in their automobiles, and they would probably prefer after they start, to come on downtown, if there are reasonable facilities available.

In addition, the plan considered people who used their automobiles during the day, such as salesmen. “Then the remainder was analyzed on the basis of a choice between driving an automobile and riding the rapid transit.” He emphasized:

There is no magic in this thing. You can’t say here is a better way to do it for the downtown area, and expect people automatically to agree.

We are quite independent, I think, in our individual thinking, and the growth of the automobile use in America has resulted because of that. So I think it is a realistic approach and one that is in the realm of a solution to the problem.

Marple, speaking briefly, said BPR did not have any basis for improving the methods used by the Mass Transportation Survey for projecting travel. He noted:

The report shows that the estimated volume that would be handled by mass transit coming to the downtown area in the peak hour will increase considerably between 1955 and 1980. That is somewhat contrary to the trend that we have experienced before.

I would think that we might well expect a lower percentage of traffic to be handled by mass transit in the Washington area than in some of the other cities because of the nature of the proposed land utilization. [pages 695-699]

On November 13, Darwin Stolzenbach represented the Interfederation Council of the Greater Washington Area, a group comprising 361 local citizens organizations. The council endorsed the rapid transit system, including plans for a Federal Corporation to get work underway. He said the council was worried that negotiating the interstate compact could take 5 to 10 years and felt that “such a delay in getting on with the planning and development of an integrated transportation system would adversely affect the welfare of all the citizens of this area.”

The council wanted the agency resulting from the compact to “have the power to make decisions on the establishment and operation of specific regional highway and transit facilities, whether or not all the local authorities agree.” The members were concerned that the survey had “placed a disproportionate emphasis on private auto transport as opposed to other forms of transportation, and failed to consider seriously public policies that would tend to increase the utility of mass transit relative to the automobile.” [pages 774-780]

Former District Director J. N. Robertson, now chairman of the Transportation Committee of the Metropolitan Washington Board of Trade, testified in support of the survey, the mass transit

plans, and the corporation-compact sequence of development. However, given projected population increases, “it is obvious that both highways and transit facilities will be inadequate”:

Therefore the board of directors urges that the present highway program in its entirety be vigorously pushed to completion before the 1980 date, if possible, and that none of the highway funds be diverted either directly or indirectly for any purpose other than that of highway construction. [pages 786-787]

Engineer Commissioner Welling opened the afternoon testimony. The District commissioners supported the mass transit elements of the survey plan and creation of a compact to establish an organization to build it. Given the time needed to create such a compact, the commissioners suggested that the District or the U.S. Army Corps of Engineers might serve as the construction agency. The commissioners emphasized that “payment therefore shall be predominantly with Federal funds in relation to the full financial obligation imposed by the survey as a whole.” The benefits of the system were “grossly disproportionate to the relative benefits which could accrue to the District,” considering real estate to be consumed by the facilities and disruption to established communities and community facilities.

The District could not commit to the entire plan, which the commissioners believed represented “the outer limits of a regional transportation system from which there will evolve practical action programs of lesser magnitude.” The commissioners supported the rail rapid transit plan, but “if the Federal Government—or the region—does not intend to make massive financial contributions toward providing transportation facilities in the District,” the area should consider more modest alternatives. [pages 833-834]

[The discussion of the Joint Committee hearings was informed by daily articles by George Beveridge and Grace Bassett in *The Evening Star*: “White House Backs Rapid Rail Plan Here” (November 9), “Rapid Transit Estimates Too Low, Hearing Told” (November 10), “Limit Transit Agency to D.C., Virginia Asks” (November 11), “Chalk’s Transit Plans Stress Private Funds” (November 12), “Regional Unit Backs Rapid Transit Idea” (November 13), “Metropolitan Area Transit System Cost Upheld by Planner” (November 14)]

### **Introducing Peter S. Craig**

Professor Schrag explained that the reaction to the report revealed that District residents, particularly those in the path of the suggested freeways, “were having second thoughts about highways, only a short time after the passage of” the Federal-Aid Highway Act of 1956:

If the Inner Loop was designed to save the center of the city by building a wall around it, it necessarily abandoned those neighborhoods outside the wall to the ravages of the automobile.

As an example, he cited residents of Cleveland Park, located in northwest Washington along Connecticut Avenue near Rock Creek Park:

First developed in the late nineteenth century and named after President Grover Cleveland, who kept a summer residence there during his first term as president [March

4, 1885 to March 4, 1889], the neighborhood had been largely built up by the end of the 1920s. In the 1950s, it was home to white professionals—lawyers, doctors, journalists, and not a few members of Congress—and their families, whose large, detached houses were dwarfed by thick oaks and punctuated by private schools. Bartholomew saw in these houses the straightest path between the booming suburbs of western Montgomery County and downtown, just the place for the six-lane southern spur of Interstate 70, to be called the Northwest Freeway. Cleveland Park disagreed.

One concerned Cleveland Park resident was Peter S. Craig, who would become one of the District's most persistent anti-freeway fighters. A graduate of Yale Law School, he had moved to Washington in 1953 as a junior attorney in Covington and Burling, then and now one of the city's most powerful law firms. He lived in Georgetown for a year, and in Fairfax County after that, but moved to Cleveland Park, "attracted by the ease of getting downtown via the Wisconsin Avenue streetcar," according to Professor Schrag:

After seeing a map of Bartholomew's plan in the *Washington Star* [sic], David Sanders Clark of Tilden Street began pounding doors, warning neighbors of the multilane highway. One of his knocks was answered by Peter Craig . . . . Horrified by the prospect of a freeway ripping through his neighborhood, he quickly agreed to help Clark fight it.

Residents banded together to fight the proposed freeway by forming the Committee to Oppose the Cross-Park Freeway, later renamed the Northwest Committee for Transportation Planning:

In 1959 such a group was quite novel; not until 1962 and 1963 would such freeway complaints become widespread nationwide. But the professionals of Cleveland Park knew how to make themselves heard, and at the hearings on the Mass Transportation Survey in 1959, Craig castigated the Highway Act of 1956 for forcing cities to choose between 90 percent federal funding for highways or no aid at all for transit. "[I]n my heart, I feel certain that Congress never intended that the Federal-aid highway act would be used as a device for burying our cities in concrete."

Chairman Bible acknowledged that "the impact of superhighways on many of the city's best residential areas and parks has brought many thoughtful citizens to the appreciation that such improvements are not an unmixed blessing."

The rapid transit element of the new plan proved far more popular than the expressways and parkways, especially if subways were included to minimize surface disruption:

Typical was the reaction of District commissioner Robert McLaughlin, who worried about both the construction cost and collateral effects. He pointed out that the District would lose land to the freeways, which would then abet the flight to the suburbs by "middle and high income families," leaving the District with a greater proportion of poor people. A subway would be preferable, he suggested, and in any case, if the federal government wanted to cut freeways through the District, it should expect to pay for them. The city would not fund its own destruction. [Schrag, pages 40-41]

## **The I-70S Hearing**

On June 14, 1960, the Subcommittee on Public Roads, Senate Committee on Public Works, held a hearing on the location of Interstate Route 70 South (U.S. 240) in Maryland and the District of Columbia. Senator Edmund S. Muskie (D-Me.) chaired the hearing. Chairman Muskie explained the purpose of the hearing:

This subcommittee is concerned principally with two points: First, whether the selection as recently announced by the Bureau of Public Roads was made in accordance with the procedure set up by the cooperation between departments, and I am referring particularly to the language in section 103(d), reading as follows:

The routes of this system shall be selected by joint action of the State highway departments of each State and the adjoining States, subject to approval by the Secretary as provided in subsection (e) of this section.

We are interested also in determining whether or not there is a statutory obstacle to the selection of what might otherwise be the best route in terms of the best interests of the area and the people concerned.

He asked the Ranking Member of the subcommittee, Senator Case, for his comments. Senator Case said he had called for the hearing after reading news reports saying BPR had approved a route for I-70S to the inner loop that “would injure the tax base of the city.” The subcommittee wanted to be certain that BPR had followed the statutory requirement that route selection for multi-State routes was to be by the joint action of the State highway agencies of adjoining States and the Secretary of Commerce, represented by BPR.

He also wanted to know if the deadline for submitting the next ICE to Congress should be extended to allow more time to consider the route.

Federal Highway Administrator Tallamy was the first witness. Since 1956, he said, BPR had made considerable progress in establishing locations for most Interstate highways, including those crossing State lines:

However, there are a few cases where such detailed locations have not yet been established. The Interstate System concept was developed with a corridor area as being the consideration for a highway between principal points of origin and destination of traffic . . . . The law, as we interpret it, indicates that in selection of a route within a corridor we shall determine it in the most direct manner practicable – which is practical – and we do have a corridor for the area between Frederick, Md., and downtown Washington which is generally called the route 240 location. There is no detailed agreement as to the specific location of this highway as it extends from Pooks Hill into downtown Washington.

The two jurisdictions had agreed on a route between the two points and the most direct corridor should be established under the legislation:

However, we recognize that there may be a deviations [sic] in physical location of the detailed route within that corridor or even extending outside of a most direct corridor if detailed engineering studies reveal that it is impossible or not practicable to go in the most direct manner.

One force driving the discussion was the next ICE. While working on the next ICE, BPR had not received any indication from either jurisdiction that “there is no practical, reasonable way of following a direct corridor between Frederick and downtown Washington.” For apportioning Interstate construction funds, the ICE would estimate the cost of the route that followed “the direct corridor in view of the fact that it is not demonstrated that it is impractical physically and otherwise to develop a route along the direct corridor.”

Tallamy had met with highway officials from Maryland and the District as well as NCPC about the route. He told the subcommittee that the meeting included “general discussions . . . as to the possibility of moving the corridor to the east of Rock Creek Park location, running more or less directly from downtown Washington to Silver Spring and thereby connecting with an outer loop, and through the outer loop going westerly to the Route 240 corridor.”

However, Tallamy did not want to let local needs preempt the national purpose of the Interstate program. The basic purpose was “to provide for expeditious and efficient movement of people and goods from one region to another.” In doing so, “the law recognizes that to the extent that it is practical and feasible, we should give equal attention to local needs . . . but we should not, in our interpretation of the law, give primary consideration to local needs and make the Interstate System movement of traffic secondary to local needs.” He added:

I advised them that so far as the estimate of cost is concerned that I saw no reason for them not to follow an alinement in the general Wisconsin Avenue corridor because that is the more direct one; it is the one which will move interstate system traffic most directly from Frederick to downtown Washington, to connect with the inner loop and nothing was presented which would indicate that there was not a practical way of accomplishing that. There appeared to be a practical way of accomplishing it, although I made it very clear that adjustments in any specific location within the Wisconsin Avenue corridor could certainly be done in the future.

He recognized that future engineering studies, deliberations, or considerations might demonstrate that the Wisconsin Avenue corridor was impracticable:

But until such time as a decision can be made on sound engineering and economic considerations, as the planning basis, until we are convinced on such a basis, we feel we have to follow the most practical and direct, as we see it, route.

He concluded:

I would like to say in closing, Senator, that in my opinion the law is adequately flexible now to permit proper engineering and city planning and economic judgments on the location of highways. The problem that we have now is that still further engineering and

economic and city planning studies would have to be submitted to us to demonstrate that it is not practical and by using the word “practical,” I mean in a broad sense, to follow the direct route which is the route which we feel under the law should be built if practicable. So far no evidence has been indicated to us that it is not practicable. But I do think the law as it is written now is liberal enough to permit adequate consideration of all the engineering and economic factors in making the location. [Location of Interstate Route 70 South (Maryland and District of Columbia), Hearing before a Subcommittee of the Committee on Public Works, United States Senate, 86<sup>th</sup> Congress, 2<sup>nd</sup> session, June 14, 1960, pages 1-11]

John B. Funk, the new Chairman-Director of the Maryland State Roads Commission, testified next before the committee. Following Bonnell’s resignation on February 15, Governor Tawes had appointed Funk in May 1959; he took office on June 1. A Virginia native, Funk was a civil engineer who had served in the Maryland State Senate (1939-1946) and as Secretary of State in 1947 under Governor Lane. He was chief engineer of the State Department of Public Improvements, a department he had helped organize, until 1950. At the time of his appointment as chairman of the Maryland State Roads Commission, he was Director of Public Works in Baltimore County. [“Tawes Appoints Funk As Highway Director,” *The Sunday Star*, May 3, 1959]

Funk testified that his agency was primarily interested in the Wisconsin Avenue corridor, but he recognized that Montgomery County “by its zoning, by its land use, by . . . policy has concentrated its people in a Wheaton-Silver Spring corridor to a great extent and as they move westward, that particular segment west of Wisconsin Avenue, zoned and established a land use density which is very light.” Generation of traffic west of Wisconsin Avenue, therefore, would probably remain light. The county’s policy would be undermined by construction of I-70S in the Wisconsin Avenue corridor.

The State was leaning toward the Silver Spring alignment because the county was directing development into that corridor. Funk wanted to resolve the disagreement to avoid confusion that would occur if the State had to protect right-of-way in the Wisconsin Avenue corridor “and then a determination is made at a later date for some other corridor.” Time remained to study the best location because the State’s 5-year highway construction program did not include the extension of I-70S beyond Pooks Hill. [pages 11-16]

Director Aitken of the District’s Department of Highways and Traffic testified that in 1956, the city had employed a consultant to study the location of an Interstate highway between the Potomac River and Rock Creek. The best location from Maryland was along the river “and coming into the inner loop down near where Rock Creek flows into the Potomac River.” Following a public hearing, the District commissioners adopted that route. It was not necessarily the most direct route, but it was the best alignment considering “grades, cost, the impact on the area it traverses, esthetics, and the relationship of such facilities to the areas to which they extend.”

BPR accepted the river alignment for the first ICE in 1958. However, during a meeting with Tallamy, NPS, and District and Maryland highway officials in April 1958, the NPS objected to

the alignment because it was planning the George Washington Memorial Parkway along the Potomac River. The District then began studying other alignments as far east as the North Capitol Street corridor, but also the Wisconsin Avenue corridor in the city. One line followed Wisconsin Avenue “clear down to Glover-Archbold Park,” while another “came across around White Haven,” but the department settled on “a line just to the west of Wisconsin Avenue, and in back of Observatory Circle and into the inner loop.”

The North Capitol Street corridor, which better matched Maryland’s apparent interests, was being considered for an eight-lane roadway, but only four lanes were under consideration for Wisconsin Avenue because of the expense of building through this affluent, heavily developed area. In the end, the District commissioners rejected the Wisconsin Avenue corridor, prompting Aitken to pursue the North Capitol Street corridor for I-70S.

Asked why BPR was counting the Wisconsin Avenue corridor as the route of I-70S, Aitken said the meeting Tallamy had mentioned took place on March 17, 1958:

I proposed this North Capitol Street corridor and indicated in a summary sense . . . the length, the cost, the traffic needs, and I had pictures showing a comparison between the properties affected on the two lines . . . . Despite this presentation and my recommendation, I still received the decision for the direct line.

That was the basis for the District’s alignment in the ICE. Aitken did not feel bound by Tallamy’s decision for the ICE and was continuing to consider the North Capitol Street corridor while Maryland, he said, did the same. However, the District had not budgeted funds for a detailed study of the North Capitol Street freeway, in part because of uncertainty about whether BPR would approve it. He believed that if Maryland joined with the District in recommending the North Capitol Street corridor, BPR would consider it. He added:

Well, sir, from my discussions with many people in Northwest Washington, I think that they would feel very much relieved if the estimate did not include an estimate on a line through their property or through their neighborhood. I suspect that they would feel that the prospect, then, of the interstate going somewhere else would be much better.

Joseph Barnett, who was now BPR’s Assistant Deputy Commissioner, Division of Engineering, attempted to clarify what Tallamy had said:

Sir, the important point of Mr. Tallamy’s testimony has been overlooked in your question to Mr. Aitken about how long it will take to make the North Central estimate. He has got to get the North Central estimate location approved by the Bureau first and to do that Mr. Tallamy would expect to have some evidence that the Wisconsin Avenue corridor location is not feasible. That doesn’t just include costs. It includes a lot of other things. We have requested the Highway Department to make that study for a long time and they have just not made it. [pages 16-34]

Chairman Gingery of the National Capital Regional Planning Commission testified along with commission members from both States and the District. Harland Bartholomew, NCPC chairman,

and Engineer Commissioner Welling participated in the panel. Asked whether, if forced to choose one, the commission would select the Wisconsin Avenue or North Capitol Street corridor, Bartholomew said:

Our commission believes that in the public interest, both routes need to be built and both are going to be needed very badly, so that it is not a question of either or, but a question of whether we can get both.

He conceded that both could not be included in the ICE (i.e., be eligible for Interstate construction funds). The heaviest traffic demand, he said, would be in the north-central corridor, slightly less in the Northwest corridor. In that case, he was asked, why not select the north-central route for I-70S. He replied:

Because you have to understand the entire mass transportation plan, to understand our recommendation in that regard. We do not consider that it is feasible to cross up various of these routes in a helter-skelter pattern merely because there happens to be some particular funds under a program available at this time.

He thought shifting the northeast Interstate (I-95) to the north-central corridor made more sense than shifting the Northwest route to north-central. “It does not involve such a great deviation. It would serve relatively the same area where the northwest route does not serve a similar area.”

Bartholomew explained that with 3 million people in the metropolitan area, “there will be full warrant for express highways.” He was concerned that as population increased between Rock Creek Park and the Potomac River, “this proposed deviation to the north [via North Capitol Street] will not satisfy that traffic demand and as the population increases and buildings come, the traffic will attempt to come down to the central part of the city.” He was not concerned about the term “direct” as discussed by Administrator Tallamy earlier in the day. “I am concerned however with the satisfaction of the traffic demand between Rock Creek Park and the Potomac River”:

Now, the satisfaction of the traffic demand for this entire area is not going to be satisfied by a distorted deviation of this route, 70-S, over through the Silver Spring district. Nobody in their right mind here—that is, to the west of the National Health Institute for instance, is going to go out Wisconsin Avenue, to the outer belt, clear over to Silver Spring and then endeavor to come down via the north central route.

There is a tremendous local demand as well as the through traffic, that comes on the interstate route from Frederick. There is going to be a tremendous local demand generated in this entire Northwest section which can only be satisfied by a route which comes approximately through the center of that area. The demand is not going to be satisfied by any rapid transit line, even though we have a good interstate highway with a subway, which will operate in an open cut from Tenley Circle, let us say, to the north.

This is the age of the automobile and we cannot ignore it. People are going to have cars and they are going to wish to drive them.

He hoped to encourage some people to shift to transit, but as the population grew, an Interstate in the Wisconsin Avenue corridor was needed. The traffic in Northwest bound for the central city “is not going . . . clear out to the outer belt and over around Silver Spring in order to come down the north central corridor.”

The Northwest routing had been selected “by necessity.” Given the inevitable population increase, not building I-70S through Northwest “is going to have a much more severe effect on the development of the Northwest area than any damage that may be done by the proposed 70-S.”

Opponents, he said, say, “Please push this off on to somebody else; just so long as you leave it out of our area.” The complaint was not fair because it ignored the public interest. “I don’t think they themselves are aware of the fact that if their district gets more and more crowded with traffic on their local streets, that it is going to have an adverse effect upon their housing.”

A change in Federal law was not needed, Bartholomew said. He had worked on route selection in enough cities to know any thought of a statutory change was based on a “misconception of what can be done.” He concluded his remarks by saying:

I do not believe that you can solve this problem in the Northwest area by ignoring it and attempting to push it off on somebody else. The problem is there and it must be solved by direct action and not by trying to ignore it.

Gingery said he was against extending the ICE deadline. Maryland and the District had been working for 2 and a half years on the location of I-70S, which he referred to as Highway 240. He recalled the meeting in July 1959 when President Eisenhower asked, at the start, why officials could not do something to improve the route. A year and a half later, they still had not reached agreement on a connection. [pages 34-52]

The final witness was Peter Craig, representing the Northwest Committee for Transportation Planning. He said the committee “represents 3,500 residents of the District who are both concerned and distressed over what we believe to be an overemphasis on freeways in the Nation’s Capital.” Some members would be affected by the Northwest Freeway, but most would not. They objected to what they “believed to be a terrible error in transportation planning.”

In a move that would be characteristic of Craig’s anti-freeway work, he submitted several lengthy, legalistic, detailed statements for the record. “I believe the committee will find them instructive on the issues posed by this hearing.” The statements covered:

The Northwest Freeway Controversy  
Statement of Peter S. Craig  
Comments and Proposed Amendments to S 3193 Submitted by Northwest Committee  
For Transportation Planning  
Legal Memorandum on the Proposed Northwest Interstate Highway  
Report on Location of Interstate Route 70-S, June 1, 1960

In the committee report, the statements began on page 62 and ended on page 98.

In his oral statement, Craig said the Federal-Aid Highway Act of 1956 Act “not only authorizes but indeed properly requires that the Bureau of Public Roads give controlling weight to the decision of the local Maryland and District authorities that Route 70-S should be located in the north central rather than Wisconsin Avenue corridor.” Both jurisdictions favored the north central corridor.

He pointed out that the Wisconsin Avenue corridor would take over 2 miles of public lands, including portions of Rock Creek and Hazen Parks. It would “result in a severe loss not only of the property taxes also of income and sales taxes to the District of Columbia, since it would mean taking a wide belt of land now beneficially used for residential areas and successful business areas.” It also would undermine rapid transit:

A subway line is also planned in the North Central Corridor but because of the demand in the central area, which is twice as great, if any corridor can support the competing services of subway and arterial freeway, it would appear that it would be the north central area.

He objected to earlier statements that Northwest residents were only trying to move the freeway to somebody’s else’s backyard. “This is wrong and it is also unfair” since Maryland and the District agreed that a freeway in the north central corridor “has to be built to meet the present needs in the area.” They all had rejected the Wisconsin Avenue corridor:

The real question, therefore, is whether there should be just the North-Central Freeway in which case it would be 70-S, or whether there be two huge freeways, both the North Central and the Northwest and on this Maryland and the District residents appear agreed there should be only one. In our judgment, a Wisconsin [Avenue] Freeway would be a monument to waste and destruction. At a time when Washington needs urban renewal and prevention of any new blight to halt the flight to the suburbs, it would subject the one major area of the District that has escaped decay to the destruction of parks, playgrounds, schools, hospitals, churches, and private homes that only an auto and truck highway can cause . . . .

If, in this instance, the combined judgment of Maryland and the District cannot stop the construction of a freeway that is neither needed nor wanted, then, most certainly, the Federal-Aid Highways [sic] Act should be amended to clarify the intent of Congress.  
[pages 99-102]

A few days after the hearing, Tallamy relented. Reportedly with encouragement from the White House, he dropped his insistence on the Wisconsin Avenue corridor and indicated that BPR would consider a routing east of Rock Creek Park – the so-called North Central corridor. For purposes of the ICE, the city would estimate the cost of building I-70S/U.S. 240 in the Wisconsin Avenue corridor, but that was only for purposes of establishing the apportionment formula for Interstate construction funds. The ultimate corridor would be determined after further study.

In view of the shift, Senator Case said that he would not pursue a change in Federal-aid law to clarify that directness was not the only criteria for locating an Interstate route. At the same time,

Tallamy knew that Senator Case and Senator Edmund S. Muskie (D-Me.) were working on a proviso to ensure BPR kept open the location of the U.S. 240 entrance to the city, even though they did not favor a specific routing. Director Aitken said the District would employ a consultant to study alternative locations. He also promised to work with Maryland and BPR officials to settle on a plan. [“U.S. Ends Fight On 240 Route,” *The Evening Star*, June 19, 1960]

On June 22, the Committee on Public Works inserted Senator Case’s language into the report on the Federal Highway Act of 1960. The language explained that as a result of the recent hearing on the location of I-70S, the committee became aware that BPR and State highway officials appeared to believe that the provision directing them to use “direct routes where practicable” might be interpreted to mean “where possible” – that is, where a road could be built, regardless of any other factors.

In the case of Maryland and the District of Columbia, this interpretation appeared to prevent consideration “of the best route from the standpoint of traffic service, minimum cost for rights-of-way and minimal disruption to property use and value.” However, the language about directness “where practicable” should be interpreted in light of language in Section 116(b) of the 1956 Act. Section 116(d) explained the policy of ensuring prompt and early completion of the Interstate System within 13 years, “and that the entire system of all States be brought to simultaneous completion.” This language was followed by:

Insofar as possible in consonance with this objective, existing highways located on an interstate route shall be used to the extent that such use is practicable, suitable, and feasible, it being the intent that local needs to the extent practicable, suitable and feasible, shall be given equal consideration with the needs of interstate commerce.

In view of this existing statutory language, the committee did not recommend a change in law to address the “directness” issue in Maryland the District of Columbia, “but does recommend to the attention of the responsible and respective agencies that full consideration be given to the provision cited.”

To make the point as clear as possible, Senator Muskie added language referring directly to the controversy about the Wisconsin Avenue corridor as discussed during the hearing. The language stated that the committee was aware that BPR, NCPC, and the two highway agencies were compiling data for the next ICE:

The tentative use of the Wisconsin Avenue corridor for the making of the cost estimate for completion of the Interstate System, to be submitted to the Congress in January 1961 as required by law, does not and should not in any manner preclude the eventual consideration of some other location for this section of interstate highway should further studies indicate that another location would be more in accord with the general directives of the law, and the public interest. The committee is further advised that the hearings resulted in clearing up some uncertainties on procedure and in producing a spirit of cooperation that, it is believed, will bring about earlier selection of a fixed route than had seemed likely. [Federal Highway Act of 1960, United States Senate, 86<sup>th</sup> Congress,

2d Session, Report No. 1725, June 24, 1960; “Senators Back Corridor Foes In Road Fight,” *The Evening Star*, June 23, 1960]

(Senator Muskie, who was known as an environmentalist, lived in Bethesda at 5404 Ridgefield Road. Thus, the outcome of the debate over routing would affect his daily commute while Congress was in session.)

### **National Capital Transportation Act of 1960**

On March 14, 1960, Chairman Bible and Representative Broyhill introduced identical bills, drafted by the Bureau of the Budget, to aid in development of a unified and integrated system of transportation for the national capital region. The Declaration of Policy and Purpose stated:

Sec. 102. The Congress finds that an improved transportation system for the National Capital region is essential for the continued and effective performance of the functions of the Government of the United States and of the District of Columbia, for the orderly growth and development of the National Capital region, and for the preservation of the beauty and dignity of the Nation’s Capital. The Congress further finds that improved transportation of persons requires coordination of the planning, financing, construction and administration of highways and public transit and railroad facilities; and that improved transportation also requires coordination with other public facilities and with the use of land, public and private.

The Congress, therefore, declared that the Federal Government had a responsibility to work with State and local officials in the region to develop “a unified and integrated system of transportation of persons in the National Capital region.”

The National Capital Transportation Act of 1960 called for creation of a Federal agency called the National Capital Transportation Agency (NCTA) to determine routes for a rapid rail transit system. NCTA would be headed by an Administrator (salary: \$20,000) and Deputy Administrator (\$19,000), both to be nominated by the President subject to Senate confirmation. Neither was to engage in any other business, “but shall devote himself to the work of the Agency.” The President also was to appoint a five-member Advisory Board, with the advice and consent of the Senate, to advise the Administrator on general policies; policies in connection with acquisition, design, and construction of facilities; fees for use of facilities; planning and administration; and such other matters as the Administrator may refer to the board.

NCTA was to develop a Transit Development Plan “indicating the specific location and extent of facilities in which the Agency will participate for the transportation of persons within the National Capital region, a timetable for the provision of such facilities[,] and comprehensive financial reports including costs, revenues, and benefits.” The agency also could contribute funding for construction of freeways, parkways, and other arterials to allow room on the right-of-way for transit facilities.

In addition, the agency:

. . . shall cooperate with government agencies to facilitate coordination of location, design, and construction of freeways, parkways, and other arterial highway facilities with the Transit Development Program. The purpose of such coordination is to assure the comprehensive development of transportation facilities best suited to meet the objectives of this Act and to achieve maximum benefits from moneys available for such purposes. The responsibility and authority for location, design, construction, and operation of freeways, parkways, and other arterial highway facilities shall remain with the government agencies having jurisdiction thereof, but all Federal agencies' plans for location and design of highway facilities shall be forwarded to the Agency, and all State and local agencies' plans for location and design of highway facilities may be requested by the Agency for its review and comment. The Agency shall cooperate with all planning agencies of the National Capital region and the appropriate government transportation regulatory agencies including the Washington Metropolitan Area Transit Commission in the development of transportation facilities and, wherever feasible and desirable, develop joint plans with such agencies . . . .

(Maryland, Virginia, and the District had joined the cities of Alexandria and Falls Church in Virginia and the adjacent counties in the two States in a compact establishing the transit commission to regulate the area bus companies' fares, routes, and connections. The Washington Metropolitan Area Transit Commission began operation in March 1961.)

The agency could initiate proposals "for regulating and coordinating the flow of traffic . . . to promote the optimum use of the highway network and other transportation facilities."

With the consent of the governors of Maryland and Virginia, the agency could begin construction of transit facilities, pending creation of an interstate compact for a successor agency to take over and complete the work.

Chairman Bible, in introducing the White House bill, said, "I hope Congress, before the end of this session, will act on the transportation legislation . . . . It is likely there will be many differences of opinion. So it is up to Congress to develop these ideas fully through hearings." Representative Broyhill called the bill a "very sound approach."

After conferring with Chairman Bible and Chairman McMillan, Engineer Commissioner Welling said, "The draft legislation represents a masterful job of reconciling many of the divergent points of view expressed in recent months. At the same time, it offers an effective, well-founded proposal for a greatly augmented transit service." He added, "There may be legal and jurisdictional angles which will be debated. But the need for improving transit facilities in the area is so great that I would like to see the essentials of this latest proposition moved promptly forward." [H.R. 11135, March 14, 1960; S. 3193, March 14, 1960; Bassett, Grace, "Transit Agency Bill Filed in Both Houses," *The Evening Star*, March 14, 1960; Lindsay, John J., "Sen. Bible Urges 'Prompt Action' On Area Rapid Transit Proposal," *The Washington Post and Times Herald*, March 15, 1960]

On June 14, 1960, the Joint Committee on Washington Metropolitan Problems approved the National Capital Transportation Act of 1960. The committee report explained that the Mass

Transportation Survey “produced abundant evidence that a new system of high-speed express transit service is essential to preserve the District of Columbia and its environs as a good place in which to live and do business, and as a beautiful and dignified Capital City of our great Nation.” Moreover, the Joint Committee found “well-nigh universal support for a rapid transit system.” This support spanned all Federal, State, and local governments, business and civic groups, labor unions, planners, transportation experts, and average citizens.

The day when private enterprise could provide a modern rapid transit system and operate it at a profit “has long since passed.” The District of Columbia, which did not have the authority to issue bonds, could not take the necessary steps. “It is squarely up to the Federal Government, the largest employer and landowner in the metropolitan area, to take the first step.”

Members of the Joint Committee did not mean to imply that the Federal Government should subsidize transit in the area:

There is reason to expect that, if the Federal Government will make its credit available to create such a system, it will receive its money back, with full interest. It is true that the Transportation Plan predicted that annual operating revenues of a rapid transit system, while they would be sufficient to pay all operating costs and some principal and interest, would not cover all capital costs. But the prospective deficit might be turned to a surplus if a somewhat more modest system were built initially, or if a somewhat higher fare were charged.

The Bureau of the Budget, recognizing this fact, told the joint committee that, over a period of 50 years, a rapid transit system would not only pay its operating costs, but would repay a large part of its capital costs, and perhaps eventually all of them. [National Capital Transportation Act of 1960, United States Senate, 86<sup>th</sup> Congress, 2d Session, Committee Print, Joint Committee on Washington Metropolitan Problems, June 15, 1960, pages 5-6]

The bill established a “National Capital Transportation Agency” (NCTA), headed by an Administrator and Deputy Administrator, to review the Mass Transportation Survey, make any needed changes, and carry out the detailed engineering and design work to identify the best locations for the rail lines. It would submit a transit development program to the President and Congress, and begin building and operating the transit facilities until the local jurisdictions complete an interstate compact to set up an agency to replace NCTA.

The measure established a prohibition on freeway construction in northeast Washington:

A proviso prohibits the construction of any new freeway or major parkway in a large sector of Northwest Washington until the use of railroads and subways has had a full trial. This proviso would prohibit the construction on Interstate Route 70-S along the Wisconsin Avenue corridor, or along any alignment west of 12<sup>th</sup> Street NW. It would also prohibit the construction of the closely connected Glover-Archbold Parkway. Such highways might offer serious competition to the use of subways and railroads to carry

people between downtown Washington and the western portions of the outer District of Columbia and Montgomery County . . . .

The joint committee believes that the use of existing railroads and new rapid transit lines to carry people between downtown Washington and the suburbs may permit a substantial reduction in the number of highways that must be built into the city, leading to a substantial saving in public funds and avoiding the harmful effects often attendant on the construction of freeways through residential areas. In any case, any additional highways that will eventually be built should be deferred until the railroads and rapid transit lines have had an opportunity to develop their full patronage, since experience has shown that a new highway provides competition that no rail line can meet.

This provision did not specify an end-date for the moratorium, but was not a permanent ban on freeway construction in northwest Washington. “Once the use of rail transportation has had a fair trial, the prohibition terminates.” If rail transportation proved successful, “the highway agencies will no doubt prefer to spend their money elsewhere.” If, however, a new freeway is needed, “they will be free to request appropriations and, if these are granted, to build under the usual procedures.” If a subway is not built to serve the northwest quadrant, rail transportation “will still have had a ‘fair trial’ within the meaning of the provision, and the highway agencies should be free to proceed with their own plans for the area.”

One reason for the ban was BPR’s decision that, under its interpretation of Federal-aid law, I-70S must be routed west of Rock Creek Park:

Since revised cost estimates on the Interstate System, based on the latest ruling, are to be submitted to the Bureau in August, the freeway might become immovably fixed in the so-called Wisconsin Avenue corridor before the new Agency has even had a chance to consider the use of rail transportation to serve that area, unless Congress intervenes.

The bill also called for the use of freeway medians for rail transportation. The Joint Committee’s report cited three freeways that were “now under construction or in the advanced planning stage”:

- I-66 in Virginia from the Potomac River to the Capital Beltway – “This freeway should be designed to incorporate express transit facilities in a wide median strip, and to include bus stations and other facilities for high-speed, high-volume transit service.”
- Anacostia Expressway in the District south of the South Capitol Street Bridge – “This highway also should be designed and built with median strips wide enough for express transit service, and with provision for bus stations.”
- George Washington Memorial Parkway in Montgomery County, Maryland – “The transportation plan calls for express bus service on the parkway, requiring not median strips but bus stations off the parkway.”

In the case of the Anacostia Expressway and the George Washington Memorial Parkway, the report continued, construction was about to begin. Officials needed to know as soon as possible whether transit lines would be included within the right-of-way. “While the joint committee

believes that no land acquisition or construction should be authorized until it has been well substantiated and Congress has approved it, these three highways do pose a special problem.” The bill, when enacted, “should be taken as an indication of an intent by the Federal Government to aid in the provision of express transit facilities in conjunction with freeways and parkways, and those agencies should allow for such facilities in their current planning and design work, so far as may be possible.” [National Capital Transportation Act of 1960, pages 9-10]

The Joint Committee was concerned about construction of a 12<sup>th</sup> Street expressway tunnel across the National Mall from Constitution Avenue to Independence Avenue. This corridor was an ideal location for a subway line, but the expressway tunnel may block construction of a subway tunnel under the National Mall at this location. Alternatively, building the expressway tunnel now and the subway tunnel later would mean this area of the National Mall would be “dug up not once but twice, thereby causing an additional disruption of traffic and delaying the time when the Mall will be free of obstructions.” Some construction of the expressway tunnel was underway, the Joint Committee recommended that the District of Columbia and NPS “give serious consideration to rescheduling the completion of the Expressway, taking temporary measures to restore the flow of traffic, and the appearance of the Mall, and working with the new Agency in the preparation of a plan for any subway to be built in the 12<sup>th</sup> Street alignment.” [National Capital Transportation Act of 1960, pages 10-11]

The House and Senate considered the bill on June 27, each considering somewhat different versions of the bill. The House took up the bill first. It included the prohibition of freeway or parkway construction in northwest Washington:

*Provided*, That no freeway, or new parkway more than two lanes in width, shall be built within the District of Columbia west of Twelfth Street, Northwest, and north of either the north or the west legs of the proposed Inner Loop Freeway, the proposed Potomac River Expressway, or the proposed Palisades Parkway, until after the Agency shall have reported to the President that the use of rail transportation to carry passenger traffic to points northwest of downtown Washington has had a fair trial.

Representative George H. Fallon (D-Md.), chairman of the Subcommittee on Roads of the Public Works Committee and one of the primary authors of the 1956 Act, questioned the moratorium, asking how long it would be in effect. Chairman McMillan of the House Committee on the District of Columbia explained that the Joint Committee had spent a great deal of time on this point. The committee had been advised that construction of U.S. 240 in the Wisconsin Avenue corridor was not contemplated for at least 5 years. “I notice the Senate amendment to a similar bill provides for a 2-year freeze and, so far as I am concerned, I have no objection to it being 2 years.”

Chairman Fallon suggested that the delay meant that the freeway, if needed, “is going to cost more than \$100 million. It will cost double that.” Chairman McMillan said that because Maryland and the District could begin planning the freeway, but were not planning to build it in the next 5 years. Therefore, a 2- to 5-year delay in construction pending a decision would not affect the cost. Chairman Fallon responded that since Maryland and the District had rejected the

Wisconsin Avenue corridor as the proper place for the freeway, they would not be doing any planning for it.

He also objected to the assumption that the results of rail and rapid transit in the corridor would be known in 2 years. "It will be many years before the railroad and the subway will be completed, so that there will not be any highway built in the northwest section of Washington and Maryland, probably one of the most difficult traffic problems as anywhere in the country; so that there will be no highway construction for at least 10 years." He added:

I might say further, I hope that this does not set a precedent for all urban areas of the Nation, and that they give up the idea of bringing traffic in and out of the city by automobile. I hope that it does not set a pattern for all other urban areas.

Chairman McMillan agreed, but added, "I also hope that the people of the cities will discontinue trying to build freeways in the metropolitan areas that cost \$10 million a mile.

Representative Gross objected to the bill. He listed the officials the bill called for and their proposed salaries. "I will say to my colleagues that if you vote for this bill you are voting to spend \$500,000 of the taxpayers' money gathered from all over the country to set up administrative agencies that will serve the interests of the District of Columbia and the States of Virginia and Maryland. This is another cute little raid on the taxpayers of all the country."

Despite his concern, the House passed the bill by a vote of 72 to 42. [National Capital Transportation Act of 1960, *Congressional Record-House*, June 27, 1960, pages 14561-14576]

Less than 2 hours later, Chairman Bible introduced S. 3193 on the Senate floor. As Chairman McMillan had stated, the bill's moratorium on freeway and parkway construction in northwest Washington had been amended:

*Provided*, That no freeway, or new parkway more than two lanes in width, shall be built within the District of Columbia west of Twelfth Street, Northwest, and north of either the north or the west legs of the proposed Inner Loop Freeway, the proposed Potomac River Expressway, or the proposed Palisades Parkway, before July 1, 1962; and the Agency shall not later than January 10, 1962, submit to the President for transmittal to Congress, its recommendation as to whether any such freeway or parkway should thereafter be built.

The only objection to the bill came from Senator Morse, who objected to the absence of a provision in the bill covering labor relations. He warned:

If the Senate today passes the bill without laying down at least the framework of a labor policy which is going to exist once operating personnel start to be hired by any operating system which may result from passage of such a measure as this, we shall be sowing the seeds today, for labor unrest in the Capital Transit System . . . .

He offered an amendment to reassure workers and their unions that worker protections were in the law:

*Provided, Before the Agency moves into the operating stage, Congress shall establish for the Agency a labor relations policy, defining labor's right to organize, to bargain collectively, to arbitrate disputes, and to safeguard job rights."*

He explained the rationale for the amendment:

It will make it perfectly clear that the operating Agency cannot use the law as a subterfuge to adopt what could become a union-busting bill, if a situation arose, in a future Congress, under which some operating facility might want to use it so. I think it is necessary to include such a check in the law . . . .

The amendment simply provides that the transit development program to be developed by the Agency shall be referred not only to the transit companies but to the unions representing the workers as well.

Chairman Bible agreed to the amendment.

With that one change, the Senate approved the bill by standing vote. [National Capital Transportation Act of 1960, *Congressional Record-Senate*, June 27, 1960, pages 14486-14505]

Conferees appointed to resolve differences between the two bills reached agreement on June 30. Regarding the moratorium on freeway or parkway construction, the conference committee retained the moratorium but extended it until July 1, 1965, adding that "the Agency shall not later than January 10, 1965, submit to the President, for transmittal to Congress, its recommendation as to whether any such freeway or parkway should thereafter be built." The committee also retained the Morse amendment on labor relations. [Conference Report, National Capital Transportation Act of 1960, U.S. House of Representatives, 86<sup>th</sup> Congress, 2d Session, Report No. 2061, June 30, 1960]

The House and Senate approved the conference committee report on July 1. In the House, Chairman McMillan introduced the conference report in the routine manner often used for a noncontroversial bill. The only dialogue was with Representative Gross, who requested a brief explanation of the differences between the House-passed version of the bill and the conference committee report. Representative Broyhill replied:

Mr. Speaker, if the gentleman will yield, in conference the Senate receded from practically all of its amendments and accepted the House version almost in toto. The main amendment that was adopted by the Senate was to eliminate the feature of the House bill that required further authorization on the part of Congress for any construction that took place; merely requiring an appropriation. They receded from that amendment and agreed to the original House version. That was the main difference between the two bodies. Another difference was in the House version we restricted the construction of freeways and expressways in Northwest Washington until the subway system had received a fair trial. The Senate required a 2-year waiting period, and we compromised and made it a 5-year waiting period. The rest of the changes are minor.

Representative Gross asked if the conference committee retained the same appropriations in the bill “for the commission or whatever it was, the advisory board,” an apparent reference to the salaries he had criticized during the June 27 debate. Representative Broyhill replied that, “There was no difference between the versions of the two bodies in that regard.” As a result, the conference committee did not change the language.

Representative Gross asked, “So far as expenditures are concerned?” Representative Broyhill replied:

Well, the main difference, as I tried to explain was that we required further authorization before any land acquisition or construction could be commenced. The Senate just struck that portion and just required an appropriation. The Senate receded from that and adopted the House version, which was far more restrictive.

With that lone colloquy, the House approved the conference report without a recorded vote.

In the Senate, Senator Case raised concerns about the moratorium. “I personally regret the freeze on highway construction in the northwest part of the city is made as long as it is.” He was concerned that until the matter was resolved, “there will be some uncertainty in the minds of property owners, developers, business interests, schools, hospitals, and churches centering upon just where the connection for Interstate route 70-S will come into the city.” He recognized that compromise was needed on the issue, and that the compromise in the bill was reasonable; he was speaking only for the legislative record.

He also was concerned that the moratorium would block the Glover-Archbold Parkway. Because the fate of the parkway was in the courts, he wanted to go on record in support of the parkway. If it emerged from the trial, he hoped that “a resolution of the legal points involved . . . would be noted by the agency in its study, and that matter might receive separate and special attention.”

With Senator Case on the record, the Senate agreed to the conference report without a vote. [National Capital Transportation Act of 1960, *Congressional Record-House*, July 1, 1960, pages 15493-15496; Coordinated System of Transportation for National Capital Area-Conference Report, *Congressional Record-Senate*, July 1, 1960, pages 15379-15380]

The final bill included the language from Section 102 on the congressional finding that an improved transportation system for the area “requires the planning on a regional basis of a unified system of freeways, parkways, express transit service on exclusive rights-of-way, and other major transportation facilities.” It included language urging NCTA to give “special consideration” to, among other things:

Early development of a subway from Union Station capable of rapid dispersal of passengers from the railhead to the principal employment centers in the District of Columbia and its immediate environs and capable of being extended to serve other parts of the region.

This language was immediately followed by the “*Provided*” language imposing a moratorium on freeway and parkway construction in northwest Washington.

The bill also retained the Morse amendment on labor policy.

### **NCTA Gets Underway**

On August 17, 1960, President Eisenhower asked Congress to appropriate \$500,000 for NCTA in a planned supplemental appropriations act for fiscal year 1961. The funds were needed before he could name an Administrator and Deputy Administrator to begin operations.

On August 26, the House of Representatives approved a bill that cut the NCTA appropriation in half, largely because Chairman Albert Thomas (D-Tx.) of the subcommittee of the Committee on Appropriations considered the planned expenditures wasteful. The bill also limited NCTA to a 25-employee ceiling, instead of the 54 employees included in the White House plan for getting the agency up and running quickly. Chairman Thomas was concerned that NCTA would use the funds to undo the work of the joint committee that prepared the Mass Transportation Survey. [Deane, James G., "Transit Agency Fund Chopped To \$250,000," *The Evening Star*, August 26, 1960]

Federal officials and mass transit advocates urged restoration of the full amount, which the Senate did when it passed its version of the bill on August 28. However, the House measure prevailed in conference committee. Congress completed work on the supplemental appropriations bill on August 31, then adjourned on September 1.

With funds assured, the White House announced the appointment of H. Holmes Vogel as the NCTA administrator. The President sent the nomination to the Senate for confirmation along with the names of the members of the advisory board, including Harland Bartholomew. With Congress having left town to campaign, confirmation of the nominees would not be possible; they would act on the basis of recess appointments.

Vogel, 62 years old, was a vice president of the Chesapeake and Potomac Telephone Company. A Republican with a long history of involvement in civic affairs, he had been on the board of directors of such organizations as United Givers Fund, Maryland Utilities Association, Washington Criminal Justice Association, the Salvation Army, and the Better Business Bureau. His salary at NCTA would be \$19,000 a year. [Pierce, Charles D., "Vogel May Get Transit Post," *The Evening Star*, August 18, 1960]

He told reporters, "This job is more than just a challenge to those of us who will be connected with it. It is going to be a model for mass transportation planning for communities throughout the entire Nation." NCTA's primary job was to send Congress recommendations on the proposed transit program. "I do not intend to prejudge any of this. Making these decisions will be the job of the agency in the months ahead." NCTA would begin, he said, by updating the Mass Transportation Survey. "What we have to do is take an objective look at the entire report from the standpoint of transportation." [Gimble, Gilbert, "New Agency Head Sees Transit Plans as Model," *The Evening Star*, September 1, 1960]

President Eisenhower signed the supplemental appropriations act on September 8 (P.L. 86-722). On September 15, he signed a Joint Resolution granting "the consent and approval of Congress

for the States of Virginia and Maryland and the District of Columbia to enter into a compact related to the regulation of mass transit in the Washington, District of Columbia metropolitan area, and for other purposes” (P.L. 86-794). As noted earlier, the Washington Metropolitan Area Transit Commission began operations in March 1961.

Vogel took his oath of office on September 16 in the District Building.

On November 1, Vogel met with the advisory board to discuss ways to get NCTA off to a running start. They agreed on:

- Purchase of 50-foot median strips for use by express buses on I-66 and I-95 in Virginia, as well the proposed third route to Baltimore.
- NCTA would purchase land along the Anacostia Freeway and the George Washington Memorial Parkway in Maryland for “pretty fancy” bus stations.
- Determine how to improve and expand existing bus and commuter railroad service.
- Identify subway lines that, optimistically, begun operating in 1968. As directed by Congress in the National Capital Transportation Agency Act, NCTA would study a subway between Union Station and downtown Washington. [Landauer, Jerry, “Transport Unit Goes Into Action,” *The Washington Post and Times Herald*, November 2, 1960; “Mass Transit Plan Backed by Agency,” *The Evening Star*, November 2, 1960]

At the time, NCTA did not have funds for the first two goals.

President Eisenhower, with only a few weeks remaining in office, formally nominated Vogel and the members of the advisory board to Congress at the start of 1961. With President-elect John F. Kennedy awaiting inauguration, Congress chose to await the new President.

### **President Kennedy’s Interest**

Presidents have traditionally not focused on District matters, but President Kennedy took an interest in the city’s affairs. As a member of Congress beginning in 1947, he had lived in Georgetown at 3307 N Street, NW.; he and his family departed from there for his inauguration on January 20, 1961. The house is located a few blocks from Wisconsin Avenue on the east, Georgetown University on the west, and several blocks north of Canal Road, M Street, the elevated Whitehurst Freeway, and the Georgetown waterfront.

One of his best-known initiatives was revitalization of Pennsylvania Avenue. By the time of his inauguration on January 20, 1961, the avenue connecting the Capitol and the White House had become a shabby street lined by pawnshops, souvenir stores, and boarded up buildings. The result was the Pennsylvania Avenue Development Corporation, which strived to restore the avenue to a “grand and majestic avenue.”

Less well known is President Kennedy’s role in the transportation life of the District and other elements of its daily life. As Professor Schrag explained:

Under previous administrations, and at the start of Kennedy’s term, matters concerning the District of Columbia had been passed to whichever White House aide was available.

Area residents had long wanted one person to handle such questions, and in 1962 Kennedy agreed, naming Charles Horsky adviser for national capital affairs. [Schrag, page 45]

Horsky, a Montana native, had graduated from Harvard Law School, moved to Washington during the New Deal of the 1930s, and then joined the influential law firm, Covington and Burling, where Peter Craig became an associate many years later. During the 1950s, Horsky was president of the Washington Housing Association, where he lobbied for relocation assistance for residents displaced by government projects, including freeways:

He had been alarmed to learn that the D.C. Highway Department was planning to displace thousands of people to build the Inner Loop without provision for relocation, and further alarmed by the release of the Mass Transportation Survey in November [1959], though his testimony before Congress consisted of a quiet plea for more emphasis on rapid transit that was easy to ignore.

President Kennedy attended Horsky's swearing in ceremony on September 28, 1962, for his \$20,000 a year post. The President said, "I don't think we have paid enough attention to the District." The new position was not intended to supplant the District Commissioners, but to assist them. The President hoped Horsky would "bring to my constant attention" local problems requiring Federal action. As an example, he cited school dropouts and said that in a nonindustrial city such as Washington, he wanted to be sure schools provided the necessary skills, including vocational skills for dropouts. The District's three commissioners attended the ceremony for Horsky.

Horsky, who lived at 1227 Pinecrest Circle in Silver Spring, Maryland, replied that with the support of the President and the three District commissioners, "we can and will make this a Nation's Capital of which you can be proud and all of us can be proud." After the ceremony, he told reporters that his duties would involve the entire region, not just the District of Columbia.

Horsky's office was in the Executive Office Building where, as Schrag explained, "his White House letterhead brought him more notice." [Schrag, page 45; "Kennedy Aide Takes Office," *The Evening Star*, September 28, 1962; Clopton, Willard, "Horsky Sworn in a JFK D.C. Adviser," *The Washington Post and Times Herald*, September 29, 1962]

On March 3, President Kennedy nominated C. Darwin Stolzenbach as NCTA administrator and Joseph G. Matthews as deputy administrator, a post that President Eisenhower had never filled. Stolzenbach, who had lived in the Washington area since 1934, had a degree from George Washington University and had served in the Federal Government as an economist and an Asia expert. At the time, he was an economist and senior staff member of the Johns Hopkins University Operations Research Office in Silver Spring. As Schrag explained, "At a time when operations research and systems analysis were being adapted from their military origins to civilian problems, Stolzenbach's economic credentials qualified him to manage a major engineering project." Stolzenbach lived with his wife and three children in a two-story brick home at 10515 Meredith Avenue in Kensington,

He was a controversial choice. As a resident of Montgomery County and president of the Montgomery County Planning Association, he had opposed the Northwest Freeway in 1958. A year later, Stolzenbach testified before the Joint Committee on behalf of multiple citizens associations, saying as Schrag summarized:

[The] region needed more than “a system that merely superimposes mass transit on top of an already preconceived regional highway plan,” and, in words that would be later used against him, that “highways and mass transit are and will always be competing facilities for mass transportation.” In other words, more transit meant fewer freeways. This was enough to earn Stolzenbach the lasting enmity of the highway lobby, as well as the Montgomery County political establishment.

According to Schrag, Stolzenbach’s Cleveland Park allies recommended him to the Kennedy Administration and he was nominated “over the objection of the Democratic Central Committee of Montgomery County, but with the endorsement of D.C. Democrats.” [Schrag, pages 45-47]

The Cleveland Park residents who had lobbied to include a moratorium on the Northwest Freeway in the 1960 Act also had tried to give NCTA a veto over local freeway plans. The legislation watered the veto down by providing only that NCTA should evaluate transportation plans, alternative facilities, and kinds of service, a requirement that Stolzenbach interpreted as giving him veto power.

Matthews was assistant to the vice president of the Association of American Railroads, a post he had assumed in 1957. He was born in Sheffield, Alabama, held a law degree from Blackstone College of Law in Chicago, and had served in the Army’s Transportation Corps during World War II before joining the Southern Railroad System. Matthews was an active leader of the Democratic Party in Virginia; he lived in Alexandria at 417 Wake Forest Drive. His position came with an annual salary of \$18,500.

Administrator Vogel announced his resignation the same day as the nominations.

The Kennedy Administration also had plans for Peter Craig, as Professor Schrag described:

Peter Craig, one of the loudest voices against expressways in 1958-1960, declined a job in the new administration, but he did gain listeners. Turning down the chance to become NCTA general counsel, he suggested his Covington and Burling colleague, Ed Seeger, for the job and kept in touch with Seeger as he continued the highway fight. Horsky, at the White House, was equally easy to get on the phone. For example, when the District of Columbia Highway Department officials tried to withhold data from Craig, Craig simply contacted Horsky, who scolded the engineer commissioner for denying Craig’s rights “as a citizen of the District. [Schrag, page 47]

Seeger was sworn in on May 31, 1961.

At BPR, President Kennedy appointed Rex M. Whitton to the post of Federal Highway Administrator. Whitton was born on a farm in Jackson County, Missouri, worked his way through the University of Missouri, graduated in April 1920 with a bachelor of science degree in

engineering, and began working for the Missouri Highway Department 11 days after graduation. His initial salary was \$110 a month as a levelman on a 15-mile stretch of road in Johnson County, but he rose through the ranks to become Chief Engineer in 1951. He was president of AASHO in 1955, a post that occasionally brought him to Washington to testify before Congress in support of what became the Federal-Aid Highway Act of 1956.

In Missouri and as head of BPR, he was dedicated to building the Interstate System by its scheduled completion date in the early 1970s, but by the time he took office in 1961, freeway revolts were common in the country's big cities. Whitton initially took the point of view, shared by many long-time highway engineers, that the reason for the opposition was that the critics did not understand the benefits their cities would receive when the Interstate System was completed. He joined with the highway community in public relations initiatives to promote the benefits of highways while countering what referred to as the myths and misinformation about the freeways; in this role, he probably attended more opening ceremonies of Interstate highways than anyone in history, each opening an opportunity to speak glowingly about the Interstate System. [Larson, Thomas D., "The Man Who Saved the Interstate System," Highway History Web site, <https://www.fhwa.dot.gov/infrastructure/whitton.cfm>]

While in Washington, Whitton and his wife lived in an apartment building at 4201 Cathedral Avenue, NW., in the Cathedral Heights neighborhood of alongside Glover-Archbold Park. (The building is now called the Towers Condominium.) Despite his freeway advocacy, he and his wife used freeways only when he was in a hurry. "We take the back roads," he explained. "That's the finest way to travel unless you're in a big hurry to get somewhere." He and his wife collected antique glass and, as he told a reporter in 1964, ". . . you don't find antique shops on the big new interstate highways."

That same year, President Kennedy also appointed a new chairman to the NCPC. Elizabeth Rowe, who had grown up in the District's Adams-Morgan neighborhood and now lived in Cleveland Park, had been on the commission she would now lead. Her views had been formed in part by her service on the D.C. Auditorium Commission after her friend, since the 1930s, Senate Majority Leader Lyndon B. Johnson had appointed her in 1954. While on the Auditorium Commission, according to Gutheim and Lee, "she noticed the 'spaghetti' of bridges and approaches planned to span the city and affect many settled areas." Professor Schrag said, "she had been horrified by three-dimensional models of proposed highways in downtown Washington." She joined NCPC with "an idyllic view of the city as a collection of neighborhoods, defined by tree-lined streets and handsome buildings." This vision was in contrast with NCPC's highway-oriented concepts of the Bartholomew era. [Gutheim and Lee, page 296; Schrag, page 45]

### **Thinking About the Future**

On June 11, 1961, NCPC and the National Capital Regional Planning Council released the Year 2000 Plan. It was intended to provide a framework for change over the next 40 years.

The report projected the basics of the region in 2000, and described how to plan for the inevitable changes. Population would expand from the present 2 million people to 5 million. Employment

would increase to 2.2 million jobs, from the current 940,000. Already, 350 square miles had been consumed by development, but by 2000, the growth will have expanded to 1,700 square miles.

The region was the 10<sup>th</sup> largest in the country, and a good place to live:

But, like every metropolis, it has problems – traffic congestion, water pollution, vanishing open spaces, crowded schools, rising taxes, obsolescence, blight.

The main reason is *growth*. People keep coming to Washington, and the people who are already here keep having children. The region's population will double within a generation through natural increase alone. Growth means more people making more demands on a limited amount of land, on limited amounts of water and air, on public facilities that can only be expanded slowly and at considerable cost, and on public revenues that never seem to grow as fast as the need for them . . . .

Our future depends, in a word, on the *design* of the region – on the creation of a pattern that will produce the next possible environment for ourselves and future generations. Good design will reduce traffic congestion, protect water supplies, provide adequate space for parks and recreation, create efficient commercial centers and livable residential neighborhoods produce a suitable setting for the Nation's Capital, meet the needs of new industry, and reduce the costs of local government . . . .

The guiding policies for development must look far beyond the near future, which will largely be shaped by decisions already made, to a time when needs and conditions are different from today. The 40-year period has been chosen because great changes are sure to take place, and these changes can be very greatly influenced by public policies.

One thing was clear. “The need for action is urgent.”

To achieve the goals in a diverse region with overlapping jurisdictions, officials and planners had two levers. Jack Eisen described them in the *Post* as:

The construction or withholding of the transit routes, and the location of outlying Federal office centers.

The Year 2000 Plan called for:

- Shift of Federal “employment centers” to city-like communities along the corridors or spokes. The centers would have apartments and other features to justify construction of transit.
- Local governments would use zoning, acquisition of land, and other ways to restrain residential development within the “wedges” between the spokes.
- Federal offices in the central core – Capitol Hill, the Mall, the Federal Triangle – should be completed. Additional Federal office space should be put in clusters of buildings around what the plan called MetroCenter, “the heart of the Nation's Capital City.” New buildings housing agencies with “purely operational functions” should avoid the

“monumental” style of recent additions. Locating these buildings in “clusters” in the central business area would create “prestige centers” that would encourage increased density to contain the commercial area within current boundaries.

- Central Washington would decline in importance but still provide offices for 50 percent of the area’s government employees. Use “large-scale public and private” urban renewal techniques to support redevelopment.
- Encourage “small urban open spaces” around new government, institutional, commercial and apartment buildings.
- Build public rail transportation parallel to highways in spoke-like patterns. The four lines described in the Mass Transportation Survey should be built along with two additional routes.
- Freeways now planned should be built, but no more except for a freeway into southern Prince George’s County, Maryland.

Uncontrolled sprawl was the biggest danger. As development spread outward, transit would not be able to serve the less densely populated areas. “Someone has called this the Los Angelization of the Washington area,” NCPC Executive Director Finley said. “I don’t think this is intended to be a compliment.”

He said that in presenting the Year 2000 Plan, “Our role is to clarify the issue, and let the politicians and the people make the decisions. But the report will make it more difficult for the politician not to face the future and make the decisions.”

He anticipated that as planners and area officials studied the plan, they would see it as a basis, first, for discussion, but eventually for “a concert of policies” that they could adopt.

Gutheim and Lee explained the wedges and corridors concept:

Drawn along the proposed rapid transit routes and a parallel highway system, the radial corridor policy plan expressed the concept [that] the central city should be the primary focus or hub of the metropolitan region. The corridors were to be created by linking major development centers; each corridor or spoke would be separated by wedges of open countryside. In design this would produce something similar to the idealized nineteenth-century radial transit city, a snowflake pattern where open space was readily accessible to the urban and suburban population . . . .

Diagrams of the radial corridor plan showed more specifically how the radials would embrace clusters of public buildings and services, private office buildings, shopping centers, various housing and apartment types, industrial complexes, schools, and community centers, all of them linked by the kind of urban “greenways” popularized in Philadelphia’s redevelopment planning.

Wedges of open space on undeveloped Federal tracts, such as the Agricultural Research Center in Beltsville, Maryland, should be preserved through acquisition or other means.

The Year 2000 Plan abandoned the idea of shifting government offices to the east of the Capitol, a concept that had been included in the Mass Transportation Survey and other planning documents. The plan recommended, instead, construction of apartment buildings for about 10 blocks between the Capitol and Lincoln Park.

[“Year 2000 Plan Sets Area’s Growth Aims,” *The Sunday Star*, June 11, 1961; Gutheim and Lee, page 289; Eisen, Jack, “Sprawl Growth Perils District of 2000 A.D.,” *The Washington Post and Times Herald*, June 11, 1961; “Planning Ahead For 2000 A.D.,” *The Washington Post and Times Herald*, June 22, 1961; italics in original]

Not everyone liked the Year 2000 Plan. At the second annual Community Appearance Conference of the Metropolitan Washington Board of Trade, speaker Victor Gruen, an influential architect best known for systemizing the shopping center to the possibilities of the Interstate era, was asked about the plan. He called it “a little plan, full of inherent contradiction, and schizophrenic.” The “radial corridors” were “nothing but a schematic drawing of the growth pattern which our metropolitan areas have followed in the past.” The 40-year plan was “killing, from the outset, any chance of reshaping the metro center into a truly compact organism.”

Gruen questioned some of the plan’s assertions about transportation, as the *Star* summarized:

He said the National Capital Planning Commission’s plan “professes” that only public transportation can fully serve the central area, but added that it “proposes new superhighways from the corridor towns, thus putting the two modes of transportation into direct competition.

Quoting the plan as saying most automobile users will be converted to a transit system “only after congestion on the highways reaches intolerable levels,” Mr. Gruen commented:

It seems to follow that if the highways would not be built at all, then the rapid transit system would have a chance to exist economically before intolerable levels of traffic on the highways are reached.

General Clarke, also on the program, was asked to comment on Gruen’s views. “I did not hear all that Mr. Gruen said, but I am afraid that he and I do not see eye to eye on this. I am prepared to support the concepts outlined in the Year 2000 Plan.”

General Clarke, in his presentation, defended the city’s highway plans in the context of improving the city’s appearance:

In my opinion, traffic is more unsightly in congested streets of a neighborhood than it is on expressways screened from the eye and ear. [“40-Year Plan Denounced as Schizophrenic,” *The Evening Star*, January 5, 1962]

## Defining the District's Freeway Network

An extensive freeway network had evolved from Bartholomew's earliest projections. In a letter dated June 30, 1960, to Aitken, from BPR Commissioner Armstrong confirmed the descriptions and numbers of the designated Interstate System routes in the District for purposes of compiling the next ICE. The District's routes were:

- 66 – From the D.C.-Virginia line at the west end of the Theodore Roosevelt Bridge to a junction with FAI Route 95 in Washington.
- 70S – From the D.C.-Maryland line en route from Frederick, Maryland to the inner belt in Washington.
- 95 – From the D.C.-Virginia line at the south end of the 14<sup>th</sup> Street Bridge to the D.C.-Maryland line en route to Baltimore.
- 266 – Extending from a junction with Interstate Route 66 in the District of Columbia to the D.C.-Virginia line en route to a junction with Route 66 in Arlington County, Virginia.
- 295 – From the D.C.-Maryland line at the vicinity of Oxon Run to a junction with FAI Route 95 in Washington.
- 495 – On the Woodrow Wilson Bridge from the D.C.-Virginia line to the D.C.-Maryland Line.
- 695 – Portion of south leg of inner belt from FAI Route 95 to FAI Route 295.

The letter added a paragraph about I-266:

There is hereby designated Interstate Route 266 extending from a junction with Interstate Route 66 in the District of Columbia to the D.C.-Virginia line en route to a junction with Route 66 in Arlington County, Virginia. The general location is shown on the map dated May 25, 1960, prepared by the District of Columbia, except that for purposes of preparation of the estimate of cost to complete the Interstate System in accordance with Section 104(b)5 of Title 23, U.S.C., the location to be estimated shall be via Key Bridge.

Later that year, on October 21, Federal Highway Administrator Tallamy wrote to Aitken approving the city's request to modify the I-295 description to read:

We approve, effective this date, the removal of the Anacostia Freeway between the Anacostia Bridge (11<sup>th</sup> Street) and the District of Columbia-Maryland line, as the location of Interstate Route 295. This approval will permit transfer of Interstate funds previously authorized for projects on the Anacostia Freeway, as requested in your letter of September 16 to Division Engineer Hanson.

On June 20, 1961, Administrator Whitton approved a modified description of I-695. His letter to Aitken provided that:

695. South leg of Inner Belt from FAI Route 66 at the east end of the Theodore Roosevelt Bridge to FAI Route 295 in the vicinity of 11<sup>th</sup> Street, S.E., excluding the coincident section of FAI Route 95.

These were general descriptions, rather than precise definitions. For example, the description of I-70S could apply to a link along the Potomac River, along the Wisconsin Avenue corridor, or east of Rock Creek Park in the North Central corridor.

### **Transition at NCTA**

Shortly after being nominated as NCTA Administrator, Stozenbach talked with reporters. He considered the Mass Transportation Survey to be the framework for NCTA's studies, but did not consider it "to be a fully detailed blueprint." In particular, he questioned the survey's balance between freeways and rapid rail transit. NCTA, he said, should be "the voice of those who favor mass transit as a means of funneling off" the heavy traffic on the roads.

He emphasized that he is not against highways. He worried, however, that too many highways would create a series of "Chinese walls" dividing the city. Moreover, an over-emphasis on freeways would turn the Washington area into a vision of Los Angeles, which has many freeways but "still the cars move bumper to bumper." As a result, freeways would be part of the transportation system, but the system would not rely on them. "A highway system," he said, is like a bottomless pit." The *Star* summarized his view:

The more highways built, the more traffic they generate; the more traffic, the greater the need for parking facilities, he believes. And as a consequence of highway construction, the city "gets more and more chopped up," he said.

At any rate, Mr. Stolzenbach stressed, the various alternatives will be examined in developing a balanced transportation system and these factors will constantly be placed before all the planning agencies and governing bodies in the Washington region.

In developing that balance, he said, "I would like to try some experiments," as the *Star* described:

Convince the Baltimore & Ohio Railroad to try running more commuter trains in the Maryland area and have O. Roy Chalk put D.C. Transit buses at the stations to wait for incoming trains and take commuters to designated Government building centers.

"I don't know if it would work or not, but I think some things should be given a try at least," he said. [Gimble, Gilbert, "Chinese Walls' Feared In Highway Building," *The Sunday Star*, March 5, 1961]

These remarks prompted the District's Aitken to tell reporters that solving congestion would "vary from city to city," but in every case, freeways must play an important role. While "highways cannot do the total job," modern freeways carrying buses and automobiles "can go a long way toward meeting mass transportation needs." He stressed that already, freeways had helped eliminate unsightly slums and blighted areas in the southwest quadrant and other parts of

the District. That was because highway engineers design freeways to be “functional and still attractive.”

In response to a question on WWDC radio’s Report to the People program, he said he lamented the “unfortunate” use of “catch phrases” such as “Chinese Walls.” Such phrases could harm the vital Interstate freeway program that should “not be tilted or warped by catch phrases.”

Unlike Stolzenbach, Aitken was not concerned that the Washington area would turn into another Los Angeles. The two cities were different, with centralized employment in Washington while most employment in the Los Angeles area was decentralized.

Aitken had never met Stolzenbach, but looked forward to getting together with him soon to discuss “broad policies” for mass transit planning. [“Aitken Stresses Role Of Freeways For Area,” *The Sunday Star*, March 12, 1961; “Aitken Hits Attacks on Freeways,” *The Washington Post and Times Herald*, March 12, 1961]

The Kennedy Administration would not file the NCTA nominations with Congress until April 27, but the Senate District Committee held a hearing and approved both on March 24. The goal in the speedy approval was to get NCTA, with its new leadership, moving as fast as possible.

Chairman Bible told Stolzenbach that his job would be difficult, as the *Post* summarized:

The agency is charged with planning, winning approval of and finding means to finance a suitable mass transportation system for the Washington area.

Bible also agreed that the major part of the problem will be finding the money to build the transportation system for the expanding metropolitan area.

Bible, who helped draft the legislation establishing the Agency, said he expected it to “move ahead with top speed” despite the admitted complexities of the job.

Senator Beall illustrated one of the complexities:

Beall told Stolzenbach that he had some misgiving about maintaining a 5-year “freeze” on parkway construction in Northwest Washington because of the undesirable – particularly uncertainty – it is causing in the future of the Glover-Archbold Parkway and related highway construction.

Beall said he was interested in taking a “new look” at the Northwest highway freeze and would ask the District Committee staff to determine whether new legislation is needed to “end or change it.”

Stolzenbach replied that he did not consider the ban to be permanent and “it is far from being a ban on all highway construction.” NCTA would review the moratorium as part of its coordination with other highway and planning organizations to find the best solution to the area’s transportation problems.

Having approved the two nominees, the committee would have to wait until receiving their formal nominations to take them before the Senate for confirmation. [Lindsay, John J., "2 Chiefs of Area Transit Agency Win Senate District Unit Backing," *The Washington Post and Times Herald*, March 25, 1961]

Even before the paperwork arrived in the Senate, Matthews asked that his name be withdrawn. Jack Eisen reported in the *Post* that Stolzenbach and Matthews had been under consideration for the top spot in NCTA "until a few hours before the President made his announcement on March 3":

Stolzenbach, a Marylander, won his main support from District Democrats. Matthews, a Virginian, had broader political support, including backing from both Virginia and Maryland political figures.

According to the *Star*:

Mr. Matthews . . . was understood to have agreed to take the second spot in the agency if he could veto any major decisions made by Mr. Stolzenbach. Mr. Stolzenbach reportedly accepted the arrangement.

The plan apparently fell through, however, when Mr. Stolzenbach sought to name an individual employed at the Johns Hopkins University Research Office in Bethesda as his special assistant. Mr. Stolzenbach had been a senior staff member at the research wing of the university prior to his nomination by President Kennedy.

Eisen reported that the White House was "acutely embarrassed over the incident." Further, Matthews' resignation "revived efforts by some of Stolzenbach's foes in Montgomery County to head off the nomination." Stolzenbach was unperturbed, telling Eisen that the plan was to move as fast as possible to complete the tasks that Congress set before NCTA, without seeking deadline extensions. As Eisen added, time was "beginning to run out" on deadlines such as the requirement that NCTA submit "recommendations for organization and financial arrangement" to the President by November 1, 1962. "Already seven of those 28 months have slipped past."

Any delaying in forwarding the recommendation "could mean that hopes for getting the area's first subway line running by 1968 also may be set back." [McKelway, John, "Transit Agency Aid Quits in Row Before He's Officially Nominated," *The Evening Star*, March 29, 1961; Eisen, Jack, "Matthews Quits Rapid Transit Job," *The Washington Post and Times Herald*, March 30, 1961; Eisen, Jack, "Problems of New Transit Agency May Mean Delay in Subway Plan," *The Washington Post and Times Herald*, March 31, 1961]

The White House finally forwarded Stolzenbach's nomination to the Senate on April 27. The Senate confirmed his appointment on May 4 without discussion or debate. [National Capital Transportation Agency, *Congressional Record-Senate*, May 4, 1961, page 7302]

On May 12, 1961, Supreme Court Justice William O. Douglas administered the oath of office for Administrator Stolzenbach at NCTA's headquarters at 926 Jackson Place, NW.

At a press conference after the swearing in, Stolzenbach said he planned to visit other cities that had or were planning rapid transit systems. He would visit San Francisco in the following week and then travel to Philadelphia and Toronto. He also would meet with area officials, including the governors of Maryland and Virginia.

He said that NCTA was not simply a mass transit agency. “We have to create a practical plan for a metro form of organization so that all the beneficiaries . . . can participate both in its management and paying for it.”

He also planned to visit Seattle in 1962 to see the monorail that was being erected from downtown to the entrance to the 1962 World’s Fair. Stolzenbach said that whenever he talked to people who were not in the transit field, they ask about monorail. Thus far, it had seen used mainly as an amusement ride, as in Disneyland. He wanted to know all about it. NCTA “certainly” had not ruled out monorail as an option for the Washington area. “I think we ought to become the world’s expert on monorail as fast as possible.

In the immediate future, NCTA would initially seek authority to acquire median strips in freeways for transit, with I-66 in Virginia and I-95 between Baltimore and Washington being prime candidates because officials had not yet agreed on their routing.

Stolzenbach predicted that construction of a downtown subway could get underway as early as 1964, with operation beginning in 1968 or 1969. He acknowledged that there was “still some question” whether a subway is needed, but he planned to give special attention to the subject. The goal was a “balanced system,” with the difficult question being how to decide where balance existed. [Gimble, Gilbert, “Transit Unit Seeks New Right-of-Ways,” *The Evening Star*, May 12, 1961; “Transit Chief Sworn, Plans Monorail Study,” *The Washington Post and Times Herald*, May 13, 1961]

On June 16, the White House announced that Warren D. Quenstedt was the President’s choice to be Deputy Administrator of NCTA. The 50-year old Quenstedt was an attorney with the firm of Smith, Hennessey and McDonald. Since 1946, he also had been an independent insurance broker and agent. The Virginia native lived with his wife and two children at 1319 Park Terrace Drive in Alexandria.

Quenstedt was a transit booster. The *Post* quoted him as saying, “Even if the Potomac River were roofed over with bridges,” highways could not do the whole job.

Stolzenbach was “most pleased” with the nomination. “I know him and I like him.” [“Quenstedt Is Chosen As Transport Deputy,” *The Evening Star*, June 16, 1961; “Quenstedt Gets Post in Transport,” *The Washington Post and Times Herald*, June 17, 1961]

Following a routine June 27 confirmation hearing, the Senate District Committee sent the nomination to the Senate floor on July 10. He was confirmed in a brief colloquy the following day by unanimous consent of the few people on the Senate floor at the time. [National Capital Transportation Agency, *Congressional Record-Senate*, July 10, 1961, page 12256]

(Quenstedt had been the Democratic challenger to Representative Broyhill in the 1956 election. The race turned on many issues, including civil rights and schools. However, Quenstedt also charged Representative Broyhill with being ineffective in Congress, as the *Star* reported:

In a separate television appearance over Station WMAL last night, Mr. Quenstedt continued his attack on the legislative record of his opponent.

Mr. Quenstedt recalled that “more Potomac River Bridges” were part of Representative Broyhill’s campaign platform four years ago.

“Well, what do we have?” asked Mr. Quenstedt. “We have the same number of bridges as we had in 1952, but we have more people using them . . . . How long does it take to plan a bridge? How long does it take to build one?”

He was particularly critical of Representative Broyhill’s role in the central area – or Roosevelt Island – bridge. “Here Joe Broyhill’s record is one of inconsistency and confusion,” said Mr. Quenstedt. “Repeated attempts to get action here have failed mainly because Joe Broyhill first opposed a tunnel in favor of a bridge and after it looked like this would become a reality, he suddenly threw the whole matter into a turmoil by advocating construction of a tunnel. How long must people of the 10<sup>th</sup> district put up with this failure to produce? We have no new bridges and we have no tunnels despite Joe Broyhill’s four long years in Congress.” [“Broyhill Cites Democrats to Defend Record,” *The Evening Star*, October 13, 1956]

(In November, Representative Broyhill defeated Quenstedt – 53,148 to 40,553.)

### **The Cost of Right-of-way**

By the early 1960s, the District’s extensive freeway network was facing problems, including what to do with people displaced by the planned highways. The 1950s urban renewal plan had nearly wiped out southwest’s African-American and low-income neighborhoods, leaving room for Zeckendorf’s vision of the area. Because virtually the entire area had been leveled for urban renewal, the Southwest Freeway was an exception to the revolt against freeways that was underway around the country. No one was left to object to the destruction of their homes or businesses.

By contrast, other Interstates in the Washington area and around the country were proposed to be built in the midst of neighborhoods and business development that had not been cleared. The desire to protect homes and businesses was at the heart of the freeway revolt.

From the earliest years of the Federal-aid highway program, States had been responsible for providing right-of-way. The Federal Highway Act of 1921 explicitly exempted the “rights-of-way” from Federal-aid highway fund reimbursement. Because Federal-aid funds could not be used in cities, State highway agencies often relied on adjacent property owners to donate the land in exchange for access to the new or improved road.

During World War II, Congress began to modify the Federal role in highway right-of-way acquisition. The Defense Highway Act of 1941, enacted just before the attack on Pearl Harbor, authorized Federal reimbursement up to 100 percent for acquisition of right-of-way for defense access roads and up to three-fourths of the cost for acquisition on projects on the strategic highway network. Where States could not provide the right-of-way due to restrictions in their constitution, PRA was authorized to acquire the land. For regular Federal-aid highway projects, Federal law in 1943 and again in 1944 modified the definition of "construction" to include the cost of right-of-way, with the restriction to one-third of the cost. Provisions were not made to help home owners or businesses relocate. [*America's Highways, 1776-1976, page 357*]

When construction of the Interstate System began, old ways of right-of-way acquisition no longer worked. Full control of access meant that adjacent property owners were no longer willing to donate property. Under the Federal-Aid Highway Act of 1956, BPR would pay 90 percent of the cost of right-of-way acquisition, but not the cost of relocation or help to displace to find new homes or locations of businesses.

On February 28, 1961, just 5 weeks after taking office, President Kennedy sent a Message to Congress on the Federal Highway Program. It began, "Our Federal pay-as-you-go highway program is in peril" and focused on funding options for putting the program back on a sound financial footing. Completing the Interstate System "at least as fast as originally scheduled is essential to our economy." He opposed "stretching out or cutting back" the program, two options that critics had suggested. Instead, he recommended making a temporary 1-cent increase in the 3-cent gas tax permanent.

The President's message also addressed urban development issues. He directed Secretary of Commerce Luther H. Hodges, whose department included BPR, and Housing and Home Finance Administrator Robert C. Weaver "to increase their joint planning at every level, to improve coordination of urban renewal and freeway construction plans in the same area, and to invite the cooperative efforts of State and local highway and housing officials and private experts."

Moreover, Federal urban renewal law, enacted in 1949, required that every contract for Federal assistance include provisions assuring the availability of decent, safe, and sanitary housing at reasonable prices in suitable locations for all families displaced by urban renewal projects. This law did not apply to the Federal-aid highway program. President Kennedy recommended legislation to help families displaced by highway construction find "reasonable housing at reasonable costs, a problem that he said "has been largely overlooked."

Secretary Hodges and Administrator Weaver submitted their recommendations to the President on March 28, 1962. "Transportation," they said in the transmittal letter, "is one of the key factors in shaping our cities." Their report covered many topics, including the need for Federal aid for mass transit. The report included several recommendations for urban highway programs, the most important of which involved planning:

Beginning not later than July 1, 1965, approval of Federal-aid highway programs for projects in any metropolitan area should be made contingent upon a finding by the Secretary of Commerce that such projects are consistent with adequate, comprehensive

development plans for the metropolitan area or are based on results of a continuing process carried on cooperatively by the States and local communities and that the Federal-aid system so developed will be an integral part of a soundly based, balanced transportation system for the area involved.

Secretary Hodges and Administrator Weaver also recommended relocation assistance for those displaced by highway or mass transit projects. They wrote that according to BPR, 15,000 families and 1,500 businesses will be displaced each year in the next 6 to 8 years by Interstate construction:

Under the federally assisted urban renewal program, families must be assured the availability of decent, safe, and sanitary housing when they are displaced by demolition, code enforcement, and other urban renewal activities. Also the moving expenses of families and businesses are paid from Federal urban renewal program funds. For families needing such assistance, the average payment is about \$65. The average payment to businesses is about \$1,150.

In order to alleviate hardship caused by public action and to provide equity in treatment, provisions similar to those for urban renewal should be made in the Federal-aid highway program and also in other federally assisted programs causing displacements.

Hodges and Weaver also recommended additional funds for research and demonstration projects in urban transportation and especially mass transportation. "It is essential to stimulate and support experimentation with new equipment and systems to test their practicality and demonstrate their effectiveness in improving and reducing the total cost of urban transportation." ["Urban Mass Transportation Act of 1962," *Congressional Record-Senate*, September 13, 1962, p. 19339-19343]

On April 5, 1962, President Kennedy submitted a message to Congress on "The Transportation System of our Nation." The message began:

An efficient and dynamic transportation system is vital to our domestic economic growth, productivity, and progress.

The message was a broad statement that covered a wide range of topics, including freight shipments by land, air and water; international aviation and maritime issues; and labor relations for transportation workers. Among many recommendations, however, the President reiterated his concern about "the problems of families displaced by new highway construction." He cited Secretary Hodges' estimate that 15,000 families and 1,500 businesses were being displaced by Interstate construction each year.

In the interest of equity, President Kennedy recommended that "assistance and requirements similar to those now applicable to the urban renewal program be authorized for the Federal-aid highway program and the urban mass transportation program." The White House would submit legislation "to authorize payments not to exceed \$200 in the case of individuals and families and \$3,000 . . . in the case of business concerns or nonprofit organizations displaced as a result of

land acquisitions under these programs." (The payment for businesses could be higher based on moving costs.)

The President's message continued the pressure to find decent, safe, and sanitary homes for those displaced by highways. A June 1962 *Post* editorial illustrated the problem affecting the District's planned expressways:

After having waved off warnings for years the District Building, to its great surprise, is faced with a crisis. It cannot build further expressways until it is able to relocate the families displaced. And it has no very clear idea how to accomplish that feat.

The District had another problem:

Several new officials with a dislike in principle for highways took office just as the threatened neighborhoods were beginning to seek political spokesmen. Two of the three [District] Commissioners now decline to defend even their own highway budget requests, as though relocation were a hopeless task.

Horsky, not yet in his White House post, did not see the issue as impossible of solution. The editorial quoted a statement he had made a few days earlier:

I do not believe, that the relocation and housing problems to which government has suddenly waked up are insoluble—I do not believe we need abandon any of our fundamental plans—for the Inner Loop or anything else. The relocation and housing problems are ever so much more difficult than they should have been, but they can be met and solved. We can relocate and rehouse people displaced by government action, including highway building, if we are willing to recognize what has to be done, and then get together to do it.

The editorial concluded that, "there is no reason either to postpone highway planning or to delay a comprehensive housing program." ["No Excuse for Delay," *The Washington Post*, June 15, 1962]

The Federal-Aid Highway Act of 1962 (P.L. 87-866), which President Kennedy signed on October 23, included two important provisions his message had requested. Section 5 addressed the growing concern, cited by the President and many critical articles, about relocated individuals and businesses. Before approving a project, the Secretary would have to receive assurances that the State highway agency would provide advisory assistance for displaced families. He also was required to approve Federal-aid participation in relocation payments by the State to displaced individuals, families, business concerns, farms, and nonprofit organizations. The new law adopted the \$200 limit for individuals and families and \$3,000 for business or nonprofits that the President had proposed.

Even more important was Section 9, "Transportation Planning in Certain Urban Areas." It addressed the President's call for a means of ensuring that Federal-aid highway and mass transportation projects were part of a comprehensive and balanced urban transportation plan. The provision added Section 134 to Title 23, United States Code:

It is declared to be in the national interest to encourage and promote the development of transportation systems, embracing various modes of transport in a manner that will serve the States and local communities efficiently and effectively. To accomplish this objective the Secretary shall cooperate with the States, as authorized in this title, in the development of long-range highway plans and programs which are properly coordinated with plans for improvements in other affected forms of transportation and which are formulated with due consideration to their probable effect on the future development of urban areas of more than fifty thousand population. After July 1, 1965, the Secretary shall not approve under section 105 of this title any program for projects in any urban area of more than fifty thousand population unless he finds that such projects are based on a continuing comprehensive transportation planning process carried on cooperatively by States and local communities in conformance with the objectives stated in this section.

This section launched modern transportation planning by calling for what became known as the “3C” process (for continuing, comprehensive, and cooperative). The 3C process remains the core of Section 134, which now contains nearly 20 subsections.

This emphasis on metropolitan planning was one outgrowth of changes in attitudes toward the Interstate System. Once the impact on cities became real in the 1950s, city officials and others began calling for a moratorium to rethink the idea of urban expressway or consider canceling the controversial segments. The 3C planning process was seen as a way of rethinking the urban transportation network.

The problem local official faced was that aside from the 3C process, they would lose the Interstate funds if they did not use them to build unwanted Interstate segments. The funds would simply be shifted to other areas, including rural areas, where Interstate highways could be built.

Congress returned to the subject of relocations in the Federal-Aid Highway Act of 1968 (P.L. 86-657). The legislation included the first mandatory payment program for those who must relocate because of a Federal-aid highway project. The goal was to provide every citizen with decent, safe, and sanitary housing and to reduce the inequities of a strict application of the fair market value concept to right-of-way acquisitions. The 1968 changes were at the heart of the landmark Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646, Uniform Act), which covered all Federal agencies involved in right-of-way acquisition.

### **Awaiting NCTA’s Report**

The District, BPR, and Members of Congress proceeded with confidence that the freeway plans could be modified to mollify critics and then would be built. They thought the critics, as the *Post* editorial suggested, were misguided and misinformed.

This view was reflected in comments by Senator Jennings Randolph (D-WV), chairman of the Committee on Public Works, and a longtime road supporter dating to his days in the House of Representatives, during consideration of the proposed Urban Mass Transportation Act of 1962. (As discussed earlier, while in the House of Representatives in the 1940s, Randolph had played a key role in the debate over replacement of the Highway Bridge.) The proposed legislation would

provide a permanent program under the Housing and Home Finance Administration for aid to mass transit. He was responding to a NCTA request to delay action on the East Leg of the Inner Loop, the Northeast Freeway, a massive interchange “C” linking the Inner Loop with the Southeast Freeway via the East Leg, and the Three Sisters Bridge until NCTA completed studies due on November 1, 1962.

Senator Randolph said he was “much concerned about the consequences and disputes growing out of the quest for a utopian ‘balanced’ transportation system in urban areas.” Instead of “striving for so-called balance,” planners should be focusing on “an all-modes and all-facilities system based on progress, adequacy, and ability to meet needs.” He stressed that when he said “adequacy to meet needs,” he did not mean only rail and bus transit. The term also embraced accommodating the automobiles and commercial trucks that “will continue to virtually clog the highways of urban areas, no matter what is done in the field of mass transit by bus or rail.”

He strongly opposed halting planned freeways “while there is a search for a transportation system with a magical term,” namely balance. Instead of searching “for a will-o’-the-wisp ‘balanced’ transportation system embracing all appropriate modes of transport,” they should be searching for “something practical.”

He had to agree with a *Post* article that morning that described the Nation’s Capital as a place “where highway and transit partisans have been locked in a bitter dispute that has brought the city’s freeway program to a near standstill.” More so than any other urban area, the District was plagued by “the vexing problem growing out of exercises in semantics and of highway stagnation as a consequence of the efforts of mass transit advocates of delay.”

That very day, in fact, he had discussed the subject in a letter to Senator Robert C. Byrd (D-WV), chairman of the Subcommittee on District of Columbia, Committee on Appropriations. Referring to NCTA’s request for delay of the four projects, Senator Randolph said those trying to delay the District’s freeway program “apparently are obscuring a number of facts which should be brought into focus”:

The program was based on the balanced transportation system called for by the Mass Transit Survey Report, 1959, and approved by the National Capital Regional Planning Council. The proposed freeway network for the District of Columbia has been designed as part of a transportation system that is expected to include rapid transit by rail and nonrail. Actually, if there should not be brought into being a rapid transit program, the proposed freeway planning will of necessity have to be much enlarged.

Those who sought delays in highway development on the premise that “there is a question of highway versus nonhighway facilities” were subject to “an unfortunate mistake” because their view now threatened freeway construction and could threaten the rapid transit program. In establishing NCTA and directing it to study transit needs, Congress was calling for “the second part of the overall transport plan” because the highway phase had already begun.

Another misunderstanding was that transit could substitute for highways. Rail transit was being planned to accommodate commuters, but that was only one aspect of modern transportation.

Chairman Randolph said “an ever-growing volume of motor vehicle traffic of all types” must be served, and unless it was, the Washington area “will be faced with a staggering problem of traffic congestion.” Delaying the highway program until Congress decided on a subway system would mean that “no provisions will have been made for ever-mounting motor vehicle traffic that is not and never will be susceptible to subway travel.”

He urged Senator Byrd to ensure that the District’s highway program is “kept on schedule” in legislation appropriating the District’s matching share for Interstate and other Federal-aid highway projects:

Delays doubtless will lead to ultimate added costs rather than savings. Another probable byproduct of delays doubtless will be further deterioration of the downtown section and a resultant loss in revenues. And there should be avoidance of the possible loss of Interstate Highway System funds. [“Urban Mass Transportation Act of 1962,” *Congressional Record-Senate*, September 13, 1962, p. 19380-19381]

(Congress adjourned without approving the Urban Mass Transportation Act of 1962. It was revived in the next Congress and, with some modifications, approved by President Lyndon B. Johnson on July 9, 1964. The landmark Urban Mass Transportation Act of 1964 (P.L. 88-365) provided the foundation for all subsequent Federal-aid for transit.)

Congress did not take Senator Randolph’s advice. The House had deleted FY 1963 funds in compliance with a last-minute split among the District commissioners, two of whom had asked for delay until the housing issue could be resolved. The Senate, according to Senator Byrd, went along with the House because the commissioners had not asked his subcommittee to restore the funds. The subcommittee retained \$300,000 for the Three Sisters Bridge, contingent on NCTA’s support for the bridge.

### **Battle over the Inner Loop Freeway**

The National Capital Transportation Act of 1960 had called on NCTA to continue the work begun by NCPC and the National Capital Regional Planning Council in the Mass Transportation Survey:

. . . and shall include further studies as may be necessitated by changed conditions, the availability of new techniques, and the response of Government agencies and the public to the transportation plan adopted by the Commission and Council. The Agency’s studies shall also include evaluation of the transportation system recommended in the transportation plan, and of alternative facilities and kinds of services.

In addition, NCTA was to complete a report to the President by November 1, 1962, containing “recommendations for organization and financial arrangements for transportation in the National Capital region”:

*Provided*, That any recommendations submitted by the Agency shall provide as far as possible for the payment of all costs by persons using or benefiting from regional

transportation facilities and services, and shall provide for the equitable sharing of any remaining costs among the Federal, State, and local governments.

In early 1960s, opposition to the Inner Loop began to grow as the District prepared to move forward. And Inner Loop had been part of the city's thoroughfare/freeway plans since the mid-1940s – a way of keeping through traffic out of downtown. The 1959 Mass Transportation Survey confirmed the concept by not only endorsing the Inner Loop but expanding it into a double loop as shown in BPR's September 1955 Yellow Book.

By then, however, cities around the country were experiencing protests against urban Interstates as well as the demand for mass transit as a substitute. In Washington, opponents could look to the pending NCTA report as grounds for delaying action on the freeways.

On October 5, 1961, NCPC took the surprise action of voting 4 to 2 to defer approval of four projects connected with the Inner Loop until NCPC's next meeting:

- East Leg running north-south between 10<sup>th</sup> and 11<sup>th</sup> Streets, SE.;
- Interchange "C" connecting the Southeast Freeway, the East Leg, and the 11<sup>th</sup> Street Bridge;
- Center Leg, a north-south route under the National Mall just west of the Capitol; and
- South Leg of the Inner Loop between the Lincoln Memorial and the Southwest Freeway.

Commissioner Alexander C. Robinson III, an architect who lived in Cleveland, Ohio, and had joined NCPC in fall of 1959, had proposed the delay:

I've watched the damage done in other cities and I'm wondering whether there aren't better ways. I believe we are justified in taking another look at this, in the light of what is happening elsewhere, and finding out whether we really need all the Inner Loop projects that have been proposed, and whether we may not be spoiling the City of Washington.

NCPC staff had recommended approval of the four projects, but the majority of NCPC members decided to withhold action.

Lt. Colonel H. O. Webb, the District's Assistant Engineer Commissioner, voted against Robinson's motion. "If these projects are recommended to be cut out, this just further delays the planning of the work." He was confident NCPC would approve the projects for inclusion in the District's budget. By the time of NCPC's next meeting, he added, the four links would have been considered during a planned public hearing on the District's 1963 budget proposal to Congress (Colonel Carl H. Bronn of the U.S. Army Corps of Engineers was the other "no" vote.)

While deferring action on the Inner Loop, NCPC approved including \$3 million in the District's 1963 budget request for the start of construction of the Three Sisters Bridges. [Lewis, Roger J., "Damage by Inner Loop Feared by Planners," *The Evening Star*, October 6, 1961]

Shortly after NCPC's decision to delay action, other groups expressed their views on highway projects versus other needs in the city. The Parent-Teacher Association (PTA) and others attending the budget public hearing on October 10 urged the District to shift money from the

Highway Department's "hog-wild" construction program to school construction. District funds for highways came from its highway fund, but these commenters observed that the city used general revenue to supplement the highway fund to pay for items such as street lighting and traffic police. They wanted the city to use the general funds for schools and for the highway fund to repay the city for general revenues used for highway purposes.

The PTA's Dr. Ellis Haworth told the District commissioners that if the Highway Department were allowed to continue with its plans, they would "leave the District with no land privately owned." He said, "The whole question reduces to a matter of relative values: People versus highways." Mrs. Rolland G. Lemensdorf, legislative chairman of the Ben Murch Home and School Association, added that, "the fight for our civilization will not take place in new cars on new highways; it will take place in the minds of men."

Arnold Sternberg of the District Democratic Central Committee suggested that some sewer projects the city was financing with general revenue should be charged to the highway funds. He cited the sewer work that would be included in the four Inner Loop freeway projects included in the budget.

The *Star's* coverage of the hearing added:

At the end of the day-long hearing, a weary Engineer Commissioner Frederick J. Clarke, who has jurisdiction over the Highway Department, rose and remarked wryly: "Well, back to the drawing board."

Speaking seriously, Gen. Clarke said he believes that the highway program recommended is "properly balanced." ["Roads Funds Transfer Sought for D.C. Schools," *The Evening Star*, October 11, 1961; "Divert Funds For Schools, District Urged," *The Washington Post and Times Herald*, October 11, 1961]

The Fine Arts Commission issued a statement saying the Inner Loop system would cause "irreparable damage to the city's appearance." The commission appreciated NCPC's decision to defer action. Chairman Finley said:

The Commission of Fine Arts has never approved the Inner Loop . . . which we feel will be destructive to the beauty of the city. The commission has advocated instead, an underground rapid transit system which, if adopted, we feel would meet our traffic needs without irreparable damage to the city's appearance. [Lewis, Robert J., "Fine Arts Unit Hits Plan for Inner Loop," *The Evening Star*, October 18, 1961]

The American Institute of Architects also urged the city to adopt rapid-transit instead of the Inner Loop. "If we adopt the rapid-transit solution as a first resort—instead of as a last resort—we may never have to go ahead with any part of the Inner Loop system that is not now under construction." ["AIA Asks Rapid Transit Priority, Opposes Loop," *The Evening Star*, October 21, 1961]

The Committee of 100 on the Federal City called for "a thorough evaluation of the probable impact of the Inner Loop on the appearance of the National Capital and the lives and property of

its inhabitants.” At the same time, the Northwest Committee for Transportation Planning issued a 50-page study opposing the Inner Loop and calling for a “complete re-evaluation” of the District’s highway program. “The Inner Loop and related street widenings and arterial freeways would not solve traffic congestion problems, but would create an even worse strangulation of automobile traffic,” according to the report. [“3 Groups Join Protest Of Inner Loop Plans,” *The Evening Star*, October 27, 1961]

In reaction to NCPC’s deferral of a decision, the *Star* described “a chain reaction among groups who have opposed freeway construction.” Nevertheless, the District commissioners voted on October 28 to include funds in the 1963 budget for freeway construction. The request included \$700,000 for the Inner Loop. A District highway official said, “Our highway program faces its most critical period.” Engineer Commissioner Clarke hoped that the “swelling of sentiment” against freeways would not block construction of the Inner Loop. [Gimble, Gilbert, “Funds for Inner Loop Are Sought by D.C.,” *The Sunday Star*, October 29, 1961]

NCPC met on November 9 to consider the deferred highway projects. Engineer Commissioner Clarke defended the Inner Loop, saying its critics lacked facts. “I do not know of any facts or studies which are available today upon which one could logically base a request for reconsideration.” Opposition by NCPC “would be a renunciation” of its responsibility to provide sound planning guidance. “It would create an atmosphere of uncertainty throughout the region and a loss of faith in the guidance of the National Capital Planning Commission and the Regional Planning Council,” as reflected in the Mass Transportation Survey.

He responded to those who objected to the Inner Loop on aesthetic grounds by saying that the District had appointed an advisory board of architects to review all designs. He also supported rapid transit:

In this manner, we can provide, on a timely basis, the highways that are needed in addition to rapid transit. At best rapid transit is a substantial number of years away but also needs to be energetically planned and developed.

He continued, “The fact that freeways are designed to correct ugliness and congestion should in the long run tend to overcome most, if not all, the short run disadvantages so often cited by those directly affected.”

If NCPC approved the delay, the same groups pressing for delay now would “press for continual delay or abandonment.” He added, “Delay, once initiated, could well be prolonged until the crisis in transportation dictated that a crash program be undertaken.” Failure to build the freeways would “make the city a less desirable place to live and visit in and thereby reduce business activity, property values, and offer further encouragement to the growth of slum areas.”

Testifying during the hearing, NCTA’s Stolzenbach called for a 1-year delay in new freeway construction to allow his agency to re-evaluate all transportation planning for the region. Delaying the Three Sisters Bridge was “absolutely essential if any serious re-evaluation is to be made” of the 1959 Mass Transportation Survey. The Year 2000 Plan “postulates a whole new

set of assumptions as to the future growth of the region,” requiring NCTA to rethink all decisions:

Do we want a strong central city? Do we want to limit urban sprawl? If we do, we have to design a transportation system to accomplish these goals. The 1959 transportation plan made no such effort. It is merely a stepping stone.

The studies NCTA was undertaking would determine which freeway projects should continue:

The important point is that the agency and others concerned with regional planning should have a year’s time in which to develop recommendations. There is no pressing need for either of these projects [the Three Sisters Bridge or interchange “C”]. Both are links connecting roads whose construction will not begin until fiscal year 1966 – four years from now.

On the other hand, construction of these two projects will mean that the 1959 transportation plan has become a reality.

BPR’s Joseph Barnett, an alternate member of NCPC, said that failure to complete the Inner Loop would mean that the Three Sisters Bridge and the Potomac River Freeway leading into the K Street Expressway would no longer qualify as part of the Interstate System – they would not be connected to it. Without them, the District faced the “horrible prospect” that trucks would have to be allowed on the Theodore Roosevelt Memorial Bridge and the roadways around the Lincoln Memorial. Without the North and West Legs of the Inner Loop, I-66 would not have an entrance into the city. Barnett said NCPC had a responsibility “to support, rather than hinder, the agencies now executing the very plan we ourselves helped to create and which we approved” in the Mass Transportation Survey. Not doing so would be “sheer folly and a waste of funds.”

Downtown Progress, formally the National Capital Downtown Committee when established by downtown businesses in July 1959, supported the Inner Loop, saying that failure to build it could mean the death of downtown. The freeways would “identify clearly the boundaries of the urban renewal areas in the downtown” and help finance the cost of renewal. (Established over 2 years earlier, Downtown Progress was an organization of businessmen working under the auspices of the Federal City Council and NCPC.)

Finley of the Fine Arts Commission told NCPC that, “The city is being changed to fit the standard pattern of highway engineers, rather than to conform to the Washington plan – so long established.” He felt that Congress had given NCTA a “mandate” to re-evaluate the “entire transportation plan for Washington and the surrounding area.” He said, “That mandate should be carried out.” As for the Inner Loop, it would “not only mar the beauty of Washington but will be destructive of the L’Enfant Plan.” Rapid transit would be “the most effective and least damaging means of providing access to those parts of the city where Government buildings or commercial interests are located.”

Finley said that the beauty of the National capital “should not be sacrificed by cutting the city into islands in an effort to meet the traffic needs of local inhabitants or those who live in nearby

suburban areas.” He urged the District Highway Department to submit a scale model of the Inner Loop “showing the full extent of the proposed changes and citing also the number of houses and families to be displaced, the loss in taxable property and the added expense to the city in maintaining these freeways.” These were facts the public and the Congress deserved to have when “faced with such vast changes in the city’s appearance, accomplished piecemeal.”

NCPC voted unanimously on October 10 to approve the Inner Loop projects. The vote on the Center Leg was unanimous, but the new NCPC chairman, Mrs. Rowe, abstained; she later said she opposed the Center Leg. (The White House had announced her elevation from member to chairman on October 9 while NCPC’s all-day hearing was underway.) The vote for interchange “C” was tied to three stipulations. Before NCPC would approve advertising for bids, NCPC wanted to see a model of the interchange and the East Leg to ensure it would “enhance the beauty and livability” of the city. The architectural treatment also would be subject to NCPC approval.

With NCPC’s approval, the District was free to include funds for the projects in its 1963 budget proposal. The District had intended to do so in any event, since NCPC’s views were only advisory, but its support was helpful during congressional review of the budget requests.

Commission members Robinson, who had requested the deferral of a decision, C. McKim Norton, and A.M. Woodruff issued a statement saying, “No fresh evidence has been presented yet which casts any doubt on the validity of the general concept of the Inner Loop.” However, Robinson said that planners would “watch very carefully just what the impact of the loop is going to be on the city.” He appreciated the opportunity to reconsider the plan. “It has been a most useful timeout.”

NCPC took no action on the Three Sisters Bridge, leaving in place its October approval of the District’s budget request to begin construction in place. [Gimble, Gilbert, “Clarke Assails Effort to Delay Loop Freeway,” *The Evening Star*, November 9, 1961; Gimble, Gilbert, “Planners Approve Inner Loop Projects,” *The Evening Star*, November 10, 1961]

(On November 9, in the midst of the hectic NCPC hearing, a letter designating Mrs. Rowe as chairman arrived around 2 p.m. Daniel H. Shear, NCPC’s general counsel, read the letter to the record-breaking crowd, which applauded the announcement that she now was chairman. Later, she told reporters, “I was shaking in my shoes but I tried not to show it.” The *Star* reported:

Her first day as chairman was one of the busiest and most controversy-filled commission meetings of recent years. It took up the much-debated Inner Loop expressway issue, and was forced by the wealth of testimony to postpone a final decision until a second-day session this morning.

“In spite of the differences of opinion expressed on the Inner Loop question, there was not any name-calling or wrangling—and for this I was very glad,” Mrs. Rowe said. “I would hate to have to gavel anyone down.” [Lewis, Robert J., “Mrs. Rowe Presides Over Planners On Hectic Day, But Keeps Aplomb,” *The Evening Star*, November 10, 1961]

In an editorial, the *Star* concluded that the flareup of opposition between the October and November NCPC meetings “has done more good than harm.” That was because NCPC had approved inclusion of the Inner Loop projects in the 1963 budget request:

Had the commission suddenly turned about-face and asked pointlessly for delay in what it long since had tacitly approved, it would have invited a storm of protest capable of doing great injury to the commission’s own prestige and lessening its influence at a time when it should be strengthened.

One advantage of the month-long delay was that the highway planners now “have been made fully aware that a considerable body of public opinion is increasingly skeptical” of their claims for urban freeways.” Highway engineers had “doubtless” explored and disposed of, to their own satisfaction, criticisms about displaced families, the land to be seized, aesthetic impacts, and the “huge expenditure required.” However, the engineers need to seek better understanding by the public. The editorial concluded:

What is done in Washington must be the best that can be done. If the many agencies involved, including the Planning Commission and the Fine Arts Commission, work together with that end in view, there is considerable assurance that only the best will be acceptable. [“Wise Decision on the Loop,” *The Evening Star*, November 11, 1961]

### **Trying to Get Started**

With the NCPC clearance, the District commissioners approved the routes for the East Leg of the Inner Loop and the Northeast Freeway on November 14. The *Star* reported:

The route of the east leg, which includes a massive interchange near its southern end, will run between Tenth and Eleventh streets S.E. from the Anacostia River to Tenth street and Florida avenue N.E.

The Northeast Freeway shoots northward from the east leg to tie-in with the third route to Baltimore. It will run just east of Gallaudet College and then run parallel to the Baltimore & Ohio Railroad tracks in Brookland before reaching the District line.

The approved budget proposal for 1963 included \$1.5 million for engineering work on the Northeast Freeway as well as \$3 million for right-of-way acquisition. It also included \$700,000 for engineering work on the East Leg, \$1 million for acquisition of right-of-way, and over \$2 million to acquire right-of-way for interchange “C” as well as \$3 million for its construction.

With this funding, the city expected to begin construction of the East Leg and the Northeast Freeway in July 1964, subject to congressional approval of the District matching funds. Aitken promised “we will make a sincere attempt to make them esthetically acceptable. They will be designed to make surrounding areas livable.” [“City Heads Approve Two Highway Links,” *The Evening Star*, November 14, 1961]

Despite these actions, Stolzenbach took his request for a delay on the Three Sisters Bridge and interchange “C” to the Budget Bureau. He met on December 11 with the bureau’s Phillip S.

Hughes, District commissioners Walter N. Tobriner and General Clarke, and NCPC chairman Rowe. However, the bureau rejected the request to remove funding for the projects from the District's 1963 budget request. ["U.S. Insists On Highway Projects Here," *The Evening Star*, November 15, 1961]

The Committee of 100 on the Federal City also refused to give up. Late in December, the committee's chairman, Neill Phillips, wrote to Rowe urging NCPC to withdraw approval of "all pending highway projects" in the District, particularly the four Inner Loop projects included in the District's 1963 budget proposal. NCPC, Phillips wrote, should direct its staff to study land-use in the District and how transportation projects of the past 20 years had affected the city's fiscal affairs. The Inner Loop and all future projects should be evaluated based on their total impact on the District and surrounding communities. This would be in contrast with the District Highway Department, which "expedited" projects by "several years" and considered them only based on impacts on motor vehicles. In addition, NCPC should consider planned highway projects in consultation with NCTA.

The committee's road committee had drafted the letter. Peter Craig, a member of the committee, said the Committee of 100 would discuss the issue in January. ["Planning Unit Asked to Halt Loop Backing," *The Evening Star*, December 29, 1961]

On January 15, 1962, the Committee of 100 held a special meeting to reconsider its letter to NCPC. Harland Bartholomew told the 50 members in attendance that the letter to Mrs. Rowe contained what he called "misinterpretation" and "mis-statements." He said NCTA was not created to develop a new transportation plan but only to proceed with the transit development program. NCPC's William Finley agreed with committee members who were concerned about the beauty of the city. He urged the committee to remain concerned with the "beautification and design" of freeway and rapid transit projects. However, NCPC was not reconsidering its decision to approve inclusion of Inner Loop projects in the 1963 budget proposal.

Toward the end of the 2 and a half hour debate, Bartholomew offered a motion urging close cooperation among NCPC, NCTA, and BPR in developing a transit program. In the end, the committee adjourned soon after, leaving the motion without a vote and leaving the letter to NCPC as the Committee of 100's position. ["Road Stand Unchanged By Federal City Unit," *The Evening Star*, January 16, 1962]

On February 16, the Committee of 100 adopted a resolution urging NCPC, NCTA, and BPR to make "every concerted effort to work out" a transportation plan for the area. [Lewis, Roger J., "Biddle Urges Support Of Roosevelt Memorial," *The Evening Star*, February 17, 1962]

On January 25, Downtown Progress released its plan, "Downtown Streets and Places," for transforming central Washington's downtown core. Doxiadis Associates, headed by internationally known city planner Constantine Doxiadis of Greece, had developed the plan.

As Gutheim and Lee explained:

Downtown Progress was prompted by what ailed the downtown. Not only was retail activity leaving the downtown, but also the downtown was expanding to the northwest, from the White House westward to Rock Creek Park. In 1963 Architecture Forum reported that although \$228 million of new construction occurred west of 15th Street, only \$32 million was invested east of 15th Street. Corporations and trade associations facilitated the shift of downtown along K Street, Connecticut Avenue, and Farragut Square, where land was cheaper and easier to assemble.

The plan, developed at a cost of \$500,000, called for a subway and expressways, the use of rapid transit buses, and a system of 10-seat jitneys operating every minute. Several streets would be rebuilt in tunnels (14<sup>th</sup>, 13<sup>th</sup>, 9<sup>th</sup> and 6<sup>th</sup> Streets) between E and H Streets below the central shopping district. The area would be reserved for pedestrians and jitneys. Other streets would be combined in one-way pairs that, along with the Center Leg, would free the central area of through traffic. The plan supported the Inner Loop in its entirety.

The plan went beyond transportation in calling for a Massachusetts Avenue visitors' center near Union Station and a new central library, convention hall and exhibit space, law school, churches, and an apartment complex in Mount Vernon Square East and South.

In January 1963, one small part of the plan was launched. D.C. Transit Systems, the city's bus company, began operating a jitney or minibus on F Street, NW., with 14 more due to extend the route to G Street in midsummer. The company planned to operate them in a loop on the two streets between 6<sup>th</sup> and 15<sup>th</sup> Streets. The fare was 5 cents.

Downtown Progress's plan called for F and G Streets to be predominantly for pedestrians and minibuses. Parking garages would be built on E and H Streets to accommodate the vehicles that would no longer be permitted on F and G Streets. The sizable passageways or arcades between F and G Streets would provide easier access for shoppers. Downtown Progress saw the pedestrian zone as a demonstration for full-scale implementation of the idea in other parts of the city. Expansion was dependent on construction of subway lines along F and 12<sup>th</sup> Streets, construction of the Center Leg Freeway along 3<sup>rd</sup> Street, adoption of one-way streets, provision of underpasses for streets in the downtown core at 6<sup>th</sup>, 9<sup>th</sup>, 14<sup>th</sup>, and 13<sup>th</sup> Streets, and tunnels for truck deliveries to F and G Street stores.

In the organization's third annual meeting at the Statler Hilton Hotel on January 31, 1963, Executive Director Knox Banner said "the key requirement" for further elements of the plan was congressional action to declare the downtown core an urban renewal area:

Only under an urban renewal plan will it be possible to construct the public improvements, to accomplish the needed zoning changes and to provide positive guides for the co-ordination of public action and for the development of private property that will be required to accomplish the revitalization of downtown.

According to Gutheim and Lee, the plan was more descriptive than effective:

Although no direct result can be ascribed to the action plan, it consolidated many recommendations and observations of the early 1960s and described the downtown at the time: a place with waning businesses, declining property values, and a poor appearance. The action plan also made the case for designating the downtown an urban renewal area so that public powers could bring about land acquisition and clearance.

[Lewis, Robert J., "Plans Drafted To Modernize Business Area," and Gimble, Gilbert, "One-Way Street Plans To Get Prompt Action," *The Evening Star*, January 25, 1962; Lewis, Robert J., "Minibus Test Begins Change for Downtown," *The Evening Star*, January 31, 1963; Gutheim and Lee, pages 293-294]

On January 31, Miss May Craig, a reporter known for asking tough and oddball questions at presidential press conferences since the early days of President Franklin D. Roosevelt, asked President Kennedy:

Mr. President, visitors who go out to visit Lincoln Park on East Capitol Street are dismayed to find it a slum. Congress has authorized and the National Council of Negro Women will erect there a memorial stadium and a statue of the great woman educator, Mary Bethune. Now the transit company [sic] proposes to put an eight lane freeway between the park and the Capitol, cutting it off. Could you inquire into that, and see if the freeway could be put further out beyond the park?

President Kennedy replied, "Yes, I will," with the transcript noting: "[Laughter]." He added, "You're very gentle today, Mrs. Craig."

The President's aides asked the District Highway Department for information on the issue. The District provided the information comparing the costs and impacts on homes of the three East Leg routes that had been studied. The chosen route was the least costly and disruptive of the three. ["White House Gets Loop East Leg Data," *The Evening Star*, February 21, 1962]

Miss Craig's question also prompted the Capitol Hill Community Council to follow up with a letter to the President opposing the planned location of the East Leg, which would eliminate Lincoln Park. In addition, J. Richard Earle, the president of the Capitol Hill Southeast Citizens Association sent a telegram to the President on February 23 asking him to turn down the East Leg route proposed by the District commissioners. No decision, Earle said, should be made before NCTA releases its report. The chosen Eleventh Street route "fails to provide for the convenience of patrons and relief of heavy street traffic" from motorists using the National Guard Armory, D.C. Stadium, and the roads to Annapolis and Baltimore. The route should be moved east to service these facilities and freeways. ["Capitol Group Hits Road Plan," *The Evening Star*, February 22, 1962; "Kennedy Receives East Leg Route Citizen Protest," *The Evening Star*, February 23, 1962]

On March 13, those two associations met with three others to unite in opposition to the East Leg of the Inner Loop. Their initial goal was to delay planning, right-of-way acquisition, and construction of the East Leg, including interchange "C," until NCTA released its report. The *Star* reported:

Last night's discussion brought out agreement on the need for an Inner Loop system, but the proposed Eleventh street route was unanimously rejected. A majority felt a route along the Anacostia River to the East Capitol Street Bridge would cause less tax loss, property depreciation and rehousing difficulty. However, the group decided not to seek a specific route now.

The Public Interest Civic Association, the Dupont Circle Citizens Association, and the Southeast Kiwanis Club also joined the fight. ["Inner Loop Route Opposed by Citizen Delegates," *The Evening Star*, March 14, 1962]

District highway officials reached out to the groups to counter the criticism of the East Leg routing. On March 13, Lloyd A. Rivard, assistant chief engineer for planning and programs, addressed the Southeast Business's Association and Southeast Council of Citizens Association. The East Leg, he said, would be depressed 20 feet for much of its length. "This will minimize noise and unsightliness." He added that the highway system would "benefit everyone in the D.C. area."

On March 21, General Clarke went to St. Luke's Church to address 300 Capitol Hill residents, mostly members of the Capitol Hill Community Council. The *Star* described his presentation:

Brandishing a pointer at charts of the loop, the Commissioner indicated a black line stretching between Tenth and Eleventh streets, seven blocks from where he stood.

"This area is comprised of property which has less value historically and financially than the alternate nineteenth street route."

He added, "It's cheaper":

Gen. Clarke outlined the history of the plans for the loop, showing color slides of property on the Eleventh and Nineteenth street locations. The slides, said Gen. Clarke, were shown to the Commissioners as evidence to support the property value theory which in part influenced their decision.

The Commissioner faced an hour-long question period in which citizens claimed that the current trend of restoration on Capitol Hill, if allowed to continue eastward, would increase general property value in the neighborhood.

Residents had been encouraged by the White House review that Miss Craig's question to President Kennedy had prompted:

The President directed an inquiry, but a letter from the White House to the council read to the group last night, indorsed the Commissioners' plans for the east leg. ["East Leg Held Not Disruptive," *The Evening Star*, March 14, 1962; "Hill Community Hears Clarke Defend East Leg," *The Evening Star*, March 22, 1962]

General Clarke did not convince the Capitol Hill Community Council. On April 2, its president, Paul Beatley, asked the Public Interest Civic Group to join its efforts to shift the route of the East

Leg. He told the group that only a concerted effort could stop the planned path. The group accepted the invitation unanimously. ["United Effort On Loop Advised," *The Evening Star*, April 3, 1962]

The Committee of 100 on the Federal City continued its opposition on April 25, again urging NCPC to reject acceleration of construction plans for I-266 (the Potomac River Freeway including the Three Sisters Bridge) and I-95, "which would include the East Leg of the Inner Loop and the Northeast Freeway [extending] from the proposed Interchange 'C' at the foot of Eleventh street N.E. north through the eastern part of the city and provide a third route to Baltimore." The plans were, the committee stated, "completely premature." ["Committee of 100 Hits Expressways Speedup," *The Evening Star*, April 26, 1962]

As the House District Appropriations Subcommittee prepared to open three days of hearings on the District highway budget on May 22, District officials received an advance warning about what to expect. Representative Frank W. Burke (D-Ky.) inserted a 30-minute colloquy into the *Congressional Record* on May 21 with Representative Basil L. Whitener (D-NC), a lawyer from Gastonia and a State legislator who had been elected to the House in 1956. According to Schrag:

He was a freeway skeptic, having represented law clients displaced by highway construction. Moreover, his administrative assistant was a train buff who urged his boss to support rail transit. [Schrag, page 48]

Representative Burke was a member of the District Committee's Subcommittee on Traffic, Streets, and Highways, of which Representative Whitener was chairman. "At this moment," Representative Burke said, "proposals are pending in the Congress which will determine the future of the Capital City for generations." He wanted to take this time "to make abundantly clear exactly what is involved" in the District commissioners' request for financing of highway construction.

He summarized the District's highway proposals. In January 1961, the commissioners asked for \$9.8 million for highway expenditures in FY 1963, to match \$13 million in Federal-aid highway funds for a total expenditure of \$22.8 million. In January 1962, the commissioners asked for \$10,723,000 of District funds to combine with Federal-aid highway funds for a total of \$64,758,000 for 1963. "The striking fact" is that in 12 months, the District commissioners had increased their request for 1963 by nearly \$23 million, "and the important factor to note about this frantic effort is that a similar increase is proposed for each of the next 5 fiscal years." He added, "There is a great deal more involved here than expenditures of large sums of money."

As Representative Burke began discussing NCTA's legislative mandate, Chairman Whitener asked him to yield. He recognized that Representative Burke was "sounding a warning here about a matter which can have serious repercussions in the District of Columbia," especially in view of the "many unresolved issues with reference to the mass transportation policies which we shall follow in the future." From discussions with NCTA, Chairman Whitener understood "they are ambitious to have a program which will move great masses of people with great speed in and out of the District of Columbia." Details were yet to be worked out:

It seems to me, however, that until we have a fixed policy established as to what mass transportation steps will be taken, it is rather difficult for anyone to project his mind into the future and determine just how many of these expressways or superhighways, which swallow up so much valuable taxable property and displace so many people, should be adopted as a policy with reference to vehicular traffic.

Representative Burke agreed. With NCTA not scheduled to report on the balance of transit and highway needs and present a mass transit program until November, "I think the gentleman has put his finger right on the key matter involved here in this greatly accelerated proposal for highway construction."

Chairman Whitener said:

I think it is no secret that the chairman of our committee has suggested to the subcommittee that within the next few weeks we commence a study of the street and highway problem here in the District. No one can seriously question that some changes and some improvements need to be made.

He was not taking a position on whether Congress should stand completely by, but rather urging that Congress make haste "with judgment and with discretion." Proceeding in the haste of the District commissioners and other governing authorities in the city might lead to "things which would not be in the best interests of the public and things which we would hope [the city] would not do which would prove to be inordinately expensive and not bring about the results which we all, I am sure, join with the Commissioners in hoping they will bring about."

Returning to congressional intent with NCTA, Representative Burke explained that Congress "stated that an improved transportation system for the National Capital requires, with planning on a regional basis, a unified system of freeways, parkways, express transit service, and other major transportation facilities." Implicit in this mandate was that "additional highways should be built in accordance with a program which would allow the National Capital Transportation Agency to perform effectively the job which Congress gave it":

Under the accelerated highway program which would be undertaken if the Congress approves the current District budget request, construction would very likely make obsolete the November report of the National Capital Transportation Agency even before it is completed.

The request for interchange "C" was an example. The District requested \$3.2 million to begin construction in 1963:

Once this key interchange is committed, the whole interloop pattern is established to a degree which would be beyond reasonable adaptation no matter what might be discovered by virtue of the transit study which the law requires be delivered to Congress in less than 6 months. To take 40 acres of completely urban, intensely developed, densely occupied land in southeast Washington at this time is a step which should not be taken until everyone is completely certain that it is a proper step.

The result would be the displacement of large numbers of families and loss of valuable properties from the tax rolls – all so interchange “C” can “be built ahead of its originally proposed date for suggested reasons which are wholly inadequate.”

Displacement of people was a serious problem:

Those who have been forced from their homes by highway construction, by the construction of public buildings and by urban renewal programs present one of local government’s most vexing problems, and yet in a pell mell rush to accelerate the highway program[,] multiplication of the problem of relocation is obviously done for no adequate reason.

He emphasized that he was not opposed to the District’s highway program; he was saying only that “the proposed acceleration which would be brought about by the budget requests is poorly timed and extremely unwise.” He cited the expressways to be built just west of the Capitol grounds and between the Tidal Basin and the Washington Monument:

It may be necessary to build every one of these roads; it may be necessary to displace the additional thousands of families who would be involved; it may be necessary to remove these millions and millions of dollars worth of property from the tax rolls; it may be necessary to surround and bisect the very heart of Washington with highways, but it is not necessary to commit the District government to these specific plans from which deviation would be almost impossible, in advance of the submission to the Congress of the report of the National Capital Transportation Agency next November. One is tempted to say to the Commissioners, “What’s the big hurry?”

When the District’s budget for 1963 was considered, the Members of the House should understand that the proposed acceleration of highway expenditures involved “obviously the tying down of future major roads.” Not approving the accelerated funding would allow “full benefit to be taken of “NCTA’s report “so that all of the planning for every means of moving persons and goods in the District be used to its fullest benefit.” [Governing the District of Columbia, *Congressional Record-House*, May 21, 1962, pages 8836-8828]

## **The Switch**

On May 22, the District Appropriations Subcommittee, headed by Representative William H. Natcher (D-Ky.), began public hearings on the full range of the District budget. On this first day, however, most of the 33 witnesses addressed the freeway debate. Subcommittee members did not reveal their views or even question the witnesses. The *Star* summarized the witnesses, such as:

F. Joseph Donohue, Citizens Traffic Board—If the program for freeways is destroyed it will destroy the core of the city. Don’t slow it down.

Peter Glickert, Capitol Hill Southeast Citizens Association—Traffic problems have been created by poor planning. The east leg of the Inner Loop should be placed on the west bank of the Anacostia River.

Eugene I. Kane, D.C. Trucking Association—Expeditious construction of the proposed freeway system in the District is essential to the continued growth and development of the Metropolitan Area, and most important to the preservation of the downtown section of the city.

Arthur E. Miller, American Automobile Association—Both freeways and subways are needed. But I cannot stress too strongly the importance of completing the Inner Loop without any period of delay.

Mrs. Harold Hinton, Georgetown Progressive Citizens Association—The Three Sisters Bridge should not be built. It would only serve to draw more traffic into Georgetown and we've got all we can take now.

Peter S. Craig, Northwest Committee for Transportation—We support the city-wide revolt against the hasty construction of freeways. Recommendations by NCTA should be awaited. By moving ahead, tax revenues for schools and public welfare will be diverted.

James H. Flanagan, Vice President, D.C. Transit—Highway plans should be approved. Rapid bus service over freeways is a prime requisite if more people are to be persuaded to leave their automobiles at home and use transit.

Among the divided voices, the *Star's* Lee Flor highlighted two first-day witnesses. One was Mrs. Polly Shackleton, a member of the executive committee of the Democratic Central Committee. During testimony on May 23, she made clear to the District Appropriations Subcommittee that her group was not simply waiting for a balanced system:

Not only are we deeply concerned about the overall dollar cost—which is way out of proportion to the funds proposed for the education, welfare, recreational, and health needs of the District—but we are shocked by the inhumanity and utter ruthlessness of this highway program.

Because of the impact on displacees, she urged the subcommittee not to fund five projects:

1. Interchange "C"
2. Potomac River Freeway
3. Three Sisters Bridge
4. Northeast Freeway
5. East Leg, Inner Loop Freeway

She added:

I do wish to make clear that we are not opposing these expenditures because we are against progress, or, as has been bruited about, that philosophically we just are 'agin highways."

Clearly a solution must be found for the area's transportation problems. "Certainly this is what Congress had in mind when it created the National Capital Transportation Agency and directed it to establish and coordinate a balanced transportation program." In defiance of this congressional intent, the District proposed to accelerate these projects. She speculated that "one of the tricks of the trade when massive long-range highway programs are projected is for the roadbuilders to get

certain key elements such as interchanges and bridges into place as quickly as possible, thereby committing [sic] irrevocably the overall program.” But whatever the motivation, she said:

I think there is far too much at stake, in human terms, to assume at this juncture that the Highway Department’s solution to the area’s transportation problems is correct, much less that it is the only solution.

If the Highway Department was correct, why did Congress go to the trouble of creating NCTA; was it “a useless gesture”?

Although NCTA was not going to report until November, NCTA had already publicly opposed the Three Sisters Bridge and interchange “C.” In a statement on November 9, 1961, to NCPC, NCTA said, “delay of these two projects is absolutely essential if any serious reevaluation is to be made of the 1959 transportation plan.”

Mrs. Shackleton applied the same reasoning to the Potomac River Freeway, which was so closely linked to the Three Sisters Bridge. The District Highway Department, she said, was “quite responsive to the assumed needs of automobiles,” but exhibited “no concern over the effects of its program on one of the Nation’s Capital [sic] most compelling human needs—the need for decent, safe, and sanitary housing for its residents.” At a time when housing for low-income families was “at crisis stage,” the District already planned to evict 90 families from the Ellen Wilson public housing project to make way for the Southeast Expressway. It was too late to stop that project, but not too late to delay the East Leg and Northeast Freeway.

She said the District had not revealed how many people would be displaced by the East Leg, but the Washington Urban League’s block-by-block analysis based on the 1960 census reveals that the East Leg and Northeast Freeway would displace about 10,680 people. “Where will these people go to find decent and sanitary housing in the District of Columbia?” [District of Columbia Appropriation Bill, 1963, Committee on Appropriations, U.S. House of Representatives, 87<sup>th</sup> Congress, 2d Session, Report No. 1906, June 22, 1962, pages 1325-1328]

Flor also cited Harland Bartholomew, once again primarily an urban consultant. He said that postponing the freeway projects until NCTA reports its findings in November would be “the height of absurdity.” He did not believe NCTA would devise a radically new plan, and any differences between that plan and the Mass Transportation Survey’s plan could easily be settled.

The District, Bartholomew added, should take advantage of the additional appropriations Congress had authorized for the Interstate System. L’Enfant’s 1800 street plan stands as a monument, but must be updated to meet modern needs. Doing so would inevitably disrupt some aesthetic values, families, and businesses, but good design can enhance appearances and relocation initiatives can help families and businesses. He added that the Inner Loop will not be the disruptive force its critics claim. [District of Columbia Appropriation Bill, 1963, pages 1385-1389; “House D.C. Unit to Explore Potential of 1-Way Streets,” *The Evening Star*, May 23, 1962; Flor, Lee, “Debate on D.C. Roads Flares at Budget Airing,” *The Evening Star*, May 23, 1962]

During the evening public hearing on May 23, citizens offered views on a variety of subjects. A few speakers addressed the freeway program, with most supportive, while a few urged delay.

However, the big freeway news was a shocking reversal reported on May 24 on page one of the *Star* and on page one of the *Post* on May 25. The District's Board of Commissioners had attended a closed session of the Appropriations subcommittee on May 21 to discuss the 1963 budget. Reporters saw General Clarke arrive carrying rolled highway maps he planned to use to defend the 11<sup>th</sup> Street routing of the East Leg.

As reported on May 24 based on an anonymous subcommittee source, Commissioner Tobriner told the District Appropriations Subcommittee that he had changed his mind. He now wanted to halt plans to build the East Leg of the Inner Loop in the 11<sup>th</sup> Street corridor. He wanted to shift the freeway to a location west of the Anacostia River. Such a shift would require major rethinking on the design of interchange "C," which the *Post* called "the massive interchange which would be the capstone of the Inner Loop."

The following excerpts of the discussion, released in June, is from the three District commissioners' testimony before Chairman Natcher and Representative John J. Rhodes (D-Az.):

Commissioner Tobriner: I do feel that some pause ought to be given to the location of the east leg. Of two routes considered, the Eleventh street route is the best. There is a third choice which would dislocate fewer families. This would go along the [Anacostia] parkway, past the stadium, into the Arboretum and back to the other line of the Inner Loop.

Chairman Natcher: Do you want the \$546,700 for interchange "C" and \$170,000 for the east leg held in abeyance?

Tobriner: I would have to say so, sir.

Representative Rhodes (R-Az.): How many families will be displaced by the two projects?

General Clarke: About 350 families

Tobriner: That is only part.

General Clarke: Mr. Tobriner speaks, of course, as only one member of the Board of Commissioners.

Tobriner: The possibility that the National Capital Housing Authority will catch up with the dislocatees is very remote.

General Clarke: Very frankly, we are talking of a three-year delay as a minimum in the highway program, with much disadvantage to our neighboring States who are building to meet us at the District line. While Mr. Tobriner has discussed his concern about the displaced families with me, I must admit I am caught by surprise by his recommendation that we abandon the program completely.

Commissioner John B. Duncan: Being unprepared, the only thing I could ask at this time is an opportunity to think it through further and submit a statement for the record.

He later informed the subcommittee, "After giving this matter a great deal of thought, I agree with Mr. Tobriner":

Representative Rhodes: To clarify the disagreement, is Mr. Tobriner opposed to interchange "C." [sic]

Tobriner: No. I am in favor of a redesign so it will be a T-shape interchange. The original interchange would take about 38 acres, and the redesign about 22 acres.

Representative Rhodes: Mr. Tobriner, this makes me wonder what you are for. I know what you are against. Tell us what you are for.

Tobriner: I am for a redesign of interchange "C" and the running of the east leg up the parkway along the Anacostia River.

Representative Rhodes: Mr. Duncan, what is your stand?

Duncan: I do not look toward discontinuing a total highway program which we all have believed is a good program. There should be a temporary delay while a restudy goes on.

Representative Rhodes: How long has the Inner Loop been under study?

Director Aitken: The Inner Loop study was released in 1959.

Representative Rhodes: Mr. Tobriner, are you in favor of the center leg of the Inner Loop?

Tobriner: Deep down in my heart, I am considering the possibility of abandoning the center leg.

Later, Representative Rhodes asked when the budget proposal was prepared:

Duncan: In November.

Representative Rhodes: I guess all three of you supported the budget.

Tobriner: We did.

Representative Rhodes: Have those people just recently moved in there?

Tobriner: No, sir. I was not aware of the extent of the dislocation last November.

Representative Rhodes: Is your change in position political?

Tobriner: No. It is the greater part of my duty to reflect the opinion of a substantial and respected part of the population of the city.

Representative Rhodes: This plan was prepared in 1959. The opposition should have known the routes. You should have known, Mr. Tobriner. I think you have lived here all your life. You should have known the number of people in the area. I, for one, do not appreciate having the problem shifted to the shoulders of the committee at this late hour.

The action was not called for. We are entitled to feel, when a budget is submitted to us the budget is final as far as the Commissioners are concerned. [District of Columbia Appropriation Bill, 1963, pages 1081-1144]

This reversal was especially shocking since the Board of Commissioners had endorsed the 11<sup>th</sup> Street corridor for the East Leg many times. The commissioners requested funds for the corridor in their January budget request for 1963, defended it in public comments ever since, and had endorsed the routing as recently as April 18 in a letter to the White House. The letter stated that the Anacostia River location would take the freeway through park lands, adding, "you must be aware of how carefully the National Park Service guards against encroachment, especially by highways." As a result, the city was not likely to secure NPS approval to build the East Leg along the river.

This surprise was, the source said, the first time in recent years that the commissioners had not presented a united front on any issue before the subcommittee.

Because Tobriner apparently had not discussed his reversal with the two other commissioners before the closed session, the subcommittee asked the commissioners to report back on their formal position on the matter. [“District Heads Ask Delay in Loop East Leg,” *The Evening News*, May 24, 1962; Eastman, Sam, “‘East Leg’ Freeway Facing Long Delay,” *The Evening Star*, May 25, 1962; “Why the Switch?” *The Evening Star*, May 25, 1962; Stern, Laurence, “Commissioners Split by 2-1 to Scrap 11<sup>th</sup> st. Route for Inner Loop East Leg,” *The Washington Post and Times Herald*, May 25, 1962; Flor, Lee, “House Unit Shuns Key Role In D.C. Road Controversy,” *The Evening Star*, June 13, 1962]

The editors of the *Star* were among the many people surprised by the turnabout. The same edition carrying the article about Commissioner Tobriner’s change of heart contained an editorial, “Attack on Highways,” written before the editors knew of the change. The editors warned readers:

There should be no misunderstanding about the intentions of those who are asking the House District Appropriations Subcommittee for a “delay” in the District freeway program. Their true goal is not to seek a brief postponement, but for a variety of reasons to scuttle as many as possible of the major radial and circumferential freeways which are essential—along with an effective system of rapid transit—to the growth and well-being of the Washington community.

The attacks were not new. The District commissioners had heard them all before and “wisely rejected” them. The criticism about the lack of funds to assist those who must be relocated was valid:

Fortunately, this conclusion has been reached by the Commissioners, who on April 14 ordered the development of a central relocation service. Since these expenditures are legitimately a part of the cost of highways, they should be borne in part by Federal highway aid funds, as President Kennedy has proposed for the Nation as a whole, and as already is provided by law for urban renewal.

Other than that, delaying the East Leg pending the NCTA report was not acceptable:

There is nothing on the record to suggest that the rapid-transit proposals to be submitted to Congress in November will affect the need for the inner loop. On the other hand, a delay in those portions of the inner loop which have come under such strong attack, including the so-called “Interchange C” in Southeast Washington, would disrupt the entire program of freeways. Of course the opponents of major highway construction in Washington know this. That is why they have selected their targets so carefully. [“Attack on Highways,” *The Evening Star*, May 24, 1962]

The next day, the editors reacted to the news of the two commissioners’ switch. In “Why The Switch?” the editors called the reversal “astonishing in view of their record with respect to this

project . . . especially in the case of Mr. Tobriner.” The issues today, the editors pointed out, “are the same as those that existed” at every point where they endorsed the location of the East Leg. The editorial asked: “What led Mr. Tobriner last Monday, without consulting his fellow Commissioners, to suddenly ask the House District Appropriations Subcommittee to kill the project?”

In view of Mr. Tobriner’s sudden concern about displacees, “we think the better course would have been to accept the appropriation, and simultaneously to make its expenditure dependent on development of an effective relocation program . . . .” As for the Anacostia River location, the fact that the route would be located almost entirely on park land raised real concerns about its prospects:

It is all very well to say that Congress by law could make these parks available for the freeway. But in view of the park-highway controversies of the past, we will be convinced that such a route is available when the legislation is signed and sealed—not before. [“Why the Switch?” *The Evening Star*, May 25, 1962]

The equally surprised *Post* editors called their editorial “An Error Compounded.” The decision was a “serious setback” that would delay the East Leg for “many years.” Although the plight of displaced families was the basic objection to the 11<sup>th</sup> Street routing, the change of position “does nothing to provide new houses for the families to be evicted by the hundreds.” District highway officials had “shown disregard” for these families, but “it is not the Highway Department that will suffer the consequences of further delay and indecision in the completion of a badly needed highway. The penalty will be inflicted upon the economic and cultural health of the city.”

While the 11<sup>th</sup> Street routing would displace about 930 houses, an Anacostia River routing would displace about 500 houses. The city’s public housing agency already had 8,000 families on its waiting list, suggesting the city would be able to make no provision for housing highway displacees, regardless of the final routing. “If this city wants to build roads, it is going to have to build houses.”

Further, the Anacostia River route should be “hastily abandoned” because it “constitutes a massive intrusion on park land”:

It must be observed that the Commissioners, who decline to run highways through a prosperous neighborhood park, like Glover-Archbold, seem distressingly ready to lay concrete through the parks available to the poor of eastern Washington.

The proper course of action for Congress was to provide regular appropriations for the East Leg, “but with the addition of a statutory requirement that no house may be taken until its inhabitants have been decently relocation, and their moving expenses paid, by the District. [“An Error Compounded,” *The Washington Post and Times Herald*, May 26, 1962]

City highway officials estimated that the Board of Commissioners’ decision would put plans back by 3 to 5 years before construction of the East Leg could begin. The engineering study the commissioners requested for the Anacostia River route was only one step in the process. They

would have to hold a public hearing and secure approval from NCPC, BPR, and NPS. They also might have to secure congressional action to overcome NPS reluctance to grant right-of-way through park land for the freeway. [Eastman, Sam, “‘East Leg’ Freeway Facing Long Delay,” *The Evening Star*, May 25, 1962]

On May 28, the *Star*’s editors were still looking for answers. The editorial pointed out that private citizens who oppose a project often propose an alternative, although usually without providing information to support the feasibility of the suggested location. “But for a District Commissioner to follow this procedure, as Walter Tobriner has done in the case of the east leg of the inner loop freeway, is unusual indeed.” He apparently conceded that legislation would be needed to overcome NPS reluctance to allow access to park land. Any assumption that such legislation could be obtained without the concurrence and support of NPS was “questionable”:

Anyone remotely familiar with the history of highway disputes in the Nation’s Capital can attest to the traditional opposition of the Park Service to highway encroachment, and, for the most part, to the success of these positions.

Thus far, “we have been aware of no shouts of joy from the Interior Department at the prospect of an eight-lane freeway . . . coursing through the west-side parks of the Anacostia.”

The editors recommended that the Appropriations Subcommittee order the commissioners to present “firm evidence” that the river route could use park lands “without objection from park officials” and would meet Interstate standards. This evidence would be “essential . . . if the subcommittee has any thought of sustaining the Tobriner position.”

As for the concern about displaced families, previous studies of the river route found that about 60 [sic] families would be displaced if the Anacostia River routing were chosen. Thus, “the District government would have to develop precisely the same kind of relocation machinery to assist these displacees as it would to help those on the Eleventh street route.” The subcommittee should appropriate the funds requested in January for the 11<sup>th</sup> Street route of the East Leg, but condition it on a program of “adequate relocation procedures before any families are displaced.” The editorial concluded, “Fortunately, such a program is now in the process of development.” [“More Facts, Please,” *The Evening Star*, May 28, 1962]

(On May 25, Chloethiel Woodard Smith (“the city’s foremost redevelopment architect”) called for demolition of the Whitehurst Freeway as the “necessary key to renewal of the Georgetown waterfront.” Her proposal was in a plan the Georgetown Canal and Riverside Council submitted to NCPC seeking renewal of the area. The council’s report called the Whitehurst Freeway an “enormous obstacle” and “unattractive.” Smith also rejected the suggested four-lane addition to the elevated freeway. The report said that “Efforts to live with this major scar . . . are misguided.” Further, efforts to “minimize its impact” would be ineffectual or cost far more than demolition of the existing freeway:

An elevated 8-lane structure will eat up at least a tenth of the Georgetown waterfront area and will blight at least twice that amount.

She added, “There is no use talking about urban renewal of Georgetown’s waterfront so long as this obsolete elevated structure remains to blight the area permanently.” [Lewis, Robert J., “Georgetown Unit Asks Razing of Whitehurst,” *The Evening Star*, May 25, 1962]

As might be expected, the groups opposing the East Leg were pleased by the Board of Commissioners’ reversal. One of them was the Democratic Central Committee, which supported transit over freeways. Joseph L. Rauh, Jr., the committee’s vice chairman, said, “We’re delighted. Our position has been that the entire acceleration of the District Road program should be held up until we get the mass transit report. Then the two programs can be made to work together.”

He made clear that the Democratic Central Committee also opposed the Anacostia River route for the East Leg:

We fought the freeway for Glover-Archbald [sic] Park, and will fight harder against a freeway through Anacostia Park.

The neighborhood around Glover-Archbald [sic] is a high-income area. It’s much more important to preserve Anacostia Park for its low-income neighborhood.

NPS Director Wirth did not want to say whether he would oppose or support use of the park land. He said, “Sound planning requires looking at any proposal.” But he added:

I don’t see how they can get it through the John Philip Sousa bridge area, or by the Stadium and parking lot. Maybe they’ll put it on pontoons and float it up the river. [“Anacostia Park Route Opposed for Inner Loop,” *The Evening Star*, May 26, 1962]

Commissioner Tobriner relented in his opposition to the extent of saying that if safe, sanitary, and decent housing could be found for displaced families, he would join with General Clarke in approving interchange “C” and the routing of the East Leg in the 11<sup>th</sup> Street corridor, SE. On May 29, Tobriner and General Clarke met with Walter Washington, executive director of the National Capital Housing Authority. They learned that finding homes in the city for displaced families was not going to be easy. They said they were working on meshing highway construction with public housing availability, as well as “finding new sites for public housing.” They also wanted to encourage private enterprise to supply housing for low-income families.

They could not say when the highway projects might be resumed, but the *Star* reported on a report by the District Department of General Administration that shed light on the difficulties of coordinating highways and housing:

The report states that there is a waiting list of around 8,000 families for public housing. Around 515 of these families have first priority for vacancies because they have been displaced by Government action. The critical need is for three, four and five bedroom units. The rate of placement and waiting time for public housing for some of these high priority families is five years or more.

The report then states that an additional 10,611 families will be displaced by Government action in the next five years. [Flor, Lee, "D.C. Seeks to Dovetail Housing and Highways," *The Evening Star*, May 29, 1962]

On June 5 and 6, Chairman Whitener's House District subcommittee held hearings on the highway program. The subcommittee included Representatives Burke, Broyhill, and Charles McC. Mathias (R-Md.). (The fifth member, Representative Fernand J. St. Germain (D-RI), did not attend the hearings.)

Edwin Seeger, NCTA's general counsel, and Director Aitken were among the witnesses on June 5. Seeger asked the committee to delay Interstate projects until NCTA released its report in November. As an example of how the analysis might change since the Mass Transportation Survey, he pointed out that the 1959 recommendations had not considered maintenance costs or tax losses from highway construction. NCTA was working on a comparison of these costs for highways and transit.

With the recent acceleration of highway plans in the District, NCTA could not be sure which decisions were final. However, he estimated that highways would remove 400 of the 2,000 acres currently on the District's tax rolls, while the subway, being underground, would not remove any property. Highway maintenance would cost between \$2 and \$3 million a year, but the subway would be able to pay for maintenance from farebox receipts. He added, in response to a question from Chairman Whitener, that NCTA believed the rapid transit system could pay for its construction costs from fare revenue over a 50-year period.

Representative Broyhill told Seeger that his comments on the role of NCTA on highway development were inaccurate. Congress, Broyhill said, had spent \$500,000 for the Mass Transportation Survey, then passed a law to develop the mass transit program. NCTA's role was not to rethink the highway program.

Aitken quoted from the National Capital Transportation Act of 1960 to show that NCTA was not responsible for highway planning or development. The 1960 Act was focused on creation of a Transit Development Program and, as noted earlier, language extending its mandate to planning freeways had been dropped from Senator Bible's early version of the legislation. It now stated, Aitken reminded the subcommittee, that in planning the Transit Development Program, NCTA could acquire or construct transit facilities, including right-of-way for joint use with freeways:

The Agency may contribute funds for the acquisition of rights-of-way for, and the construction of limited amounts of freeway, parkway, and other arterial highway facilities, including construction incidental to the use and protection of such rights-of-way for transit facilities, to the government agencies having jurisdiction thereof if, in the opinion of the Agency, such contributions are necessary to the fulfillment of the objectives of this Act . . . .

The legislation also stated:

The responsibility and authority for location, design, construction, and operation of freeways, parkways, and other arterial highway facilities shall remain with the government agencies having jurisdiction thereof, but all Federal agencies' plans for location and design of highway facilities shall be forwarded to the Agency, and all State and local agencies' plans for location and design of highway facilities may be requested by the Agency for its review and comment. The Agency shall cooperate with all planning agencies of the National Capital region and the appropriate government transportation regulatory agencies including the Washington Metropolitan Area Transit Commission in the development of transportation facilities and, wherever feasible and desirable, develop joint plans for such agencies.

Aitken said his staff was refining traffic forecasts, but that NCTA staff had made some "assumptions" that might require minor changes in the 1959 plan. "The nub of the new assumptions do [sic] not require any major changes in the recommendations for highways."

He also addressed the claim that the District was accelerating the freeway program to get construction underway before the NCTA report. To complete the Interstate program on schedule, Congress had recently increased authorizations for Interstate construction, along with an increase in the excise tax on gas. The District's budget recommendations reflected the increased funds. ["Officials Trade Transit Arguments At Congressional Hearing on D.C.," *The Evening Star*, June 5, 1962]

On the second day of hearings, General Clarke discussed opponents of the highway program. Some wanted a delay until NCTA released its report in November while others wanted to delay the freeway program until the subway was in operation in the 1970s. "It will take a long time for rapid transit plans to be approved by all the reviewing agencies and by Congress."

The relocation problem came down to moving an average of 700 families a year between 1962 and 1974. Of these, about 350 families will need relocation assistance and of these, about 240 will need public housing. By keeping the problem in perspective, the city can solve it.

General Clarke also addressed the allegation about speeding up the program. Like Aitken the day before, General Clarke said the District was using the increased congressional authorizations to make up for earlier delays. The District's program was far behind the States, he said, and the city was trying to do what Congress indicated it wanted done when it increased Interstate funding.

Chairman Whitener said that delaying freeway work until November was "a very definite possibility." He explained that, "What worries me is what do you do with 28,000 people displaced by these highways." He added that, "We may try some gentle persuasion after talking with the House District Appropriations subcommittee, to hold up the projects." [Flor, Lee, "Road Jobs Delay By Congress Seen Definite Possibility," *The Evening Star*, June 6, 1962]

Chairman Whitener wrote to NCPC on June 12 to request clarification of its position on the Inner Loop, particularly regarding the availability of housing for families displaced by the project. On

June 14, after what the *Star*'s Robert J. Lewis called "a two-hour wrangle," NCPC unanimously adopted a resolution:

Every action we take necessarily has an impact on people, and when we are asked to approve a plan that will displace thousands of people from their homes, we must be sure that our decision is taken only after we have had an opportunity to examine alternatives to the solution of the transportation.

NCPC, the resolution continued, had approved the Inner Loop "in principle," but not specific locations for its segments. In view of "changing conditions," namely the housing issue, NCPC decided more time was needed before completing review of the Inner Loop. In short, NCPC wanted to wait for NCTA's November report. At the same time, the resolution conceded that "the east and south legs of the inner loop would be needed whether the rest of the inner loop was constructed or not . . . ."

The resolution directed Mrs. Rowe to inform Chairman Whitener that NCPC "recognizes that its responsibilities for comprehensive planning transcend consideration of traffic projects and transportation alone, and require dedication to both definition and achieve of desirable goals for the Nation's Capital and residents."

According to the *Star*, the "anti-expressway members of the National Capital Planning Commission won a battle." [Lewis, Robert J., "Inner Loop Delay Urged by Planners," *The Evening Star*, June 14, 1962]

The *Star* editors described the resolution as "a masterpiece of gobbledygook," but at least it made clear that the East Leg was needed. Now, the editors suggested, if Chairman Whitener wanted to be constructive, he would help the city develop the relocation machinery needed before advancing the freeway. ["Chance to Help," *The Sunday Star*, June 17, 1962]

On June 22, the Committee on Appropriations approved a report on the District of Columbia Appropriation Bill, 1963. It covered, of course, many subjects, but in discussing the Inner Loop Highway System, the committee's annoyance came through stemming from the Board of Commissioners' reversal of position:

During the hearings the partisans of rapid transit and the proponents of the highway program used every political issue and every possible source of opposition to bring about confusion and disorder—all to the detriment of the Capital City. The rivalry between these two groups is dangerous to the future development of the city.

To add to the confusion, the National Capital Planning Commission decided recently that more time is needed before a final decision can be made on the Inner Loop highway system . . . .

During the hearings two of the [District] Commissioners requested that certain sections of the Inner Loop be held in abeyance at this time. This action of course was unexpected. Since the Committee is not a policymaking Committee, it does not intend to decide this issue at this time. However, to expedite this matter, following the report from the

National Capital Transportation Agency and the additional studies pertaining to routing and a proper removal of people displaced, if any, there will be an adequate amount in the [District] highway fund to solve this and other important problems which will confront the District highway officials in the near future.

Due to the indecision noted above, the Committee recommends the deletion of \$170,000 for the East Leg; \$450,000 for the Northeast Freeway, and \$546,700 for Interchange C.

The committee recognized the need for “every precaution” to be taken before freeway construction begins to protect people forced out of their homes.

Simply making the city more convenient for automobiles, as some critics charged, would be a mistake. “District officials must not place themselves in a position of being accused of attempting to handle traffic without any concern for the forces generating the traffic or for the manifold purposes that transportation, private and public, should serve.” Further, “Those who are opposed to highways and hope the temporary delay in the Inner Loop program will destroy the Freeway system should be disappointed.” The committee hoped that NCTA’s report in November “will assist in the solution of this problem.” [District of Columbia Appropriation Bill, 1963, pages 3-4]

Despite deleting funds for the East Leg, interchange “C,” and the Northeast Freeway, the Committee approved appropriations for the Three Sisters Bridge, the Potomac River Freeway, the Center Leg, the Southeast Freeway, and the 11<sup>th</sup> Street Bridge.

Commissioners Tobriner and Clarke issued a statement on deletion of funding for the East Leg-related projects. (Commissioner Duncan was on vacation.) They understood the committee to make two key points, namely that the NCTA report may help solve the problem and that Congress wanted adequate provision to be made for those displaced by freeway construction. If Congress did not pass the legislation under consideration for relocation help, the commissioners would continue “their efforts to provide legislation to furnish administrative machinery and moving allowances and to insure that adequate housing will be available for persons displaced.” These efforts would include a central relocation service and encouraging of private investment in low-income housing:

The commissioners feel confident that it will be possible to provide for these people while maintaining required progress in the highway system. [McKelway, John, “District Budget Cut \$9 million By House Unit,” *The Evening Star*, June 22, 1962]

### **Enter Chairman Natcher**

One of those concerned about the District’s freeway problems was Representative Natcher, who had become chairman of the Subcommittee on District of Columbia Appropriations, Committee on Appropriations, after the death of Chairman Louis C. Rabaut (D-Mi.) on November 12, 1961. While in Washington, he lived in the Berkshire Apartments at 4201 Massachusetts Avenue, NW.

Schrag described Chairman Natcher as “obsessive, stubborn, suspicious, and vain,” a former prosecutor “who grouched privately about left-wingers, beatniks, and the Warren Court.” One of his obsessions was his voting record:

Most famously, from his arrival in Washington in 1953, he never missed a single roll-call vote, eventually making it into the *Guinness Book of World Records* with 18,401 consecutive roll-call and quorum votes cast.

Representative Natcher, who had been born in Bowling Green in 1909, served in the House from August 1, 1953, until his death on March 29, 1994. He was buried in Bowling Green “with his voting card after serving more than forty years in the House.”

The chairman of the subcommittee was in “a position of essentially autocratic power.” This power was based in the constitutional requirement that all appropriations must originate in the House, but the District’s lack of congressional representation amplified the Natcher subcommittee’s power:

Natcher so dominated his subcommittee that it often dispensed with formal votes. The full appropriations committee rarely overturned decisions of a subcommittee, which was presumed to have the most expertise, and Natcher’s southern courtesy and loyalty to House norms made him popular throughout the House, further insulating him from fear of being overturned on the floor. A Natcher decision could be expected to stick, so without his approval, the District could not spend a dime.

He would play a critical role in the District’s freeway battles, but even opponents conceded he “was no stooge of the highway lobby.” He had initially opposed the Interstate System because he feared it “would give the Federal Government dictatorial control over roads in the States for all time to come,” and had voted against the House bill on its final day of consideration in 1955 on July 27. However, he had voted for the House version of the 1956 Act on April 27, 1956, when the bill passed 388-19. (The final version of the bill after conference with the Senate passed the House by voice vote).

He had a good reason beyond public policy for supporting highway construction in the District and elsewhere:

His popularity at home depended on his delivering tens of millions of dollars’ worth of river projects for Kentucky each year. He had gained that power by cultivating an alliance with the House Public Works Committee, the same committee that had ordered the freeways built. Any threat to that committee’s sovereignty challenged his own ability to provide for his constituents. [Schrag, pages 122-124]

On June 26, Chairman Natcher brought the District Appropriation Act, 1963, to the House floor. In discussing the Inner Loop plans, his introductory remarks went further than the committee report:

The rivalry between the partisans of rapid transit and the proponents of the highway program is dangerous to the future development of the city. The proposed freeway

system for the District is not a political issue and those who believe this to be the situation are in for a rude awakening. The confusion and disorder attempted by the pressure groups during the last few weeks will not accomplish the desired results.

The committee was concerned about the displaced families, an issue that must be addressed before the Commissioners can move forward with the highway system:

Again we most emphatically state that those who are opposed to highways and hope the temporary delay in the inner loop program will destroy the freeway system should be disappointed.

Representative Gross pointed out that the Jones Point Bridge was supposed to be a bypass for through traffic, but it had opened "and yet we find Independence Avenue still carrying the same truck traffic from New York and other points along the eastern seaboard on south, and no relief from the heavy traffic in Washington." (The Jones Point Bridge, renamed the Woodrow Wilson Memorial Bridge, opened on December 28, 1961) "What is wrong?"

Chairman Natcher had to concede that Independence Avenue had "two traffic jams" the past week. "As soon as this freeway system is resolved, I can say to the gentleman that that heavy traffic will come off Independence Avenue."

Perhaps, Representative Gross suggested, "somebody is fumbling the ball somewhere," and he wondered if the problem was that "they do not have the roads in Maryland in anticipation of which the bridge was built." Chairman Natcher replied, "I would certainly agree with my friend."

Regarding the Inner Loop system, Representative Rhodes told his colleagues that NCTA's study would be released in November, but that was not the only reason for withholding funds for the East Leg, Northeast Freeway, and interchange "C." The committee also was concerned about the displaced families. "We feel the interim period can be utilized by the legislative committee and by the District Commissioners in an attempt to provide legislation to take care of the burdens which will fall on those people whose lives will be dislocated as a result of the construction."

Representative William L. Springer (R-Il.) asked if the two legs of the Inner Loop were indefinitely put off. Representative Rhodes explained that the appropriations committee was not a policymaking committee. However, when two of the three commissioners who approved the budget request for the Inner Loop segments changed their mind, it "caused the red light to go on as far as we were concerned." The committee concluded that the best idea was to give "those who are engaged in the business of studying plans like this a chance to restudy the whole situation." He pointed out that routing the East Leg along the Anacostia River might save money and reduce dislocations "if the National Park Service will go along with it."

Representative Rhodes had one other topic he wanted to discuss even though the bill did not address it. Another problem that "has been rather conveniently swept under the table for the last few years" was the link between the Inner Loop and Montgomery County, Maryland:

The Wisconsin Ave. corridor has been well closed and locked by action of Congress. As far as I can tell, there have been no plans brought forth, and none contemplated, for connecting with the rather extensive system of roadways being built by the State of Maryland in Montgomery County.

He hoped that “this problem will be the subject of study, and that the District Commissioners and the Highway Department will address themselves to these problems in the very near future.”

(Representative Rhodes would have a personal interest in the issue; he lived at 5502 Pollard Road in Bethesda.)

The House approved the bill without a recorded vote. [District of Columbia Appropriation Bill, 1963, *Congressional Record-House*, June 26, 1962, pages 11721-11732]

As the District prepared to solicit for bids to begin construction of the Southeast Freeway (along Virginia Avenue from South Capitol Street to the start of the proposed interchange “C” at 7<sup>th</sup> Street, SE.), city officials were trying to find ways to accommodate the families that had received notices to move out of their homes by the end of September. A team of private real estate firms and social workers was searching for housing, especially for low-income families. The team was focused on large families because enough housing was available for small families. W. Donald Calomiris of William Calomiris Investment Corporation, chair of the committee, said, “If we put our heads together, we can find homes for those people.” The committee could postpone searching for homes for residents of the 68 units at the Ellen Wilson Housing project that were to be removed; they would not be touched for several years. [Flor, Lee, “Bids Open This Month on First Contract For \$13.3 Million Southeast Freeway,” *The Sunday Star*, July 1, 1962]

Senator Clifford P. Case (R-NJ), the ranking Republican on the Senate District Appropriations Subcommittee, was meeting with officials to examine transportation planning in preparation for the subcommittee’s hearings on the District budget. Senator Case, described by the *Star* as “a veteran of disputes over transportation issues in the New Jersey-New York City area,” wanted to ensure transportation planning was coordinated for the Washington area. Over the course of a week, he talked with General Clarke and Aitken. Separately, he met with Stolzenbach of NCTA and William Finley of NCPC.

After reviewing a draft of the NCTA report, he revealed that it called for elimination of two thirds of the Inner Loop. The segments were the East Leg, interchange “C,” the Northeast Freeway, and the Potomac River Freeway. It also indicated that the Three Sisters Bridge “may be unnecessary.” Stolzenbach, the previous November, had asked the District to postpone these projects until NCTA released its report.

General Clarke was surprised by the report of Stolzenbach’s continued opposition to Inner Loop segments:

Mr. Stolzenbach has about 10 different transportation plans, some with and some without the Inner Loop, General Clarke said. “The only thing I know is that he has said that he knew ‘intuitively’ that highways would not be required.”

Five agencies, including the District, Maryland, and Virginia highway agencies and BPR, had been feeding information to NCTA's computers. "This is the basis," the *Star* summarized, for statement by highway planners that they know about the preliminary transportation agency report, and that preliminary traffic forecasts bear out the need for the Inner Loop."

Senator Case thought the area needed an "umpire" to cut through contradictory claims to protect property and prevent highway alignments that might serve traffic but harm the community. He pointed to urban renewal projects where communities had to develop a "workable plan" showing impacts not only on the affected neighborhood, but the whole community. Road builders and their powerful backers, in effect, dictated community planning by their selection of roads and alignments. He planned to introduce a bill that would give an agency, possibly the Housing and Home Financing Agency, the authority to withhold Federal funds until conflicts among highway, transit, sewer projects, and other projects are resolved. ["Study to Curb Road Projects," *The Sunday Star*, July 8, 1962; Lindsay, John J., "Sen. Case Sees Need for Planning 'Umpire,'" *The Washington Post and Times Herald*, July 8, 1962]

### **A Blistering Report**

On August 3, 1962, the House Committee on the District of Columbia released a report titled "Accelerated D.C. Highway Program and One-Way Street Plan." The *Star* and *Post* used the word "blistering" to describe the report in which the committee demanded that the District halt several Interstate projects immediately and accused the District commissioners of "circumventing" congressional policy "by not, in the interim, deferring action, as requested by the NCTA on certain projects," and failing to give Members of Congress the information they need.

The report did not name the freeways, but appeared to be demanding a halt to the Potomac River Freeway, the Three Sisters Bridge, the East Leg of the Inner Loop, the Northeast Freeway, and interchange "C." In response to the District commissioners' change of position, the House had already voted to cut 1963 spending for three of the freeways, but funding remained in the appropriations bill for the Three Sisters Bridge and Potomac Freeway.

Chairman Whitener wrote that by accelerating highway building, the District commissioners were in direct contradiction of congressional intent for a balanced highway and transit system as called for in the National Capital Transportation Act of 1960. The committee demanded that the commissioners delay freeway construction not already begun until NCTA releases its report. For Congress "to permit the District to act precipitously on its accelerated program" would be sheer folly since the NCTA report will be available for review when the second session begins in January. The goal was to avoid freeway construction that might preclude subway construction or be unnecessary if a subway were built. With the freeze, the only freeway construction that would be underway would be along the southern rim of the city from the Theodore Roosevelt Bridge to 6<sup>th</sup> Street, SE.

The report also criticized District officials for not providing accurate estimates of highway spending. The estimates provided left out the cost of operation, tax losses from land

acquisitions, and the cost of relocating approximately 28,000 people. Evaluations of impacts had been “vague and incomplete,” with only “rough calculations” of properties that would be needed.

Traffic forecasts came in for particular criticism:

One of the most appalling revelations at the hearing [June 5 and 6] was the fact that no recent all-inclusive surveys have been made on which reliable forecasts of future requirements of the National capital region can be hinged.

Projections were made without estimating total trips or dividing those trips among bus, rapid rail transit, and automobiles. Estimates also did not calculate the number of occupants in each car. The District Highway Department’s explanation was “totally unbelievable.”

The report maintained that District traffic forecasters had not coordinated with NCTA despite the agency’s role in developing a balanced transportation system. The report pointed out that the Senate and House reports on the 1960 Act had said, “any attempt to meet the area’s transportation needs by highways and private automobiles alone will wreck the city.”

The subcommittee asked NCPC to stop acting on disputed freeway projects until NCTA released its report and the projects could be put in context. “The subcommittee wants to make it clear that it is neither anti-highway nor anti-rapid transit, not pro-highway nor pro-transit. It stands for a balanced transportation system.” At the same time, the report stated:

Unfortunately and sadly, it must be admitted that little or no heed has been paid to the adverse esthetic effect of this whole highway program, going as it does into the beauty of our lovely Capital, nor to the attendant loss of parks and recreational areas in the Nation’s Capital.

The report commented that General Clarke had “candidly admitted that highway planning has far outdistanced . . . relocation.” With 40,000 people waiting for public housing, the freeway program would add 28,000 more. The District was playing a form of musical chairs with relocatees by moving them into buildings scheduled to be demolished. This plan had “an Alice in Wonderland quality.” The idea “would be amusing were it not for the fact that it is to be inflicted on people who are least capable of caring for themselves.”

The subcommittee estimated that the city would lose between 300 and 400 acres of the 2,000 acres of taxable land remaining in the old Federal city. The District would lose \$1 million in tax revenue each year just from land that had been appraised for acquisition; the entire acquisition program would result in even more losses. These figures alone suggest that the highway acceleration program was a “decision made hastily, prompted by the unexpected availability of Federal highway funds.”

Further, the report strongly criticized a proposal to convert 16 miles of downtown streets to one-way pairs. The goal was to increase the current 21 miles of one-way streets by 80 percent, according to Aitken. “This is startling,” the report said of the proposal.

The *Star* summarized:

Washington is not Pompeii, House subcommittee men said. In old Pompeii, before A.D. 79, narrow streets demanded one-way restrictions. But subcommittee members said Washington, abundantly blessed with wide avenues, does not need the same plan.

General Clarke told reporters he was “most concerned that a subcommittee of Congress believed the District Commissioners were circumventing the will of Congress. This never was intended. As I conceive our job, it is to carry out the intent of Congress.” He promised to “study in great detail” the findings of the report.

In view of the House’s actions, General Clarke said the Senate would have to be the arbiter.

Reporter Grace Bassett reached Chairman Whitener by telephone at his home in North Carolina. He emphasized that the report was a deferral, not an end to the freeway projects. “It is not my intention to stop progress. But we want to progress in an orderly way.” He said the other members of the subcommittee agreed with him that highway-transit coordination was lacking here. They also shared his concern about dislocation of people.

Bassett pointed out that the “stinging criticism of highway builders” was the latest in a series of developments that appeared to doom, at least temporarily, the Inner Loop:

The House lifted \$1.1 million out of the city budget for Interchange C, the east leg and the northeast freeway, after Commissioners, 2 to 1, reversed themselves and urged deferral.

Then, Senator Case, Republican of New Jersey, announced he would make sure at Senate budget hearings, probably next week, that highways will not overbalance proposed rapid rail lines for the area . . . .

This view supports the National Capital Transportation Agency concern that accelerated highway building will jeopardize rail transit before its [sic] off the agency drawing boards.

All things considered, a delay or sharp cutback “seemed certain today.” [Bassett, Grace, “House Unit Demands Area Road Work Halt,” *The Evening Star*, August 3, 1962; Bassett, Grace, “Delay or Cutback Seen In D.C. Loop System,” *The Evening Star*, August 4, 1962; Carper, Elsie, “Hill Scores City’s Road Program,” *The Washington Post and Times Herald*, August 4, 1962]

### **A Matter of Jurisdiction**

The District commissioners and highway officials were convinced that the National Capital Transportation Act of 1960 left highway responsibilities with “the governmental agencies having jurisdiction thereof.” However, the subcommittee’s report appeared to take the side of NCTA and the anti-highway forces who claimed NCTA had veto power over the highway program.

NCTA’s attorneys cited a provision they claimed conveyed veto power to the agency:

The Agency's studies include a continuation of the work begun in the mass transportation survey conducted by the National Capital Planning Commission and the National Capital Regional Planning Council . . . and shall include further studies as may be necessitated by changed conditions, the availability of new techniques, and the response of Government agencies and the public to the transportation plan adopted by the Commission and the Council. The Agency's studies shall also include evaluations of the transportation recommended in the transportation plan, and of alternative facilities and kinds of services.

The dispute left the "expressed intent" of Congress uncertain, as was the question of which projects the subcommittee wanted the District to halt immediately. Although lobbyists and citizens' groups were attacking five projects, NCTA had called for a halt only to the Three Sisters Bridge and interchange "C." Congress had authorized funds for the interchange in 1962, and had not opposed the project in 1963 – it withheld funds only at the request of the Board of Commissioners following its reversal of position.

The fate of the \$38 million Potomac River Freeway was uncertain. The freeway began at about the intersection of 25<sup>th</sup> and G Streets, NW., was to go through a tunnel at New Hampshire and Virginia Avenues, northwesterly through the interchange at 27<sup>th</sup> and K Streets, and along the Potomac River on an elevated structure parallel to the Whitehurst Freeway to just west of Wisconsin Avenue. From there it would cross under the Whitehurst Freeway and Key Bridge onto the bluff in front of Georgetown University. The western half was linked to the Three Sisters Bridge, but the freeway would have to be built, with or without the bridge, to connect to the Potomac Palisades Parkway, which NPS was planning between Georgetown University and Chain Bridge.

The District had received and opened bids for construction of the eastern half of the Potomac River Freeway (27<sup>th</sup> to 31 Street, NW.). The design for the western half was dependent on the fate of the Three Sisters bridge. General Clarke said, "I don't think the subcommittee is against the Potomac River Freeway."

The issue of which projects would be funded would have to be considered by the Senate Appropriations Committee [Flor, Lee, "Freeway Fate Uncertain," *The Sunday Star*, August 5, 1962]

On July 10, the Subcommittee on the District of Columbia, Senate Committee on Appropriations began hearings on the District's 1963 appropriations act, with Chairman Byrd and Senators Beall and Case present. The District's Board of Commissioners, along with other city officials, presented the budget proposal to the subcommittee. It covered all District activities, but their presentation did not prompt a discussion of the freeway impasses the city was experiencing. However, as the first day ended, Senator Case made a suggestion that reflected his recent discussions with parties to the dispute. Addressing Chairman Byrd, he said:

At an appropriate time I would like to ask your permission to ask Mr. Stolzenbach of the National Capital Transportation Agency to make any comments that might be helpful to us in regard to the whole highway and transportation program. I understand that his

Agency is not within the jurisdiction of our committee directly, but I think his testimony on the developments within the jurisdiction might be helpful to us.

Senator Byrd agreed. "I am sure we can arrange to do that." [District of Columbia Appropriations for 1963, Hearings on H.R. 12276 before the Subcommittee of the Committee on Appropriations, United States Senate, 87<sup>th</sup> Congress, 2d Session, part 1, page 116]

The *Star* said of Senator Case's request:

Mr. Stolzenbach, as a presidential appointee, and his agency as a congressionally created unit, do not fall under the jurisdiction of the District Appropriations Subcommittees. But Senator Case is determined to co-ordinate city highway programs with master development plans due to be given President Kennedy in November by Mr. Stolzenbach. ["Sharp Queries by Byrd Hit District Budget," *The Evening Star*, July 10, 1962]

Two days later, Stolzenbach met with President Kennedy at the White House for a half hour to provide a progress report on NCTA's work. Stolzenbach said that his report will recommend highways and rapid transit facilities. He and the President also discussed the idea of a subway from Union Station to downtown employment centers, a concept that was included in the National Capital Transportation Act of 1960. "Stolzenbach told reporters, "it was a very delightful meeting."

President Kennedy said, "I am much encouraged by the progress being made by the agency in finding solutions to the region's critical transportation problems." He also indicated that NCTA's balanced transportation approach might provide ideas for other urban areas with similar transportation problems. [Flor, Lee, "President Pleased by Transit Progress," *The Evening Star*, July 12, 1962]

The *Star*'s editors were pleased that President Kennedy was "much encouraged," but regretted he did not disclose what he was encouraged about. "It should be encouraging to everyone, however, that the President apparently has dealt himself a personal hand in the confused and controversial Washington area transportation game." The real curiosity about the pending report was not the rapid transit element but the expectation, "most recently expressed by Senator Case of New Jersey, that the report will state that a number of Washington area highways, including portions of the inner loop, 'may not be necessary.'"

If Stolzenbach "has discovered new data" that justifies trimming back the planned freeways, the case "will be relatively simple." What would happen, the editors asked, "if his recommendations, rather than being persuasive, [would] merely add fuel to the ridiculous feud between the proponents of highways and the proponents of mass transit, which already has severely damaged both of these essential programs?"

The editors agreed with Senator Case about the "crying need for someone to co-ordinate these two programs after the NCTA report is issued." The White House might be a good place for that coordination. "A good place to begin is to insure that the November report will not simply

precipitate a divisive and harmful donnybrook.” [“Timely Intervention,” *The Sunday Star*, July 15, 1962]

On July 19, the Senate’s District appropriations subcommittee held a single day of testimony from outside witnesses, many of whom wanted to discuss the District’s Interstate freeway plans. The *Star* summarized:

Bitter denunciation of the District’s highway program broke loose again today as a Senate subcommittee continued its study of the District budget. Most witnesses applauded the House for postponing action on three key projects in the Inner Loop system. Others went so far as to request a moratorium on any new highway construction, even street widening.

In most cases, the witnesses presented their statements with limited or no questioning by the Senators Byrd, Case, or Norris H. Cotton (R-NH).

The first few witnesses urged the subcommittee to keep the freeway program moving forward. Charles E. Phillips of the Washington Board of Trade emphasized that, “Careful and competent engineering studies indicate the need for the inner loop plus radial highways, even with the full utilization of the contemplated mass transportation facilities.” The board supported the Inner Loop, which “would improve business conditions in this section of the city” and make downtown “more attractively accessible for doing business,” as Downtown Progress had said. Lionel Kaplan of the Automotive Trade Association, National Capital Area, and AAA’s Miller also spoke in support of the freeway network. [pages 495-501]

The first anti-highway witness was Hilliard H. Goodman of the Citizens Transit Improvement Association. His organization had been promoting rapid transit for the area for the past 7½ years. “By rapid transit, we mean rail rapid transit, which in our view is real rapid transit.” His group was concerned about freeways that would interfere with rapid transit development. The nearly complete Southwest Freeway, for example, would not, but the following would: Anacostia Freeway between South Capitol Street and the proposed new 11<sup>th</sup> Street Bridge; Southeast Freeway from South Capitol Street to 7<sup>th</sup> Avenue, NE.; interchange “C”; Potomac River Freeway; Three Sisters Bridge; Northeast Freeway; and East Leg of the Inner Loop. [pages 501-504]

Polly Shackleton, the Democratic National Committeewoman, said the committee was “gratified” that the House had deleted funds from the 1963 budget for interchange “C,” the Northeast Freeway, and the East Leg. “We opposed those projects primarily because of the tremendous unresolved housing and relocation problems that would have been created for more than 10,000 District of Columbia residents.”

She urged the subcommittee to delete funds as well for the Three Sisters Bridge and the Potomac River Freeway. Her organization’s opposition to these projects “stems not from philosophical opposition to highways.” In general, the highways were needed to help people move across the city. However, Congress had created NCTA in 1960 to coordinate a balanced transportation system and submit its recommendations to the President by November 1, 1962.

She was particularly concerned about the District's accelerated schedule for the Three Sisters Bridge. As recently as September 1960, the District scheduled the bridge for construction in 1966. Suddenly, in 1961, the bridge "was accelerated to top-priority status." Last November, NCTA had informed NCPC that the bridge should not be constructed in 1963 because, as NCTA put it, its construction "will inevitably create pressure for construction of the north and west legs of the inner loop, of Route 66, and a parkway through Glover-Archbold Park."

Delaying the Three Sisters Bridge and interchange "C" was "absolutely essential if any serious reevaluation is to be made of the 1959 transportation plan." She added that after the District submitted its budget including freeway matching funds, Senate Majority Leader Mike Mansfield (D-Mt.) had introduced S. 2436 to transfer the District's road right-of-way through the park to the Department of the Interior, which she implied would not approve the necessary extension of the freeway from the bridge.

She said that alternative ways to link I-66 to the Interstate System in the District "may prove more feasible and less disruptive than the projected Three Sisters Bridge, Potomac Freeway, north leg route." Spending millions of dollars to begin building a bridge "on an undeniably accelerated basis," would force the expenditure of many millions of dollars on other freeway links to the bridge "just 3 months before Congress received the report which it directed NCTA to prepare, especially in view of the fact that NCTA has already clearly opposed the construction of Three Sisters during fiscal 1963":

We see no reason for Congress to tie its hands by making a judgment before all the facts are in. And the cart which the Highway Department is asking Congress to put before the horse is enormously expensive – \$3 million for Three Sisters Bridge and \$18,768,000 for the Potomac River Freeway.

The District's money could better be spent "where the need is both clear and acute—on this city's children, who need and deserve more and better schools, teachers, and textbooks." [pages 518-521]

Throughout the day, witnesses opposed specific freeways, favored transit, expressed concern about displaced families, and urged the subcommittee to delay the District's plans until NCTA released its report in November. Supporters of the freeway system, such as Harold E. Wirth of the Firestone Tire and Rubber Company in Washington and Eugene I. Kane representing the District Trucking Association, appeared to have a vested interest in automobile transportation. [The complete day's testimony from outside witnesses can be found in the hearing report, pages 489-600; also see "McKelway, John, "Speakers Disagree On Highway Plans," *The Evening Star*, July 19, 1962, for a summary of testimony]

On July 19, Acting Secretary of the Interior John A. Carver, Jr., withdrew NPS approval for use of park lands for the Three Sisters Bridge or its approaches. He was replying to a letter from Majority Leader Mansfield, regarding the bridge's impact on park values associated with Spout Run Park, the George Washington Memorial Parkway, and Glover-Archbold Park. NPS, Carver wrote, had agreed to allow District highway officials to use the Spout Run access to the George Washington Memorial Parkway for the approaches to the Three Sisters Bridge, but on the

District side, the bridge abutment at the foot of Glover-Archbold Park would lead to construction of a parkway through the park. “The Three Sisters Bridge proposal is unique [because] this single highway proposal would wipe out the scenic treasure of the Potomac Palisades on one side of the river and point like a loaded pistol through the center of a critically needed park on the other.”

The Interior Department’s responsibility was “to preserve the park areas under its jurisdiction within the National Capital region.” In the absence of direction by Congress to the contrary, “there is no disposition on my part to consider that the standards to be applied here should be any different or any lower than those set forth for national parks and parkways generally”:

For this reason, the Department is opposed to the construction of the Three Sisters Bridge which so vitally involves important units in the park system of the National Capital and the palisades of the Potomac River.

He did not want the Department’s opposition to be “misunderstood as callous disregard for the very serious and vexatious traffic problems confronting this metropolitan area.” Virginia commuters were exposed to delays and safety hazards:

But the Three Sisters proposal represents only a makeshift attempt to secure relief with no apparent relationship to a coordinated master plan. Congress has provided for such long-range planning through creation of the National Capital Transportation Agency. Until that Agency presents its program, we cannot be certain that the Three Sisters Bridge is the compelling necessity that its advocates claim. Conceivably, premature commitment to that structure might be an impediment to a more comprehensive solution. It would seem inconceivable that, on such expedient grounds, we should consent to the destruction of the irreplaceable community assets represented by these park areas.

In closing, he acknowledged that a bridge at virtually any location along the Potomac River in the Washington area would involve park lands. “We believe, however, that the Three Sisters Bridge crossing involves the greatest potential destruction of park property of any site along the Potomac River in this area, and that alternatives can be selected with a minimal effect upon the park lands.”

On July 25, NPS Director Wirth informed Virginia Highway Commissioner H. H. Harris of Assistant Secretary Carver’s decision. Based on Carver’s letter, “I find it necessary to rescind the tentative approval I had heretofore given you for the use of park lands for the approaches to the proposed Three Sisters Bridge.”

The *Star* reported on the denials on July 27, indicating that Wirth had read Assistant Secretary Carver’s letter into the record during a hearing on July 23 before Chairman Whitener’s subcommittee. [“Interior Bars Three Sisters Span, Road,” *The Evening Star*, July 27, 1962; the letters will be found at: District of Columbia Appropriations for 1963, Hearings on H.R. 12276 before the Subcommittee of the Committee on Appropriations, United States Senate, 87<sup>th</sup> Congress, 2d Session, part 2, pages 1675-1677]

On July 31, as mentioned earlier, the District opened three segments of the Inner Loop Freeway system: The 12<sup>th</sup> Street expressway, the Washington Channel Bridge, and part of the Southwest Freeway.

Representative Gerald R. Ford, Jr. (R-Mi.) was one Member of Congress who did not agree with waiting for the NCTA report was. On August 6, the House was considering a resolution consenting to amendments to the Washington area's metropolitan transit regulation compact agreed to by Maryland, Virginia, and the District of Columbia. As debate on the resolution began, Representative Ford rose to discuss a related but different issue:

I think it is about time someone said that all the transportation problems of the metropolitan area of the District of Columbia are not going to be solved by this transit report that we are all waiting for with bated breath.

Mr. Speaker, I happen to think that there are at least some people in that organization who are not the ultimate and final authority on how some of us are to get from our home to our office and back again. I happen to believe that there are some people who have worked long and faithfully on highway and traffic problems in the District of Columbia who, in my opinion, have done a pretty good job under difficult circumstances.

Mr. Speaker, I am getting a little sick and tired of everything being held in abeyance in this area, waiting with bated breath for this great report which is about to be forthcoming . . . I just want to be on record right here and now to the effect that as soon as this report is made we are not all going to roll over and play dead waiting for Mr. Stolzenbach—I guess that is his name—to tell us what we are supposed to do . . . .

I do not like a lot of Johnny-come-lately's stepping in the picture and deciding that everything which has been done in the past is wrong and everything they propose is going to be right. I have said my piece, but if I am here next year I am going to look with a very, very skeptical eye at some of these long-haired ideas which I understand may be contained in the report. [Washington Metropolitan Transit Compact Amendments, *Congressional Record-House*, August 6, 1962, page 15600]

None of his colleagues reacted to his comments during the debate, which resulted in approval of the resolution in support of the amendments.

(Representative Ford and his family lived in Alexandria, Virginia, at 514 Crown View Drive. His daily commute when Congress was in session benefited from improvements to Shirl in southwest and southeast Washington. He still lived at 514 Crown View Drive when he became Vice President on December 6, 1973, and drove from there with a Secret Service escort to the White House to take his oath of office as President on August 9, 1974.)

Although Representative Ford's comment did not provoke his colleagues, Donald Gingery shared the contempt of Stolzenbach. During a meeting of the Maryland-National Capital Park and Planning Commission, he accused NCTA of not cooperating with the area's planning bodies. He

said that Stolzenbach had “preconceived notions” about the area’s transit needs and had “absolute disregard” for the views of the jurisdictions involved.

NCTA, Gingery said, was “run with no intent to co-operate with the States.” When planners asked NCTA about area transit plans, they receive “nothing but the most miserable gobbledygook” in reply.

He introduced a resolution calling for a meeting with the Governors of Maryland and Virginia to request they file suit in Federal court to require NCTA to spell out its plans; seek congressional action to amend the 1960 Act to add two administrators to NCTA who would be appointed by the Governors; and ask Congress to deny funds to NCTA until it cooperated with the surrounding jurisdictions.

As Vice Chairman Brewer pointed out, “We have complete control where it affects the State of Maryland.” He added that Stolzenbach “has tried to keep us informed the best he could” and hoped to give the commission a look at the transit plans before September 25. The Gingery resolution failed for lack of a second. [“Transportation Agency Hit as Unco-operative,” *The Evening Star*, August 9, 1962]

On August 10, the Senate subcommittee on District appropriations held an afternoon session on the Department of Highways and Traffic. Among those representing the District were: Aitken and his deputy director, Thomas F. Airis, along with Commissioners Tobriner and Clarke. As requested by Senators Case and Byrd, Stolzenbach joined the panel along with Seeger, NCTA’s general counsel, and E. Sherman Perlman, special assistant to the Administrator.

Stolzenbach was the first to address the panel. “Transportation facilities, whether one is talking about highways or subway systems, have a profound impact on the growth and health of our urban areas.” He discussed the history of transportation studies in recent years, leading to the Mass Transportation Survey. Instead of adopting the survey’s plan, Congress passed the National Capital Transportation Act of 1960, which directed NCTA to evaluate the survey’s plan and consider alternative facilities and services. As stated in Section 102, the key requirement was for planning, on a regional basis, “a unified system of freeway, parkways, express transit service on exclusive rights-of-way and other major transportation facilities.”

Stolzenbach said that if that language “were not clear enough,” the House and Senate reports on the legislation spelled out the congressional intent. For example, the Senate report stated:

It is becoming increasingly evident that any attempt to meet the area’s transportation needs by highways and private automobiles alone will wreck the city—it will demolish residential neighborhoods, violate parks and playgrounds, desecrate the monumental portions of the Nation’s capital, and remove much valuable property from the tax rolls.

NCTA had not scrapped the Mass Transportation Survey, but had embarked on analysis of alternative rapid transit and highway systems “in an effort to develop a combined system which will best meet the future needs of the region at the least cost.”

As for freeways, NCTA had to consider the elements that were committed and those still open to review. “A year ago it appeared that much of the system, including the proposed inner loop and radials in north Washington, was uncommitted.” That changed when the District commissioners proposed “a sharply accelerated highway program” for FY 1963 that moved interchange “C” up by 1 year and the Three Sisters Bridge by 4 years. “Construction of these key projects would have the effect of forcing construction of much of the highway system proposed in the mass transportation survey.” As a result, allowing these accelerated projects to proceed in 1963 “would contradict the directive given the Agency by Congress.” It also would “prejudge the issue of what shall be the future transportation system in the National Capital region—the very issue which Congress reserved for its decision by the passage of the National Capital Transportation Act of 1960.”

In response to questions from Senator Gale W. McGee (D-Wy.), Stolzenbach said NCTA had been working with highway agencies in the District, Maryland, and Virginia to estimate future traffic. This work had been underway for 2 years, but just recently a member of his staff had said the highway planners they were working with “were in complete agreement on all of the factors that were going into these traffic forecasts.” These factors would affect the balance of highway and transit proposed in the November report. “Quite obviously now, with the inferior transit service we have here, for many rides it takes twice as long to take the bus as it does to ride your car.” With a rail rapid transit system, that would not be the case. “We will relate it to the cost, the relative costs of riding public transportation versus driving an automobile, paying parking fees downtown.”

One of Senator McGee’s questions grew out of a study by Wilbur Smith and Associates that projected only a small percentage of traffic in outlying areas was downtown-oriented, thus reducing the value of rail rapid transit. Stolzenbach did not consider that a valid conclusion:

I cannot believe that if we have a rapid transit system it will not reduce the requirements for freeways because if you are going to get between 60 and 80 percent of the people who ride from suburbs to downtown peak hours [to] ride transit, you are . . . going to need the number of freeways that have been predicted.

The type of freeways under consideration “are not the kind of freeways required for the vast number of daily movements that are involved in a total daily county,” even though they were the type that BPR endorses for peak hour needs:

We certainly need more freeways, more highways. No question about it . . . I have been saying this ever since I have been in office. The question here is of the balance, and the balance has to be struck in relation to a large number of considerations: Costs, the disruption of the city, and meeting the peak hour requirements.

Senator McGee wondered about the role of buses if “we would have a rather well integrated freeway system and a minimal, maybe a minimal subway system downtown.” Would not buses on freeways make sense? Stolzenbach replied that NCTA would recommend many arteries to include bus transport, but buses entering the center “cannot do the job of distributing people in the downtown area rapidly and efficiently and if you require them to make too many transfers in

order to do this, they [commuters] are simply not going to ride transit and . . . solve the basic problem, which is to relieve congestion and to provide a more effective transit system.”

He was not prepared to unveil all the details that would be in the November report, but he said:

Buses have a role. Rapid transit has a role and the automobile has a role and the highways have a role. And I assure you that there is going to be a very substantial highway program recommended in our overall plan . . . .

We are zeroing in on it. We have some ideas as to the direction in which it is going . . . . Many of the major things are clear. We are trying to present a system that will stand up under a rigorous examination in terms of its economics, in terms of the things that it will do for this city.

When Senator Case’s question time came, he asked about the Three Sisters Bridge, “one of the things that have been concerning you as possibly prejudicing the results of your study if they are allowed to proceed.” He asked Stolzenbach if the bridge was the only project he wants the subcommittee to de-fund for 1963. Stolzenbach replied, “That would be my recommendation, yes, sir.”

Senator Case asked why NCTA objected to the bridge. Stolzenbach replied that as best he had been able to determine, “the principal justification for it is to provide a route for trucks to get into the District of Columbia from Route 66,” because they would not be able to use the Theodore Roosevelt Bridge. The question, therefore, was how trucks would get into the District:

If the traffic figures don’t show the need for another bridge, it seems to me that we ought to examine very seriously whether we are just building this bridge for the sole reason of bringing trucks into the District of Columbia.

He assumed alternatives existed, such as directing trucks from I-66 via Jefferson Davis Highway to the 14<sup>th</sup> Street Bridge on Shirley Highway, a distance of about 2 miles. “This highway exists; with a very minimum of modification [Jefferson Davis Highway] could be brought up to interstate standard and provide a perfectly adequate interstate truck route connecting with 66.”

(In this area, the Jefferson Davis Highway parallels the Potomac River from Crystal City to Rosslyn. It was built in the 1940s as part of the Pentagon Road Network. On December 17, 1964, the State took over ownership and maintenance responsibility from BPR for the Pentagon Road Network. The highway was then designated State Route 110.)

Another factor was the Mansfield bill regarding the Glover-Archbold Park. If that bill becomes law, “I think that that rather effectively closes out that as one of the major circumferential highways in the region.

What about the Potomac River Freeway, which the House had funded. Stolzenbach replied, “I think whatever funds were in there for the Potomac River freeway we could not comment.” It was essentially an extension of the George Washington Memorial Parkway “and we have had no question with this as a major freeway artery along the river there.” It was probably needed,

especially since Congress allowed funding for bus stations and parking lots along the memorial parkway. The Three Sisters Bridge was another matter. “We see nothing in the traffic estimates as far as we have gone that indicate the need for it and we feel again that there is no reason to make the decision now that you have to have Three Sisters Bridge.” [District of Columbia Appropriations for 1963, Hearings on H.R. 12276 before the Subcommittee of the Committee on Appropriations, United States Senate, 87<sup>th</sup> Congress, 2d Session, part 2, pages 1651-1667]

Senator Case invited Aitken to respond. Aitken said the Three Sisters Bridge was not exclusively for trucks. It “has formed a vital link in [the] proposed regional highway system ever since the publication of the 1959 mass transportation plan.” The need was solid since traffic across the river had increased from 100,000 in 1942 to 300,000 in the early 1960s. The river was a limitation on capacity directly affecting Virginia. Without additional bridge capacity, development of northern Virginia would be held back, but with it, would continue to attract Federal offices: “More Pentagons, more CIA’s, and so forth.” He continued:

The District might consider taking a completely indifferent attitude with reference to the needs and requirements of nearby Virginia, but there seems to be little doubt that a proper appraisal warrants action on a total metropolitan basis.

Insofar as practical, such action should be based on logic and practicality. The overall plan: It is ironic that some of the agencies contesting the Three Sisters Bridge are at the same time planning and advancing projects which require the Three Sisters Bridge, specifically, the National Park Service desires to close the East Drive between Lincoln Memorial and Reflecting Pool.

NPS wanted to get as much traffic as possible from the Lincoln Memorial. “With this reduction in traffic, it becomes all the more apparent that the construction of the Three Sisters Bridge must be accelerated.”

The Cabin John Bridge and the Woodrow Wilson Memorial Bridge were part of the Capital Beltway and would carry through traffic, but “only 3 percent of the passenger cars approaching this metropolitan area were interested in going past Washington.” The rest of the traffic remained within the metropolitan area. With those two bypass bridges on the fringes of the metropolitan area . . . we have a doubt at the moment as to whether these bridges will have a full capacity or will serve a full volume during peak hours, at any early date.” More information would be gathered when they both were in full service, “but the Three Sisters Bridge is a key element in the provision of this additional capacity.”

Senator Case asked Aitken what harm would occur if construction of the bridge were delayed until 1964. After all, by then, the District would have a better idea of how much traffic would use the Cabin John Bridge and the Woodrow Wilson Bridge.

Aitken replied that traffic would increase regardless. “I could not honestly say that if we didn’t build a bridge this year or next year that the area or the traffic situation would be totally impossible.” For example, the Washington Channel Bridge, which had opened on July 31, was already carrying 25,000 vehicles a day. Aitken could not predict “an absolute disaster” if the

Three Sisters Bridge were delayed for 6 months or a year, but “I think it would be unfortunate because I think that the built-up demands for highways in this area, as elsewhere in the Nation, are tremendous, and even if you work at it constantly it is difficult to catch up.” [pages 1667-1673]

General Clarke said he was concerned that those who were advocating delay of the bridge until after the NCTA report was released “would regard a deferral action on the part of Congress as tantamount to a disapproval of the particular bridge.” He observed that Senator Mansfield had already said he would oppose the Three Sisters Bridge and that the House District Committee also had recommended deferral, “so I am a little reluctant to fly in the face of both of those.” However, “I feel I should tell you my feelings on it.”

In addition to what Aitken had said, General Clarke pointed out:

Ever since I came here I was concerned that we build usable segments of our highway system, that we not build pieces here and there, but we start in the center and build out. If you will look at the pattern of our highway development program we are tackling the most difficult areas in which to build in the heart of the city and then are trying to take it out so that it will be usable as it is completed.

As noted earlier, NPS was building the parkway to the District line. The next link was the Potomac River Freeway, which would require a bridge in the vicinity of Three Sisters Islands. Therefore, “we should begin the Potomac Freeway to make allowance for that bridge to be built, and should actually build some of the structures of that bridge. This is what these appropriations would do this year; they would allow us to get started on that.” The situation, he acknowledged, was complicated by the fact that NPS had withdrawn its concurrence in the use of park lands for the bridge on July 19 in response to a question from Senator Mansfield.

Senator Byrd asked about the views of Arlington County, Virginia. General Clarke said he had not received any direct contacts from the county but understood from news reports that the county wanted to defer action on the Three Sisters Bridge until after NCTA released its report.

When Senator Case pointed out that the use of Glover-Archbold Park for a parkway was in doubt in view of the Mansfield bill and NPS opposition, General Clarke replied, “We have had three separate agreements with the Park Service on how this land might be used, and they have withdrawn on each one of them, sir.”

Aitken added:

The 1959 MTS plan included Three Sisters and Glover-Archbold as part of what they called the intermediate loop [Fort Drive]. We subsequently dropped that . . .

The current plan, he said, did not “contemplate anything in regard to the Glover-Archbold Parkway. He explained the current plan, known as M-7, that avoided Glover-Archbold Park:

Mr. Chairman, and gentlemen, for background this plan is identified in our records as "M-7." We started out with plan A, and this is indicative of how many plans we have

drawn to get to this point. [Referring to a map] This indicates the present Whitehurst Freeway. It crosses under Key Bridge, ties into Canal Road and Key Bridge and into M Street. This lower red line shows the location of the second proposed freeway. At this point, that is at about 31st Street, it would be about at the same level as the present Whitehurst, continuing westerly it loses elevation and curves under Whitehurst at approximately 33d Street. By the time the new freeway gets to Key Bridge it is under the present Whitehurst Freeway. Continuing to the west, the present connections to Key Bridge would be removed. Outbound, that is Whitehurst Freeway, would be extended on to the northwesterly – above the canal, above Canal Road, up on the bluff in front of Georgetown University . . .

Inbound traffic would come off Three Sisters Bridge. This is up in the air above Canal Road, curving to the right, and continue in an easterly direction on the bluff, below the outbound roadway, and extend easterly to this point just about south of Georgetown University. Canal Road would have only inbound traffic on it at this point, and such traffic would have an opportunity to get on the freeway, or stay on M. Street.

Old Canal Road likely will be an extension of one roadway to serve the George Washington Memorial Parkway, and it ties in directly with this freeway, and with M Street in Georgetown, so the traffic has a choice. Prospect Street would be extended to the west, and tie into a parking area at Georgetown University. This has been worked out with the university, and they support this plan. In the vicinity of the lower end of Glover-Archbold Parkway – I should back up and pick up M Street about a block west of Key Bridge. At this point traffic westbound on M Street would curve to the right and go up on the bluff to the right of the freeway, that is, between the freeway and the Georgetown University road, continuing westerly on the bluff and above the freeway, tying in at a point out just southwest of the intersection of MacArthur Boulevard and Foxhall Road. At that point, traffic again would have a choice. It could either continue up the parkway or curving to the right it could go to MacArthur Boulevard or Foxhall Road.

Senator CASE. Even if you do not run a parkway or freeway up through the park, you do plan to take quite a piece of the park . . . for use in this traffic pattern, do you not?

Mr. AITKEN. Well, sir, that is a one-lane loop, and I think the impact would be very minor.

Senator CASE. Is it elevated or is it ground level or what?

Mr. AITKEN. Well, no, sir; it is on fill and at ground level. These contours indicate the nature of the ground. That is 100 feet. This is 125 just west of the gym at Georgetown. It drops to 50, that is a total drop of 75 feet in a very short distance. While this would use some of the park, Senator, it also would get rid of somethings they would like to get rid of. The old transit bridge, and certain other undesirable things and the resultant facility would be landscaped and attractively improved. [pages 1673-1679]

Aitken said he wanted to make an important point, namely that “unless we can build, somehow, an integrated freeway system in the city, and in the metropolitan area, we cannot meet, we cannot adequately serve, our transportation needs in the future”:

There is no city in the land today which has a completed freeway system. Some cities are quite well along, but none of them have a completed system, and I think it is quite obvious if the Interstate System, for example, is built elsewhere, and it is not built here, I think we face some nice problems and nice predicaments.

He described the issues concerning the link between I-70S, which was built to Pooks Hill, and the District; the connection between the Baltimore-Washington Parkway and downtown Washington; how to get I-95 traffic from the District line to downtown, and I-66 moving from Virginia to the city:

Now, here we have an Interstate Highway System coming along . . . . I think there is a great deal of pressure for the reconstruction and modernization of that part of the Interstate Highway System . . . . We have these things coming toward the city. Are we going to say we will stop them out here, the beltway, or here some place at the river, at the District line? [pages 1685-1686]

Senator Byrd asked Stolzenbach about his coordination with District highway officials as they prepared the 1963 budget. Stolzenbach acknowledged that “it is evident that there is disagreement between the Agency and the District of Columbia Highway Department on what should be done next year.” However, they had established what he regarded “as probably the most important example of joint highway transit planning, in other words, total urban transportation planning,” that had ever occurred in the Washington area:

I was talking to the Federal Highway Administrator yesterday and he said he was terribly excited about it. That is one of the reasons why they have assigned five of their people, their technicians, to help us and observed it because they want to apply this joint technique to other cities where they have comparable problems.

He did not think any substantive or even procedural issue existed on planning:

It is sort of a question of whether you want to take a plan, essentially that was based on an all-highway solution that is 5 years old, and say that we are going to go ahead with this because money is available, or whether you want to wait just a little bit because we are not for a 5-year study or even a 1-year study. This is all in the mill, and next January Congress is going to have the most up to date and, I think, the best plan from the point of view of application, using the best professional planning techniques that we have available in a plan for this region. It will not be just an integrated highway plan, but an integrated transportation plan. [page 1687]

Officials continued sparring over the planned freeway network, then returned on August 10 to continue the discussion. General Clarke, after discussing his background and role, summarized what he saw as the transportation goal:

I think our major objective in all of these discussions is to provide a transportation system for the city that will be effective, that will meet the needs of the people, and will to some extent meet the desires of the people. And this is what all of our discussions are trying to

resolve, to come down to an effective, reasonable, desirable transportation system. And I think we are all agreed on this as our objective.

The Mass Transportation Survey recommended creation of a coordinating agency to get a mass transit program underway while area jurisdictions worked out a compact for a replacement organization to complete the job. The result, General Clarke said, was NCTA. He referred to views that NCTA was to take over transportation planning, including highway planning, and Chairman Whitener's report accusing the District commissioners of circumventing the will of Congress by not holding off on certain projects until NCTA released its report.

The intent of Congress in creating NCTA had become unclear. "There is language in there which has been cited by people who feel that there is a mandate, that there is a requirement that NCTA evaluate this study, and then presumably decide whether it is good or bad and then go on and do something." At the same time, Congress had expressed its will in other ways:

As I see it, the intent of Congress is expressed in the legislative history, the act itself, and in the actions of Congress subsequent to the passage of the act, and by certain things that were not said in the act that created the Agency.

For example, Congress had continued appropriating funds for highway development after passing the National Capital Transportation Act of 1960. In that legislation, Congress had included a prohibition on freeway construction in a part of the city as an outgrowth of the U.S. 240-I-70 controversy:

And it has always been my feeling that since Congress specifically forbade this particular item, and was silent on the other items, that the intent of Congress was that the remainder of the program continue. And this seems to be supported by the continuing actions of Congress in appropriating money as we went along.

He also referred to the language in the 1960 Act referring to highway development by the agencies with jurisdiction. In his view, NCPC was the overall transportation planning organization for the area and particularly the city – "all the aspects of life in the District of Columbia, the planning of that falls to their organization." He continued:

So that I think the intent of Congress was that the highway program as developed continue and that there be developed an accompanying transit plan. In the act Congress included what I would consider boilerplate language, which said that the Agency was to evaluate the transportation plan.

This does not mean to tear it apart or hold it up, but to evaluate it and work along with it. And it talks about cooperation and coordination of all these programs as we move along. [pages 1692-1694]

Senator Case said he understood the difficulties involved in transportation planning, particularly in a city where Members of Congress were involved in details that were handled without congressional involvement in other cities. "I express my own sympathy to you," he told General Clarke, adding:

The fact that you have disagreement as to what these things mean doesn't disturb me in the least. This is a contribution to us who have some responsibility on this subcommittee and to the Congress, and I am sure to the President, with whom I suppose the ultimate decisions for recommendations at least must lie, in the absence of any other machinery that is set up to make final decisions here.

Meaning, he said, no disrespect to the District commissioners, highway officials, or General Clarke, Senator Case said he was convinced that some form of mass transit was essential for the Washington area:

This to me suggests the desirability of attempting before we do much more—in fact, I think anything more—in the way of major projects, that we do know a little bit better what the answer to that problem may be.

He thought, for example, that some freeway projects might incorporate rapid rail transit and, therefore, should be wider than currently planned:

And perhaps it would be wise to wait until we get this particular plan before us before we go ahead with other projects, which I think it is true may by their own momentum or the logic of their existence require further things—for example, the building of Three Sisters bridge it seem to me would logically suggest—you have got this great project here, which could, if extended through a northwest loop, be much more valuable than it is sitting here.

And perhaps it is desirable at this point to wait for the 2 or 3 months that we would wait until we have the whole picture, not only among you, because I think you all probably know what each other's thinking is pretty much according to law, but we can't know more than that, and the public can't know.

General Clarke said that as far as the projects NCTA wanted to defer (Three Sisters Bridge and interchange "C"), none of the agencies "had contemplated that they would try there to make dual use of those particular structures for transit. By contrast, for a radial facility such as the Northeast Freeway, "every consideration should be given there to the use of the median strip."

Senator Case replied by referring to the report Chairman Bible's committee had issued on June 21, 1960, regarding the legislation that established NCTA. The language discussed the Mass Transportation Survey, saying it was "a valuable starting point," but accepting it without further study "would be a mistake." The report stated:

In particular it appears that the highway agencies will not be able to build new freeways nearly as fast as called for in the plan. Since it is a balanced plan and the elimination of any one facility calls for an elimination of the other or a change in the location of major traffic arteries, the failure to build all the highways will call for a reassessment of all the parts of the plan . . . .

Senator Case admitted that trying to figure out the intent of Congress "is more than I know." He believed the 1960 Act was not intended simply to develop a transit plan, but rather to take "an overall relook at the transit problem in the District and in the metropolitan area." He understood

the desire of the District commissioners and highway officials to proceed as fast as they can to overcome “the layers and layers of approvals that they have to obtain in all the agencies,” but Senator Case still believed that this language reflected “what Congress really meant when they set up this agency, and it would be well for the subcommittee, as I see it, now to take that as a general guide.” [pages 1699-1701]

Later that day, the headline in *The Evening Star* read: “Case Would Delay Three Sisters Span.”

The hearings continued on the morning of Saturday, August 11, this time with only city officials on the panel. The day’s hearing covered many of the topics discussed the previous 2 days, but two items made news.

General Clarke, referring to Chairman Whitener’s highly critical report, asked for help from the Senators in understanding the congressional intent in creating NCTA:

I do not enjoy the position of advancing a position which seems to be counter to the position which a subcommittee of the House has adopted . . . . I would be hopeful that there would be some way of clarifying once and for all what is the intent of Congress. I had thought that the intent had been portrayed and shown by Congress over the past years in making continual appropriations to carry on our program. I thought this was a clear indication—but perhaps I was wrong.

But I suppose that, in a way, we are here asking your subcommittee to help determine for us what is the true intent of Congress in carrying out this program. I do not wish to pass the buck to your subcommittee, but I think it is clear that my position is not the position that the subcommittee of the House District Committee adopted.

Aitken pointed out that the House appropriated funds for the Three Sisters Bridge; “in the event the Senate should do likewise, these two actions might be indicative of the will of the whole Congress.”

Senator Byrd asked how the District would react if the Senate were to delete the \$300,000 in view of the House District subcommittee’s report. “Would you proceed, do you think?” he asked.

General Clarke replied, “No, sir; I do not think we would. I think we would regard this, then as a clear indication that Congress at the moment does not want a bridge there.”

Senator McGee suggested that such an action might mean simply that the Congress wants the District to wait for the NCTA report, not that Congress opposed the bridge. [pages 1757-1758]

The second point was that Senator McGee was upset about a front page story in the *Post* that morning. According to the article, a spokesman said BPR was “deeply concerned” about the disputes between District highway officials and other officials who want to hold off on construction until a mass transit system is developed:

“By law, we make the 90 per cent funds available for certain specific purposes—namely an interstate road system, a spokesman for the Federal agency said yesterday.

“If we find that the projects we are supporting are not going to be part of the interstate system, then we will have no alternative other than to request the return of the funds. The consequences for the District could be rather serious.”

Even if the District were required to return Interstate construction funds, the city would still be obligated to pay for its long-term highway construction contracts:

To do so, the District presumably would have to divert many millions of dollars away from schools, health facilities and other services which the city is already hard-pressed to provide.

A cutback could even affect completed projects that had been built with 90-percent Interstate funds, such as the 14<sup>th</sup> Street Bridge, the Washington Channel Bridge, portions of the Southwest Freeway, and even the District’s short section of the Capital Beltway on the Woodrow Wilson Memorial Bridge:

“They are all part of the overall plan for the region,” the Bureau official said. “If we are now going to start pulling pieces out of the plan, then we may have to abandon the plan and start all over again.”

If this were to happen, the roads now completed would be considered local roads and a new interstate system would have to be planned, he said.

BPR had been considering the issue for some time and had discussed it with District officials:

He said the Bureau will make its decision soon, possibly in the next few weeks. “We are at a crossroads and we have to act pretty quickly,” he said. [Clopton, Willard, “D.C. Facing Cutoff of Road Cash,” *The Washington Post and Times Herald*, August 11, 1962]

An angry Senator McGee said:

I think it would be of interest to the committee, Mr. Chairman, to know if this was released at this point in order to threaten the committee in trying to make an honest deliberation on this question.

If that is the case, who cocked the gun, I think we ought to know that.

I personally resented the appearance of the story at this time, when we are making our attempt to get the facts on this question.

And if this is an attempt to do that, then I think the committee ought to know how far they really can go in the cutting off of the funds while the Congress is trying honestly to consider all the information that is involved in reaching a decision that is in the interest of the Nation’s Capital and the surrounding areas.

And I would hope that we might have a little light shed on that, because I assume that it is the hesitancy over Three Sisters and over the circles [Inner Loop] in the east part of town, the suspension of those for the time being, that is really what has provoked this and brought it to the surface.

General Clarke quickly replied:

May I comment first on the point of a release timed with the hearings, and state in all honesty and sincerely that I had nothing to do with the timing of the release or the substance of the matter which was in the release.

I would like the record to show that clearly.

Senator McGee wanted to know the name of the BPR spokesman who released the statement to the *Post*. General Clarke said he did not know the name. "I was called out of bed this morning by other newspapers trying to find out the same information." He promised to try to find out in time for the afternoon session.

General Clarke added that the article was fairly accurate but not entirely so. He had met with the NPS Director within the past week along with BPR officials. Participants discussed the possibility that funds might be withheld. "But I assure the committee that this is not in the form of a threat--."

When the hearing resumed on Saturday afternoon, Federal Highway Administrator Whitton had joined the District panel. By then, the *Star* had published a similar article about the threat to withhold funds. The article quoted Whitton:

"We discussed this with the District," Mr. Whitton said, "but there was no ultimatum. We set no date for them. We also cannot roll up the highways that are already there.

"We just said to them: Here are some things you ought to think about. Some day you just have to finish your planning and start to work. If we can't get a highway through the District, I don't know if we should build roads into the District."

Referring to the work on the South Leg of the Inner Loop, he continued:

"The Inner Loop was agreed to as part of the interstate highway system," Mr. Whitton said. "If we build the South Leg and can't complete the other ones, then the South Leg is not properly designed. We have to have a balanced road system."

General Clarke told the reporter that he could not imagine BPR filing suit for a refund, which would require the District to go to Congress to appropriate the money "to pay up." The District, in short, would be hard put to refund Interstate funds. General Clarke made clear, however, that no one was discussing reducing funds for schools or other city services to repay BPR.

Regardless, Whitton said, "We have had no falling out with the District. We'll continue to work together":

But he made it clear that the Federal funds are available for use only in interstate systems, not local spurs, and if a road network turns out to be not a part of an interstate system, the bureau has to request the return of its funds.

Because the local roads would be eligible for BPR's usual 50-percent reimbursement under the non-Interstate program, BPR would not require a full refund. I would seek repayment only for the difference between 50 and 90 percent reimbursements. ["Road Bureau Prods D.C. on Slow Pace," *The Evening Star*, August 11, 1962]

Senator McGee asked Whitton to "shed any light on" why the two articles appeared while the subcommittee was debating whether to delay appropriations for several freeway projects.

Whitton replied:

The story, the timing of the story is absolutely coincidental. We make no release of it. A reporter called us and asked the questions, and we answered them. We had no ulterior motive whatever, other than to answer questions . . . . We did not initiate the story, nor did we plant any questions anywhere to cause the story to be brought up.

Senator McGee expressed the "sensitivity" of the timing because the subcommittee had been deliberating for 2 days "on this question of trying to resolve, if possible, this at least quasi-impasse that has arisen with the District on this question." He asked Whitton to comment on whether delaying the projects until NCTA releases its report in November would affect Federal funds for the District.

Whitton explained that the Federal-aid highway program was funded through highway user taxes that could be used for no other purpose. If a State or District does not use the funds made available to it, "the people are not getting the benefit" they paid for. The District of Columbia was in "a peculiar position" regarding the use of Interstate construction funds because it was entirely urban:

Now, any other State highway department has rural interstate routes. And if they get tied up in a city, and it is not uncommon to be tied up on construction work in a city, they can spend their money outside, in rural areas, and keep the money at work, or keep it going, and get the highways built.

But the District is in this peculiar position where they have no rural area to spend the money. And that is the reason we hate to see it tied up.

I think they probably have \$40 million or so interstate funds now available to be spent on construction projects.

He also explained the circumstances that might prompt BPR to cut off Interstate funds for the District:

We would cut off no funds to the District until we had been told, or had found out definitely that some of the interstate routes within the District had been removed from the Interstate System.

And then, when we made the next estimate of cost to the Interstate System, which I think is in 1966, our estimate would then be based on the Interstate System as in effect at that time.

Just to clarify, Senator McGee asked whether delaying interchange “C” or the Three Sisters Bridge would provoke BPR to cut off funds. Whitton replied, “It would not.”

Whitton said that a number of routes had been designated in the District, including the Inner Loop, a connection to Baltimore, and so on:

Well, if some of that inner loop is taken out, then it is not a part of the Interstate System. Or if so much of it is taken out, that we do not have a connected highway through the District, then much of the now interstate routes in the District might not qualify to be in the Interstate System, because the Interstate System has to be a connected system, as we see it.

Senator McGee wanted to confirm that simply delaying action would not result in a funding penalty for the District. Whitton replied:

That is right.

But let me be honest—we do regret delays, because we are anxious to get the money working.

Senator McGee summarized:

Well, I think that is what the real meat of this particular element in the controversy is. I do not think anybody on the subcommittee would have in mind using delay as a trick to defeat or destroy. Because the only question that has been raised here in this hearing, I believe, in all fairness to all sides, was the wisdom of trying to delay until the report was submitted which the President has requested for the 1<sup>st</sup> of November.

And if it became clear that, subsequently, this would be used only as a tactic to delay further, I think that would require a very sober assessment by the subcommittee.

Senator Case wanted to know if BPR could pay for a wider median to accommodate transit. Whitton replied, “I do not think there is any legal objection to that” if the expenditures were limited to restoring a disrupted rail line. He cited Congress Street in Chicago where the Interstate followed the alignment of a railroad that had to be restored.

Senate Case asked if BPR also could pay for construction of a new rail line. Whitton said that BPR could not pay for the rail line or the right-of-way to accommodate it. “I think the rail system ought to pay that cost.”

When the Senator asked if the distinction Whitton was making was stated in law, Whitton replied that he could not repeat the language of the law. "But I think that the money that comes into the trust fund is reserved solely for the building a highway, or for the engineering of a highway, or for the right-of-way for a highway."

Next, Senator Case asked about the use of Federal-aid funds for bus lanes. He quoted a report by the Housing and Home Finance Agency to the President enunciating a policy that would allow the use of Federal-aid highway funds for exclusive bus lanes "when comprehensive transportation plans indicate this to be desirable." Whitton explained:

We are anticipating that it will be legally possible for us to provide lanes for the exclusive use of buses if the volume of bus traffic justifies it. We might even provide lanes for buses that can use it from 7 until 9 o'clock in the morning, and from 4 until 6 o'clock in the afternoon. We would have to have policing of such an arrangement.

What was clear was that Federal-aid highway funds might be spent to provide lanes for buses, if Federal law were changed to permit it, but not for rail transit.

Senator Case returned to the *Post* article, asking how it came out. Whitton repeated the explanation that a reporter "called 2 or 3 days [ago] and talked to our public relations people." BPR had nothing to do with the timing of the article. "It is not premeditated whatever. I hate to tell you, but I did not even know you were in session."

Senator Case asked if the timing had anything to do with the NPS decision to withhold approval of the Three Sisters Bridge. Whitton acknowledged that BPR was "disturbed" by the NPS action. "But our release had nothing to do with it":

Senator Case. You can understand, of course, our concern, that an agency of the Federal Government should be attempting to make propaganda.

Mr. Whitton. No, sir. We definitely did not intend it as such.

Senator Case. It always backfires, and it especially backfires on Members of Congress.

Mr. Whitton: We would be the last one to do that.

Although Senators Case and McGee appeared satisfied, Whitton wanted to clarify one point:

The south leg that is now being built, and is designed, it is designed with the thought that it would comprise part of an inner loop. If all of that inner loop is not built, it could well be that the south leg . . . will not be designed correctly.

Senator Case wanted to discuss another issue, namely whether Interstate routes entering the city had to go all the way through. "Cannot interstate roads end in a metropolitan city?"

Whitton did not think so:

I just do not think that the Shirley Highway could come into, say, the downtown part of Washington and stop there, without going on and making a connection to the road going

to Baltimore, and still be part of the Interstate System. It could be an urban expressway. But not interstate.

The key was that the routes must be part of a connected system. A route “could flow around [a metropolitan area]. But if it started in, I think it has to flow on through.”

Senator Case asked about tunnels, and Whitton replied:

We can pay for a tunnel where that turns out to be the cheapest and most effective and efficient way of handling the traffic.

Whitton cited examples such as the tunnel west of Denver, adding that if “people still want a tunnel, then I think it is our duty and responsibility, unless Congress decides otherwise, to pay only the cost of the open cut type of highways . . . .

Senator Case asked about building tunnels under the Washington monument. Whitton replied, “Along with the District people, we are dedicated to doing the best job with the least disturbance to the established homes and businesses possible.” That included monuments.

With that, Whitton’s testimony ended, and the subcommittee returned to other subjects related to the District’s transportation needs. [pages 1805-1818]

The committee report on the hearings included many letters from others who did not testify, including a September 13 letter from Senator Randolph, then writing as a member of the Subcommittee on Roads of the Committee on Public Works. Attacks, he wrote, on the District’s capital outlay budget for highways had “created much confusion.” Referring to NCTA’s request to delay the East Leg, interchange “C,” and the Three Sisters Bridge, he said that those seeking delays “apparently are obscuring a number of facts which should be brought into focus.” The 1963 budget represents “the minimum highway needs” if the District “is to keep pace with regional and national highway development.” The budget, he wrote, was based on the Mass Transportation Survey of 1959 and approved by NCPC.

Moreover, the freeway network was designed to include rapid transit, whether by rail or nonrail. “Actually, if there should not be brought into being a rapid transit program, the proposed freeway planning will of necessity have to be much enlarged.”

Those seeking delays apparently did so “on the premise that there is a question of highway versus nonhighway facilities” for the area. This was “an unfortunate mistake” that threatened the highway program now and may threaten the transit program later.

Further, the charge that the District had accelerated its program to get ahead of NCTA was mistaken. Following the 1959 Mass Transportation Survey, Congress in 1961 had increased funds for the Interstate program, which “made it possible to proceed with the original program at a more rapid pace.” Congress created NCTA to study the rapid transit aspect of the 1959 transportation plan, including the possibility of a subway. “This meant that the second part of the overall transport plan was underway; the highway phase already had begun.”

Senator Randolph also addressed NCTA's role, which he said was subject to "additional misunderstanding." In studying mass transit, NCTA was concerned primarily with "home-to-work movement while the highway program is being designed to handle the everyday demands of modern motor vehicle traffic," which he pointed out was "only partly involved in the home-to-work movement." The truth was that "there is an ever-growing volume of motor vehicle traffic of all types that must be served," including trucks serving the area's commercial needs. "Unless these demands are met, this area will be faced with a staggering problem of traffic congestion." Delay in the freeway program will "only multiply the many serious problems that ultimately must be solved."

If the freeway system was delayed until a decision is made on a subway system, the city will be unable to do anything to address growing traffic demand, including visitors:

More than 90 percent of visitors travel in their own automobiles. It would be tragic if Washington's highway condition became such that the city would be classed as a place to avoid.

The date of NCTA report, November 1, 1962, was going to be only a starting point, to be followed by intensive hearings in 1963 to determine if its recommendations are physically possible and financially reasonable. Congressional review could take a year or more, while "highway traffic volume increases almost daily, endangering the commerce of the city and posing a serious problem of public safety." He agreed that if the area embarked on a rail rapid transit system, including a subway, some freeway plans might have to be changed, but "if the highway program is stopped until the subway plan is fully evaluated, the time lost can never be regained."

Senator Randolph also pointed out the District's freeway network, including its controversial parts, were part of a metropolitan area network within the Interstate System. The freeways must be coordinated with their links in Maryland and Virginia. "Changes in the vital parts of the plan could result in these roads being considered ineligible for inclusion in the interstate program."

In closing, he urged the committee to appropriate funds to keep the District's freeway program on schedule. Not doing so would mean costs would increase, downtown commerce would continue to deteriorate with a resultant loss in revenues, and Interstate funds might be lost. [pages 2476-2477]

That same day, August 11, Thomas W. Richards, vice-chairman of the Arlington County Board, accused the District of Columbia of plotting to spoil the county's residential areas so it can get more Federal-aid highway funds. He was referring to the Three Sisters Bridge:

To get 90 per cent Federal financing for the Potomac Freeway it wants to build, the District has got to connect it to an Interstate System which accommodates trucks. So it proposes to link it to a new bridge and then spoil our residential areas by ramming heavy truck traffic through. This is expediency rather than planning. It is a thinly veiled attempt to bail the District out of paying for the Potomac Freeway.

He indicated that the District's request for \$300,000 for the bridge in its 1963 budget was just a ruse to begin minimal construction before NCTA releases its report:

We feel that this fine park on the Virginia shore should not be destroyed simply to accommodate the District of Columbia's freeway schemes. ["Arlington Charges 'Plot' In District Road Plans," *The Sunday Star*, August 12, 1962; "Member of Board Opposes Bridge Link," *The Washington Post and Times Herald*, August 12, 1962]

The District, fighting to save its highway program, released a half-hour color film called "Freeway" pointing out how an up-to-date freeway system could eliminate congestion. At the end of the film, General Clarke said:

The alternates are clear: completion of the freeway system, with people and goods moving and community life flourishing—or construction stopped, goods and people slowed down, with the accompanying blight and decay . . . ."

WMAL-TV was to debut the \$2,000 film on Wednesday, August 15, at 9 p.m. It would then be made available to community organizations for showings with speakers available to discuss the District's Interstate program. ["D.C. Movie On Freeways Is Released," *The Washington Post and Times Herald*, August 12, 1962]

As part of the public relations effort to gain support for the freeways, Aitken, appearing on WWDC's "Report to the People" on September 1, said he wished the public would express the same support for highways that it expressed for automobiles. The District, he said, had the highest per capita income in the country, with automobile sales rising steadily. At the same time, the public expressed "no particular interest" in the freeway network those cars needed. "It makes me wonder philosophically, why."

After all, the purchase of cars was "an implied endorsement of automobility." He wondered if the lack of public support resulted from "a feeling of people that the debate about freeways is academic, something that they feel they personally can't do anything about." Even the harshest critics, he suggested, preferred their automobile to rapid transit, despite their desire to delay freeway construction until the mass transit system was worked out. ["Aitkin [sic] Seeks Public Help on Freeways," *The Washington Post and Times Herald*, September 2, 1962]

On September 25, Robert Moses was in Washington for a presentation to the 11<sup>th</sup> Annual Commissioners' and Governors' Conference on Metropolitan Washington Traffic Problems. (The Governors' Conference was the forerunner of the National Governors Association.) In his remarks, he discussed the congressional delays in the freeway program:

It is not in the public interest to delay this program on the theory that an as yet undisclosed and undetermined rapid transit system will make such highway arterials unnecessary, or materially alter the proposed network.

Washington was, he said, "a car and bus town," resulting in a need to improve transportation for these vehicles. He did not completely discount the need for mass transit:

There are locations where rapid transit can be combined with vehicular lanes with the same right-of-way, but not many. No doubt commuter subsidies of some kind are inevitable, but they should depend on superior rail service after the relative roles of the train, bus, car, and aircraft have been determined by experts concerned only with the truth. ["Moses Fears Transit May Delay Highways," *The Evening Star*, September 26, 1962]

On September 27, 1962, the Committee on Appropriations completed work on the District of Columbia Appropriation Bill, 1963. Regarding freeways, the committee's reported stated:

Funds for the interchange C project, together with the Northeast Freeway and the east leg, were disapproved by the House, and this committee concurs in this action.

The committee also deleted \$760,000 for the Southeast Freeway (13<sup>th</sup> Street, SE, to Barney Circle) because Director Aitken had testified on August 9 that although the House had appropriated funds for the project, "I am going to suggest to you, sir, that there is no need for this appropriation in 1962 with interchange C out because I cannot use it." [page 1688]

Without mentioning the proposal to shift the East Leg to cross park lands along the Anacostia River, the committee addressed the idea by citing a provision of the law, signed on June 2, 1950 (Public Law 81-534), authorizing construction of the East Capitol Street Bridge across the Anacostia River:

That neither the bridge, approaches, nor connecting roads provided for herein shall be planned or constructed through the National Arboretum on the west bank of the Anacostia River.

The report continued:

District officials are reminded that over 12 years ago Congress thus expressly precluded any plans for the construction of highways or parkways through the National Arboretum, which has since been improved at a cost of over \$8 million. In view of the longstanding legislative history on this matter, the committee expects that District officials will make no further use of planning or other funds available to them for developing future proposals which contemplate the use of the National Arboretum for highway or parkway purposes.

In short, the District was free to consider shifting the East Leg to a river alignment as long as it did not encroach on the National Arboretum.

(Like so many other projects in Washington, the East Capitol Street Bridge was the subject of extensive controversy in the late 1940s. District officials wanted to construct the new bridge at East Capitol Street. The National Capital Park and Planning Commission favored a bridge at Massachusetts Avenue. For example, General Grant, testifying as an official of the American Planning and Civic Association, said the District's preferred location would do "irreparable damage" to the area and result in such "intolerable" traffic congestion around the Capitol that Congress might have to appropriate funds for tunnels to carry the overflow on Independence

Avenue and Constitution Avenue. During the debate, Acting Secretary of Agriculture K. T. Hutchinson submitted an amendment to a bridge bill that resulted in the provision protecting the National Arboretum from intrusion by a highway or parkway. The *Star* called the fight between the city and critics the “battle of the bridges.” [Rogers, Harold B., “Grant Criticizes City Heads’ Effort On Bridge Site,” *The Evening Star*, March 14, 1950]

(President Truman approved Public Law 81-534 on June 2, 1950. The bridge opened on November 10, 1955, following dedication ceremonies presided over by District Commissioner Spencer. On a rainy day, he told the crowd of about 300 that opening the \$16 million bridge was a “pleasant task.” It was, he said, “a monument to the skill, energy and vision of the city’s engineers and planners.” Miss Tippy Stringer, the “Weather Girl” on WRC-TV who also hosted cooking and homemaking shows on the station, cut the ribbon:

Miss Tippy Stringer, television star, came bareheaded to cut the red satin ribbon . . . . As her scissors parted the satin, Miss Stringer said, “I dedicate this new bridge to the motorists of the Nation.”

Samuel Spencer, president of the Board of Commissioners, handed the blonde television personality a bouquet of chrysanthemums. Nine-year-old Don Sennott, of 1712 D st. ne., clamored for her autograph, which he got on a wet matchbook.

(Eventually, the bridge was expected to carry 90,000 vehicles a day. [Bassett, Grace, “E. Capitol St. Span Opened In the Rain,” *The Washington Post and Times-Herald*, November 11, 1955]

(In a ceremony on June 13, 1974, the bridge was renamed the Whitney M. Young Jr. Memorial Bridge in honor of the former leader of the National Urban League who had died in 1971. [“Bridge Honors Whitney Young,” *The Washington Star-News*, June 13, 1974] In 1992, the *Post*’s Alan Bisbort described the “steel-plate girder bridge” as “lean and streamlined.” [Bisbort, page 9])

Regarding one of the most controversial projects on the District’s agenda, the committee approved \$300,000 to begin construction of the Three Sisters Bridge. However, it did so “with the understanding that the District of Columbia Highway Department will not proceed with the project until the report of the National Capital Transportation Agency has been submitted in November 1962.” Further, “if that report is against the Three Sisters Bridge, the Commissioners shall proceed with the construction of the bridge unless before March 1, 1963, action to negate such construction shall have been taken by either the Senate Committee on Appropriations or the House Committee on Appropriations.”

Finally, the committee stated:

Furthermore, it is the view of the committee that no funds allocated to the District of Columbia’s highway program shall be used for the construction of the Glover-Archbold Parkway. The committee further recommends that the District of Columbia cooperate in the preservation of this natural park. [District of Columbia Appropriation Bill, 1963,

The Senate considered the bill on September 28. After the Senate had considered many other provisions, Senator Byrd discussed the highway provisions. He said that the District appropriations subcommittee had provided in its report that if NCTA's report was against the Three Sisters Bridge, the District "shall not proceed" to construction. The Senator explained why the committee changed the subcommittee wording:

It was the feeling of those of us who wished to strike out such language that if it were to remain, it would, practically speaking, give the National Capital Transportation Agency a veto over the location and construction of the Three Sisters Bridge and, indirectly, over the design and construction of the Potomac River Freeway . . . .

We believe that the action taken by the full committee yesterday in striking out the earlier language removes a straitjacket which had been applied to the freeway program in the District of Columbia . . . .

In one of the few discussions of the freeway plans during consideration of the bill, Senator Randolph asked Senator Byrd to confirm that the NCTA report was due on November 1, 1962. With that in mind, he hoped that neither the Senate nor the House Committee on Appropriations would delay construction of the Three Sisters Bridge. Having been a member of the House District Committee for 14 years, and chairman for 7 years, he understood the difficulty of resolving the contentious issues Senator Byrd faced. He said nothing had happened since he wrote his September 13 letter to the Committee on Appropriations to change his mind:

I continue to believe it would be a mistake to create roadblocks against a consistent moving forward with the freeway program for the District of Columbia and adjoining areas of the Metropolitan Washington complex. I feel that, to a degree, some recognized errors have been made—not by the subcommittee, not by the Appropriations Committee, but I feel there has been a slowing down of the highway and bridge and freeway program—at least by some persons.

He understood that the critics' positions "were well taken but, I repeat, they have argued it almost to a complete standstill." He was concerned that delays and postponements of possible solutions, both commercial and passenger, were becoming "snarled in the web of confusion here."

He cited the statement by Robert Moses that delay was "against the public interest," a comment coming from "an expert, a knowledgeable person in this transit field." Senator Randolph also cited recent *Star* and *Post* editorials. The *Star*'s September 23 editorial, "Highway Disruption," quoted Senator Randolph's letter. "These are meaningful words," the editorial stated, because "no evidence has been produced by anyone to contradict the assertion of District officials that, regardless of transit proposals, more bridge capacity across the Potomac is essential for motor vehicular traffic."

Similarly, no one had produced evidence that any location other than Three Sisters Island “would be as suitable from the viewpoints of topography, traffic service, residential dislocation, or cost.”

Relatively few freeway projects were underway, but motorists were well aware of “the frustrating and time-consuming traffic jams they create.” Delays meant that the District would have to build the freeways in a shorter period, resulting in an “intolerable mess.” The editorial expressed the hope that the Senate committee would “expedite the unduly delayed freeway construction program.”

The *Post*'s September 22 editorial, “Roads and the Budget,” stated that any basic highway system for the Washington area required the Three Sisters Bridge and the Potomac River Freeway, as well as interchange “C” and the East Leg. The growth of the suburbs was one reason why another bridge was needed to supplement the Key Bridge. “Neither the District nor, for that matter, Congress, can control the pattern of population in the suburbs.” Transit might “reduce the pressure on the roads,” but traffic that could not adapt to rail travel would increase in any event. The “economic viability” of the city depended on addressing the transportation problem.

The Senate Appropriations Committee should have restored the funds the House committee had withheld for interchange “C,” the East Leg, and the Northeast Freeway in the face of a divided Board of Commissioners. In that case, the House-Senate conference committee could retain them in the final bill. The editorial concluded with a reference to NCTA’s report, still 6 weeks off:

To hold up all decisions on highway construction for another year, particularly on such insubstantial grounds, would do the city genuine damage. If Congress wishes to insure coordination between transit and highway builders, the committees certainly have the authority to require it.

After securing approval from his colleagues to reprint the Moses article and the two editorials in the record, Senator Jennings concluded:

We must all realize this is a growing city. The number of visitors to this city will increase by the millions in the years ahead. I have spoken because I felt there could not be a disregard of the needs of the city, particularly highway construction.

Without further discussion of the freeway controversy, the Senate approved the bill, which would have to be reconciled with the House version. [District of Columbia Appropriations, 1963, *Congressional Record-Senate*, September 28, 1962, pages 21188, 21238-21241]

The *Star*, in an editorial about the “needless” restriction on the Three Sisters Bridge, commended Senator Byrd for securing the compromise language that would allow construction to begin unless either Committee on Appropriations takes affirmative action by March 1, 1963, to halt the project. Because General Clarke indicated the city would not be ready to begin construction before then, the restriction was “confusing as well as unnecessary”:

No Commissioner in his right mind would proceed to spend money if an Appropriations Committee, even on an informal basis, told him to stop . . . . In the unlikely event that

some persuasive argument against the bridge should turn up within the next few months, Congress would have ample time to step in—with only a modest amount of money having been spent in the meantime on the bridge design.

The confusion over the language, the editorial said, “can best be cleared up by eliminating its source.” [“Needless ‘Restriction,’” *The Evening Star*, September 29, 1962]

When conferees met, they soon found themselves deadlocked on one issue: the Three Sisters Bridge. By October 4, the *Star* was reporting that conferees were “stuck fast over the city’s controversial highway program.” According to reports, House conferees were “holding out for removal of the restriction and will take nothing else.” Referring to the more restrictive language in the Senate subcommittee’s report, the article said that Senator Byrd has “succeeded in modifying the language and removing the virtual veto power the NCTA held over highway plans.”

Senator Case, the newspaper reported, was leading Senate conferees who wanted to retain the language from the Senate report. The Senators were split, 4-4, on the issue. One House conferee said his delegation would remove the Senate restriction if “we have to stay until the snow falls.” [McKelway, John, “Highway Controversy Stalls District Budget,” *The Evening Star*, October 4, 1962]

The stalemate over the issue continued until October 10 when Senator Hayden, chairman of the Committee on Appropriations, took an unusual step, initiated by Senator Byrd, to complete the conference. On the Senate floor, Senator Hayden said:

Mr. President, I ask unanimous consent that the Presiding Officer appoint an additional conferee on the part of the Senate in regard to the District of Columbia appropriation bill for 1963, H.R. 12276.

Without objection, it was so ordered. [District of Columbia Appropriation Bill – Additional Conferee, *Congressional Record-Senate*, October 10, 1962, page 22933]

With this authority, Senator Byrd added Senator Absalom W. Robertson (D-Va.) to the conference, with assurance that he would break the tie among Senate conferees in support of the bridge project and allow the conference to conclude its work. [McKelway, John, “Congress Ends Deadlock Over District Budget,” *The Evening Star*, October 10, 1962]

The *Star* praised Senator Robertson for coming to the rescue to overcome “the dogged determination of four Senate conferees to impose some kind of condition” on the District’s plans for the Three Sisters Bridge:

Their feeling, as nearly as we can make it out, is that contrary to all traffic estimates and the best judgment of the District Highway Department, the National Capital Planning Commission, the Federal Bureau of Public Roads and most of the experts in Virginia, maybe the bridge is not needed.

The “whole silly business” was ironic since the restrictive language “had very little meaning anyway.” [“Robertson to the Rescue,” *The Evening Star*, October 11, 1962]

With Senator Robertson’s tie-breaking vote, the conference committee completed its work on October 10. Regarding capital outlays, the conference report stated:

The committee of conference is agreed that construction of the Three Sisters Bridge should proceed according to the plan set forth in the budget in the amount of \$300,000 as provided in the bill. Furthermore, it is the view of the committee of conference that no funds allocated to the District of Columbia’s highway program shall be used for the construction of the Glover-Archbold Parkway. The committee of conference further recommends that the District of Columbia cooperate in the preservation of this natural park. [District of Columbia Appropriation Bill, 1963, Conference Report to accompany H.R. 12276, U.S. House of Representatives, 87<sup>th</sup> Congress, 2d Session, October 10, 1962, Report no. 2548, pages 4-5]

When the House took up the conference report on October 11, Chairman Natcher discussed the conferees’ decisions on freeways. During the House hearings, he said, pro-transit and pro-highway advocates “used every political issue and every possible source of opposition to bring about confusion and disorder.” This rivalry was “dangerous and certainly not [in] the best interests of the future development of our Capital City.” He explained how the two District commissioners had asked his committee to withhold funds for the East Leg, interchange “C,” and the Northeast Freeway:

Our committee believes that, where thousands of people will be displaced, every precaution should be taken prior to construction to protect these people before they are forced out of their homes. We have been assured by the Commissioners that, before funds are requested for the deleted items, some solution will be reached solving this major problem.

He described the stalemate during the conference. “Under no circumstances would we agree to such language and so informed the conferees on the other side. They refused to yield and a stalemate resulted.” With Senator Byrd’s maneuver to add a pro-bridge Senator to the conference, Chairman Natcher said, his compromise language was added to the report and the conferees were able to complete their work. “The action insisted upon by the House assures the city of Washington that the freeway program will proceed and there is a place in our Capital City for both freeways and rapid transit.”

Representative William H. Avery (R-Ks.) told his colleagues that he had no “particular interest” in the Three Sisters Bridge, “but I think it is about time that the House took a firm position in support of continued progress on a highway program for the District.” He continued:

It appears that anyone who has an objection to one particular connection or one particular interchange can object and immediately a “hold” is put on that increment. The result is to destroy the usefulness of the whole circumferential system or the inner and the outer loop as well.

He praised the House District appropriations committee for holding firm.

Representative Rhodes agreed that the bridge would “go a long way toward helping solve the dilemma of the District of Columbia highway system.” The committee’s action went “a long way” toward a solution, but “believe me, this problem is not solved and it will not be solved for quite some time.”

Representative Broyhill recalled the Senate’s attempt to include language giving the Appropriations Committee’s veto power over the Three Sisters Bridge. He had fought hard for the bridge:

However, we must recognize that in recent months objections have developed, some of which are from people in my congressional district, to the construction of the bridge, since there is a possibility that a pending rapid transit program may eliminate the necessity for this construction . . . .

There is speculation that this [NCTA] report, which is due on November 1, may well show that the Three Sisters Island Bridge is not needed. Furthermore, a subcommittee of the House District of Columbia Committee has expressed the desirability of holding up any further highway construction of this type which might be proven unnecessary in the report I just referred to.

Under the circumstances, he thought the District Commissioners should “proceed very slowly with developing their plans for this facility during the next 5-months period, until Congress has had an opportunity to consider and act on the National Capital Transportation Agency report.”

The House agreed to the conference report without further discussion of highway issues. [District of Columbia Appropriations, 1963, *Congressional Record-House*, October 11, 1962, pages 23212-23215]

The Senate also considered the conference report on October 11. After the formalities of introducing the bill were over, Senator Leverett Saltonstall (R-Ma.) rose to discuss the Three Sisters Bridge. After recounting how conferees broke the stalemate, he said:

My purpose in rising today is to point out that that vote represents the views of only five members of the Senate committee. The remainder of the committee, so far as I know, are still in favor of the language in the Senate report.

He introduced an October 10 letter from Commissioner Tobriner informing Chairman Hayden that “before the Commissioners proceed with the construction of the Three Sisters bridge, they will give more careful consideration to any recommendations pertaining thereto that may appear in the report of the National Capital Transportation Agency . . . .”

Senator Saltonstall expressed the hope that the commissioners “will bear carefully in mind” the NCTA report before proceeding.

Senator Robertson pointed out that “it would have been utterly absurd to have held the Congress here until Thanksgiving or later to pass only on language in a report, the only purpose of which was to prevent the building of a necessary bridge.” The highway agencies in the District and Virginia favored the Three Sisters Bridge:

But we have a Commission [NCTA] indulging in a pipedream of a proposed subway to cost \$300 to \$600 million, that will go under the river and into a highway to relieve traffic congestion. We are to wait and spend millions of dollars in building U.S. Highway [Interstate] 66, and when it gets to the river, people will either have to swim across or stay on the Virginia side.

He dismissed the objections of “a few citizens who did not want any more traffic,” as well as the allegation that the project would interfere with the Lincoln Memorial or connect with the George Washington Memorial Parkway. NCTA, he said, had neither plans nor money for a subway system “and it will be many years before they have either.” Nothing was involved “but an effort to stop the building of a necessary bridge.”

Senator Mansfield referred to the language in the conference report regarding Glover-Archbold Park. “I hope this admonition will be considered.”

Senator Morse wanted a more definite statement on the issue. He said, “I serve notice on the District of Columbia Commissioners” that he would be in the Senate in January 1963 after the November election and “I strongly recommend that they take note of this colloquy”:

I strongly advise the District of Columbia Commissioners to see to it that this park remains untouched, either from the standpoint of building a highway through it or sacrificing it to selfish commercial interests in the District of Columbia. I suggest to the District of Columbia Commissioners that they not attempt any end run play, because if they do, they will be breaking faith with our committee, in my judgment, and with the Senate, and they will be breaking faith with a majority of the House of Representatives, if we can ever get an issue such as this to the floor of the House of Representatives for a vote.

Senator Mansfield thanked Senator Morse. “I am sure the Commissioners will read every word that has been said on the floor of the Senate about this matter.”

(Senator Morse was reelected.)

Senator Humphrey, in a statement that may have been inserted into the record rather than delivered on the floor, said he supported the reservations the Senate had initially approved regarding the Three Sisters Bridge. He acknowledged “honest differences of opinion,” but felt that Congress should have the benefit of NCTA’s report on mass transit “before giving a final decision as to construction of the Three Sisters Bridge.” Given the importance of the issue, “we can afford a delay of no longer than 5 months,” as the Senate had initially approved. Because the bridge committed the District to the Inner Loop system, Congress needed “an objective assessment of the transportation needs of the area until the entire highway system is evaluated in

light of the forthcoming mass transit proposals.” He regretted that the conferees decided not to approve the Senate language.

The Senate approved the conference report. [District of Columbia Appropriation Bill, 1963-  
Conference Report, *Congressional Record-Senate*, October 11, 1962, pages 23162-23165]

President Kennedy, then in the middle of the Cuban Missile Crisis, approved the legislation on October 23, 1962 (P.L. 87-867), without comment.

That same day, General Clarke delivered a speech to the American Society of Civil Engineers in an attempt to resolve clashes between highway and transit supporters. He said, “the curse of Washington is the endless controversy about the solutions to the problems of the future which involve continuing delay with restudy after restudy of problems on which agreement may have long since been reached.”

The modes served different needs:

The mass transportation problem is concerned primarily with the movement of people into and out of the downtown section of the region. The highway problem is concerned primarily with moving those people who are not going downtown but who are moving diffused patterns throughout the region.

To break through the competitive spirit among the partisans, he said:

My proposal is quite simple. Let us attempt to arrive at agreed total volumes or percentages of the total travel . . . for which we will plan each mode of transportation.

Let us allow each agency to determine and plan an adequate system to provide for the agreed-upon loads. In this way we could at least get progress without the planners’ competing for traffic loads to justify individual broad plans.

If this first step could be agreed upon, the remaining steps are relatively simple. They consist of co-ordinating the detailed planning and construction of the various facilities to be built so that each new system provides for the other without undue waste and for mutual support.

He said that following his suggestion “would allow the shoemaker to stick to his last and the tailor to the cutting of the cloth so that the whole person will be clothed.” He favored acceleration of the highway program as well as mass transportation to create a balanced transportation system:

We must avoid action on the part of any of the official agencies which attempts to restrict unduly the programs of others to insure that a pre-determined solution will be justified. It would be possible by design to restrict a program on either side to a point that it would fail.

He believed that “we can secure among all the agencies a remarkable degree of unanimity of the numbers of people for whom adequate mass transportation should be provided and the numbers who should be provided with adequate facilities for travel by car.”

As for groups such as the American Institute of Architects, General Clarke thought they “could render a much more constructive public service by using their many talents to advise and consult on the ways by which highways may be skillfully threaded into the fabric of the Nation’s Capital.”

The area’s population, he said, would double over the next 18 years, which meant more highways were needed. He expected that sufficient housing would be available for those relocated by the program, and the board of architects would assist highway officials on matters of “esthetics and general livability.” He was “willing and anxious” to work with NPS on replacing any park land taken for the city’s public works program:

If we can avoid negativism, timidity and sheer obstruction along with cross-accusations of competing agencies, I believe we can move the city along. [Pierce, Charles D., “Clarke Proposes to End Highways-Transit Feud,” *The Evening Star*, October 23, 1962; “Clarke Tells Bickering Transit Foes to Get Back to Work,” *The Washington Post and Times Herald*, October 24, 1962]

Although the President signed the District appropriation act, 1963, without ceremony or comment – typical for such a bill – he did send a letter to Commissioner Tobriner regarding the Three Sisters Bridge. Administrator Stolzenbach, in his first appearance after a law was passed designating him an ex-officio member of NCPC, read the letter when Engineer Commissioner Clarke asked to have an item on the bridge removed from the agenda. The letter was in reference to Commissioner Tobriner’s October 10 letter to Senator Hayden:

Dear Mr. Tobriner:

I am advised that on October 10<sup>th</sup> you informed the chairman of the Senate Committee on Appropriations, in connection with the conference on the appropriations bill for the District of Columbia, that the Commissioners will give careful consideration to the forthcoming report of the National Capital Transportation Agency on the transportation needs of the region before proceeding with the construction of the Three Sisters Bridge.

I believe that this was a wise decision and that the agency’s recommendations should be studied and evaluated before a decision to proceed with construction of the bridge is reached.

I should appreciate it if you would keep me advised through Mr. Horsky of future developments with respect to this matter.

Sincerely,

John F. Kennedy.

[Flor, Lee, “Kennedy Note Upholds Wait on Sisters Bridge,” *The Evening Star*, October 26, 1962; “JFK Backs Delay On Bridge Project For Transit Report,” *The Washington Post and Times Herald*, October 25, 1962]

With action on the FY 1963 budget completed, the District Highway Department submitted its 1964 budget request to the District commissioners. The department asked for \$88.8 million, a \$30 million increase, for a budget that included several controversial freeway proposals. The budget sought funds for the projects Congress had delayed, namely interchange “C,” East Leg, Northeast Freeway, and the Southeast Freeway between 11<sup>th</sup> Street and Barney Circle, SE., as well as two projects NCTA had opposed unsuccessfully (Three Sisters Bridge and Potomac River Freeway).

New items referred to construction of:

- North Leg of the Inner Loop along Florida Avenue between 3<sup>rd</sup> Avenue, NW., and 11<sup>th</sup> Street, SE.;
- Center Leg between the Southwest Freeway, along 2<sup>nd</sup> Street to the North Leg along Florida Avenue;
- Intermediate Loop between East Capitol and 41<sup>st</sup> Street, SE., and Missouri and Georgia Avenues, NW.;
- Ninth Street Expressway between Constitution Avenue and the Southwest Freeway.

The budget, Engineer Commissioner Clarke said, presented a clear choice for the agencies considering the budget. As for one of the chief objections to freeway construction, he was “confident the relocation problem caused by the projects can be solved.” [Flor, Lee, “Roads Budget Request Rises by \$30 Million,” *The Evening Star*, October 25, 1962; Clopton, Willard, “Funds Allowed To Build Most of Intermediate Loop,” *The Washington Post and Times Herald*, October 25, 1962]

### **National Capital Transportation Agency Submits Its Report**

As directed by the 1960 Act, NCTA submitted its report, *Transportation in the National Capital Region: Finance and Organization*, to President Kennedy on November 1, 1962. In a transmittal letter, Stolzenbach told the President:

The programs recommended in this report strike a sound balance between highways and mass transportation for this region. The Agency proposes a continuing program for the construction of a regional highway system and a ten-year program for the construction of a modern high-speed rapid transit system. These facilities are essential to solving the region’s severe transportation problem and to preserving and enhancing the vitality and appearance of the Nation’s Capital.

The plan focused on the express transit system, which called for two subway routes within downtown. The routes totaled 19 miles and crossed twice for distribution and collection. “This will provide fast service throughout downtown, speeding rush hour trips and improving circulation of downtown traffic in off-peak hours.” The downtown lines would be extended

through the District and suburban areas along seven rapid rail transit routes and one commuter railroad route. Stations and parking areas would serve as local distribution and collection centers linking automobiles with the transit lines.

The plan included express and local bus service in the District and throughout the suburbs with convenient connections to the high-speed trains. The report summarized:

The rail rapid transit system will be 83 miles long and will be served by 65 stations. Nearly 19 miles will be underground. Some 26 miles of freeway median strips and 24 miles of existing railroad rights-of-way will be used for the rail rapid transit system. The Pennsylvania Railroad line [from Bowie to Cheverly in Prince George's County, Maryland] will be 15 miles long and will have seven suburban stations. Express bus operations will be provided on 52 miles of freeway and parkway. [*Transportation in the National Capital Region: Finance and Organization*, National Capital Transportation Agency, 1962, pages 31-32]

The report identified the location of each route and station as well as the time a trip between them would take.

NCTA estimated that a capital outlay of \$793 million would be needed for the rapid transit system. Of the projected cost of \$793 million, the report estimated that \$681 million would be needed for construction (including engineering, acquisition of right-of-way, and contingencies), with the balance of \$112 million to acquire rail rolling stock. [page 48]

The plan called for a basic fare of 25 cents for all trips within the 10-mile square of the original District of Columbia. The suburban areas were divided into zones, with fares increasing 10 cents per zone. Concessions, advertising, and other sources of non-operating income were projected to generate about \$5 million annually by 1980.

Funding for the transit plan would be a problem since the Federal Government did not have a transit-aid program. The recommended plan called for the issuance and sale of \$530 million in federally guaranteed loans on the private money market during 1971-1974. Proceeds would be used for capital outlays and to refinance \$415.6 million of interim Treasury borrowing. The Federal guarantee would encourage more private borrowing than would otherwise be possible and keep the interest at a possible level of 4.5 percent. In addition, the plan proposed \$180 million in government equity from the local governments, \$20 million of capital outlays from system revenue, and new Treasury loans of \$63 million to be repaid from surplus revenue after the system is on a revenue-producing basis.

The plan included \$180 million in government equity, with the Federal Government providing \$120 million of this amount. Government equity would be repaid after retirement of debt within 30 years of system completion. The recommended breakdown of the local contribution among jurisdictions was:

- District of Columbia: \$21,720,000
- Maryland counties: \$18,690,000

- Virginia suburban districts: \$19,590,000

Construction debt would be retired within 30 years mainly from farebox revenue, after which the government debt would be repaid:

Whether or not repaid, the equity paid in by local jurisdictions represents an average annual per capita burden during this period of less than 50 cents for each resident of the National Capital region. [pages 80-81]

Construction would begin in 1964, with downtown service to begin in 1968.

As for highways, the report explained that auto ownership was steadily increasing, with many people moving through downtown in the future either unable or unwilling to use public transportation.” The movement of trucks was another consideration. Still, the region had a substantial network of freeways and parkways, totaling 140 miles, but “more roads will be needed if the residents of the region are to have a substantial degree of mobility.” Current plans included another 65 miles of freeways or parkways. NCTA recommended another 50 miles of freeways by 1980.

In the Washington area, as elsewhere, “the public has also shown that it is troubled by overextensive highway construction and regards rapid transit facilities as a less disruptive means of transporting people to and from downtown.” This preference was shown in the Washington area where virtually every citizens association was “in favor of more emphasis on new rapid transit facilities and relatively less emphasis on new highways.” [pages 10-11, 42-43]

The recommended highway plan retained the key features of the Mass Transportation Survey plan:

The Capital Beltway is the framework for future regional industrial and commercial as well as residential development, and the major heavy-duty route bypassing central Washington and connecting its outer suburbs. From a dozen points along the Beltway, radial expressways lead inward to serve the suburbs and the District.

The new transit system would reduce traffic in certain corridors, necessitating changes. [page 43]

The key problem was downtown where no practicable highway system could accommodate the traffic to and through downtown as forecast for 1980. Coupled with the downtown subway, NCTA recommended a downtown freeway system in the form of an inverted “T” connecting the central bridges (15<sup>th</sup> Street, Arlington Memorial, Theodore Roosevelt, and Key) with freeways to Montgomery and Prince George’s Counties:

The “T” includes major elements of the inner loop proposed in the 1959 plan. However, the North Leg of the previously proposed loop is replaced by an express street system that would provide adequately for traffic requirements and at the same time preserve desirable neighborhood characteristics and fit in with any future plans for neighborhood

improvements. The Agency's studies show that such improved street facilities would be adequate for traffic movements in the area which the North Leg would serve . . . .

The Agency's studies similarly show that the East Leg of the previously proposed loop is not required since it can be satisfactorily replaced by a high-speed route through Fort Drive.

Instead of the East Leg, NCTA favored a route that crossed the Anacostia River on the 11st Street Bridge, then ran north on the Anacostia Freeway and Kenilworth Avenue, both of which would be widened and swing northwest onto Fort Drive. The rationale was that much of the traffic originates or ends in Washington and Montgomery County or in southern Prince George's County. Under NCTA's plan, much of this traffic would remain on the east bank freeways, unlike the District plan which encouraged motorists to cross the river, crowding the bridges and the area between the river and downtown.

With those elements out, the "T" consisted of:

- (a) Extending the Southeast Leg to 11<sup>th</sup> Street and across the Anacostia River to Route 295; and
- (b) Constructing an underground freeway below the Mall from Third and C Street, S.W., to the vicinity of Third and C Streets, N.W., and a depressed freeway from there to New York and Florida Avenues. This Third Street leg will not require use of any part of the Capitol grounds. In the vicinity of New Jersey Avenue it will be integrated with proposed urban renewal projects. [pages 43-44]

NCTA also proposed to combine I-95 and I-70S in the District and Maryland:

The Third Street Leg will be extended along New York Avenue to 9<sup>th</sup> Street, N.E. From there the route will turn and follow the Baltimore & Ohio Railroad tracks toward Silver Spring. This will be the means of bringing Interstate Routes 70-S and 95 into the city from Maryland and of serving the central and eastern portions of Montgomery County and the western portions of Prince George's County.

I-95 diverted from I-70S in the vicinity of Michigan Avenue/Queen's Chapel Road and continued to a link with I-95 at the Capital Beltway.

For western Montgomery County, traffic service to downtown "will be provided by the George Washington Memorial Parkway and the Potomac Freeway."

The use of the railroad corridor was "the key to meeting" highway needs by providing additional capacity while "avoiding the substantial relocation of persons, loss of taxable property and disruption of neighborhoods that would result from construction of the Northeast, North Central and Northwest Freeway proposed in the 1959 plan." A rapid transit line between Silver Spring and Queen's Chapel, Maryland, would be located in the I-70S corridor. [page 44]

The new plan also called for changes in I-66 in Virginia. The State was building I-66 outside the Capital Beltway and acquiring right-of-way within the circumferential. Under the plan:

Route 66 will have six lanes except between the Airport Access Road junction and Four Mile Run. Between these two points the capacity will be increased to eight lanes. From Route 66 to Arlington Boulevard a short spur through Four Mile Run will be needed as will improvements of the Boulevard.

The reason for the reduction was that trucks could not cross the Theodore Roosevelt Bridge; they would be diverted to the Shirley Highway's 14<sup>th</sup> Street bridges. [pages 44-45]

NCTA also rejected the Three Sisters Bridge. The report explained that the only reason for the Three Sisters Bridge was "to bring trucks and additional auto traffic from Fairfax and Arlington Counties into downtown." That service is not required. With 22 bridge lanes open in 1957, 19 more lanes recently opened or under construction, and mass transit reducing automobile traffic, "central area bridge capacity will be adequate for the needs of motorists in 1980 without Three Sisters Bridge.

Further, building the Three Sisters Bridge would "create traffic pressure that would tend to force construction of highways that would otherwise be unnecessary." The report cited the Northwest Freeway, the Glover-Archbold Parkway, the North Leg of the Inner Loop Freeway, and portions of the Intermediate Loop in Arlington. [pages 25-28]

The report also called for two projects that were essential to the operation of the downtown freeway plan. One was construction of a highway on Fort Drive between the combined I-70S/95 and the Kenilworth Avenue Expressway, a project that would require little new right-of-way because the city had acquired most that would be needed. The widening of Kenilworth Avenue and the Anacostia Freeway would be needed in later years. [page 45]

Finally, NCTA considered advanced vehicle concepts, such as monorail, but concluded that "the standard-gauge, dual-rail system has distinct advantages over the monorail vehicle system." The report considered D.C. Transit System's monorail proposal in an appendix, limiting its review to a line from Georgetown to Dulles International Airport. A transit line was needed in the densely populated Wisconsin Avenue-Chevy Chase-Bethesda corridor, but the line to the airport "would depend almost entirely on airport and tourist patronage; it would carry virtually no commuter traffic and therefore make no contribution to the solution of the peak hour congestion problem."

Rapid transit service to the airport "may well be desirable," but the most logical route would be an extension of the proposed rapid transit line serving, and deriving revenue from, Arlington and Fairfax. Moreover, if rail service were provided to the airport, travelers should be linked to downtown and "not force him to transfer to a bus or taxi several miles short of downtown as would the Superrail proposal."

Further, the monorail would be "too costly to become part of a rapid transit system whose heart is a downtown subway." Tunnels, for example, "would have to be about one and half feet higher" to accommodate the elevated line. [pages 66, 91]

Professor Schrag summarized the NCTA plan:

Gone, in the NCTA plan, was Bartholomew's intermediate loop. Gone was the northern half of the Inner Loop, the so-called North Leg and East Leg, except for enhancement of existing streets. Gone was Bartholomew's pet Northwest Freeway. Gone too was the Three Sisters Bridge. The NCTA acknowledged the need for some new highways, but only where they could be built with the minimum impact on established neighborhoods. Thus, it combined the North Central and Northeast Freeways of the 1959 plan with a version of the East Leg to create a Y-shaped freeway whose stem would run alongside the B&O railroad tracks leading north from Union Station. Because these tracks had been in place since the beginning of the century, a highway alongside them would not divide neighborhoods any more than they already were divided, "avoiding the substantial relocation of persons, loss of taxable property, and disruption of neighborhoods" that would result from the 1959 plan. [Schrag, page 54]

The new plan, with its reduced highway component, would cost less than the 1959 proposal:

It confidently asserted that its program offered a plan in which "each type of transportation is assigned to do the work for which it is best suited and in the sense that people will have a reasonable choice of how to travel." [Schrag, page 54, quote is from the NCTA report, page xi]

### **Trying to Sort Out the Freeway Battles**

Upon receipt of the NCTA report, President Kennedy released a statement in which he "expressed his hope that the report and recommendations of the transportation agency would be a significant contribution to the solution of the transportation problems of the National Capital." The plan was to be reviewed by District, Federal, and other officials before the President submitted recommendations to Congress.

Representative Broyhill, after scanning the report, said it "looks like a real step forward." He said he would contact Chairman McMillan of the House District Committee to urge hearings by the Joint Committee in early January 1963. "I am sure the chairman will agree with me." In addition, Representative Broyhill said, "I hope it will be shown that the Three Sisters bridge will not be needed."

The District's Aitken was skeptical of the funding aspects of the mass transit plan. He would not be able to comment in detail until NCTA released appendices on planning, engineering, finance, and organization. "If Mr. Stolzenbach can build a transit system for 60 per cent of the persons going down town in rush hour, let him." He added, "But why can't he let highways alone?"

Virtually every other agency or jurisdiction that was asked to review NCTA's report made the same observation regarding the absence of the appendices. Without them, officials could not understand the basis for NCTA's assertions.

Donald Gingery was critical, as he had been of Stolzenbach and NCTA all along:

It's perfectly obvious there was no control or checks and balances over the agency's procedures. I think the agency should not get any more funds until Virginia and

Maryland get some representation on the agency. I recommended some time ago that Congress give the State Governors the right to appoint a chairman who would rank with Mr. Stolzenbach.

This was an undercover study without checks and balances and it throws planning in both States into chaos.

Chairman Wells of the Maryland-National Capital Park and Planning Commission said he thought NCTA, with its focus on the District, had not considered the 800,000 residents of Montgomery and Prince George's Counties.

Arthur K. Stellhorn, planning director of the Maryland-National Capital Park and Planning Commissioner, was concerned that NCTA had proposed rail service along most of the routes where Maryland planners favored highways. He said that Stolzenbach was "taking the same routes that we are but he is taking off the highways." Gingery agreed, saying NCTA's plan would stop the commission "dead in its tracks." NCTA's report had "cast a real legal shadow on all regional planning for years to come."

State Senator Fenwick of Virginia thought NCTA had performed a service. "I feel, however, that there may be overemphasis on mass transit at the expense of the highway program." He was concerned that if the plan were used to delay highway construction "in hopes that within the next 10 years we will have a rapid transit system, we might never recover from the delay of these programs."

John E. Harwood, the Virginia Highway Department's location and design engineer, disagreed with NCTA's conclusion about the Three Sisters Bridge. "Adding more trucks to the 14<sup>th</sup> Street Bridge would only add to the congestion there. There is going to be a need for many more bridges, no matter how much rapid transit you have."

Ernest D. Wilt, who chaired the Arlington County Board, said the area needed "something like" NCTA's rail transit plan. "We may find we don't need the Three Sisters Bridge," which the board had long opposed. [Flor, Lee, "Broyhill Vows Early Transit Plan Action," *The Evening Star*, November 2, 1962; Clopton, Willard, "Area Politicians Favor Transit Plan Plus Roads," *The Washington Post and Times Herald*, November 3, 1962]

The Bureau of the Budget sent the report to the Departments of the Treasury, the Interior, and Commerce, home of BPR, and the Housing and Home Finance Agency for review. Comments were expected by the end of the year, although full review might not be possible until NCTA released the appendices. Horsky said that given the amount of information yet to be released, "It could be that the budget and legislation will be in a supplemental request to Congress."

BPR's Barnett was concerned about the NCTA's proposal on freeways, which was "certainly not the program" BPR had approved for the region. While all officials should give "a new look" at the program, he said "the Bureau expects an integrated system." ["Transit Reviews Seen Awaiting Added Data," *The Sunday Star*, November 4, 1962; Clopton, Willard, "Transit Scheme Still Must Clear Many Hurdles," *The Washington Post and Times Herald*, November 4, 1962]

The *Star*, meanwhile, was skeptical. An editorial stated that NCTA's report "does not suffer from any lack of confidence." A subway was needed, but NCTA's assertion that it would carry enough riders "to pay its entire capital and operating costs over the next 40 years is an astounding claim." Quite simply, "There is no precedent in experience elsewhere to support it."

As for the highway element of NCTA's report, it did more "than simply curtail certain parts of the regional freeway system which has been carefully developed and generally approved for years." Instead, it had "cut the heart out of this system—to such a degree, in fact, that the question arises as to whether the true intent might not be to make automobile congestion so clearly intolerable, through inadequate highways, that commuters would have no alternative but to seek other forms of transportation that exist only on paper." What would be left was a "skeleton highway system" that officials might be able to finance "under existing policies underlying Federal aid in highway construction."

The editorial cited the report's position on the Three Sisters Bridge as an example:

[It was] unnecessary because a rail-transit line would extend into the Arlington-Fairfax region and that, in its considered judgment, existing Potomac bridges alone would have sufficient capacity in 1980 to accommodate vehicular traffic. Here we go again! What is the source of traffic estimates which allegedly support this assumption?

Until NCTA released appendices explaining the basis for such assumptions, "the public would be wise to reserve judgment on much of the report." ["Transportation Plan," *The Sunday Star*, November 4, 1962]

How trucks would cross the Potomac River if the Three Sisters Bridge were not built was another question. On November 13, the District Commissioners committed to building the Three Sisters Bridge by approving an extension of the Potomac River Freeway from 31<sup>st</sup> and K Streets to Georgetown University. Director Aitken said the city had little choice but to build the Three Sisters Bridge. Key Bridge, which carried U.S. 29 between Rosslyn in Virginia and Georgetown in the District, could not handle truck traffic. Only the middle of the structure, built originally to accommodate streetcars, was structurally able to accommodate truck loadings. If Key Bridge had to carry trucks, it would have to be reconstructed:

Reconstruction would require closing Key Bridge to traffic while this work was done. This bridge now carries 66,000 vehicles a day and I am not about to propose that it be closed.

Moreover, when the District Commissioners approved the Potomac River Freeway plan earlier in the day, they had deleted two ramps connecting Key Bridge with the Whitehurst Freeway. Aitken said the ramps were "not compatible" with the planned freeway system and were not economically feasible.

As a result of these decisions, Key Bridge was no longer a possible link in the freeway network for traffic crossing the Potomac River. In addition, the Eisenhower Administration had requested that the Theodore Roosevelt Bridge, still under construction, not carry trucks. Aitken said the

plan was for Interstate traffic to cross the river on the Three Sisters Bridge as part of the Potomac River Freeway. The four-lane Whitehurst Freeway would carry westbound traffic while the four-lane Potomac River Freeway would carry eastbound traffic. [“Pierce, Charles D., “Key Bridge is Ruled Out as Truck Link,” *The Evening Star*, November 14, 1962]

The District commissioners held a public hearing on the 1964 budget for road construction. The hearing was sparsely attended, with only about 50 people in attendance. The *Star*’s opening paragraph summarized the result:

Charges of “blackmail” and “unadulterated arrogance” and warnings of “irreparable harm” and “disaster” were sounded today as highway supporters and opponents collided at a public hearing.

Polly Shackleton said that by including the East Leg, Northeast Freeway, and interchange “C” in the budget, District officials displayed “unbelievable gall.” These freeways could result in the “ruthless destruction of countless homes and communities . . . .” This action on these projects represented “pure unadulterated arrogance.” She also criticized District highway officials for their plan to remove the ramps connecting Key Bridge and the Whitehurst Freeway, which she thought was a form of “blackmail” to force construction of the Three Sisters Bridge.

Chairman Neil Phillips of the Committee of 100 on the Federal City called the District highway budget “ideal” for the truck and highway lobby, but “a blueprint for disaster for the District of Columbia”:

Washington has drifted to an ever-increasing auto-dominant transportation system in which the interest of motor vehicles reigned dominant and the interests of the people—concerned with their neighborhoods, institutions, and fiscal soundness of their government—stood neglected.

Clifford C. Ham of Neighbors, Inc., called the highway proposals “opportunistic, costly and . . . destructive of human values.” His group favored NCTA’s transit proposals:

For the first time some emphasis is placed on solutions involving more than automobile transportation. For the first time we recognize considerations of such factors as home, communities, the potential displacement of families and businesses, and the elimination of needed public and private community facilities.”

Some witnesses favored the highway plans. J. C. Turner, president of the Greater Washington Central Labor Council, reminded the commissioners that thousands of construction workers depended on the highway program for their jobs. He said that, “unless the highway program goes forward month by month, there will be severe unemployment this winter as well as in the winters to follow.” He was convinced the relocation problem would be solved so that “no one in this community will suffer and the highway program will go forward.”

AAA’s Miller said the board endorsed the highway program:

Even if the most modern and advanced rapid transit facilities which have yet been devised were to be provided the Washington Metropolitan Area tomorrow, it would not and in the foreseeable future take care of only a fraction of the area's transportation requirements and at an appalling deficit.

He disputed NCTA's estimate that its proposed rapid rail system would pay for itself. It would, he said, run deficits "vastly greater" than the annual deficits of \$16 million predicted for the more modest rail system proposed by the Mass Transportation Survey:

One can only imagine what the deficit would be for the proposed eight-lane rail rapid transit system proposed by the National Capital Transportation Agency.

Overall, according to the *Post*, "the proposed highway program drew more cheers than jeers at the lightly-attended hearing." [Pierce, Charles D., "D.C. Highway Plan Termed 'Blackmail,'" *The Evening Star*, November 16, 1962; Schuette, Paul A., "Freeway Plans Stir Debate at Public Hearing," *The Washington Post and Times Herald*, November 17, 1962]

Given the interest in shifting the East Leg Freeway from the 11st Street corridor to the west bank of the Anacostia River, District officials opened discussions with NPS officials in hopes of a compromise regarding the use of park lands. Wirth told reporters that he had not seen details of a proposal. "I don't want to take a stand one way or the other without looking at it." He indicated, however, he had "an open mind" on the question. One concern he cited was that the freeway would cut off a portion of a public golf course. District officials responded that the golf course could be extended north onto land created by proposed dredging and reclamation around Kingman Lake. Further, they contended, most of the park land needed for the freeway was undeveloped and, in general, not suitable for park facilities. ["Wirth Keeps 'Open Mind' on East Leg," *The Washington Post and Times Herald*, November 18, 1962]

### **Implementing the Year 2000 Plan**

On November 27, 1962, President Kennedy released a memorandum on the Year 2000 Plan for the National Capital Region. Building on the Year 2000 Plan, President Kennedy said that in view of the Federal interest in the region, he wanted "the greatest possible coordination of planning and action among the Federal agencies in developing plans or making decisions which affect the Region." To facilitate planning, he established "development policies" as guidelines. For example, all agencies were to base their decisions on the prospect that regional population would be 5 million by 2000. Further, the Federal Government would "limit the concentration of Federal employees within Metro-Center . . . over the next four decades to an increase of approximately 75,000." Federal office development should follow the corridor cities concept recommended in the Year 2000 Plan:

The success of the corridor cities concept depends on the reservation of substantial areas of open countryside from urban development. It shall be the policy of the executive branch to seek to preserve for the benefit of the National Capital Region strategic open spaces, including existing park, woodland, and scenic resources.

The memorandum advocated non-monumental government buildings in clusters within the central business district that “will have a dignity and strength to establish their public identity.”

As for transportation, President Kennedy’s memorandum said:

Planning to meet future transportation requirements for the Region shall assume the need for a coordinated system including both efficient highway and mass transit facilities, and making full use of the advantages of each mode of transportation.

With these and other guidelines, he asked all department and agency heads “to give full consideration to these policies in all activities relating to the planning and development of the National Capital Region, and to work closely with the planning bodies which have responsibilities for the sound and orderly development of the entire area.”

The *Star* welcomed President Kennedy’s call for coordination, saying it “logically complements his earlier appointment of Charles A. Horsky as special White House advisor on Washington area affairs.” Horsky was in a unique position to resolve roadblocks, especially those involving conflicts involving previous administration policy:

Action is more difficult, however, when the proper policy is not clearly defined, as is the case with the most pressing area problem—transportation.

The *Star*’s editors saw the memorandum in the context of the President’s recommendations to Congress on mass transit and highway proposals in NCTA’s report:

Here also, however, the new memorandum should prove beneficial. For its issuance at this point obviously is intended to enlist the co-operation of all agencies in carefully studying the controversial NCTA report, and in submitting recommendations which will help the White House arrive at a sensible conclusion. [“Goal: Co-ordination,” *The Evening Star*, November 28, 1962]

In part because of President Kennedy’s support, the Year 2000 Plan was more influential than the Downtown Progress action plan. Gutheim and Lee summarized the impact:

A fruitful debate began to define common interests. Large portions of the wedges and corridors plan were embraced in Maryland and, with modifications due mainly to topography, in Virginia as well. The bold and simple diagram planted itself in the popular imagination and, widely supported by civic groups, survived many challenges by the Council of Governments for as long as fifteen years.

In downtown Washington, redevelopment and the location of federal buildings received support from the plan but were less consistently responsive to it. Nevertheless, the plan influenced the design of the Metro rail system and special project planning for Pennsylvania Avenue and other development centers. Most of all, the Year 2000 Policies Plan also affected the future planning of the National Capital Planning Commission.

The impact of the Year 2000 Policies Plan was most pronounced in the metropolitan region where rural land still existed. For the first time, a structure was suggested that combined the much-desired qualities of order, open space, and mobility.

The Year 2000 Plan affected the scope of planning in the area:

To realize the vast wedges and corridors design, regional planning organizations clearly had to include all planning elements: zoning, regulation of new subdivisions of land, transportation networks, public works, and the allocation of funds. The regional growth configuration of the Year 2000 Policies Plan also required more immediate action to regulate development of heavily populated corridors, including the new town centers, highways, the completion of the mass transportation system, and the preservation of three hundred thousand acres of open space required to separate the corridors. Policies worked out jointly between the National Capital Planning Commission and the National Capital Regional Planning Council additionally involved economic analyses; development plans; and studies of legal, administrative, and fiscal arrangements. In this way, new forms of development planning were superseding the older and simpler regulations of land use that had constituted planning for the past half century. [Gutheim and Lee, pages 291-293]

### **The Darwinian Theory of Transportation**

Despite NCTA's objection to several freeway proposals, the District commissioners had committed to the Three Sisters Bridge on November 13 by approving an extension of the Potomac River Freeway from 31<sup>st</sup> and K Streets to Georgetown University. Director Aitken said the city had little choice but to build the Three Sisters Bridge. The Key Bridge, which carried U.S. 29 between Rosslyn and Georgetown, could not handle truck traffic. Only the middle of the structure, built originally to accommodate heavy streetcars, was structurally able to accommodate trucks. If Key Bridge had to carry trucks, it would have to be reconstructed. Aitken said:

Reconstruction would require closing Key Bridge to traffic while this work was done. This bridge now carries 66,000 vehicles a day and I am not about to propose that it be closed.

Moreover, when the District commissioners approved the Potomac River Freeway plan earlier in the day, they had deleted two ramps connecting Key Bridge with the Whitehurst Freeway. Aitken said the ramps were "not compatible" with the planned freeway system and were not economically feasible.

As a result of these decisions, Key Bridge was no longer a possible link in the freeway network for traffic crossing the Potomac River. In addition, the Eisenhower Administration had requested that the Theodore Roosevelt Bridge, still under construction, not carry trucks. Aitken said the plan was for Interstate traffic to cross the river on the Three Sisters Bridge as part of the Potomac River Freeway. The four-lane Whitehurst Freeway would carry westbound traffic while the four-lane Potomac River Freeway would carry eastbound traffic. [Pierce, Charles D., "Key Bridge is Ruled Out as Truck Link," *The Evening Star*, November 14, 1962]

The plan for the Potomac River Freeway seemed uncontroversial because the District and NCPC had approved it and Congress had appropriated funds for it. However, whether the new freeway would extend ramps to Key Bridge did prove controversial. As NCPC Chairman Rowe pointed out, the absence of connections with the bridge created the need for the Three Sisters Bridge, making the absence controversial. She indicated that the District's action was taking liberties with NCPC's approval. Although NCPC had approved the Three Sisters Bridge, she contended the approval was only in principle, without approval of plans for approaches in the District. She also disputed the District's plan to link the freeway to Georgetown University via Prospect Street, a plan NCPC had never approved. Further, NCPC's associate director, Charles H. Conrad, disagreed with Aitken about the feasibility of the link to Key Bridge. "There is no physical reason why it cannot be done." [Schuette, Paul A., "River Highway Runs Into New Controversies," *The Washington Post and Times Herald*, November 19, 1962]

NCPC Executive Director Finley was about to leave his post to take a position with a Baltimore mortgage and development firm. On November 21, he addressed the Washington section of the Institute of Traffic Engineers on "Reflections on Leaving the Nation's Capital."

Finley praised the Bible Committee for its 1959 recommendations for a regional development agency and other recommendations that had been gathering dust ever since. "The recommendations should be dusted off and studied—they were years ahead of their time." He told the professional engineers, "No matter what anybody says here, the future transportation system will result from decisions made in the halls of Congress on non-technical basis resulting from the emotional reactions of Congressmen."

He praised the District Highway Department, saying it had the most enlightened approach of any State highway agency for designing attractive freeways in cities. "The District has had the most creative response to the problem of urban design, a problem which more traffic engineers are going to have to consider as time goes by." He complimented the District for its cooperation with city planners and for its hiring of architectural consultants for help in designing highways that fit in the Nation's capital. "Hal Aitken, District highway director, deserves a great amount of credit for this," he said.

Finley included "a few jovial comments," as the *Star* put it, on the District's "friendly rival," NCTA. He noted that Darwin Stolzenbach was not in attendance, possibly because he feared Finley "would reveal his Darwinian theories of transportation [namely that] if you delay highways long enough, you really need transit."

Mr. Finley said people also were saying that the initials NCTA stand for "Never collate the appendices." As the *Star* explained:

This was in reference to the growing number of requests by agencies for several appendices which the NCTA said would be published soon after its November 1 report to President Kennedy on financing and organization for transportation. Agencies have been told that the NCTA had all of the material ready for the appendices by October 1, but has never been able to write the material in what it felt was acceptable form, officials said.

Finley also suggested that strengthening a regional planning agency would be like sending an ambassador to a country that doesn't exist. "We need a better metropolitan organization, and would be much better off with some centralized type of government." At present, NCPC had a say in many areas, but its function was largely advisory, which he called "an old-fashioned idea" in planning:

A competent agency ought to be established which is big enough and strong enough to prepare a development plan for the city, say for 20 years. It ought to be able to see that decisions are made according to that plan.

If the commission were under the direction of the White House, he speculated, it would be able to deal with Federal agencies across the board with authority. He hoped that appointment of Charles Horsky was an indication that "this is where we are headed."

He said of his current NCPC post, with its annual salary of \$19,000, "it has been thrilling to work in the community. I look forward to coming back with my pockets filled with money." ["D.C. Freeway Designs Lauded By Parting NCPC Chief Finley," *The Evening Star*, November 22, 1962; Whitten, Leslie H., "Finley, in Parting Short, Blasts Inaction Here," *The Washington Post and Times Herald*, November 22, 1962]

A *Star* editorial complimented Finley for saying "publicly what others are saying behind the scenes" regarding Stolzenbach's efforts to delay highway construction. Stolzenbach denied any such intention, claiming he simply thought highway development should be delayed until decisions are reached on the rail rapid transit system NCTA had proposed:

There should be no need to say that the NCTA proposals will have to stand or fall on their merits. Any thought (by Mr. Stolzenbach or by anyone else) that the prospects for an elaborate rail-transit system might be enhanced by delaying highway construction until automobile congestion becomes intolerable is childishly ridiculous. ["Darwinian Theory," *The Evening Star*, November 30, 1962]

### **In the Wake of the NCTA Report**

In response to the Bureau of the Budget's request to agencies to review NCTA's plan, NCPC unanimously approved the \$793-million rail transit system in principle on December 6, urging that "construction proceed as rapidly as possible in the interest of economics and service to the public." During debate, NCPC modified the endorsement that originally recommended "that the [transit] system be fully implemented at the earliest possible time." This phrasing seemed to broaden an endorsement of the NCTA plan. After discussing the question during a recess, the members agreed to call for construction of the transit system "as rapidly as possible" after general approval.

As for NCTA's proposed highway cutbacks, NCPC decided to withhold judgment until NCTA published the appendices of supporting data. [Lewis, Robert J., "Planners Back Rail System," *The Evening Star*, December 6, 1962]

In addition to the commissioners' approval of the Potomac River Freeway plan, the year ended with further good news for the highway builders when NPS, the District Department of Highways and Traffic, and BPR announced agreement on December 13, 1962, on the South Leg of the Inner Loop. The plan was to build the freeway through a 1,400-foot tunnel under the Lincoln Memorial grounds between the Potomac River and 14<sup>th</sup> Street, NW. Officials had been negotiating since 1960 when NPS had proposed the plan, and reached general agreement about 6 months earlier.

On December 14, 1962, all parties signed the agreement. Wirth signed for the Department of the Interior, saying:

This section of Washington—the Lincoln Memorial, the Reflecting Pool, the Washington Monument, the Tidal Basin, and the Jefferson Memorial—is the real heart of beautiful Washington. I know that you are as much interested as we are in retaining this atmosphere to the greatest extent possible.

Consultants employed by NPS had partially designed the tunnel.

The agreement included removal of the driveway between the Lincoln Memorial and the Reflecting Pool, plus removal of the temporary buildings on both sides of the Reflecting Pool, with park roads and parking areas to be built in their place.

The NPS would be in charge of the first segment, between Constitution Avenue and a midpoint between the Memorial and the Tidal Basin. BPR would be involved in approval of the consultants' work and final approval of the plans.

The second segment ended west of 15<sup>th</sup> Street and included part of the road network for the area around the Tidal Basin where the Japanese cherry trees were a popular tourist attraction each spring. BPR would be the contracting agency for this section and oversee construction.

District highway officials would be in charge of the final segment, which involved construction of an interchange between 14<sup>th</sup> and 15<sup>th</sup> Streets.

The project was estimated to cost \$18 million, with construction to begin in 1963 and completion scheduled for late 1965. Engineer Commissioner Clarke said, "We really don't expect any trouble. We all understand each other's problems."

The plan satisfied all parties. The District received the Interstate highway it wanted, while NPS was finally able to improve the memorial plaza and the area around the Reflecting Pool. [Flor, Lee, "Lincoln Memorial Inner Loop Tunnel to be Begun in '63," *The Evening Star*, December 14, 1962]

A *Star* editorial expressed surprise that there "seemingly is no end to the studies, negotiations and compacts" needed to build the Inner Loop. The fact that the agreement gave each party veto power was an arrangement that "to say the least, opens the door to future delays and disagreement." General Clarke's comments were reassuring, but the key was simple:

In the final analysis, however, the success of the new agreement will depend upon whether each of the principals who signed it . . . continues to work together with a reasonable amount of good faith and mutual trust. [“In Accord’—Again,” *The Evening Star*, December 18, 1962]

On December 23, Lee Flor reported that the District Highway Department had sent a 13-page list of questions to NCTA about its November 1 report. Engineer Commissioner Clarke, who referred to the list as a “white paper,” said the city wanted NCTA to know and check all the District Highway Department’s assumptions. “We want to be as objective as possible.” Department officials also planned to “sit down with the NCTA officials” to go over the white paper. The paper questioned each action NCTA had proposed, including its traffic forecasts for decisions by individuals about the use of an automobile or transit. The department also questioned NCTA’s modal split forecasts about corridor cities. In addition, District highway officials questioned NCTA’s assertion that the \$793 million system could be financed from passenger fares. “The highway officials,” Flor wrote, “said this is the first time such a claim has been made, since transit systems in all other American cities do not pay for themselves.”

Further, the District explored the history of the National Capital Transportation Act of 1960 to determine whether NCTA had any legislative basis for making highway planning recommendations. Stolzenbach had wanted this authority, including veto power, but it was not included in the 1960 Act. The highway staff thought that the November 1 report’s assertion of such authority was based on partial quotes from the legislation. [Flor, Lee, “13 Pages of Questions Asked on Transit Report,” *The Sunday Star*, December 23, 1962]

On December 24, the *Star* reported that construction crews had begun work on a four-lane section of the Potomac River Freeway across Rock Creek Park between 26<sup>th</sup> and 31<sup>st</sup> Street, NW.:

The freeway section will be built on piers just south of Whitehurst freeway. The piers were put up several years ago, immediately after the District Highway Department received a permit from the National Park Service.

The project included extensive landscaping to restore the park atmosphere, while the District agreed to transfer land from a former school to NPS to increase the size of Rock Creek Park slightly:

The new freeway section is to carry eastbound traffic from the Three Sisters Bridge. In the Rock Creek area, the four lanes will separate into two ramps, to connect to the northbound and southbound lanes of the West leg of the Inner Loop.

The \$2.8 million project is to be finished by July, 1965, when it will serve as a temporary detour while the Whitehurst freeway is altered and while K street is torn up for construction of the Inner Loop.

West of 31<sup>st</sup> Street, the city's plans for the freeway were held up while the fate of the Three Sisters Bridge was decided. [Flor, Lee, "Work Starts on Freeway Over Rock Creek," *The Evening Star*, December 24, 1962]

As agencies awaited the appendices to NCTA's November 1 report, they continued their reviews to comply with the Bureau of the Budget's deadline of January 31. With that deadline in mind, NCPC set up a committee to study the location of the East Leg Freeway. NCTA recommended it be built on the east side of the Anacostia River while the District favored the west side because it would reduce the number of families displaced. Officials had sought a compromise, but Stolzenbach had not been willing to change a decision he had submitted to the President.

NCPC also wanted to study the ramp connections from the Potomac River Freeway to Key Bridge and the need for the Three Sisters Bridge. Studies for the freeway omitted the connection to Key Bridge and called for removing present ramps from the Whitehurst Freeway to the bridge. Instead, the new freeway would pass under Key Bridge and connect with the Three Sisters bridge. [Flor, Lee, "East Leg Freeway Review Is Ordered," *The Evening Star*, December 25, 1962]

The year ended with an important road opening on December 31. The Maryland State Road Commission opened the Cabin John Bridge across the Potomac River. At the same time, an

8-mile stretch of the Capital Beltway spanning the bridge opened linking the River Road interchange in Montgomery County to the State Route 7 interchange in Virginia. In addition, NPS opened a short segment of the George Washington Memorial Parking linking the CIA's new headquarters (and BPR's research facility) to the Capital Beltway.

The *Star* described the opening: "The 1,400-foot, \$3 million Cabin John Bridge across the Potomac . . . was opened some time today with absolutely no fanfare." With the temperature at 13 degrees, the *Star* explained, "a ribbon-snipping ceremony would not be appealing." Maryland had scheduled the opening for 10 a.m., but cars reportedly began driving across the river as early as 8 a.m. ["Cabin John Opens on Cold, Quiet Note," *The Evening Star*, December 31, 1962]

(As mentioned earlier, the Cabin John Bridge was renamed the American Legion Memorial Bridge on May 30, 1969.)

## Debating the NCTA Data

In view of NCTA's rejection of the Three Sisters Bridge, Engineer Commissioner Clarke said in early January that the District Highway Department would study whether an improved Key Bridge could serve as a substitute. "It is under study, but it is not in the recommendation stage. We did feel obligated, though, to consider all the various alternatives." [Pierce, Charles B., "Highway Unit Weighs Key Bridge Widening," *The Evening Star*, January 3, 1963]

NCTA finally began releasing the appendices on January 10, 1963, ultimately six reports with a total of nearly 1,000 pages of text and maps. The reports released on that day predicted that 60 percent of commuters entering downtown Washington in 1980 would use mass transportation facilities (not broken down by rail or bus). This figure compared with 40 percent at present, and 56 percent in 1980 as forecast by the Mass Transportation Survey. The District Highway Department, in preparing its estimates for the ICE, had predicted steady transit use estimated at only 25 percent in 1980.

In discussing the projections, NCTA said that in 1959, no transit agency was in operation. Now, with NCTA planning a network, it projected higher mass transit use based on experience in other American cities with a rapid transit system. [Flor, Lee, "Heavy Use of Mass Transit Seen In Reports Issued by NCTA," *The Evening Star*, January 10, 1963]

The Washington Metropolitan Area Transit Commission, the bus regulatory agency that favored expanded use of buses, had complained to the White House that NCTA had not discussed its proposal with the commission. The appendix on "System Planning" included five pages explaining why NCTA had rejected the express bus alternative to the November 1 plan. To attract commuters out of their cars, a much better level of transit service would be needed than the express bus system. "Without providing a very high level of new transit service, those 50,000 potentially new riders and some of today's transit riders will be coming to downtown by auto. Then automobile congestion in downtown would continue, and more freeways would be required."

NCTA had considered laying out a downtown routing plan for buses on city streets, but the plan "was found to be inadequate." Wilbur Smith and Associates had studied a downtown bus subway system that could accommodate 120 buses an hour. However, this plan would handle only 7,500 passengers per hour in return for construction costs of \$4.5 million greater than for a rail transit system:

In sum increasing bus-subway capacity either by adding tunnel lanes or by widening stations would add substantially to the cost of a system that even without these changes would cost more than rail transit.

No one has ever operated a comprehensive express bus system, let alone a comprehensive bus subway system. It has yet to be established that a bus-subway system could be scheduled and operated in a fashion that would attract a large volume of patronage. [Flor Lee, "NCTA Explains Alternative of Express Buses," *The Evening Star*, January 12, 1963]

On January 12, the White House asked 16 local, Federal, and county organizations to complete their reviews and submit them to NCTA by January 26:

The President has asked that the views of the District of Columbia Commissioners, Federal departments and agencies, and State and local governments and other responsible organizations be considered in developing the administration's recommendations to the Congress on both the report and the Transit Development program.

NCTA was to submit all the comments and NCTA's recommendations after review of the comments to the Bureau of the Budget.

In a statement, NCTA indicated it would make the same recommendations to the bureau that were contained in its November 1 report, including completion of two-thirds of the downtown subway loop and rail rapid transit and commuter lines by 1969. The statement quoted Stolzenbach as saying, "From informal comments we have received on the back-up material already provided the co-operating agencies, I am confident we will be able to ask Congress to move ahead on this basic schedule." ["Transit Agency Seeking Views of 16 Groups," *The Sunday Star*, January 13, 1963]

On January 18, President Kennedy transmitted the annual message to Congress on the District of Columbia's budget. In the section on "Highways and Traffic," President Kennedy expressed concern about the District's highway fund, which would "face critical deficiencies after 1965." How large the deficiency was would depend on the scope of the highway program:

Those decisions will be made promptly. The National Capital Transportation Agency has prepared and transmitted to me a report recommending a system of highway and modern rail transit facilities for the National Capital region. This report is being reviewed by appropriate Federal and local agencies. When that review has been completed I will forward the report of the National Capital Transportation Agency to the Congress with my recommendations. Therefore, I am withholding from the fiscal year 1964 budget those highway projects which do not conform to the highway recommendations of that Agency - the east leg of the Inner Loop Freeway, the Intermediate Loop, the Potomac River Freeway and the Three Sisters Bridge. At the completion of the review, appropriate budget amendments will be submitted with respect to both the mass transit and highway programs of the District. The projects which are not in question in the current review, particularly the center leg of the Inner Loop and its continuation to the north, as well as the modified Interchange C, represent a major and important highway program.

Although President Kennedy withheld \$21 million requested by District highway officials pending completion of the NCTA review, Administration officials made clear that he was "very definitely" keeping the door open on the highway versus transit debate. [Flor, Lee, "Road Funds Held Up for More Data," *The Evening Star*, January 18, 1963]

The District commissioners submitted their response to NCTA. On January 29, the *Star* reported:

Administration attempts to keep the strongly worded Commissioner report confidential failed today. Into the open emerged an almost unprecedented public dispute between the considered views of the Commissioners and the Agency Director C. Darwin Stolzenbach, all appointed by the President.

The commissioners sharply criticized NCTA's procedures and statistics, particularly in contrast with the 1959 Mass Transportation Survey:

The 1959 study was based on frequent and open discussions with all agencies and groups interested in transportation in the region. The resultant plan was responsible to the clientele it would serve.

The . . . agency plan was prepared unilaterally.

In contrast with the survey, NCTA based its recommendations on assumptions, not scientific analysis of traffic:

The Board of Commissioners should not push aside lightly the thoughtful studies and investigations which have been made over the years, as well as some of the solid, established trends.

Furthermore, in the absence of conclusive evidence concerning assumptions, methods and other relevant factors, the Board of Commissioners must be reluctant to accept at face value the data presented by the . . . agency.

In rejecting NCTA's estimate of 21,500 peak-hour trips across central Washington bridges, the board pointed out that NCTA had ignored the corridor plan that was central to the Year 2000 Plan. President Kennedy had called on all agencies to support the Year 2000 Plan, but NCTA had not done so.

The commissioners also said that NCTA had minimized factors that altered the view of highways:

For example, the NCTA based estimates for transit needs on the a.m. peak hour traffic. However, experience has demonstrated that peak hour for highway traffic is in the p.m. period.

President Kennedy, the commissioners pointed out, had called for "efficient highway and mass transit facilities" to make "full use of the advantages of each mode." (The commissioners underlined this quote.) Instead, NCTA appeared to "resolve questionable areas in favor of transit, tending to create a paper need for transit at the expense of highway travelers."

The board took particular exception to NCTA's opposition to the Three Sisters Bridge. Based on the conference report on the District of Columbia Appropriation Act, 1963, the District held off work on the bridge until officials could review the NCTA report. They found that NCTA's analysis of Potomac River crossings "lacks flexibility," with the commissioners questioning the "apparent neat balance between capacity and demand from a technical standpoint." They could

not find any “solid data in the NCTA publication on which to justify further deferral of the project.” Expert consultants over the years had verified the need for additional capacity, but no other bridge would provide adequate service.

Without the bridge, the Potomac River Freeway, which NCTA did not oppose, would be killed because it would not be eligible for 90-percent Interstate funds. Trying to convert Key Bridge to serve the purposes the Three Sisters Bridge was intended to fill would require “major surgery” and would be “too costly and disruptive of values in Georgetown.” [“D.C. Hits Transit Report, Backs 3 Sisters Bridge,” *The Evening Star*, January 29, 1963; “D.C. Bars 3 Sisters Span Delay,” *The Washington Post and Times Herald*, January 29, 1963]

On January 30, Special Advisor Horsky promised that the commissioners’ report would receive “careful consideration.” He thought that within the next month, President Kennedy would send his recommendations to Congress on freeway and transit proposals. As for the Three Sisters Bridge, Horsky said the commissioners’ report was “very comprehensive and gives a lot of reasons for building the bridge.” However, White House officials had only just received it. He did not think the District would start construction until the White House decided how to resolve the conflicting views on the bridge.

General Clarke informed reporters that he could not comment on the report, which had not been released officially, but he indicated that the city was not negotiating with a consultant for a design contract. [“White House May Review Sisters Span,” *The Evening Star*, January 30, 1963; “Three Sisters Operation Is Shelved for Awhile,” *The Washington Post and Times Herald*, January 31, 1963]

A *Post* editorial said that the White House’s policy on the area’s transportation system would be tested by the city’s desire to move forward with the Three Sisters Bridge. A White House veto would provide “an unwarranted triumph for bad figures and high emotions.” The bridge was needed partly because the opening of Dulles International Airport in 1962 had stimulated a “very rapid rate of development.” The resulting traffic would use I-66 for District access, but “if there is no Three Sisters Bridge, it will unavoidably be funneled through the parks and the monumental areas downstream.”

NCTA had proposed the unattractive alternative of Interstate trucks running in front of Arlington Cemetery [on Jefferson Davis Highway] and debouching into the overloaded 14<sup>th</sup> Street Bridges.” Further, “the Key Bridge must then be connected to the Potomac River Freeway by a grotesque clover-leaf suspended out over the river, and traffic would flow directly onto the local streets of Georgetown.” If the White House relied on NCTA’s “wildly optimistic” plan to extend rail rapid transit to Falls Church in 1970 and Fairfax City in 1973, “it will risk all of the dangers that may be expected to flow from the steady constriction of the newest suburbs’ access to downtown Washington.” [“The Case for Three Sisters,” *The Washington Post and Times Herald*, January 31, 1963]

## **Responding to NCTA**

The Northern Virginia Regional Planning Commission passed a resolution that did not endorse the transit aspects of NCTA's plan. The commission wanted assurances "that the rail program proposed by the NCTA will be feasible in conjunction with a comprehensive, co-ordinated highway program." Arlington County's representative to the commission, John Lohman, objected to the resolution, saying that the county would be transformed by a "sea of concrete" until ample rail transit facilities supplemented highways. Prince William County's Francis M. Coffey countered, "Highways are the backbone of this Nation and they always have been." Although the commission approved the resolution, it modified an earlier version that accused NCTA of "drastically cutting back the proposed highway program. ["Virginia Group Balks at Mass Transit Plan," *The Evening Star*, February 1, 1963]

NCTA missed its self-imposed deadline of January 26 for submitting its final recommendations to the White House. Some agencies had not yet provided their comments, in part because of the late release of appendices. Some jurisdictions had approved the "general principle" of rapid transit but not NCTA's recommendations on freeways.

The Bureau of the Budget wanted the recommendations before drafting the Kennedy Administration's proposals to Congress. Horsky, referring to the District's comments, wanted to ensure the White House had NCTA's comments on the highly important report. "The Bureau of the Budget will want as much light on this as possible." ["NCTA Misses Deadline On Final Transit Plan," *The Sunday Star*, February 3, 1963]

Senator Mansfield reintroduced his bill, now S. 651, on February 4 transferring District right-of-way in Glover-Archbold Park, to the Department of the Interior, and made clear his opposition to the Three Sisters Bridge. It was identical to the bill he had introduced in the 87<sup>th</sup> congress. "That bill was passed by the Senate, after extensive hearings; but no action beyond public hearings was taken in the House."

He summarized the history of the park, which he said was not large but was very important to those who knew it. If the District had its way, an expressway would be built through the park, "not this year or in 3 or 4 years, but I am certain it will in the not too distant future." Further, if the District built the Three Sisters Bridge, "it is inevitable that a highway will be built through the park because the approaches from the bridge have no other place to go."

He was skeptical that "new fancy highways and expressways" were the answer to the city's congestion problems; they would "only increase it." He said:

Unless we preserve some of the natural beauty of our Nation's Capital and develop the city with these things in mind, we are going to end up with a very costly city of expressways, arterial highways, and unsightly parking lots. There must be other ways to resolve these difficulties.

He praised NCTA for identifying "more reasonable solutions." [Glover-Archbold Parkway, *Congressional Record-Senate*, February 4, 1963, pages 1685-1686]

The Joint Transportation Commission (JTC) released a report on February 8 that was skeptical of NCTA's claims. The JTC grew out of growing concern in the area about how the expanding suburbs in Maryland and Virginia affected the area's transportation mix, including bus transfers among jurisdictions. District Commissioner McLaughlin and State Senator Northrop proposed a presidential commission to help regulate the area's private transit companies. Representatives Hyde of Maryland and Broyhill of Virginia secured congressional approval, but President Eisenhower vetoed the bill after Virginia indicated it would not join. McLaughlin, Northrop, and State Senator Fenwick then convinced the two State legislatures and the District Board of Commissioners to authorize the JTC.

By March 1961, the new Washington Metropolitan Area Transit Commission had taken over regulation of transit services from the area's public utility commissions. Next on JTC's agenda was a compact for building and operation a rail transit system as called for by the Mass Transportation Survey and the National Capital Transportation Act of 1960. However, NCTA and the JTC were suspicious of each other, as Schrag explained:

On one side were the NCTA Advisory Board and staff and their allies. By early 1961 this meant the Stolzenbach crowd: a group of people who opposed freeways, favored home rule for the District of Columbia, and owed their power to President Kennedy. Members of this group were suspicious of the Joint Transportation Commission, which included the District's engineer commissioner (the NCTA's opponent in the freeway fight) as well as suburban politicians who had dubious sympathy for the disfranchised people of D.C. On the other side was the JTC, which, after 1961, was dominated by suburban voices.

The JTC, consisting of politicians, "regarded appointed experts of any stripe—Bartholomew, Stolzenbach, and Gutheim included—as impractical dilettantes" who might give a Federal transit corporation for the area "terrifying powers, such as the ability to push trunk lines through jurisdictions without consent." [Schrag, pages 96-99]

The distrust surfaced in the JTC's response to NCTA's November 1 report and recently released appendices. On February 8, JTC's report rejected NCTA's idea of a Federal corporation to build and control the rapid rail system. JTC urged regional officials to agree on an interstate compact to replace NCTA as soon as possible:

An interstate compact agency inherently would provide a greater degree of responsiveness to the plans and needs of the local areas and would insulate the Federal Government from becoming directly involved in a matter as purely local as community planning.

Although NCTA had predicted negotiations on a compact would be difficult, JTC reported "substantial progress" on the compact. It expected to have a draft ready for review by the end of the year.

The report also questioned NCTA's claim that the rapid transit system could pay for itself out of the farebox:

The financing plan makes no provision for meeting any deficits which may be experienced in the construction or operation budgets.

In such a long-term project, the estimates of construction are subject to changes due to unpredictable variations in the price of labor, material and equipment and the net revenue projections are subject even to a great variety of complex factors, none of which may be predicted with any certainty.

Further, NCTA had greatly underestimated how the rail system would affect the area's private bus companies. While expecting express bus and feeder lines to provide "substantial" service in 1980, NCTA estimated that by then, buses would carry about 88 million passengers (28 million on express bus lines and 60 million on feeder lines), compared with 209 million in 1961. The private companies would take in fares of \$4.7 million in 1980, compared with \$37.7 million at present, and require operating subsidies from local jurisdictions of only \$7.5 million, bringing total revenue to \$12 million. In view of this "substantial curtailment" in private bus operations, "full attention should be directed to the development of satisfactory arrangements to keep the private segment of the system in a state of necessary economic well-being." [Flor, Lee, "3-State Transit Agency To Replace NCTA Urged," *The Evening Star*, February 8, 1965; Clopton, Willard, "NCTA's Rail System Plans Attacked by Parent Agency," *The Washington Post and Times Herald*, February 8, 1963]

Professor Schrag summarized the result:

The rift between the NCTA and the JTC widened after the November Report and Stolzenbach's antihighway proposals. In February 1963 [JTC counsel Jerome] Alper complained that the NCTA had failed to consult the JTC "on system design or in the formation of any of its plans." Fenwick wrote to President Kennedy to condemn Stolzenbach's meddling in highway matters and to support the Three Sisters Bridge. [Schrag, page 99]

On February 20, the District commissioners sent a preliminary report on the NCTA recommendations to the Bureau of the Budget. *The Washington Post* began its description of the report by writing:

The District Commissioners ripped into the National Capital Transportation Agency's highway and rail transit proposals for the Washington region.

In a 99-page critique bristling with such uncomplimentary phrases as "paper solution," "unsupported optimism," "unexplained neglect" and "poor planning," the Commissioners charged that NCTA would "decimate" the city's presently planned freeway system and cause choked rush-hour traffic congestion for decades to come.

They ended up recommending that the planned freeway system be completed, that commuter service be started on three existing railroad lines, that express bus service be given more consideration and that a start be made on NCTA's proposed downtown subway . . . .

The Commissioners' charge that NCTA failed to cooperate with the city in preparing its plan, miscalculated future demand for highways, manipulated its figures to show the desirability of rapid transit and failed to consider factors that could derail its financial estimates.

In not seeking advice from the area's highway agencies, "NCTA has followed a procedure contrary to all modern urban transportation studies." The result of this "unilateral control of input assumptions and adjustment" was "a paper solution which shows all transportation demands and capacities nearly in balance." The commissioners pointed out that under those circumstances, NCTA could forecast any balanced solution it desired. For example, NCTA predicted that 95 percent of increased daily trips by 1980 would be via highways, but NCTA recommended \$793 million for its rapid rail transit plan, almost as much as for added highways:

Apparently the "balance" criteria used by NCTA is the proposed expenditure of estimated similar sums of money on fixed transit and on highways.

The commissioners rejected virtually all of NCTA's recommendations on the regional freeway system, including the projects President Kennedy had withheld from the District budget. They also challenged NCTA's claim that even with deletion of several Interstate projects, its plan "includes a continuous interstate highway system." This claim was "a mythical conclusion" because NCTA did not check with State or Federal roads officials to see if the network complied with Interstate standards. Had they done so, they would have learned that the network was not in compliance, jeopardizing 90-percent Federal construction funding. The loss of funds for the Potomac River Freeway, which would be of little value if the Three Sisters Bridge were not built, would be \$25 million. Further, NCTA's projected savings of \$428.4 million in reduced freeway construction should have been only \$84.3 million, and even that lower figure might be countered by the cost of improving city streets.

NCTA's conclusion that the rapid rail network could pay for itself out of the farebox was "dramatically overstated." NCTA, the commissioners explained, was caught in a two-way bind because its construction estimates are too low and its revenue estimates are too high. If those estimates were realistic, NCTA would have had to state that Congress and the local jurisdictions would need to subsidize the subway, and that prospect could undercut support. Between likely increases in construction costs and conservative revenue forecasts, the combined deficit would add up to about \$400 million in 25 years.

The commissioners agreed that the District "unequivocally" needed improved mass transit as part of a balance transportation system. They endorsed JTC's efforts to develop a tri-State compact agency that would replace NCTA as soon as possible. They also endorsed rail lines along Wisconsin Avenue (Northwest to Bethesda), Rockville-Silver Spring along the Baltimore and Ohio Railroad, along the Pennsylvania Railroad to Lanham in Prince George's County, Maryland, and one through Alexandria to Springfield, Virginia. Beyond those lines, more study was needed, especially in the absence of "data necessary to equitably and adequately compare the merits of the Mass Transportation Survey Plan of 1959 and the NCTA Plan of 1962." ["Commissioners Rip Into NCTA Transit Report," *The Washington Post*, February 20, 1963;

Flor, Lee, "Only 4 Lines of Rail Transit To Get D.C. Chiefs' Backing," *The Evening Star*, February 20, 1963]

The Department of Commerce, home of BPR, submitted its comments to the Budget Bureau on February 20. According to Schrag, Martin Wohl wrote the report. He was working in the office of Secretary Luther H. Hodges, but was a rapid rail transit skeptic and coauthor in 1965 of *The Urban Transportation Problem* (with John R. Meyer and John F. Kain, published by Harvard University Press.) [Schrag, pages 4-5, 55]. Commerce favored a downtown subway as the "only practical means in which essential volumes of traffic can be moved while maintaining the dignity and beauty of the Nation's Capital," but did not specify whether it should be a subway for buses or rail transit.

The report "particularly complimented" NCTA for trying to develop new ways of forecasting preferences for transit or highways. However, NCTA "has used a substantial number of assumptions that are highly questionable." NCTA had not cooperated with planning and highway agencies, and had "substantially over-stated" transit ridership and revenues. Because NCTA had not completed enough basic engineering and planning work, its preliminary estimates were "hardly comparable in completeness and accuracy to cost estimates which should be submitted to Congress for project authorization." The estimates for the cost of the tunnel segments "might require as much as 50 percent upward revision."

Commerce recommended prompt construction of the Three Sisters Bridge and key parts of the Inner Loop Freeway. At the same time, Commerce believed the North Leg, Center Leg, and East Leg should be restudied to determine location and number of lanes in view of the impact of the rail transit system.

Further, the 1960 Act had directed NCTA to evaluate the 1959 Mass Transportation Survey plan and consider alternatives. The NCTA report stated that the agency had done so, but according to the Commerce Department, "neither the report nor the six published appendices show any indication that a thorough analysis of these alternatives were made." ["Federal Study Favors Inner Loop Start Now," *The Sunday Star*, February 24, 1963; "Commerce Urges Sisters Span, Loop," *The Washington Post and Times Herald*, February 25, 1963]

Other agencies also had commented on the NCTA report and documentation. As the *Post's* Willard Clopton put it:

The transit plan has been accepted in principle by a majority of political leaders and planners throughout the area. But the agency's corollary proposal that freeway construction be cut back had flown into a hornet's nest of criticism.

Some of the agencies questioned NCTA's assumptions on engineering and contingencies as being too low, while its assumptions on income were off by about two-thirds. Nevertheless, according to Lee Flor in the *Star*, agencies recommended a start on the rail transit system "on the basis that forecasting is not definite enough to prove that a transit system will fail to attract travelers away from their automobiles. The only real way to find out [is] to build a subway and then see if people use it, the analyses say."

Clopton reported that the White House was preparing its recommendations to Congress, but officials “are keeping as mum as if they were hatching another Manhattan project.” His sources at the Bureau of the Budget indicated that “a dual submission to Congress is likely,” with will “contain something for everybody.” [Clopton, Willard, “JFK Drafting Transit Plan,” *The Washington Post and Times Herald*, February 17, 1963; Flor, Lee, “Rail Transit System Is Recommended Despite Doubts on Agency’s Estimates,” *The Sunday Star*, February 17, 1963]

Donald Gingery of the Maryland-National Capital Park and Planning Commission, continuing his crusade to restructure NCTA, informed his colleagues that Stolzenbach was exercising “dictatorial power” in the absence of Maryland and Virginia officials who could provide “checks and balances that are so necessary so we can’t be hurt as we are being hurt.” He added:

We have not been consulted anywhere along the line about this plan. We need protection. Time has been wasted on this transportation plan because of incompetence.

He said the District commissioners’ comments had “repudiated with finality the factual basis of the NCTA plan and cast doubt on the ability of Maryland and Virginia to get 90 per cent Federal aid in building interstate highways.” NCTA’s present veto over the States’ transit plans was “not acceptable.” He said:

What’s the use of spending two years working on a plan and then vetoing it? Maryland and Virginia should have a voice in drafting these plans on a day to day basis so that there will be support for the proposals when they are released.

To provide the needed protection, Gingery again introduced a resolution calling for establishment of a three-man leadership of NCTA, with a representative from Maryland and one from Virginia joining Stolzenbach. The resolution asked the Maryland General Assembly to work through the State’s congressional delegation to secure a change in the National Capital Transportation Act of 1960 to create the new leadership troika.

This time the commission approved the resolution unanimously, despite concerns that J. Newton Brewer, Jr., expressed that, “we’re going to sabotage completely the possibility of ever getting funds from Congress to build a rapid transit system in this area.” [Dessoff, Alan L., “NCTA Head Attacked by Plans Body,” *The Washington Post and Times Herald*, February 21, 1963; Duke, William, “Maryland Seeking a Voice In Area Transit Planning,” *The Evening Star*, February 21, 1963]

The *Star*, in an editorial, agreed with much of the District commissioners’ report. The result was “the chaos which now envelops the Washington area transportation picture,” an outcome that was “as predictable as the rising sun.” Even before finishing its studies, NCTA had “made known its intention to propose a regional rail-transit system so attractive and so economically feasible that large portions of the long-planned area freeway program could be scrapped.” It drafted the report unilaterally on the assumption that its plan would be “so universally acceptable that the outcome would be virtually unchallengeable.” Unfortunately, no such mathematical precision was available to NCTA or anyone else.

The District commissioners' "devastating" analysis charged that using NCTA's own data, "the estimates of transit costs are too low, the revenues too high, and the means of predicting future transit use subject to 'incredible' and 'ridiculous' error."

The commissioners' report, "as might be expected," challenged NCTA's assumption on highways:

It accuses the agency of assigning traffic volumes to freeways far in excess of their capacity, of undervaluing the desire of motorists to use their cars, of shattering the concept of the interstate highway system, of downgrading the potentials of express buses on freeways.

The editorial rejected the tendency "to throw up one's hands over the transit situation," but faced with the evidence, the White House might be unable to send its comprehensive transit-highway proposals to Congress in the near future as planned:

The administration possesses both the authority and the information it needs, however, to end the unwise restraints now imposed on the freeway system, and to get on with the job of resolving differences over the transit proposals. It will not be the first time that such a dispute has been settled at that level. ["Inevitable Response," *The Evening Star*, February 22, 1963]

Senator Douglas, a long-time critic of the Three Sisters Bridge, wrote to President Kennedy to advise him that its construction would lead to highway construction through Glover-Archbold Park and the conversion of Spout Run Parkway into an eight-lane expressway. Noting that Arlington County opposed the plan, Senator Douglas asked, "Are we to go ahead on the advice of the D.C. Commissioners and the D.C. Highway [sic] to build a bridge and connecting truck routes against the other jurisdiction most concerned, when it is overwhelmingly opposed to such actions?" ["Douglas Asks 3-Sisters Bridge Ban," *The Washington Post and Times Herald*, February 26, 1963]

While waiting for President Kennedy's recommendations, the Committee of 100 on the Federal City made clear its continued opposition to the Three Sisters Bridge. In late February, the committee wrote to the President, the Bureau of the Budget, and the House and Senate Appropriations Committee to express its opposition:

For good or ill, the traffic forces which would be generated and in turn, unleashed by the proposed Three Sisters Bridge would be such that no one, not even the Highway Department, dares foretell its eventual consequences.

The bridge would "force construction of the proposed northern and northwestern portions of the Inner Loop . . . no freeway yet conceived for Washington would be more destructive of cultural and tangible values."

NCTA's report offered a "soundly based, balanced transportation system." By contrast:

As if in a footrace to put down a highway network which would foreclose an economic transit system, the District Highway Department and the Engineer Commissioner have relentlessly pursued an all-highway planning objective which even the 1959 Transportation Plan had rejected.

The Committee of 100 rejected the argument that the bridge was needed to carry trucks. This justification was “without substance” because, the committee stated, the Eisenhower Administration’s restriction of truck traffic on the Theodore Roosevelt Bridge could be changed by an executive order. Moreover, the committee claimed that:

All available traffic forecasts, including the forecasts of the D.C. Highway Department itself, verify the NCTA’s conclusions that the proposed Three Sisters Bridge is not warranted if, as is planned, a rail rapid transit line is constructed to Arlington and Fairfax Counties.

This statement contradicted the District’s interpretation of its data. [Flor, Lee, “Federal City Committee Would Bar Sisters Span,” *The Evening Star*, February 27, 1963]

One member of the Committee of 100 took exception to its views. AAA’s Washington I. Cleveland had written a letter requesting contributions “to combat the efforts [of NCTA] to emasculate the highway program in the Nation’s Capital.” The District area’s Highway Users Conference was planning “an intensive public relations campaign to keep the area road program from being drastically curtailed.” The Committee of 100 “disassociated” itself from these views. [“Three Sisters Bridge Meets New Attack,” *The Evening Star*, March 30, 1963]

### **President Kennedy’s Decisions - Delayed**

Although the White House had promised prompt decisions following agency review of the NCTA report and documentation, the Administration plan was stalled. While waiting for the report, interests continued expressing their views in hopes of influencing the outcome.

The *Star* understood the problem, stating in an April 11 editorial:

It is not surprising that the White House is already far behind its original schedule for proposing specific expenditures to Congress for rapid transit and freeway construction in Washington. The elaborate technical claims of the National Capital Transportation Agency in defense of its rail transit proposals, at the expense of freeway construction, have generated controversy which the White House could neither ignore nor easily resolve.

The editorial said that in recent remarks, General Clarke had “summarized the dilemma in words which the politicians now grappling with the problem would be wise to heed.” He said:

What I get from all the studies to date and from the statistics that we have is that we should be proceeding at a great rate with both a highway system and a transit system. We should not be bickering about a few percentage points of difference in estimates about what will happen in 1977 or 1980. Our crystal ball is not that clear, nor is our rate of

progress going to be so great that we cannot keep our goals under constant scrutiny and make changes in them as we go along. If we were to miss the estimate by 10 per cent – and past experience tells us that we will probably not be that close – a difference of two or three years of natural growth will take up the capacity. If past experience is of any value, we appear more likely to underestimate our needs, so that the need for the facilities will come sooner than we plan.

The editorial agreed with this “sound advice”:

A decision to curtail highway building now would not make people stop driving automobiles; it would merely compound the traffic jams and wreck an orderly program of construction which will have to be carried out eventually in any case. At the same time, the transit portion of the total load should be handled largely by a subway transit system which, in the interests of the Nation’s Capital, should be started now. [“Cloudy Crystal Ball,” *The Evening Star*, April 1, 1963]

In early April, NCPC was working on a “compromise proposal” that had been in development for several months to resolve the I-266/Three Sisters Bridge controversy. The concept would reduce the number of lanes on the bridge from eight to six and eliminate some approach roadways. The District would give its 100-foot right-of-way through Glover-Archbold Park to NPS. In return, NPS would allow construction of I-266 through Spout Run Park to serve trucks. [“3 Sisters, Spout Run Deal Pends,” *The Washington Post and Times Herald*, March 18, 1963; Lewis, Robert J., “Simultaneous Renewal of Two Areas Is Urged,” *The Evening Star*, April 4, 1963]

D.C. Trucking Association sent a telegram to President Kennedy urging him not to put the North Leg or the Three Sisters Bridge on the shelf. Deletions of the “key segments” of the Interstate System “would ignore the importance of these segments both as a part of the interstate system and as integral elements of an effective freeway system for the movement of people and goods in the city.”

Director Aitken, in an interview, said the two projects would be needed in years to come. Failure to complete the Inner Loop would “scuttle” the District’s Interstate System and cause the loss of many millions of dollars in Interstate construction funds.

AAA’s Cleveland worried about the implications of the freeway battles in the District for the Nation. If the argument that mass transit could reduce the need for freeways prevailed in the District, similar arguments elsewhere would lead to a “general slowdown” in urban freeway construction. [“Keep Loop, Truckmen Urge JFK,” *The Washington Post and Times Herald*, April 17, 1963]

Later in the month, staff of the National Capital Regional Planning Council issued a report backing the basic rapid transit system, but suggesting a need for more highways to meet growing demand. Staff suggestions included a Potomac Freeway through Alexandria, the Northwest Freeway in the Wisconsin Avenue corridor, and the North and West Legs of the Inner Loop. The Three Sisters Bridge and Spout Run connections should be advanced because “no adequate

design has yet been presented for any other route for the connection of Interstate 66 with the Inner Loop.”

Even with those freeways, highway congestion could increase in ways that would force the imposition of tolls to discourage peak period use by private automobiles:

The most equitable mechanism for rationing the use of the highway system is through charging a fee for a trip made during the peak hours. This would assure that the use of scarce highway capacity would be made by those to whom it was of greatest value.

Staff endorsed most aspects of the NCTA transit proposal, putting the cost at what they considered a realistic estimate of “around a billion” dollars, considerably more than NCTA’s estimate. The report recommended a series of public hearings in the local jurisdictions to test the extent of support.

The staff report, a response to the Bureau of the Budget’s request for comments by the end of January, was long overdue. The council, however, put the report on hold for further review by NCPC and the Maryland-National Capital Park and Planning Commission. [Flor, Lee, “Planners OK Rapid Rail, More Area Freeways,” *The Evening Star*, April 23, 1963; “District May Have to Charge Tolls to Restrict Highway Use,” *The Washington Post and Times Herald*, April 24, 1963]

General Clarke wrote to his NCPC colleagues urging them to adopt a “basic highway system for the District and the region that can withstand the annual onslaught of dissension.” In view of the 3C planning process the Federal-Aid Highway Act of 1962 had required be in place by July 1, 1965, General Clarke wrote, “it is essential that immediate steps be taken to assure the establishment of a formal planning process for this region, including the District, Maryland and Virginia.”

Charles H. Conrad, NCPC’s acting staff director following Finley’s departure, told the panel that work had been underway for 6 months on a comprehensive highway plan, but that it required agreement on a thoroughfare plan for the District and its neighboring jurisdictions. He expected the plan would be completed in 1964. Chairman Rowe said that many decisions would depend on that report. [“Clarke Seeks Speedup On Area Highway Plans,” *The Evening Star*, May 3, 1963]

Meanwhile, District highway officials, in response to a request from BPR, were considering a new route for the Three Sisters Bridge. The new location, about an eighth of a mile to the east of the original location, would be about halfway between Key Bridge and the planned Three Sisters Islands location, linking to the exit of Spout Run Parkway. Another option was to change the angle of the Three Sisters Bridge so it would not point directly toward Glover-Archbold Park, the issue that was at the heart of much of the opposition. [“D.C. Studies New Site For 3 Sisters Bridge,” *The Evening Star*, May 3, 1963; “Shift in Bridge Site Asked by U.S. Bureau,” *The Washington Post and Times Herald*, May 4, 1963]

The White House delay could be attributed, at least in part, to disagreements among NCTA’s advisors. Neil J. Curry, a Los Angeles trucking executive and a member of President Kennedy’s

Committee for Traffic Safety, had served on NCTA's advisory committee on finance. The committee had endorsed NCTA's financing plan, including its freeway cutbacks. When members of the California congressional delegation informed Curry of the implications of the endorsement, he wrote to Stolzenbach in protest. Curry, the trucking official, referred to the critiques submitted by the District and the Commerce Department:

I am concerned that there be a complete understanding on the part of all concerned of the limited role played by the Advisory Committee on Finance, particularly from the standpoint of any recommendations relative to cutting back or delaying the District highway program . . . .

I wish to express unequivocally my opposition to the philosophy and proposals in the NCTA report which would cut back the highway program. I would appreciate your making every effort to see that there is no misunderstanding regarding my position on this matter. ["Transport Advisor Balks At Plan Sent to Kennedy," *The Evening Star*, May 3, 1953]

Lee Flor discussed the reason for the White House delay on May 5:

Washington area transportation recommendations are stalled in the White House because administration officials fear their effect on pending national transit legislation, officials said yesterday.

Legislation to establish a \$375 million transit grant program for the 214 metropolitan areas throughout the Nation has been passed by the Senate. Similar legislation, reported out by the House Banking and Currency Committee, is awaiting clearance by the Rules Committee before coming before the House.

The Washington area rail transit program calls for a \$120 million grant program and \$731 million in guarantees for bonds. Administration officials are reportedly afraid the local measure will overshadow the House action on the national legislation.

When the 87<sup>th</sup> Congress had come to an end on January 3, 1963, the legislation had passed the Senate, but not the House. In the 88<sup>th</sup> Congress, the legislation had been revived. On April 4, the Senate approved the Urban Mass Transportation Act of 1963 by a vote of 52 to 41. House action was pending.

(Congress would not complete action on the urban mass transportation bill in 1963. As noted earlier, President Johnson approved the landmark Urban Mass Transportation Act of 1964 on July 9, 1964, during a signing ceremony in the Cabinet Room of the White House.)

Downtown Progress, saying "there is no record of a city having an overabundance of good transportation," voiced its support for the freeway network as well as the rail transit system:

The freeway plan of the District of Columbia Highway Department . . . is a reasonable program . . . and it should be carried out as rapidly as possible. Deferral or deletion of major segments of the freeway plan will result in a highway system that will be

inadequate to meet the needs of the area, even with a comprehensive rail rapid transit system.

To sacrifice a portion of this freeway network on the vague claim that it might not be needed could well result in economic losses and sociological damage which would far outweigh the present costs of these new roads.

Completing the network was essential “for the dynamic growth which lies ahead.” A “satisfactory solution” for part of the Inner Loop had “not yet been designed, particularly the north leg,” but must be found. Regarding the Three Sisters Bridge, the organization wrote:

No reasonable solution has been presented which would enable Key Bridge, and its approaches, to properly serve the traffic needs of this area.

The statement continued, “The time for study, though well spent, is behind us. The time has now come for action.”

As for NCTA’s transit proposals, the statement said:

There is no dispute over the need for a modern, efficient high capacity rail rapid transit system. This is essential, and every effort should be taken to expedite its construction.

. . . . The transportation system which will serve the rapidly growing metropolitan region must provide a high degree of accessibility between the central business area and the communities which depend on downtown and upon which downtown is dependent.

Only a balanced transportation system, comprised of adequate highways and rapid transit facilities, both rail and bus, can meet the needs of the Nation’s Capital. [“Downtown Group Backs Rail Transit,” *The Evening Star*, May 11, 1963; “Business Unit Backs Road, Rail Systems,” *The Washington Post and Times Herald*, May 12, 1963]

With the President’s report on hold, the Federal City Council released a report on May 4 calling for an immediate start on the 98-mile rail transit system as well as the freeway network. The report indicated that projections of a regional population of 5 million by 2000 “warrant an assumption that the National Capital region will require both the amount of mass transit proposed in the NCTA’s 1962 report, and a system of freeways largely in accord with that proposed by the District Commissioners.” NCTA’s assumption of financial independence should not be the sole basis for advancing the transit option; the area “must have an efficient, modern, rapid rail transit system, including the best equipment available, whether or not complete financial self-sufficiency is attainable.”

The council urged Congress to authorize NCTA to proceed with construction rather than waiting for an interstate compact or a Federal corporation. Further, “in face of the uniqueness of a jurisdiction where the legislative and taxing power rest solely in the Congress, both the Congress and the Executive must accept a special obligation either to provide or to guarantee the financing of the enterprise.” Specifically, the council recommended that construction on the downtown subway and some radials begin in FY 1964.

The council recommended construction the Three Sisters Bridge near its island site, construction of the East Leg on the west side of the Anacostia River, and a modified freeway along the northwest downtown boundary. Saying the city “should be integrally related to the Federal interstate highway system,” the council nevertheless suggested that BPR consider easing its standards for segments such as the North Leg and the Potomac River Freeway through built-up areas.

The report cited the Theodore Roosevelt Bridge, with its restriction on truck traffic, as an example of an Interstate freeway that did not meet full standards. Council president Gordon Gray told reporters, “I’m not sure who has the ultimate power in this thing, but I think the President of the United States could influence the standards if he wants to.” [Flor, Lee, “Area’s Rail Transit Plan Stalled in White House,” *The Sunday Star*, May 5, 1963; Clopton, Willard, “Put Downtown Subway First, Council Urges,” *The Washington Post and Times Herald*, May 5, 1963]

### **The President’s Recommendations**

Finally, on May 27, 1963, President Kennedy sent a letter to congressional leaders on the transportation needs of the Washington area. He explained that NCTA’s report of November 1, 1962, recommended a 10-year Transit Development Program, which would “provide the National Capital region an extensive rail rapid transit, commuter rail and express bus system,” including commuter rail and express bus service within the right-of-way of several freeways and express parkways. This plan was, “in my judgment, both sound and necessary.”

He submitted a bill to authorize NCTA to proceed with construction of the system. “I hope that this proposed legislation will receive both prompt and favorable Congressional action.” There was, he said, no questioning the need for improving the Washington area’s transportation network. “Nor can it be doubted that improved transportation must include a major rapid transit system.” He explained:

The alternatives would be steadily worsening congestion with all that congestion means in losses of time and money, or an enlarged highway and freeway program entailing additional expense, major disruption of persons and businesses, and substantial impairment of the appearance and attractiveness of the city.

As for NCTA’s estimate that the rapid transit system would cost \$793 million over 10-years, “any estimate is subject to modification upon the completion of more detailed engineering.” Nevertheless, he thought NCTA’s estimate provided “a reasonable basis for authorization of the program.” He continued:

In accordance with the directives given it in the 1960 Act, the Agency has provided as far as possible for payment of system costs by users, with the remaining costs to be distributed among the Federal and local governments of the region. The bulk of the capital costs, which would be ultimately payable from system revenues, would be financed by borrowing from the capital market. The remainder of those costs would be financed by Federal and local grants in the same proportion as that proposed in the

national mass transportation program which I have recommended. The Agency has concluded that necessary borrowing can be repaid from fare box revenues within 36 years. Even under adverse circumstances, it seems reasonable to conclude that the borrowing could be repaid within a period of 50 years.

He supported the intention of Congress in passing the 1960 Act that a regional compact agency take over construction. "I am hopeful that the compact negotiations which are now in progress will reach a successful conclusion."

President Kennedy recognized that rapid transit was not the sole answer. "Rapid transit must be related to, and coordinated with, the movement of people and goods by freeways and parkways, roads and streets." He did not know a "single touchstone" for balancing the roles of transit and highways in meeting the area's "total regional transportation needs."

He acknowledged the "wide differences of opinion" on the specific highway and bridge proposals. He was convinced, however, that the differences could be resolved by "a careful re-examination of the highway program of the District of Columbia in light of the Transit Development Program, and the social, economic and esthetic impact of highways in the Nation's Capital." He asked the District's Board of Commissioners to work with appropriate Federal Agencies on this reexamination.

As for the projects he withheld in his FY 1964 budget proposal for the District, he now recommended proceeding with the East Leg of the Inner Loop and Fort Drive Parkway. Funds were available for these projects. Horsky clarified for reporters that the President advocated the west bank alignment for the Anacostia River segment of the East Leg.

President Kennedy continued:

Decisions on the appropriate highway facility for the North Leg of the Inner Loop, particularly whether it should be built to Interstate standards, should await the outcome of the re-examination which I have outlined above. Since the construction of the Three Sisters Bridge as an interstate facility appears to depend upon the decisions which must be made with respect to the North Leg, its construction should likewise be deferred until all the alternatives have been fully re-examined. For similar reasons, no further commitments at this time should be made with respect to the Potomac River Freeway.

In the end, he said, "an intelligent decision" on the area's transportation should encompass highways and mass transit. Until now, transit plans were tentative and lacked sure knowledge they would be carried out:

The time has now come to answer that question. The Transit Development Program of the National Capital Transportation Agency presents a carefully conceived and attractive plan. It has commended itself to me, and I hope it will commend itself to the Congress.

President Kennedy's letter was accompanied by a five-paragraph of legislation authorizing NCTA to begin construction of the rail transit system "subject to the availability of

appropriations and other funds.” He also enclosed a 42-page Summary Report on the Transit Development Program.

The *Star* and *Post* provided readers with a sampling of reaction to the President’s letter. The delays in the Three Sisters Bridge, Potomac River Freeway, and North Leg for more study prompted Chairman Natcher to say that “any effort to bring to a complete halt important highway projects is a serious mistake.” He added that “the approved freeways which have been considered by our committee from time to time, with funds appropriated, are a vital part of the future development of the District.”

Chairman McMillan of the House District Committee said:

In my judgment it is going to take both modern highways and a modern rapid transit system to haul the traffic coming into the District daily. I hope the program can be worked out and we can get it started.

Chairman Bible of the Senate District Committee pointed out that the District’s downtown had the fourth highest daytime population in the country. “I hope that Congress may make its decision this year or no later than next.”

Stolzenbach was, as might expected, delighted with the letter. As for the subway system, “If we get the breaks, we can start digging in 1964.”

By contrast, the letter “brought gloom” to the District Building, according to the *Post*. General Clarke said, “I think the best thing I can say is nothing.” The commissioners had sent their views to the President for consideration. “The Commissioners will begin the studies that the President has requested that we make.”

H. E. Humphreys, Jr., chairman of the National Highway Users Conference, was “stunned that the President has urged further delay to the interstate and defense highway system.” The only bright spot for highway supporters was President Kennedy’s recommendation on the East Leg, a position that Stolzenbach opposed. [Flor, Lee, “Kennedy Calls on Congress to Vote Area Rail System,” *The Evening Star*, May 27, 1963; Clopton, Willard, “Rail Transit Plan Sent To Congress,” *The Washington Post and Times Herald*, May 28, 1963]

On June 1, President Kennedy sent a special letter to Commissioner Tobriner, president of the Board of Commissioners, outlining how to conduct the reexamination of the freeways. It “should be started immediately and concluded as promptly as possible.” He continued:

A re-examination should focus on the sections of the highway plan which have from the beginning been the most uncertain and the most controversial—the north leg of the inner loop and the Three Sisters Bridge, both of which involve the manner in which traffic is to be moved across the near Northwest of the District.

This will necessarily involve a restudy of those additional portions of the plan which are directly affected by the conclusions reached in the re-examination.

The reexamination of the highway program “should assume a full mass transit system approximating that proposed in the transportation development program, and should make full use of all data which have been accumulated by the National Capital Transportation Agency.”

President Kennedy also advised Tobriner “to insure that economic, social and aesthetic considerations are fully taken into account and related to broader community development plans.” To do that, the commissioners should work with the Departments of Commerce and the Interior, the Housing and Home Financing Agency, the Commission of Fine Arts, NCPC, and NCTA:

Regional and local authorities in Maryland and Virginia should, of course, be consulted to the extent necessary to insure co-ordination of transportation plans and policies within the entire National Capital area.

He asked Tobriner to let Horsky know the “appropriate timetable” for the reexamination and to provide “periodic reports” to Horsky on the review.

Despite the “wide differences of opinion” on the controversial freeway segments, “a major objective of the re-examination should be a consensus which can command general support.”

District officials had mixed reactions to the letter. The implication was that if the reexamination confirmed the need for the North Leg and the Three Sisters Bridge, the White House would approve them and allow the Potomac River Freeway to go forward. However, NCTA, NCPC, and the agencies that President Kennedy wanted the city to work with had expressed wide differences on the freeways. The *Post* observed that, “One top city official considers it patently impossible, and believes the re-examination will end in the same old conflicts.” Albert A. Grant, the chief highway planner, thought the city might be able to convince technical staff based on data, but convincing policymakers was uncertain.

Director Aitken said the city did not have the “substantial amount of money” that would be needed for the reexamination, but was working with the House and Senate on the matter. He expected the review to include a re-check of traffic estimates, preparation of alternate plans, preparation of models, and exploration of the use of airspace above the freeways for office or apartment buildings. [Pierce, Charles D., “Kennedy Asks New Study of D.C. Highways,” *The Evening Star*, June 5, 1963; Schuette, Paul, “Community Accord On Freeway Plans Sought by Kennedy,” *The Washington Post and Times Herald*, June 6, 1963]

### **Congress Considers the President’s Report**

Within days, Congress began examining the President’s recommendations. The chairmen of the House and Senate District Committees wanted to hold joint hearings. Chairman Bible thought the President’s recommendations “provide a working base for Congressional consideration and, hopefully, action on the growing problems of metropolitan Washington.” Chairman McMillan said he would be pleased to co-chair joint hearings. In addition, Chairman Natcher had hearings on the District appropriations bill coming up in June.

As it happened, though, the Subcommittee on Roads, House of Representatives, had begun holding hearings on May 27 to consider several bills amending Federal-aid law. On May 29, General Prentiss, the former District Engineer, appeared before the subcommittee to testify on behalf of the American Road Builders Association (ARBA). After discussing ARBA's views on each of the pending bills, he brought up President Kennedy's call for "a delay and re-study of certain segments of the planned Interstate System within the District of Columbia on the premise that the provision of a suitable rail transit system might make the construction of these freeway links unnecessary":

The great weakness in this premise is that it overlooks the fact that the rail transit system will effectively serve only certain portions of the commuter traffic load, while the planned freeway system is needed to serve not only commuters but also the 24-hour needs of freight transportation and passenger automobile traffic of all kinds, including tourist traffic, the diffuse patterns of local traffic, substantial amounts of through traffic, and the requirements of the national defense.

He was certain that the restudy would confirm the need for the freeways, but the "tragedy of the situation" was that people would be deprived of the freeway service for several years, "much to the detriment of the national capital region."

Because the District transportation system was not the subject of the hearing, Representative William C. Cramer (R-Fl.) began the questioning on the pending bills. After doing so, he expressed interest in General Prentiss's discussion of the District issues. Representative Cramer, who lived at 6714 Joallen Drive in Falls Church, Virginia, while Congress was in session, explained his interest:

I still can't get to Congress over decent highways coming to work in the morning over 14<sup>th</sup> Street Bridge, for one example. There is still a missing link in the expressway to the South here connecting with even the Capitol. How long do you think such a delay and such a restudy would take, do you have any idea?

Prentiss did not know, but said all the data necessary for the restudy "has already been collected" by the highway department, NCPC, and the other planning agencies in the area.

Representative Cramer thought General Prentiss's reasons for not delaying the freeways were "very sound," adding:

I don't think there are many cities in the United States that have a worse traffic problem than the District of Columbia . . . . [It] appears to be that the highway situation in the District of Columbia is about as botched up, hodgepodge and slipshod as any in the United States of America. As a matter of fact, I had a study made with regard to delays on present projects and out of 31 projects underway now 21 of them have been delayed for periods ranging from 16 days to 9 months beyond the termination date of construction. As I say, there is no way to get to the U.S. Capitol over 14<sup>th</sup> Street Bridge and Shirley Highway on the expressways system even though the system is now constructed. It is not connected up.

With another “indefinite delay” on tap, “when are we going to get any relief for the District of Columbia highway traffic?” Highway traffic, he said, was going to increase “regardless of what type of a rail transit system may be devised.” He agreed with General Prentiss about the variety of traffic in the city. The high number of trucks passing through the city was inevitable because “there is no other way for them to get to the Northeastern United States except through the District of Columbia on U.S. 1, and so forth.”

General Prentiss pointed out that tourists did not want to ride into the city on a rapid transit system. “Most of them will come in here in their own automobiles or by buses.”

Representative Cramer agreed that tourists did not “want to leave their automobiles some distant place when they want to visit the District of Columbia.” He also wondered how “the Defense Establishment [is] going to move over rapid transit system.”

General Prentiss pointed out that 10 years ago, when he represented the District as Engineer Commissioner on NCPC, staff conducted “a very comprehensive origin-destination survey,” with the finding that 50 percent of people who drove into the area inside the proposed Inner Belt Freeway “did not have a destination inside the inner belt.” The 50 percent of vehicles that were causing the congestion within in the downtown area inside the Inner Belt “were not there because they wanted to be there, they were there because it was the only way to get to where they wanted to go.” The point of the Inner Belt Freeway and its connecting radials was to let people “get to their destination without going into the central city.”

Referring to the Potomac River Freeway and the Three Sisters Bridge, Representative Cramer asked if the Inner Belt Freeway would connect without these missing links. General Prentiss said that “no section of this belt can carry out its function until the belt is closed.” True, the rapid rail system would reduce traffic within downtown, “but the great majority of people are very probably like you and me, we want to see other people using that rapid transit so we can drive downtown in comfort because it happens to be more convenient for us to drive our automobile.”

Representative Cramer thought the question related to “the basic psychology of American independence, even in getting to town.” He was not opposed to rapid transit for commuters who want to use it “but I don’t think you can substitute it entirely for the highway system.”

General Prentiss said ARBA was not opposed to rapid transit, either, but “rapid transit has to stand on its own legs and not stand on legs that are supported by taking away what careful studies by experts have indicated is absolutely essential to the solution of the transportation problems of this city.”

Chairman Fallon, who chaired the subcommittee, also was concerned by the President’s message, pointing out that one editorial he had seen from another city suggested that its officials also take a “stop and look” attitude about its planned expressways:

This could spread all over the country in a very short while and change the thinking of a lot of people, and it might impede and certainly will hinder the construction of a much needed Interstate System in those cities.

Representative Cramer suggested “it appears to me that might be the objective of making Washington the guinea pig or test case and thus the focal point of this whole mass rapid transit program which is to some extent faltering in other areas, as justification for the rapid transit, mass transportation bill now pending . . . to try to give great emphasis and push behind that program.” His personal opinion was that doing so “to the detriment of the Interstate System is not the proper approach.”

Chairman Fallon, who told one interviewer that he disliked driving, especially freeway driving and commuted daily by rail between his Baltimore home and Washington, said that was his personal opinion, too:

Certainly if the press is in some instances going to recommend that nothing be done in other cities until they see what happens to the Washington study or action, this will obstruct the building of these highways in most of the large cities of the United States.

General Prentiss reminded the subcommittee that Congress had accelerated the Interstate System in 1956 to complete the network, including the routes into Washington, within about 13 years, “and we are certainly not going to be able to do that if we stop the construction of our interstate highways out on the border some place and look at rapid transit.”

Representative Cramer acknowledged that some changes in Interstate routes around the country were justified, “but a lot of changes have been made which couldn’t be justified, in my opinion, and uncertainty of it is very unfair to people who own property in these areas.”

After some additional discussion of the pending bills, Chairman Fallon thanked General Prentiss for his testimony. The chairman assured General Prentiss that the subcommittee was “interested in seeing the program initiated by Congress in 1956 go forward to completion by 1972.” From the testimony “it certainly seems this is going to be one of the greatest obstacles to the completion of the system if these delays are carried out, not only in Washington but throughout the Nation.” [Federal-Aid Highway Act Amendments of 1963, Hearings before the Subcommittee on Roads, Committee on Public Works, U.S. House of Representatives, 88<sup>th</sup> Congress, 1<sup>st</sup> Session, Report 88-6, pages 65-76; reference to Chairman Fallon’s dislike of driving based on interview reported in: Schwartz, Gary T., “Urban Interstates and the Interstate System,” *Southern California Law Review*, March 1976, pages 433-434, footnote 195]

Representative Cramer wrote to Chairman Fallon on June 7 to call for hearings “at the earliest possible date” on the President’s proposal to delay the Three Sisters Bridge, the North Leg, and the Potomac River Freeway. After summarizing recent developments, he wrote:

I do not believe that the construction of critically important parts of the National System of Interstate and Defense Highways should be further delayed on the basis of recommendations which do not take into account the purpose and objectives of the Interstate System.

The District was already 30 percent behind schedule, ranking below 32 States. The studies ordered by the President would only put the city further behind. Further, if they resulted in a

decision not to complete the Potomac River Freeway, the segment under construction “will not serve the purpose for which it was designed” and it “will almost certainly be taken off the Interstate System so that the Federal Government would bear only 50 percent of the construction cost.”

He called for hearings, but emphasized that “I don’t think such hearings could or should be construed as opposing a justified and properly financed mass rapid transit program that may be needed but would serve notice that any such planning should not be permitted to destroy the effectiveness or unduly delay completion of the Interstate and Defense Highway System—be it in Washington, D.C., or elsewhere.” [“House Asked to Air Road Delay Plan,” *The Washington Post and Times Herald*, June 8, 1963]

(The Subcommittee on Roads hearings were part of the review leading to the Federal-Aid Highway Amendments Act of 1963 (P.L. 88-157), which President Kennedy approved on October 23, 1963. Among its provisions was a revision of the timing of ICEs and a change in the 1956 statutory requirement that Interstate standards “shall be adequate to accommodate the types and volumes of traffic forecast for the year 1975.” The new requirement was that standards “shall be adequate to enable such project to accommodate the types and volumes of traffic anticipated for such project for the twenty-year period commencing on the date of approval by the Secretary . . . of the plans, specifications, and estimates for actual construction of such project.” As Lee Flor pointed out in the *Star*, this change could affect the Three Sisters Bridge because meeting traffic demand in 1975 might require only a six-lane bridge while meeting demand in, say, 1984, might require eight lanes. [Flor, Lee, “Forecast of More Traffic To Alter Design of Bridges,” *The Sunday Star*, October 13, 1963])

### **The Commissioners’ Views**

Chairman Natcher, preparing for hearings on the District of Columbia Appropriations Act, 1964, also wanted to explore President Kennedy’s transportation letter. The Congressman was, according to Lee Flor, “indignant” that the Bureau of the Budget had not made public the views of the District commissioners as expressed in an analysis dated April 8, 1963, and sent to the White House. Chairman Natcher was upset because he had not realized until late May that the Budget Bureau had not released the commissioners’ final analysis. Had he known, he would have released it in April. Now, he gave copies to the press, which saw it for the first time.

The commissioners endorsed a downtown subway, half the proposed rail-transit lines, and study of express bus routes, but they also wanted to build the Three Sisters Bridge and the Potomac River Freeway. The commissioners were still “concerned that certain studies . . . used by the transportation agency . . . have not been made available.”

Although the analysis was similar to their earlier views, the commissioners added a section on the decline in the use of subways and rail transit in New York City. In 1940, the subway carried 1.8 million trips; in 1960, the total was 1.3 million even though the city’s population had increased by 2 million people. Transit riding per person since 1940 had declined by 40.6 percent in New York City, 33.1 percent in Chicago, and 41.2 percent in Philadelphia. Flor summarized:

The transit system, proposed for 1980, will carry only 117,000 more passenger trips than the bus and streetcar system in 1955, while the number of trips on highways will increase by 2.5 million, the report states.

Service to present bus riders may be severely hurt because the number of bus stops may change, the report indicates. The proposed 98-mile rail transit system would have only 30 stations in the District, while D.C. Transit now has more than 3,000 stops in the District, the report says.

The commissioners also informed President Kennedy that the District's highway plans would displace 25,200 fewer people than originally estimated. NCTA had estimated displacement of 33,000 people under the highway and transit plan the Mass Transportation Survey had recommended in 1959. This figure, NCTA calculated, could be reduced by 5,400 people because fewer highways would be needed under the transit proposal. NCTA said its plan "would save the homes and relocation costs of 27,000 persons in the District."

The District commissioners disagreed, as Flor summarized:

The District Commissioners, however, in their official evaluation of the transit proposals said that around 7,800 persons would be displaced, provided two freeways are built along the Baltimore and Ohio Railroad tracks through the north part of the District, it was disclosed yesterday.

The NCTA transit plan would have little effect on relocations because they would be about the same under the 1959 or 1962 plans:

But a more realistic appraisal shows the agency's transit system would "save the homes" of only around 144 persons, or around 35 families. This is based on the District's official report, a presidential decision on the East Leg freeway, and the pending decision on the combined freeway [along the Baltimore and Ohio Railroad tracks in the northern part of the District].

The wide difference in figures is because the transportation agency used the relocation estimates for the Wisconsin Avenue corridor and the Intermediate Loop.

The District Commissioners use relocation figures for the projects financed by interstate funds because they already have junked several controversial projects.

Critics had used relocation issues as a "key weapon" in their attacks on the highway plan, saying displaced families were "social dynamite." They were, Flor concluded, likely to dispute the District commissioners' new displacement figures.

Chairman Natcher also released the Department of Commerce's 39-page February report on the NCTA plan. It had called the Three Sisters Bridge and the Potomac River Freeway a "necessary part of the highway network and detailed engineering and construction of it should be pursued vigorously." The report accused NCTA of failing to "cooperate with agencies responsible" for

transit development, adding that the agency did not “fully analyze the cost or service potentials” of the transportation alternative.” In addition:

The NCTA study failed to complete a sufficient amount of basic engineering work for all sections, including subsurface exploration, evaluation of construction methods, the preparation of preliminary plans and profiles, etc., in order to realistically develop sound cost estimates for the rapid transit system recommended.

The White House and Bureau of the Budget were concerned that Chairman Natcher’s release of the Commerce Department’s report would give ammunition to opponents of President Kennedy’s decision. He had neglected to release a letter from Under Secretary of Commerce for Transportation Clarence D. Martin, Jr., transmitting the report to Members of Congress, including Chairman Natcher. On orders from the Budget Bureau, Martin had written:

This report was one of several submitted to the President from various agencies on this matter. Understandably, conflicting opinions were represented in the various reports he received.

The President has now made his decision after considering all relevant advice and I would like to emphasize that the Department of Commerce fully supports the recommendations of the President . . . .

As Flor pointed out:

But the department has not changed one word in its transit analysis made last February, which is almost the exact reverse of the presidential recommendations. [Flor, Lee, “D.C. Transport Plan Balked by Kennedy,” *The Evening Star*, June 1, 1963; Flor, Lee, “Roads’ Displacement Toll Seen Reduced by 25,200,” *The Sunday Star*, June 9, 1963; Flor, Lee, “Commerce Says It Favors Rail Plan Though Formal Report Is Critical,” *The Evening Star*, June 11, 1963; “Foes of Kennedy Rail Transit Proposal Cite Critical Commerce Department Note,” *The Washington Post and Times Herald*, June 12, 1963]

### **Chairman Natcher Takes a Stand**

Chairman Natcher began hearings on June 3 to consider the District’s appropriations for FY 1964. Serious discussion of the District’s highway construction plans did not begin until June 11 when the three District commissioners joined Director Aitken and Deputy Director Airis on the witness panel. The chairman decided to reverse the usual order by offering his own statement before the city officials spoke because, he said, “This committee is deeply concerned with the highway and freeway problem.” Any effort to halt the highway projects was “a serious mistake.” Given the nearly daily growth of traffic, “we must carry our highway program along with any and all proposals concerning a rapid transit system.”

Congress, after years of deliberation, had initiated the Interstate System in 1956, and required it to extend through important metropolitan areas. In 1961, Congress had increased taxes to pay for the increased cost of the program. Despite all that, “a new party” (NCTA) had been introduced

into the Washington area's highway planning process. "Because of intercessions by various interests, the advancement of the freeway system has been dramatically curtailed."

By FY 1964, half of the time Congress allotted for construction of the Interstate System will have elapsed. He asked Aitken, in his opening statement, to discuss the percentage of the city's Interstate System that was open or under construction to help the committee understand the relationship between elapsed time and completed work.

He wanted to identify "what constructive steps the Congress can or should take to either get this program underway," as mandated by Congress, "or whether it should be stopped entirely until basic policy decisions are made":

The Congress does not intend to sit idly by and permit this important public works program to be placed in jeopardy by irresponsible intruders . . . .

The freeway system is critically needed to ease our transportation requirements. It will stabilize confidence in the construction of office buildings, both private and Government. It will create taxes. It will save thousands of dollars by the elimination of costly traffic delay, and it will save lives. [District of Columbia Appropriations, 1964, Hearings before a Subcommittee of the Committee on Appropriations, U.S. House of Representatives, 88<sup>th</sup> Congress, 1<sup>st</sup> Session, on H.R. 7431, pages 619-620]

When the hearing resumed on June 12, General Clarke explained that after much controversy, the Kennedy Administration had "supported certain projects and requested other projects be delayed for further study." He said that, "This is the position that we have adopted in formulating our budget" for FY 1964. As a part of the Kennedy Administration, District officials naturally followed the President's direction. [page 622]

Aitken summarized Interstate projects underway and their status before Chairman Natcher interrupted to recall the events leading to the Appropriations Act for FY 1963, including the stalemate during the House-Senate conference. The result, largely because of the chairman's efforts, was that the law included funds for the Three Sisters Bridge and the Potomac River Freeway. The House Committee on Appropriations believed these projects were important and "under no circumstances would we agree to bring to a halt the highway system."

Then President Kennedy halted those two projects and the Northwest Leg, which was not even under consideration during deliberation of the FY 1963 appropriations. Nevertheless, on June 1, the President had asked the District to study those freeways based on the concerns raised by NCTA. The District's request for FY 1964 reflected these actions.

Chairman Natcher just wanted to confirm that up to June 1, the District thought the projects should proceed. General Clarke replied, "That is correct, sir." [pages 628-629]

Aitken said that to complete the Interstate System on schedule, the District would have to obligate \$51 million a year. In FY 1964, the District expected to have between \$65 and

\$75 million of unobligated funds. “Optimistically, as things now stand, we doubt that we can obligate more than about \$30 million in fiscal year 1964.” That was because the District could not “advance a project to design or construction until we get past the planning hurdle.” They were able to proceed only on projects “on which there is agreement between some of the planning factions, shall we say.”

He cited a problem with the Center Leg, which “has been on the freeway plan since 1955.” The problem was that the Center Leg would pass under two pieces of property under the jurisdiction of the Architect of the Capitol, J. George Stewart. The District did not need title to the land, only permission, but it had not secured clearance from the Architect. Aitken was confident that the Center Leg would “have a terrific effect in clearing up traffic confusion around the Capitol Hill area” because no motorist would “use the city streets if he can get on a freeway system for a part of his trip.”

Chairman Natcher said the committee would not support any project that would damage the Capitol or any section of the National Mall.” He added, “I do not believe you gentlemen would recommend any proposal that would fall in that category.”

Aitken assured him, “That is absolutely right.” He explained:

The center leg, then, is the next logical place to get a heavy movement of traffic off the surface of the Mall, so that when you are standing on the westerly terrace of the Capitol and looking toward the monument, you will not see this traffic. It will be landscaped and have more of a park type appearance and it can be reserved for local traffic movements. [pages 630-634]

Chairman Natcher wanted to discuss the Three Sisters Bridge and the Potomac River Freeway. In view of the President’s call for a study, the city had not requested additional funds for these projects. Aitken told him that the Three Sisters Bridge was “a good one to pick out as an example of what goes on in our planning process.” He went through the history of the bridge as far back as 1953 and its inclusion in the Mass Transportation Survey. Overall, he said, NCPC had “acted on the item, directly, or indirectly, at least five times. But as of today, the Commission has not signed off on some elements of the Three Sisters Bridge.” The problem was not planning, but “the business of replanning over and over.” [pages 633-634]

General Clarke said that based on discussions with District highway staff and BPR, “this type of restudy would take about 9 months to do. It will be a most thorough and comprehensive study.” The city needed to shift money around for the study, but did not need additional money for it. [page 636]

Chairman Natcher wanted to confirm what the city had requested for the North Leg. The budget, Aitken replied, asked for \$900,000 for study and right-of-way acquisition on the section that was not in controversy. The White House, the chairman wanted to confirm, did not object. Aitken and General Clarke confirmed that the White House did not object to the request. [page 643]

As Chairman Natcher directed the discussion to the planning process, he asked about NCTA's role in planning highways. Aitken replied that the National Capital Transportation Act of 1960 "says that the responsibility for planning shall continue in those agencies that already had it." As "the best way" to indicate NCTA's work, he cited its "proposal with reference to the north leg of the inner loop where they would build in a serious deficiency in a part of the inner loop freeway."

In response to Chairman Natcher's inquiry about the concept of a 3C planning process for the Washington area, General Clarke replied that the planning process, involving NCPC and the National Capital Regional Planning Council, from 1955 to 1959 was "an excellent example then of a cooperative planning process." Since then, "the cooperative planning process seems to have fallen apart to some extent." Since the Mass Transportation Survey had been completed, the major actions "seem to have been a downgrading of the plan that was arrived at in 1959."

What was needed was for the area's two official planning bodies, NCPC and the Regional Planning Council, to get everybody involved from the start of the plan. "You talk out everything in a long time-consuming process. But you would have to keep that—you have to go through this so that at the end, the plan will be supported by the people who have to carry out the plan." That type of cooperative planning process "has been missing the past 3 or 4 years." [pages 645-646]

Chairman Natcher asked about funds in the budget for the South Leg Freeway. The city's budget for 1963 indicated that the freeway would cost about \$18 million. Aitken said, "During the past year, we have reached, I think, what might be termed a gentlemen's agreement with the National Park Service and the U.S. Bureau of Public Roads as to a method for proceeding." Details were still being worked out with NPS and BPR, "but it looks like the estimated cost now might be in the order of \$30 to \$40 million." The main reason for the increase was the desire on the part of NPS for a tunnel "so that this freeway will not disrupt the park features in this part of the city." [page 649]

Regarding NCTA's report and the commissioners' formal response to it, Chairman Natcher wanted to know if they still supported completion of the District's proposed Interstate System. Tobriner replied:

Sir, that is the recorded position of the Board of Commissioners. But our effectiveness is controlled by the President's request that some of these items—namely, the Potomac Freeway and the Three Sisters Bridge—be deferred for further study.

Chairman Natcher asked if the commissioners had any comments on organization, finance, or phasing of the mass transit portions of NCTA's report. General Clarke said he was part of a 10-member group of District, Maryland, Virginia, and Federal representatives negotiating an interstate compact as Congress had called for in the National Capital Transportation Act. With details to be worked out, the members were unanimous in recommending that "the ultimate organization for the . . . rapid transit in this area should be a compact type of organization in which each of the States and the Federal Government would have some voice."

Maryland and Virginia, he said, were concerned about “whether or not the same financial terms would be available to a compact agency as would be available to a Federal corporation.” The understanding was that the risks to the States “would be no greater under a compact agency than they would be under a Federal corporation.” [pages 650-651]

The panel discussed the relocation issue. General Clarke said the city had asked Congress to approve the use of Federal-aid highway funds for relocation costs on the same basis as under the urban renewal program. “This amounts to \$200 per family and up to \$3,000 for commercial establishments.” The city also had requested legislation allowing it to coordinate with the Redevelopment Land Agency on a Centralized Relocation Service to handle all relocations in the District. “This, I think, would go a long way toward satisfying some of the critics of relocation.”

He estimated that the highway program would displace about 7,000 people over 10 years, or 700 people or 200 families a year:

While it is a problem, it does not seem to be an impossible load. I think it has to be put in a reasonable context, because if you say 7,000 people that is a lot, but it is 7,000 people over a period of 10 years. [pages 669-670]

Chairman Natcher asked how the commissioners were going to comply with President Kennedy’s request to reexamine the Three Sisters Bridge and the North Leg. General Clarke said the best way to reply was to submit, for the record, a memorandum, dated June 11, he had received from Director Aitken. The city proposed to hire “a firm with outstanding and nationally recognized ability in the field of traffic forecasting, and, if possible, with some knowledge of transportation problems in the National Capital region.” The firm would develop traffic estimates for highway facilities to serve “the study corridor extending from the Three Sisters Bridge site on the west to a connection of the north leg extended to the Baltimore-Washington Parkway on the east, with emphasis on a continuous route for the entire length of the study area.”

At the same time, the District planned to continue developing geometric studies and architectural sketches of alternate locations for a crossing above Key Bridge, including the Three Sisters Bridge. As for the Potomac River Freeway, the city would continue developing geometric studies and architectural sketches from the Three Sisters Bridge and alternative river crossings.

The District also planned to retain “a nationally recognized firm to consider aesthetic treatments and develop appropriate sketches and models” for the North Leg from the Potomac River Freeway to the Center Leg. A study of the social and economic impacts of the North Leg would include impacts on tax base, relocation, use of air rights, and other factors.

General Clarke estimated that the studies would take about 9 months and cost approximately \$500,000. [pages 672-673]

Closing out this portion of the hearing, Chairman Natcher said he had “often wondered just how those people feel who believe that this program should be brought to an abrupt halt, and how the people feel who believe we do not need any highways.” He believed the city should proceed

with rapid transit and the highway system. “I see no reason to penalize the District of Columbia by stopping the highway program, and in my opinion that is what is being done.”

He had talked with those who wanted to halt the program and now he wanted to go through their arguments. They argued that the freeways would affect the appearance of the city; would affect the city’s ability to pay its share of the highway program; reduce District revenues by taking taxable property; and, of course, displace many people. He asked the panel to comment on those objections to the highway program.

General Clarke had heard aesthetic arguments from the American Institute of Architects, the Commission of Fine Arts, and others. “All I can say in answer to that is that we have attempted to employ the finest architects we can find.” The city had added local architects to the staff. As he had told the institute, “if they desire to help us they could tell us how to get a highway through a city esthetically instead of just saying it cannot be done.” For example, “Miss Smith” had examined the E Street Expressway “and I think she came up with a very fine treatment.” (This is a reference to Chloethiel Woodard Smith, the influential District-based architect who had been involved in the new Southwest among many other projects.)

Aitken pointed out that architects also criticized buildings in Washington and elsewhere, but he referred to an article in *Architectural Record* of May 6, 1961, in which architect Edmond Bacon said, in regard to Philadelphia, “That the decision was made not to try to fight the automobile, a losing battle at best, but to treat it as an honored guest and cater to its needs.” The article included a map of an inner loop for Philadelphia. The article reinforced what General Clarke had said. “In other words, here is a problem. Help us make it as attractive as we can.”

General Clarke admitted that the city had reduced, overall, the amount of parkland in the city. Based on a study of how much had been taken and how much given back, he said “they balanced out to about 250 acres each way.” In the case of the East Leg Freeway on the west side of the Anacostia River, for example, “The city will end up with more parkland” than before.

The effect on tax rolls, General Clarke said, was debatable. “You have to evaluate the question of taking land off the tax rolls and perhaps if you can reduce the volume of traffic on the street you can add a little to the tax rolls.”

He was aware of the complaint that traffic reduces the value of adjacent property. “I don’t have any total picture on it . . . . If we could remove the traffic all of us would agree that a piece of residential property without traffic running by it all day long, is more valuable without that.” However, he questioned “whether the economic aspects of the freeways are, as these people phrase it, a simple removal of land from the tax rolls.” He thought the freeways brought more business into the city.

Aitken also considered the argument to be based on a fallacy. The “economic equation” is more complicated than simply adding up the property take from tax rolls for freeway right-of-way. For example, such an equation does not take air rights into consideration. He said, “we have proposals, sincere proposals by men that want to build office buildings that will cost \$30 to

40 million over the center leg of the freeway system.” Other freeways had similar, valuable air space that would add to the tax rolls.

Aitken agreed that the city was going to have a problem providing the 10-percent match for the accelerated Interstate program, but the commissioners had not, as some asserted, decided to divert general funds from other needs, such as schools or welfare, to the highway program. “Well, to my knowledge, the general funds haven’t contributed in the past to the financing of the highway program.” In fact, the reverse had been true recently, with the city shifting District highway funds to general needs, namely policing. [pages 673-679]

On June 14, the subcommittee welcomed Federal Highway Administrator Whitton and other BPR officials along with General Clarke. “Mr. Whitton,” Chairman Natcher told subcommittee members, “appears before our committee at my request.”

Whitton began by saying that he appeared in support of the District commissioners’ request for budget revisions for 1964 to conduct the studies of certain highway projects as recommended by President Kennedy in his letter of June 1, 1963. The recommended studies of the Three Sisters Bridge and the North Leg of the Inner Loop also involved “a look at those portions of the Interstate System plan within the District of Columbia and the connections thereto in the immediately adjacent areas of Maryland and Virginia.”

Prompt action on the studies was essential because the region’s Interstate System was “interrelated and must be completely integrated into an overall transportation plan.” Given the time limit on completion of the Interstate System, the time was fast approaching when final decisions would have to be made to confirm the network in the District and its links to routes in Maryland and Virginia. In view of this urgency, he was appearing before the subcommittee in support of the District’s budget needs for the studies.

Chairman Natcher asked Whitton a few questions about the history of the Interstate System, including its urban segments. Whitton explained that the Federal-Aid Highway Act of 1944 had directed PRA to work with the State highway agencies to designate a 40,000-mile Interstate System, including Interstate routes “into and within urban areas.” The chairman asked about designation in the District of Columbia. Whitton presented a copy of the Yellow Book map of the District saying it depicted “the Interstate System you speak of.”

The chairman asked what changes had occurred in the District’s network since the original designation in 1955. Whitton cited the addition of:

- The Three Sisters Bridge in 1957,
- The connection between Theodore Roosevelt Bridge and the 14<sup>th</sup> Street Bridge about 2 years earlier,
- The Lincoln Memorial connection,
- Shift of the East Leg from the 11<sup>th</sup> Street corridor to a route along the west side of the Anacostia River,
- The Center Leg, which was not yet formally approved, although Whitton said BPR would approve it, and

- The North Central route, still under study.

Responding to questions from Representative Edward R. Finnegan (D-Il.), Whitton explained that under the Federal-Aid Highway Act of 1956, the “last dollar has to be out of the trust fund by October 1, 1972.”

Representative Finnegan, whose district was based in Chicago, asked if he correctly understood that under the President’s June 1 letter, the North Leg of the Inner Loop and the Three Sisters Bridge were being “held up until such time as he formulates some plan that has to do with mass transit.” Whitton clarified the status:

I do not believe you are quite right in saying it is being held up. I think we must make these studies of the Three Sisters Bridge and the north leg of the inner loop to obtain the necessary information to make a proper presentation for the public hearing which is required by the [1956] statute . . . .

I am in favor of proceeding as fast as possible in accordance with the request by the President to the Commissioners.

He said some preliminary studies had been made, but not final studies. That was true, for example, of the North Leg. Studies thus far had not been “made in sufficient detail properly to acquire information that would enable the District to have the public hearing which is required by the statute.”

Whitton added that after the studies were completed, BPR would have to decide whether to approve the segments. He and General Clarke also clarified that part of the Potomac River Freeway was under construction, but the portion near the Three Sisters Bridge was subject to the study of that structure.

Representative Finnegan wanted to explore Whitton’s earlier comment about connections in the adjacent States, citing I-66 as an example. Whitton confirmed that I-66 was needed. “There is no question in our minds about Route 66, which crosses the Potomac on the Theodore Roosevelt Bridge and then swings west into Virginia.” He continued:

In a relatively short time, by which I mean probably this calendar year the State of Virginia will be awarding a contract for Route 66 from the west end of the Theodore Roosevelt Bridge up and past the point where the Three Sisters Bridge connection would join to it. If we do not know between now and then whether or not there is to be a Three Sisters Bridge, then we will not know whether to provide for an interchange between Route 66 and Three Sisters Bridge [the I-266 link]. So, therefore we need to know as quickly as possible so we can tell Virginia, “Yes, there is going to be a Three Sisters Bridge and, yes, you must provide for an interchange and buy the necessary right-of-way and design the highway in accordance with that.”

With Representative Finnegan departing for another commitment, Chairman Natcher took over the questioning. He wanted to know if the 1961 ICE covered the entire Interstate System in the District as currently designated. Whitton confirmed that it covered “the designation as we have

approved it at this time.” If BPR designated additional routes, such as the Center Leg, “it then would not agree.” However, Congress was considering legislation calling for another estimate for 1965 that would update the costs based on all designated routes at that time. (The Federal-Aid Highway Amendments Act of 1963, as noted earlier, required the new ICE.)

Chairman Natcher wanted to know if BPR could approve the use of Interstate funds “where the system was not properly worked out and agreed upon.” Perhaps not understanding the question, Whitton said BPR could approve projects only on routes that were part of the approved Interstate System.

The chairman asked about the standards for the North Leg Freeway. “Specifically, would one-way streets with intersections at grade meet the requirements with reference to standards?” Whitton replied, “No, sir.” (He did not explain his answer, but Interstate standards called for full control of access; one-way pair streets with at-grade intersections would not qualify.) How, then, would the number of lanes be determined? Whitton said the number would be based on predicted traffic volumes as of 1975, adding that he was hoping Congress would change the year of traffic design, as it would do in the 1963 Amendments Act.

Asked to comment on the reexamination of the North Leg Freeway, Whitton said that it would focus on how much traffic would use the freeway “with the premise that a transit system would be built as has been proposed in the President’s recent message to the Congress.” The amount of traffic that could be expected on the freeway would determine the standards for its construction, adding, “not only the standard that will be used, but whether it should be a depressed or an elevated section or a section at grade.” Further, the study would consider the social effects of the North Leg Freeway on the area, the aesthetic effects, and the economic effects:

We shall make as complete a study, if the Bureau of Roads has anything to do with encouraging the District, as ever was made on an urban expressway, because this is the Capital of our country, and we are all good citizens and are proud of our Capital, and we want it to continue to be a place where people can enjoy it.

The chairman asked if the rest of the Inner Loop would be eligible for Interstate funds if the North Leg were not built to Interstate standards. That, Whitton said, would depend on the results of the study, but I believe as of now if the north leg is not built, then the south leg as now built or under construction will be overloaded.”

What, Chairman Natcher wanted to know, was the purpose of the Three Sisters Bridge and the Potomac River Freeway. Whitton explained:

We think that more bridge capacity is needed across the Potomac, and the Three Sisters Bridge will provide that capacity. The Potomac Freeway would connect the Three Sisters Bridge to both the south leg, and the north leg. In brief these two projects are key components of Interstate Route 266 which serves to connect Route 66 in Virginia with Route 95 leading to Baltimore.

He added:

There is another thing the Three Sisters Bridge does, Mr. Chairman, if I may say so. The Three Sisters Bridge provides a way for the truck traffic to get into Washington and still comply with an agreement somebody made not to run any truck traffic through the Lincoln Memorial area.

Was it reasonable for Virginia to design I-66 in Arlington County without knowing where it will connect to the Three Sisters Bridge? Yes, it was reasonable, but the design could not be completed until State officials know whether the Three Sisters Bridge would be built as part of the I-266 connection:

That is the reason we are in a hurry now, because we do not want to hold up Route 66. If we get that Theodore Roosevelt Bridge completed without a way to go off the west end, somebody up here will ask us, "How come?"

Because the reexamination could delay the Three Sisters Bridge for 2 or possibly 5 years, will Virginia have to delay I-66 for the same time. No, Whitton said, Virginia could proceed with construction. The question would be whether to include design of the I-266 interchange or build it without the link.

How long would it take to design and build I-66 in Arlington County and the Three Sisters Bridge and the Potomac River Freeway in the District? Whitton and General Clarke estimated 4 or 5 years. Chairman Natcher said of those timelines, "I would like to say, on the record, too long." Whitton responded that I-66 might be faster since Virginia had conducted the survey for the route through Arlington County, but that would present a problem:

Truck traffic cannot go through the Lincoln Memorial tunnel, and truck traffic would have to get off at the present Key Bridge and just across the Key Bridge and on to M Street, and downtown the best way they could.

(The record attributed this statement to Whitton, but General Clarke may have provided the clarification.)

When Chairman Natcher asked about the Federal-aid Interstate funds apportioned to the District (\$113 million obligated for projects and \$60 million apportioned but not obligated), Whitton wanted to make a point:

The District situation is peculiar. There is no other condition like it in the United States. Every other State has a rural area on which they can spend their interstate money if they get tied up in an urban area. Here the District has no similar place to go.

The chairman wanted to know if Whitton had any information showing that construction of freeways in metropolitan areas "has been detrimental from an economic standpoint in the area into which they extend?" Whitton told him, "No, sir. I think it is just the opposite." The chairman agreed. "I say as a matter of record, I think you are correct."

With the session nearing an end, Chairman Natcher asked what would happen if the District, "because of delays of one kind or another, cannot complete its Interstate Highway System on

schedule.” Would BPR be justified in approving construction of Interstate freeways in Maryland and Virginia leading to the District boundary?

Whitton said BPR’s commitment “is to build a connected system of interstate highways, and I think we are dutybound [sic] to be very careful in seeing that that mandate is carried out.” If the situation the chairman described were to occur, “then it will be up to us to cut those stub ends back to where they do form an interconnected system, cut back the work in the District and the adjoining States or any other section.”

Chairman Natcher thanked Whitton for his testimony, closing the session by repeating what he had often said “during the past 7 months,” that he did not oppose a rapid transit system for the District, “but under no circumstances do we believe that the highway program in the District of Columbia should be killed off to advance or bring about the construction of the rapid transit system.” There was room for both. Anything that delayed or set aside “the fine system” BPR and the District had designated would be “a serious mistake.” He did not believe “there should be any interruption here in the District of Columbia of the approved overall plan.” [pages 723-737]

When the House Committee on Appropriations completed its bill on July 8, for the District of Columbia Appropriation Bill, 1964, the report included a long section on the District’s highway program reflecting Chairman Natcher’s views. Any attempt to bring Interstate highway projects to “a complete halt is a serious mistake.” To meet day-to-day growth in traffic, “we must carry the highway program along with any and all proposals concerning a rapid transit system.” Citing the history of the Interstate System through legislation in 1944 and 1956, the report stated that “Congress has insisted on its original policy that this nation including the District of Columbia shall have an interstate system.” It must be “continuous and . . . properly designated.”

Beginning with FY 1959, Congress had appropriated funds for the Potomac River Freeway and the Three Sisters Bridge, both of which were “consistent with and a part of the national program and have been reviewed repeatedly by the Congress.” The District had sufficient appropriations for those projects. The Committee on Appropriations approved the District’s request for \$900,000 for the North Leg Freeway in FY 1964. “The Three Sisters Bridge, Potomac River Freeway and North leg of the Inner Loop should proceed without further delay.” [District of Columbia Appropriation Bill, 1964, Committee on Appropriations, U.S. House of Representatives, 88<sup>th</sup> Congress, 1<sup>st</sup> Session, Report No. 499, July 8, 1963, pages 2-3]

### **Chairman Fallon – To The Rescue?**

On June 25, Chairman Fallon began Subcommittee on Roads hearings under the title “Transportation Planning in Certain Urban Areas.” He said that “satisfactory progress” was being made on construction of the Interstate System, but “it is evident that most of the progress to date has been accomplished in rural areas.” The urban segments constituted “the most difficult phase of interstate highway construction,” in part prompting Congress to approve the 3C planning process for projects in metropolitan areas effective July 1, 1965.

Given the importance of completing the Interstate System on schedule, he called the hearings to determine “as definitely as possible” whether compliance with the 3C requirement would prevent the States from meeting that goal and whether amendments might be needed. [Transportation Planning in Certain Urban Areas, Hearing Before Subcommittee on Roads, Committee on Public Works, U.S. House of Representatives, 88<sup>th</sup> Congress, 1<sup>st</sup> Session, Committee Serial 88-9, 1963, pages 1-2]

Representative Cramer, in his opening statement, explained that in approving the 3C planning process, “it was not the intention of the Congress, and the section was specifically worded to make certain it was evidence of that intention that this section should not result in undue delay in the completion of the Interstate System of which urban extensions are a vital and integral part.” The urban sections, like the rural segments, must be completed by 1972.

“As a matter of fact, it is my opinion that this section was put in partially, so far as Congress is concerned, to expedite these constructions, to avoid conflicts, to permit planning that would avoid those conflicts, with the result that urban extensions and construction would be expedited rather than delayed, and that any construction of this section to the contrary is subverting rather than carrying out the intent and purpose of the Congress.” In that regard, he introduced his letter to Chairman Fallon calling for a hearing on the freeway program in the District of Columbia. [pages 2-3]

The testimony overall was aimed at the impact of the 3C planning process around the country, not the District of Columbia, but the District came up at times. Administrator Whitton, the first witness, discussed the evolution of urban transportation planning and how the highway community had addressed objections to the urban segments of the Interstate System. His statement did not address the District of Columbia’s freeway network, but when questioning began, Chairman Fallon brought up the subject almost immediately. He asked if highway officials were receiving “full cooperation of all of those that are charged with the study of mass transportation in the cities.”

When Whitton replied noncommittally that most areas were experiencing full cooperation, Chairman Fallon asked if there were any areas where such cooperation was not forthcoming. Whitton agreed that difficulties were occurring in some areas, but did not specify where. Chairman Fallon got to the point: “I am, of course, referring to the report of the National Capital Transportation Agency”:

Mr. Whitton. Yes, sir.

Mr. Fallon. Do you know by whom this report was prepared?

Mr. Whitton. By that agency, so far as I know.

Mr. Fallon. In your knowledge, do you consider these people qualified to evaluate the transportation planning studies in the District of Columbia?

Mr. Whitton. With due respect, Mr. Chairman, I do not believe I am qualified to pass on their qualifications. I have made no study of their qualifications.

Whitton added that he was aware of NCTA’s report, but had not studied it. Chairman Fallon pointed out that the Department of Commerce had reviewed the report and “concluded that their

plan does violence to the efficient flow of motor vehicle traffic within and through the District.” Further, as far as the chairman knew, “there was no cooperation on the part of the mass transit people to find out just exactly the thoughts of the people who are charged with the building of the Interstate System in and about Washington.” They wanted, he said, some Interstate segments held up until their study was completed. He asked Whitton, “Do you have any knowledge of how long it will be before their study is completed?”

The administrator did not. “They were established some time ago, but, in view of the recent developments, we feel that a more detailed study should be made of particularly some sections of the inner loop.” He hoped the study could be completed in 6 months. He did not want to speculate on the result, but said he wanted the subcommittee to know “I am completely in accord with the study being made, because it had to be made” before officials determined the location and design of the legs.

When the chairman asked about the Three Sisters Bridge and the Potomac River Freeway, Whitton replied only that they were part of the study. The chairman asked whether Whitton agreed that every time someone objected to a segment and called for yet another study, “it is a delay in the possibility of completing this Interstate System at our target date?”

Whitton replied, “Mr. Chairman, I think this study needs to be made. That is my firm opinion.”

Representative Cramer interrupted to point out that the study President Kennedy called for was different from a project study of location and design. He wanted a study of the proposals “in relationship to all other types of transportation” not only now but in the future.

Whitton replied, “Mr. Cramer, I think any urban highway study should take into account the other types of transportation that are imminent.” When Representative Cramer asked if all this planning justified delaying the Three Sisters Bridge and the North Leg for 5 or 6 years, Whitton replied that the studies were justified, especially since the shape of the planned transit system could affect the outlines of the highway network needed to meet future traffic demands.

Representative Cramer, seemingly exasperated, asked if Whitton had been involved in preparing the report, dated February 20, 1963, from Under Secretary of Commerce Martin on the NCTA proposal that stated:

Interstate Route 266, which includes . . . Three Sisters Bridge and Potomac Freeway, is a necessary part of the highway network and detailed engineering and construction of it should be pursued vigorously.

Whitton told the Congressman, “We are pursuing it vigorously.” They were beginning the study and would complete it “as quickly as possible.”

Whitton’s position, Representative Cramer pointed out, was “quite different” from the position in the February 20 report about pursuing the bridge vigorously. Whitton disagrees. “Mr. Cramer,

I think we are. I think this study had to be made.”

Representative Cramer pointed out that Congress was divided on the type of transit system the Washington area needed, and resolving the differences could take some time. Should the Three Sisters Bridge and North Leg be delayed while Congress debated transit issues? Whitton did not think so; officials should proceed with whatever the study President Kennedy had requested determined.

Representative Cramer agreed, but said the President wanted to delay the segments “indefinitely until the basic decision as to all types of mass transportation in Washington in the future be determined.”

Whitton questioned the word “indefinitely,” but Chairman Fallon intervened to ask how BPR cooperated with NCTA on its report. Whitton said BPR furnished technical personnel to NCTA but added that in doing so, “we did not necessarily agree to their findings.” In other words, BPR did not furnish opinions; “it was just work.”

Chairman Fallon tried to clarify whether any cooperation had occurred in NCTA’s planning with BPR or the District Highway Department. Whitton was hesitant to “call it cooperation.” BPR simply furnished help.

Apparently still exasperated, Representative Cramer pointed out the statement in the Commerce Department’s report that NCTA “failed to cooperate with the agencies responsible for freeway, parkway, and arterial highway development” and the statement on page 1 of the report that agencies of the Commerce Department had cooperated in previous studies, including the Mass Transportation Survey and would have cooperated in the same way with NCTA “if the services had been requested.” The Congressman said bluntly that the Commerce Department had clearly stated that NCTA “did fail to cooperate.”

Whitton, presumably not wanting to imply criticism of President Kennedy, replied:

They did not ask us where to put the rails or where to leave out the highways. The only help we gave them was a couple of people.

He stated that BPR’s three or four transportation engineers “were furnishing their technical knowledge, and not of a nature that would call for recommendation.”

In other words, Representative Cramer summarized, NCTA did not consult BPR about its area of jurisdiction, the District’s freeways. Whitton replied, “I was not asked to make a recommendation.” In response, Representative Cramer read from the 1960 legislation calling for NCTA to cooperate with agencies involved in highway development. NCTA, he suggested “did not conform to the basic law that authorized this study.”

Whitton told the Congressman that, “I attended two conferences with the NCTA in which they outlined the program of their own that they were considering.” He added, “I would like the record to show that.” [pages 23-27]

On June 26, General Prentiss was the next witness, again representing ARBA. Speaking generally, he said that highway construction in urban areas was “the most urgently needed part of

our national highway program and the most difficult.” The problem wasn’t the lack of “technical competence” to plan the freeways:

The real bottleneck in urban planning lies in gaining concurrence and approval of plans . . . . This condition is especially true in urban areas encompassing multiple jurisdictions . . . . These governmental approvals are either extremely difficult or impossible to obtain without the support of public-spirited citizens. Many citizens’ organizations are for the highway program until a specific highway proposal appears to adversely affect their own immediate interests.

After commenting on aspects of the 3C planning process, he summarized:

Efficiency in planning, engineering, and construction requires that there be a continuous and orderly flow of work from the planning stage through all of the preliminary steps and the actual construction of the highway facilities.

The proper implementation of section 134 [the planning provision of the 1962 Act] will encourage this orderly and efficient process.

He pointed out that a 3C process does not “guarantee that the plans which are developed will ever be implemented.” He hoped no one thought the 3C process would lead inevitably to construction of the urban Interstate freeways.

The District of Columbia, General Prentiss said, was “an excellent illustration of the fallacy in this thinking.” For years, the District had a planning process similar to the new 3C requirements, “but the difficulties of implementation have been enormous.” The District, as a result, may have little difficulty complying with section 134, but would still face “tremendous difficulties in getting actual construction started, and these difficulties in implementation are related to the planning process.”

He summarized the history of the District’s freeway network, a subject he was fully familiar with as a result of his tenure as the District’s engineer commissioner. He said that NCTA was entitled to its opinion, but the Commerce Department and the District commissioners had pointed out the deficiencies in NCTA’s conclusions and how the agency reached them. NCTA made unrealistic assumptions, bent figures several times to get desired results, and manipulated “questionable assumptions by a method of analysis of unproven reliability.”

General Prentiss wanted a restudy of the transit needs NCTA had recommended while the District proceeded promptly with the Interstate network. Funds had been appropriated to complete design of the Three Sisters Bridge and the remaining segments of the Potomac River Freeway. As for the North Leg, he was fully familiar with “the sociological and esthetic condition of the area,” since he had been born “a few hundred yards” from the proposed alignment. Deferring this key link would only “defer the economic dividends which the District and the metropolitan area will reap from the linking up of the inner loop.” It will help keep people out of the central area who do not want to go there. [pages 63-72]

Chairman Fallon asked General Prentiss if he thought the NCTA report contained “any new information” that justified restudying the District freeway network. No, General Prentiss said, he had not seen anything that would indicate that such a study “would do anything more than waste time and money.”

The chairman asked why the North Leg was so important. “Cannot the traffic east and west be accommodated on the south leg?” General Prentiss explained that the Inner Loop would never serve its full purpose until it was a complete circle that permitted traffic from all directions to bypass the central business area. “I feel that the key, the absolute key, to solving the traffic problems of Washington depends upon the earliest possible completion of the entire inner belt.”

Would not the proposed subway loop advocated by NCTA serve the same purpose as the Inner Loop? General Prentiss said the subway loop would serve “exactly the opposite purpose.” The subway loop was intended to get people close to their destination in the central area so they could conclude the trip on foot. By contrast, the Inner Loop was intended for people who wanted to get somewhere other than the central area.

Representative John A. Blatnik (D-Mn.) asked about the many examples around the county “that cooperation is more of a continuing process rather than a stop-and-go proposition.” He asked why coordination among all the District agencies was so difficult. Did other large metropolitan areas have the same problem? General Prentiss agreed that around the country, “the planning agencies are going to have to work closely together, they are going to have to not only cooperate but coordinate their planning so that they do not come up at the end of a long session of developing a planning process with diametrically opposed ideas.”

NCTA’s report illustrated the problem because of the agency’s “unilateral planning” in developing recommendations for mass transit and freeways:

In other words, instead of being sure that they were going forward, utilizing the same accepted data as has been used in the preparation of all of these plans, they used other data and came up with a different answer.

Representative Blatnik wondered if another agency, above BPR, was needed as a coordinating agency to resolve disputes. General Prentiss thought BPR was the right agency to give the go ahead when the planning process resulted in a decision to proceed with a highway project. However, in a democracy, nothing “is going to replace selling the public on what is good for the public.” Faced with 10 years to get the planning process implemented, “My idea is that we have got to start right now” in selling the community on the need for freeways so “the newspapers and all of the other citizens organizations are educated and understand why these engineers say this, that, and the other ought to be done.” In the District, for example, most people had no idea why the Inner Loop was needed:

What we ought to be thinking about is how much it is going to help the whole metropolitan area and the big section downtown, instead of worrying about a small strip across Northwest Washington, which, as I said before, is where I was born.

Representative Blatnik admitted he was puzzled. How do you get groups with divergent points of view to “finally come to a workable, reasonable compromise arrangement, and then come out and proceed with implementing the agreed upon program.”

General Prentiss indicated that usually when people or groups object to a segment of a comprehensive program, “they seldom, if ever, have an alternative”:

What we have got to do is have officials who have enough intestinal fortitude, after having evaluated all of the benefits as well as all of the objections, and they find, as they will, that the benefits are much on the plus side, to go ahead and say, “Well, we are sorry, ladies and gentlemen, but the few must be inconvenienced so that the many may benefit; and this is going to benefit the many, and we are going to go ahead with it.”

Representative Blatnik, who lived at 2900 North Kensington Street in Arlington, Virginia, provided an example of the stop-and-go method of road construction:

I am thinking, for instance, of the Washington 14<sup>th</sup> Street Bridge, with a complex of mazes, overpasses, underpasses, and loops. I am just waiting until that is fully operational. I want to see four lanes on one side merge with four lanes on the other side at relatively high speed, approximately 40 miles an hour, and suddenly merging in four lanes. It is going to be a honey. You will have a real pileup on this side.

On the other side of the river, coming from Dulles Airport, you come down to the [George] Washington Parkway, and again you have suddenly and abruptly four lanes merging into two lanes at speeds of 40 miles an hour and more, and six blocks down the hill the two lanes become one, and on one side you have a whole chain of cars at a dead stop waiting one by one to get onto a six-lane bridge, and when you come to the other end you stop, you cannot get off. I do not know who in the world is responsible for that.

General Prentiss agreed that these examples were the result of how projects in the area were planned. On the District side, the Potomac River Freeway was part of the solution, but it was partly on hold. Representative

Mr. Blatnik. Who can break this deadlock, or how should it be broken in this area?  
General Prentiss. I do not have the answer to that. I am sorry.

Representative Blatnik wondered if BPR could do so, or perhaps Commerce Department officials. General Prentiss replied:

I am of the opinion that the only way we are going to get this deadlock broken is by the public rising up and saying, “We want this to go forward now.” And then those in authority will pay attention. I do not know any other way. I do not know of any organization that has the authority right this minute to say go ahead.

If the solution was waiting for the public to rise up, Representative Blatnik said, “We are going to wait a long time.” General Prentiss said, “That is right.” [pages 72-78]

Other witnesses on June 26 were from highway-oriented associations and were supportive of highway development (Automobile Manufacturers Association and American Trucking Associations).

General Clarke and Director Aitken were the lead witnesses on June 27. Pointing out that he would be leaving office in 2 weeks, General Clarke said he hoped his 3 years in the post would allow him to offer constructive evaluations and suggestions.

First, though, he said he hoped that Section 134 of the 1962 Act would stir the “fire under the pot” that would “consume the embers of inaction and indecision.” The time had come for planning agencies to “halt costly piecemeal consideration of transportation segments whether it be for highways or rapid transit.” The “slow progress” on the Inner Loop in the District was an example of piecemeal planning and implementation:

In contrast, the concept of the National Capital Beltway which soon will completely encircle the metropolitan area has been adhered to and typified the benefits of farsighted system planning and implementation.

He told the subcommittee that based on his 3 years of service, he had sent identical letters to NCPC and the National Capital Regional Planning Council that read in part:

. . . that the future growth and economic stability of the region depends in a large measure upon the development of an effective and efficient urban transportation system in harmony with the overall comprehensive plan.

The two groups “have the basic responsibility for the establishment of a comprehensive planning process.” Their “acceptance of that responsibility can only be measured by the firmness and resolve exhibited by the Planning Commission and the Regional Planning Council in adopting thoroughfare plans without undue reservations to the labyrinth of detail.”

The period of the Mass Transportation Survey from 1955 to 1959 reflected a cooperative and comprehensive planning process. Since then, “new factors have entered the situation.” NCTA’s plans “raised serious questions about the need for several elements in the currently programed highway plan.” Acknowledging that responsible elements existed on both sides of the resulting controversy, “the very fact that there are responsible elements on both sides of this controversy has required further study of those elements in controversy.”

NCPC was responsible for planning and orderly development of the Nation’s capital, but planning must not only be long-range but take on a regional scope. The National Capital Transportation Act of 1960 had reiterated the congressional requirement “for planning on a regional basis of a unified system of freeways, parkways, express transit service on exclusive rights-of-way and other major transportation facilities.” Section 134 of the 1962 Act had reiterated this concept for the District and elsewhere:

Factors of esthetics, sociological, and economic considerations must receive great attention and must be related to the broader community development plan. Public improvements are rarely sought by those whose privacy may be invaded. We must seek

to minimize this invasion keeping in mind, however, the common good and overall benefits to the region at large.

If the area's planning agencies "cannot do the job, we will have to devise some other method."

He emphasized, however, that the planning of transportation systems "cannot wait until the ink is dry on the final detailed comprehensive plan for the area." General Clarke concluded:

Nevertheless, we must be assured that the transportation plan itself takes into account all significant factors. Transportation systems are the arteries of the region and will shape or be adjusted to shape the land use pattern. The life flow in these arteries must be kept current if we are to have healthy growth in the area. [pages 135-138]

Chairman Fallon began the questioning by referring to General Clarke's reference to the difference between planning through 1959 and since then. "To what extent did the National Capital Transportation Agency cooperate with you in the preparation of the NCTA report?"

General Clarke answered that "this is somewhat a difficult question to answer." The city had shared the expertise of its metropolitan planning study group with NCTA, the group that "runs computers to see what the various programs . . . would produce in the way of traffic loadings under certain assumptions." However, the programs fed into NCTA's computers were entirely NCTA's, as well as the decisions on which systems to study." He compared it with "loaning someone a typing pool." The group members loaned to NCTA "exercised very little in the way of policy coordination."

As for policy coordination, Aitken explained that he had a meeting with NCTA's Stolzenbach on October 10, 1962, but it "was simply a briefing, and there was no question of exchange of ideas, or thoughts, or principles, or policy."

Chairman Fallon observed that this did not sound like a cooperative planning process. Aitken began, "This is true." Normally, when a freeway idea was raised, the District worked with BPR, Maryland, or Virginia in "a free exchange of ideas and discussions during all stages of development of a project from the concept to the final finished plan."

Asked if he agreed with the NCTA report, Aitken said he was "in accord with the philosophy that we need improved mass transit," but had a "considerable difference of opinion" on the highway system. He cited the example of design standards for the Interstate System, which Congress specified should be adequate for a design year. BPR and highway departments across the country had devised a means of forecasting that traffic.

"Contrarywise, the NCTA limited traffic requirements by one device or another." On the North Leg, NCTA "made a predetermination as to the amount of traffic that would be permitted on the facility." Aitken based his claim of predetermination on a statement "in the back of the front page of their consultant's report on this particular item, [where] the consultant was careful to say that NCTA told them to design it for a certain volume of traffic." In short, instead of following the direction of Congress in authorizing the Interstate System and using the method employed by every State highway agency in forecasting traffic volumes, NCTA "went at it in a different way."

In response to followup questions from Representative Cramer, Aitken said:

And the facility which was recommended by the Agency, which consisted of one-way streets between sections of freeway, is like building a country road in the middle of the New Jersey Turnpike.

And, as Representative Cramer pointed out, such a feature would not qualify for Interstate funds.

Aitken explained another consequence of recent developments. The District had asked BPR to approve preliminary design of interchange "C" and the Center Leg, but just that morning, BPR told him it would not act on the requests until reexamination of the North Leg, Three Sisters Bridge, and Potomac River Freeway was completed. BPR wanted to be satisfied that the District would have a properly integrated Interstate System:

So when you talk about the north leg of the inner loop system, this is like a block that holds up the house: with[out] this one everything is in doubt. [pages 138-141]

Representative Cramer, who had been absent for General Prentiss's testimony on these subjects, picked up on Aitken's comment. "That concept would destroy the fundamental purpose of the interstate highways, would it not?" Aitken agreed and said the District Highway Department "does not propose such a plan."

Representative Cramer wanted to be sure he understood the testimony. BPR was holding up approvals on segments not under study per President Kennedy's instructions. Aitken confirmed that this was his understanding based on his conversation with BPR that morning.

They discussed what would happen if BPR would not approve 90-percent Interstate funds for the Center Leg. The estimated cost was \$60 million, with BPR providing \$54 million in Interstate funds. If the Center Leg were dropped from the Interstate System because of a failure of connectivity, the Federal share would drop to \$30 million on a 50-50 basis. With the Interstate System, the city would receive all the Federal dollars needed to complete the route to full standards by 1972, but would have to draw the 50-50 funds from annual apportionments of \$5 million for the ABC program. The District's annual allocation of Interstate funds for 1963 was \$34.5 million.

Representative Cramer asked if Virginia officials are designing I-266 in view of the uncertainty about the Three Sisters Bridge connection to the District. Aitken said Virginia highway officials had asked him what they could do to resolve the issue. "Virginia cannot settle the question of design in this area west of Key Bridge any more than we can settle the design of the Potomac River Freeway until we know where that river crossing is going to be."

Representative Blatnik asked who would make that determination. Aitken replied that "we have had a lot of help," with the transcript noting: "[laughter]." Aitken added that the city "had determinations several times in the past but they get changed." The city had developed a plan based on the Mass Transportation Survey, but "all at once it appears we do not have a plan to follow."

Chairman Fallon wanted to know if “any new factors” have come to light on the North Leg, Three Sisters Bridge, or the Potomac River Freeway that would alter decisions. Aitken said that some homes would be taken for the bridge approaches, but right-of-way needs had been taken into account in planning the bridge. He thought the real issue was that if the bridge and freeway were built, the District would have to provide a connection via the North Leg. When Representative Cramer asked what the objection was to the North Leg, Aitken replied:

Well, sir, I do not know. I know that housing will be involved, but I also know that we can recreate housing over the freeway to replace a substantial part of that which would be affected.

Representative Cramer said that on April 8, 1963, the District commissioners had approved a transportation plan that included the facilities. He asked if anything had happened since then that would change this support. When Aitken replied that the District’s views had not changed, Representative Cramer immediately pointed out that “the one salient difference is the President’s message.” Aitken replied, “Yes, sir.”

Representative Cramer began reading from the President’s June 1 letter. The President called for “careful reexamination” of the highway program in light of the transit plans. The Congressman asked if the city had considered transit in developing the highway program. Aitken and General Clarke assured him the city had done so.

President Kennedy called for consideration of the social, economic, and esthetic impacts of the highways. He allowed some projects to go forward, such as the East Leg and Fort Drive Parkway, but put others on hold pending the studies he outlined. What, the Congressman asked, were the social, economic, and esthetic impacts the President was referring to.

General Clarke was fairly certain the President was referring to the homes that would be taken for the North Leg and the resulting disruption to families. As for esthetics, the North Leg would go through some sensitive areas, such as Embassy Row; it was “a very important area of the city and must be treated very carefully.” If the Three Sisters Bridge were not built, traffic volumes on the North Leg would be reduced somewhat, and that would have a bearing on the design.

Representative Cramer wondered if these factors had been considered before release of the Mass Transportation Survey in 1959. The survey considered only the need for the facilities, General Clarke said. “Now the problem of how it was to be built, precisely where it was to be built, and just how it was to be treated, was a matter that was deferred for later consideration.” The city had not planned to build the North Leg until 1969, so time remained to consider these factors.

Representative Cramer asked if President Kennedy wanted the city to study how to build the facilities. No, General Clarke told him, the study was to determine whether the facilities would be built to “interstate or some lesser standard.”

Representative Cramer pointed out that everyone expected a freeway, with limited control of access, to be built in the North Leg corridor and had been planning accordingly. “And now that

whole thing may be changed and it may not be.” He added, “And that is not the decision of you people.” General Clarke confirmed that it was President Kennedy’s decision.

In response to a question from Chairman Fallon about whether the facilities in question were needed, Aitken said, “Absolutely, yes, sir; there is no question about it.” [pages 144-150]

Representative Blatnik said he was experiencing “very severe, if not extreme, puzzlement.” He referred to the comment that, “If the planning agencies cannot do the job, we will have to devise some other method.” After the 1959 survey and the 1962 NCTA report, this was “a very peculiar statement, or admission,” but it reflected the “befuddled mess” that transportation planning in the area had become. The District began with the enlightened planning of Pierre L’Enfant, but “I think today it is perhaps one of the worst in the country.” He did not think the District’s problems were any different from the issues facing any major city:

By contrast, we have this bounding [sic] around to conferences, consulting with agencies, and Good Lord, not knowing quite sure who makes the final decision or determination, no one charged with the responsibility of executing this huge program.

The planning function seems to have “become an end in itself, and you are running around and around and not getting anywhere.”

General Clarke said, “you have described the situation very well as to the confusion that exists.” Unlike all those other cities, part of the District’s problem arose from “the somewhat exclusive jurisdiction of various Federal agencies over pieces of property in the District of Columbia and in the region.” He cited NPS, the planning agencies, the Architect of the Capitol, the Smithsonian Institution, and all the other bodies that must agree to plans for “any type of facilities, be it highway, sewer, or anything else.” In other cities, officials can develop a plan and proceed. “But this is not always possible in Washington.”

The District began work on the freeway plan outlined in the 1959 Mass Transportation Survey, but the intervention of planning bodies and NCTA was “very disruptive to the orderly operation of the Highway Department.” As a result, the department did not have any plans on the shelf to build anything. “They are just devoid of plans” that would allow the city to meet the 1972 deadline for completing the Interstate System.

Referring to his comment about devising some other method of planning, General Clarke told Representative Blatnik:

What I had in mind is that it seems to me that over the past year or so the planning agencies were not able to agree really on anything in the highway program; and, if the District of Columbia and the State of Maryland and the State of Virginia are to meet this 1972 deadline, if the planning agencies cannot bring this all back into a package so we can make orderly progress, I think we are going to have to come back to the President or to the Congress and say we have got to find another way to do it outside of the planning agencies.

Maybe an ad hoc group that would have enough authority to agree on a concept, and we would feel sufficiently confident of the concept that we could go ahead and do our programing and getting this program underway again.

Mr. Fallon. In the meantime, we are doing nothing.

Mr. Blatnik. That is exactly it. [pages 150-152]

General Clarke said the city was advancing the Interstate projects in its current budget, such as the Center Leg and East Leg, and would complete the reexamination under the President's instruction as quickly as possible. When Representative Cramer recalled the earlier statement that BPR would not approve planning funds for the Center Leg, General Clarke clarified that the city would do what it could:

Mr. Cramer. You cannot do much if they do not give clearance for Federal money.

General Clarke. You are absolutely correct on that.

Mr. Cramer. So for all practical purposes, that is stymied, and that is a necessary link no matter what happens to the north leg, is it not?

General Clarke. I believe so.

Representative Cramer summarized his view that Washington was "becoming a national example of the hodge-podge that results from lack of long-range planning and programing and actual construction, when you apparently get involved in a fight for prestige position between mass transit proposals and highway proposals." The Interstate System in the District was "now being bogged down and is likely to be more so in the future," with other cities experiencing similar problems "as the result of this overriding consideration now of municipal planning in general, and mass [transit] planning in specific."

He added that he became concerned about this issue during the hearings on the miscellaneous bills because if these problems spread around the country, the Interstate System "conceivably would not, and probably would not, be completed by 1972 in the most critical areas, meaning the urban areas."

General Clarke agreed that in the District, "an effort far beyond that we have been able to put forth" would be required to meet the deadline:

Mr. Cramer. I would hate for any other city in the country to use what is happening in Washington as an example of what they should do on extensions in their communities.

General Clarke. I would agree with that. [page 152]

Representative Blatnik was "amazed by this type of thing . . . completely perplexed." Here was the very important engineering program with decisions to be made. "The whole thing is suspended—suspended animation." He asked if General Clarke agreed that, "The Congress or the executive branch are the ones that can move and break the deadlock." General Clarke agreed.

The Congressman said:

I do not think we should be a party to sitting here and standing by and hoping someone sometime in the future is going to break the deadlock. These men know what has to be done, and they know how to cooperate with the agencies . . . .

You have a continuous flow of operation and not just a jerky, stop-and-go, “don’t go through the tulip bed operation.” But here it is the north leg, the east leg, the inner loop, the Three Sisters Bridge—and you go on the bridge and cannot get off. It is not your fault, but this type of operation is serious enough and inexcusable enough to warrant going right into it and seeing if we cannot get the logjam broken and get the show on the road.

Chairman Fallon agreed that city officials had been undermined. They were planning in accordance with congressional direction and the 1959 plan. “And then another agency is added to the Government . . . and they say that the engineers and the people with the responsibility of location and design did not know what they were talking about.” The NCTA report implied the incompetence of the very people whose experience “shows you have one of the best records for this type of work in the country.”

As far as he was concerned, NCTA officials might know something about mass transit, but “I do not consider them experts on the Interstate System or the design of an interstate system.” The District’s highway officials were the experts in that area:

And to have a garden club or somebody else come in and say that you are wrong because you are going through a tulip bed . . . .

Representative Blatnik pointed out he had referred to “tulip bed” only as “shadowboxing and sparring around,” but did not mind “this tiptoeing around the edge of it.”

Chairman Fallon told the Congressman, “I did not tiptoe . . . . I think we should find the answer and find it soon.” [pages 153-154]

Representative Cramer asked about the people being displaced. General Clarke replied:

In the past 2 years I have not felt any particular objections from the property owners in any area.

I recognize that part of the north leg goes through an area of a lot of people of low income and low-cost housing, and they are not the type of people--

Representative Cramer interrupted to say, “If some is slums, you will be just as well out of there.” General Clarke continued:

Some is slums, and some of it above that category, and with a little more attention to the housing code and all it could be usable housing. These are not the type of people you hear from individually. Collectively on this problem we have heard many objections.

Under current plans, relocations per week were about three to five. “To me this is not an insurmountable problem.” The city was seeking congressional approval to use Federal funds authorized for urban renewal for relocating those displaced by highway projects.

Chairman Fallon pointed out that the Committee on Public Works also approved dams that could flood out farmers and towns upstream for the greater good. “That is going on every day, and you find that in almost every public works project.” General Clarke agreed but clarified:

I think perhaps the difference involved in relocation in the city as compared to many of the flood-control projects, Mr. Chairman, is, of course, the low-income status of the people and the difficulties they have in relocating. [pages 153-155]

Representative John F. Baldwin, Jr. (R-Ca.) commented that NCTA clearly had violated its authorizing legislation and the will of Congress:

Certainly it is not the intention of Congress to authorize a program of this magnitude and have some individual independent agency have the right to veto and block the intention of Congress.

NCTA, he said, had “acted in a completely arbitrary manner” and had not cooperated, as Congress directed it to do, with other planning agencies that “had a far greater history in planning.” Section 134 of the Federal-Aid Highway Act of 1962 called for a 3C planning process in metropolitan areas around the country. That NCTA violated this concept by acting arbitrarily and ignoring the reliable planning agencies “is even more reason for us not to allow this to continue.” He told Chairman Fallon that “this committee should make it [sic] views known in the strongest manner possible.”

Chairman Fallon closed out the testimony by saying he hoped to have NCTA officials appear before the subcommittee to explain why they did not feel they had to comply with “the wishes of the Congress and our legislative process.” [pages 156-159]

Testimony continued on July 9 with the appearance of Vice Chairman Brewer and Donald Gingery of the Maryland-National Capital Park and Planning Commission. In a brief opening statement, Brewer made clear that the commission was “unanimous” in support of the District’s freeway plans, including the Three Sisters Bridge, the North Leg, and the Potomac River Freeway. It may seem odd, he said, that Maryland supported the Three Sisters Bridge, which was to be built between the District and Virginia, but “our people will use the facilities, and we feel they are vitally needed, and the sooner the better.”

The commission also supported rapid transit “and, if the Congress, in their wisdom and judgment decides that they wish to provide a billion dollars for rapid transit in this area, we welcome it.” He continued:

But we do feel very strongly about the need for the highways, and we do not think that the highways should be sabotaged in order to provide future rapid transit at a date which we feel is sometime in the future, and we feel that the highways are needed now.

Gingery supported construction of NCTA's rail transit system by 1969, but could not agree with the omissions of the freeways NCTA opposed. "Without them, the hundreds of thousands of vehicles going to and from and through Washington daily will aggravate existing traffic congestion by jamming local streets, increasing bottlenecks and deteriorating property values."

He said the moratorium or freeze on freeway construction in northwest Washington west of 12<sup>th</sup> Street had "far-reaching effects" and had "made a bad situation worse in the most heavily congested section of Washington." It blocked extension of freeways to serve workers and professionals who lived in Montgomery County but worked in the District. "It has, in effect, placed a Chinese wall around the Northwest section of the Nation's Capital by denying easy, convenient access to thousands of Marylanders who must work in downtown Washington."

Trying to solve the area's transportation problems without the three freeways NCTA had rejected would be "foolhardy." On a map, he showed the vast area of Montgomery County that had "no radial road plan programed or approved by any agency in the State or in the District of Columbia" to serve "this vast human mass of people to get in or out of the District of Columbia." And yet, under the freeze, "there cannot be any planning or building of highways in the whole Northwest section of Washington."

Gingery said that when Maryland and Virginia agreed to the National Capital Transportation Act of 1960, officials believed they would have veto power over NCTA's plans. "There was written into the act that we would have complete cooperation of the NCTA. This cooperation has never occurred." As a result, the veto the two States thought would work has not worked. "It has not worked, and it will not work as long as this one Administrator, who really appoints his own administrative body, runs the Transportation Agency." He thought NCTA would run better with three Administrators, one from each of the main jurisdictions in the area.

Without such a change, "we are in real trouble, real trouble." Because of the way NCTA has operated, Maryland and Virginia lost 2 full years in highway planning. "And mind you, gentleman, the Transportation Agency has little or nothing to do with highways, yet has succeeded in blocking the consideration of the inner loop where all Maryland roads must connect in the District of Columbia."

Every agency, except NCTA, thought the 1959 plan was sound. "And who came along and changed it? The very Agency we set up under that 1959 plan."

Chairman Fallon observed that the National Capital Transportation Act was under the jurisdiction of another committee. He asked if NCTA had cooperated with the Maryland commission. Gingery replied that NCTA had, but "the cooperation was almost silly; it was childish." He explained:

We would go down to the meetings, and we would be shown a plan—no backup statement. And that is what the Department says. We have never yet been able, on a reasonable basis, to get in and meet with the Transportation Agency and work out our various problems.

Cooperation, Gingery said, had been “failing from the word go.”

Brewer agreed. “I have had innumerable meetings with Mr. Stolzenbach, and I think the difficulty is the fact that we are not a party to the development of those plans.” His impression was that NCTA officials wanted to defer freeway construction “in order that they might make feasible the statistics they furnished for rail rapid transit.” [pages 167-173]

Chairman Fallon asked how the freeze on the Three Sisters Bridge and North Leg affected planning in Maryland. Brewer reply that with the 5-year freeze on the northwest quadrant and the NCTA-inspired reexamination, “we cannot really plan.” Trying to plan “might be just throwing the taxpayers’ money down the drain.” Unless the District can plan its network with certainty, “we certainly cannot do any planning.”

Brewer added that the commission supported mass transit, but was opposed “if it means our highways are going to be sabotaged and we are not going to be able to move our people.” [pages 173-174]

Representative Cramer asked about progress on the 1959 plan. Gingery pointed out that highways and transit were interrelated, but NCTA came along and “left the 1959 plan and embarked on this idea that they would do away with highways, they would freeze them, and they would fool around with transit to supplement highways, stop all the highway building.” And they were successful in “stopping every bit of highway planning and construction from the Baltimore Expressway to the Potomac River.” Maryland could not acquire property or program a road from the Outer Belt Freeway until the District settled issues related to the Inner Loop “with finality.” Things were moving along nicely:

And the Transportation Agency comes in and says, “We are not going to have an inner loop. We are not going to let you connect this road, or connect that road, or connect this road to the inner loop. We are knocking the whole top off it. It is going away. It is going to be served by a subway.

So here was “poor old Maryland” unable to provide links in accordance with the 1959 plan. And here was Virginia “bringing this tremendous Route 66 in, and they suddenly find this six-lane road has to be dissipated into the existing bridge crossing [Key Bridge], which cannot even comply with interstate roads.” Unless Congress did something drastic about NCTA, the two States and the District were going to lose millions of dollars in Interstate funds—and probably had spent \$20 to \$30 million “illegally because they cannot comply with the interstate regulations.”

Representative Cramer said that as far as he was concerned, highways were being “put into second place in order to try to accommodate mass transit facilities, and so you wind up with the tail wagging the dog.” [pages 176-177]

Representative Fred Schwengel (R-Ia.) wanted to know if NCTA imposed the freeze on freeways in the northwest quadrant. No, Brewer told him, it was “put on, unfortunately, by the Congress of the United States on the recommendations of certain people who favored the idea of a freeze.”

Asked to be specific about the people involved, Brewer replied:

I think there were certain people then associated with the staff of Senator Bible. I think Mr. Fritz Gutheim was the leader in it. I think Mr. Stolzenbach . . . was probably a party to some of this freeze . . . .

The Congress was convinced to put this freeze on because they were afraid of the so-called Wisconsin Avenue corridor . . . . Somebody told me there had been a map prepared, a map held by an official agency of Government . . . which shows the homes of every Congressman, every Senator, every administrative assistant, every legislative assistant, who lives in Northwest Washington, and that they were hoping to freeze and prevent any roads from going through this area which would disturb these homes, and they encouraged people to oppose the construction of any corridor in that area to put a freeze on.

He could not verify his statement about the map, but that was what he had heard. Representative Schwengel, who lived at 4005 Nellie Custis Drive in Arlington, asked to see the map, but Brewer did not know where it was or even if it existed. [page 205]

Representative Schwengel asked who in NCTA was “most responsible for this problem, do you think?” Gingery replied, “There is one Administrator who is virtually a dictator,” namely Stolzenbach. He had advisers “who come from all over the country, some of them.” The Congressman asked if any of them lived in the District, but Gingery did not know.

(Of the eight NCTA officials listed in the 1963 *Congressional Directory*, Stolzenbach lived at 10515 Meredith Avenue in Kensington, Maryland, while J. Neal Tomey, Director of the Office of Administration, lived at 6004 Osceola Road in Bethesda. All but one of the other officials lived in Arlington or Alexandria. The exception was Richard R. Haratine, Director of the Office of Public Information and Community Services, who lived 1634 I Street, NW. [*Congressional Directory*, 1963, Government Printing Office, 88th Congress 1st Session, page 591])

Discussing the Department of Commerce’s report on NCTA’s recommendations, Representative Cramer said he had asked Administrator Whitton several questions regarding “why he should now change his position.” The Congressman was “not satisfied with those reasons” because “the facts are the same today as they were before [in 1959].” The only thing he could think of that had changed was the new President.

Gingery said, “Well, there has been a lot of pressure put on these Government agencies by somebody.” The pressure, Representative Cramer agreed, “is obviously going to have a deleterious effect on highways throughout the District of Columbia.”

Brewer pointed out that Governor Tawes had designated the Maryland-National Capital Park and Planning Commission to be the coordinating agency with NCTA. Even so, Stolzenbach insisted on seeing the Governor. Brewer recalled the discussion:

Governor Tawes: Have John Funk and Mr. Brewer seen this?

Stolzenbach: They have looked at the maps.

Governor Tawes: It is a problem which I am sure they are capable of dealing with, and they are the approving authorities.

It was a short meeting, but that was what NCTA considered cooperation. All the commission wanted was to be represented when planning is underway so they know what was being considered for their community. "We do not feel this is true today."

Representative Cramer read the language in the law calling on NCTA to cooperate with other agencies and the States:

I am very disturbed by the fact that apparently the provisions written into the National Capital Transportation Agency Act of 1960, with the specific intention that all other planning groups and the States of Maryland and Virginia should be specifically consulted, and, as a matter of fact, the Governors of the States – I am reading from section 204, subsection (d), which begins:

In order to facilitate the transition from a Federal agency to an interstate proprietary agency and to further coordination within the National Capital Region (the NCTA) shall submit the transit development program and any revision thereof . . . (5) to the Governors of Maryland and Virginia or such government agencies as they may designate for approval of the location and extent of proposed agency facilities and the time table for the provision of such facilities within Maryland and Virginia, respectively –

We have been advised in these hearings before that the NCTA did not bother to consult hardly with any other agency, even though so instructed by the Congress.

I am reading now from subsection (f) of the same section 204 –

that the NCTA shall conduct research, surveys[,] experimentation, evaluation, design, and development, in cooperation with other Government agencies and private organizations when appropriate, on the needs of the region for transportation.

And time after time in the act are references to cooperation, consultation.

Again in section 205, subsection (a), paragraph 7, the NCTA –

shall cooperate with Government agencies to facilitate cooperation with coordination of location, design, and construction of freeways, parkways, and other arterial highway facilities with the transit development program. [for clarity, ellipsis not used]

Representative Cramer continued:

So, Congress wrote into this transit authority, in section after section, the requirement that they consult with the Governors . . . . I understand now that that was not done, in direct

violation of the instruction of the Congress of the United States, a complete usurpation of authority by the NCTA.

Brewer assured him that if Congress would amend the law to provide equal representation from Maryland and Virginia, “that kind of cooperation is going to occur.”

Representative Cramer, referring again to language in the National Capital Transportation Act of 1960 imposing the northwest freeze, asked why the communities couldn’t plan for a freeway through the area since planning was not prohibited. Brewer answered that “we do not want to be planning unless we know we are going to be able to build it.” The District could not plan; therefore, neither could Maryland. He added that the freeze was put on “to serve the selfish interests of people who were concerned about the construction of a road which might disturb their home or some other building . . . or other thing that they own. This is not the way to do business.”

The Congressman then read the language in “freeze” provision stating that “the Agency shall not later than January 10, 1965, submit to the President, for transmittal to Congress its recommendation as to whether any such freeway or parkway should thereafter be built.” Brewer responded that he could not understand why NCTA “should be the ones to make this determination,” instead of organizations such as his that had been in cooperation with the District since 1928. Asked if he thought NCTA had the sole authority to determine whether freeways or parkways should be built through the northwest quadrant, Brewer responded: “That is the way it appears, sir, and that is what has been happening, and that is the effect of it.” [pages 207-210]

Representative Baldwin explained his view that under the Federal-Aid Highway Act of 1956, every motorist in the country was paying the gas tax to build the Interstate System. Anyone who deliberately blocked construction of that system in the District of Columbia was “barring 2 million people, directly and indirectly, from getting their proper returns on the Federal gasoline tax and barring all the rest of the tourists in the United States from getting their proper return . . . .” Brewer said of the Congressman’s entire statement, “this is the finest statement I have ever heard.” [pages 210-211]

Representative Schwengel asked about Presidential adviser Charles Horsky. “He is presumably interested in the development of this whole area, including the District of Columbia.” Had he been in touch with the planning commission or involved in any way? Brewer pointed out that Horsky lived in Maryland. Brewer knew him, but not well. “As far as I know, he has not injected himself into the picture too strongly.” He added:

He may have been working with Mr. Stolzenbach. I do not know. But they are good friends, and I guess they might be working together. I do not know. I think he did have some meetings with General Clarke before he departed as Engineer Commissioner.

I cannot figure it out exactly. There seems to be something, a veil some place, that we just do not seem to get through. And somebody—I really must say I cannot understand how this information gets to certain places.

Representative Schwengel concluded that Horsky had “shown no great interest in this very, very serious problem.” [page 211]

(According to Professor Schrag:

The most important defender [of NCTA’s plan] was President Kennedy, whose enthusiasm . . . Stolzenbach later attributed to Kennedy’s being the only president to grow up in a city with a subway.

(In late March 1963, after the Commerce Department and the District released their denunciations of the NCTA recommendations:

Horsky – the president’s gatekeeper on all matters affecting the capital – reluctantly realized that the White House and the Bureau of the Budget would have to referee this dispute. Though he “recoil[ed] at the idea of another study,” he suggested that some pressure from the top was needed.

(The result was President Kennedy’s June 1 letter to Tobriner calling for studies of the Three Sisters Bridge and the North Leg based on the assumption that the NCTA transit system would be built. [Schrag, page 57])

Representative Cramer read from NCPC’s conclusion that despite the extensive rapid transit system NCTA had proposed, “most of the travel in the National Capital region in the year 2000 will take place in automobiles.” NCPC called for completion of the Center Leg, Northeast Freeway, and continuation of the Southwest Expressway. “It seems to me that the highways in the District of Columbia are . . . suffering from strangulation of overplanning [sic].” He wondered how often transit systems for the District of Columbia was going to be planned, recalling the 1959 plan, the 1962 plan, the Year 2000 Plan, and now the District needed funds to conduct studies on sociological, economic, and aesthetic aspects. Gingery said:

I can tell you that if this idea of bringing in another study and another study continues—and this is an age-old device to stop a project. You fellows have been around too long not to realize, if you want to stop something—let’s get another study going and spend a million more. This is precisely what is taking place.

He urged Congress to “get the thing back on the even keel” or “we will all be old men before we have the highways built or the transit, either one.”

Asked to provide an example of NCTA’s invalid estimates, Brewer described his concerns about NCTA’s ridership estimates for the subway. NCTA expected it to be at full capacity during the morning and afternoon weekday peak periods. Possibly, Brewer said, the subway might be at full capacity downtown, but in the suburbs, he had serious doubts about ridership of the rail transit lines. He did not want to wait until the transit facilities were built to see if NCTA’s estimates of ridership and income were accurate before freeways could be built. With cooperation and the lifting of the freeze, local officials were ready to build those highways now:

The Congress can do it if they want to. We know that, if the Congress stand up [sic] and says, “We want it, we have got to have it, and the people are entitled to it,” we will get it, and not have a lot of little people rubbing around town here stopping it.

Representative Cramer said Brewer had “put your finger on what the philosophy is.” The mass transit planners thought, “We will force people to ride mass transit by simply not building highways.” That, he said, is what the NCTA proposal “amounts to.”

The Congressman was concerned that transit advocates were urging “that all other cities should do as Washington is doing—delay the highways in order to give consideration to mass transit.” If that was the case, “the completion of the Interstate System in the urban areas by 1973 . . . will be impossible.” He pointed out that he did not usually agree with editorials in *The Washington Post*, but an editorial about the Three Sisters Bridge made a “pretty sound observation”:

The eventual builders of the bridge will be able to make their cofferdams with the baled volumes of the consultants’ reports . . . . As long as our system of government pushes all political issues off onto the technicians in the weak hope that eventually someone will devise a computer to solve them, precisely that long will the city remain trapped in its circle of expensive, redundant, and vulnerable engineering studies. [pages 212-216]

(The title of the July 9 editorial was “In Lieu of a Decision.”)

Other witnesses concluded the hearing, also in support of building the freeways. However, the Subcommittee on Roads did not hear from Stolzenbach or other NCTA officials.

### **The New Engineer Commissioner**

General Clarke left office on July 8 to become chief of military construction for the Chief Engineer, U.S. Army Corps of Engineers. He was, as he admitted, leaving many unsolved problems, and not just on the freeway disputes. Given the number of agencies involved in decisionmaking, disarray was a normal condition, he told WWDC’s “Report to the People” on May 25.

The transportation controversy, he said, was the most challenging problem he had faced as engineer commissioner. He hoped Congress would break the deadlock later in the year by authorizing funds for rapid transit while giving the go-ahead for freeway construction.

His successor was Colonel Charles M. Duke, a Texas native. Among the posts he held before President Kennedy chose him to be the new engineer commissioner, Colonel Duke had been district engineer for the New York district of the U.S. Army Corps of Engineers. His most recent assignment was as chief of supply and logistics for the Army’s 1<sup>st</sup> Corps Group in Korea.

On July 8, with about 100 city officials and guests in attendance at the District Building, Commissioner Tobriner gave the departing General Clarke a key to the city. “With this key go the thanks of the District for a job done with extraordinary fairness, honesty and effectiveness. You have brought to us your wisdom, strength and example. And you take from all of us our respect, our love and our unqualified admiration.”

Colonel Duke took his oath of office during the ceremony. Tobriner said, “he comes at a time in the city’s history when a technical skill, balanced judgment, seasoned experience and, most importantly, human goodness and compassion and understanding are critically needed.” [“Clarke Leaves His Office In Usual Confused State,” *The Washington Post and Times Herald*, May 27, 1963; “Col. Duke Sworn In As D.C. Commissioner,” *The Evening Star*, July 8, 1963; “Duke Is Welcomed To District Board As Clarks Gets Key,” *The Washington Post and Times Herald*, July 9, 1963]

Colonel Duke moved with his family to 5712 26<sup>th</sup> Street, NW., in the District’s Chevy Chase neighborhood, a short distance from Rock Creek Park.

A few weeks later, on “Report to the People,” Colonel Duke explained that as a former “straphanger” on the New York City subway, he understood the value of rail rapid transit. “It is no secret that I and the Board of Commissioners support the principle of rapid transit.” The question was how to balance highways and transit. The proper blend, he explained, was the key to reexamining the North Leg Freeway and the Three Sisters Bridge, as President Kennedy had ordered. He hoped the report on the reexamination would be completed in December, in time for its recommendations to be reflected in the President’s message to Congress on the District’s budget. [“\$19,000 Family Income Seen For D.C. Area in 40 Years,” *The Sunday Star*, August 18, 1963; “Road Restudy Finish Slated In December,” *The Washington Post and Times Herald*, August 18, 1963]

### **Searching for a Solution**

Area officials continued struggling with what to do. The Montgomery County Council, for example, decided not to vote on a request by NCTA that it support the agency’s transit plan. The problem was that officials could not be sure what transit facilities would be provided to the county. As County Manager Mason A. Butcher explained, “Whatever is built to Tenley Circle and on to the District line is sure to come into Montgomery County, but we don’t know what it will be.” Council members also were upset that the NCTA plan opposed construction of the North Leg, the Three Sisters Bridge, and the related Potomac River Freeway, all vital arteries as far as county officials were concerned. [“Rapid Transit and Dam Fail in County Council,” *The Evening Star*, June 19, 1963]

On June 18, Chairman Natcher held a public hearing on the District’s Appropriations Act, 1964, for non-government groups and individuals. Witnesses discussed a range of topics, including highways. Peter Glickert of the Capitol Hill-Southeast Citizens Association was pleased that unlike in previous years, he did not have to urge the committee to shift the location of the East Leg. “Logic has finally prevailed in this matter and even the Highway Department has decided to be sensible in locating this road along the Anacostia River.”

Still, the association was concerned that highway officials “failed to grasp all the opportunities given them for easing the harm which this road can do to the city.” He hoped the committee would remind the District Highway Department that if it is more careful “with its right-of-way and its programming, the closer the District can be to having some sort of freeway system when the District’s freeway money runs out.”

Glickert pointed out that many witnesses talked about the shortage of funds for building schools:

We wish to remind this committee that it is, to a great extent, responsible for this situation.

The committee had reduced the Federal payment to the city in lieu of Federal taxes and used general funds for police services. In addition, “in the last 3 or 4 years, \$8 million to \$12 million of school money has been put into freeways.” In view of the furor erupting at the time about school funding, he asked, “will this immoral diversion of funds be reinstated or will the money be used to promote the welfare of the District’s people?” In short, the city had a “shabby school system . . . partly because District road plan [sic] are so enormous.” [District of Columbia Appropriations, 1964, Hearings on H.R. 7431 Before a Subcommittee of the Committee on Appropriations, U.S. House of Representatives, 88<sup>th</sup> Congress, 1<sup>st</sup> Session, 1963, pages 1089-1090]

(In the rapid turnover of witnesses, the subcommittee did not comment on Glickert’s assertion regarding diversion of funds from schools to freeways.)

Polly Shackleton, District Democratic Committeewoman, said her group firmly supported President Kennedy’s decisions on the transit and freeway debate. The committee was committed to balanced transportation, and recognized the importance of the Interstate System, but “we seriously question the necessity of providing a blockwide, high-speed truck route through the very heart of the city”:

The ruthless destruction of countless homes, schools, churches, playgrounds, the tearing asunder of entire neighborhoods, and the cruel uprooting [sic] of thousands of people unfortunately are included in the price that must be paid to let the trucks roar through in safety at speeds of at least 50 miles an hour.

In view of the “extensive human suffering” that was inevitable, she urged the committee “to stand firm and not be swayed by the self-interested, well-heeled and highly organized lobby which had chosen to make Washington its battleground and openly fight the President.”

Representative Robert N. Giaimo (D-Ct.) of the committee asked if she was saying that highway projects should be halted only because of the disruption to homes, churches, and schools and other facilities. When she said that was “a very good reason” for reviewing the program as the President suggested, Representative Giaimo pointed out that highway and urban renewal programs throughout the country involved the taking home, businesses, and other structures. “There are many Federal programs we have to do just that in order to obtain a good result.”

Shackleton was not persuaded. She cited one unspecified route that would involve 13,000 people being uprooted. “It would involve whole neighborhoods and communities.” She definitely thought that officials should “stop and look this over and see whether it is trucks or people in this city.”

Representative Giaimo pointed out that Congress had approved funds for the program. “And you are now saying Congress is wrong?” When she replied that she was supporting President

Kennedy, he wondered what would happen if the President changed his mind. Shackleton replied, "I am very glad President Kennedy and I happen to be on the same on this issue, as we are on most other issues."

In view of the Democratic Committee's overriding concern about housing displacement, Representative Finnegan pointed out General Clarke's testimony that never more than 7,000 families would be dislocated and that relocation arrangements could be made week by week. Shackleton said, "That is very doubtful. I think some of us are still to be convinced by the allegations of General Clarke."

She reminded Chairman Natcher that she had testified the year before on basically the same points. Her committee was very concerned about the people of the District:

They have not proved to us, General Clarke, or anyone else, that they are going to be able to relocate these 13,000 or 15,000 individuals. I think you are aware of what is a very explosive situation . . . . I do not think it would help it by throwing people out of their homes and disrupting neighborhoods.

Representative Giaimo again made the point that people were being dislocated around the country for the Interstate System. "This is a problem in all our urban areas."

Mrs. Shackleton pointed out that she was for the highway program, "but I do not know why they should go right through the heart of residential sections of cities." In San Francisco the previous fall, she said, there was a bond issue "which they passed for a subway because they were sick and tired of these freeways destroying the city."

Representative Giaimo said:

I do not find much merit in the argument about the fact that you have to build a highway through an area where there are homes. You have to build a highway through places where there are people. That is nothing new to us.

Chairman Natcher thanked her for "your splendid statement," and moved on to the next witness. [District of Columbia Appropriations, 1964, pages 1104-1107]

The following day, June 19, one of the witnesses was Moe Lerner of Air Transport, Inc., testifying on behalf of the Citizens' Traffic Board of the District of Columbia. (Air Transportation, Inc., was involving in providing ground transportation to and from airports in the area.) After introducing himself as chairman of the subcommittee on mass transit, he began:

Progress in the development of the Washington highway program, including portions of the National System of Interstate and Defense Highways, has virtually ground to a halt and the Nation's Capital is threatened with strangulation unless planned highway improvements are permitted to go ahead on schedule.

The Mass Transportation Survey proposed "an effective system of freeway and highway improvements," but NCTA recommended "a severe \$600 million cutback" in those plans.

The Citizens' Traffic Board agreed with the District commissioners' analysis of NCTA's report. In particular, "highways are of prime importance to the efficient conduct of our major industry—the Federal Government." The Washington area's second largest industry, tourism, required "good highway facilities to bring him and his dollars to our city," given America's preference for traveling by cars for vacation travel. Further, the business community could not transport goods without good roads:

In short, we need freeways and improved streets and I recommend that this committee give its wholehearted support to the District of Columbia highway program. If there is a need for a rail transit program, let it be considered on its merits, but not at the expense of badly needed highways.

In 1950, the National Capital Park and Planning Commission agreed on a plan for freeway development "that had the wholehearted approval of the engineers and officials." The Mass Transportation Survey "again emphasized its freeway plans as essential no matter what other types of transportation [sic] would be needed:

Now, new faces are attempting to turn back the highway clock and have succeeded in freezing many of the projects—even some that have already been started.

Officials should encourage and support development of a good transit system. "It should be attractive and handle our rush-hour traffic efficiently in air-conditioned comfort." It should be "a show window for the rest of the world." But, Lerner wondered, why hold up the Three Sisters Bridge, the North Leg, and the Inner Loop concept? He concluded:

For a balanced transportation program we need both the freeways planned to meet the highway needs of the District of Columbia and a mass transit system; therefore, we should not allow the traffic problem to be ground to death in an argument between highway and transit.

During public hearings, with many witnesses to speak, Chairman Natcher and his colleagues often had little to say after each presentation. Lerner's presentation was an exception. Chairman Natcher said, "I want you to know that as just one member of this subcommittee I could not agree with you more." He was convinced the area needed rapid transit and a highway system. The idea of killing off the highway system to promote rapid transit "is a serious mistake."

He had been in the House, he told Lerner, for 9 years. During that time he voted for a bill that resulted in construction of District of Columbia Stadium that "is a beautiful stadium, probably the most modern stadium in the United States." At the time, he was told it would cost between \$6 million and \$7 million. Instead, it cost \$19,800,000, with the District having to borrow about \$800,000 a year to pay the interest. "It was a white elephant when it was completed. It is a white elephant today."

As this example of unreliable cost estimates demonstrated, taxpayers should be "informed carefully and thoroughly about any mass transit system":

If it is going to cost \$1,150 million, to be paid for over a period of 30 to 40 years, with bonds to be guaranteed by the Federal Government or a great portion of them, we want to know what the share of the District is going to be. The burden is to be placed upon the taxpayers here in the city of Washington . . . . I am not in favor of killing off the highway program here in the District in order to obtain a rapid transit system. That is my feeling about this matter and I believe I am right.

Before we have any rapid transit system or any other program in the District, I think the people ought to have all of the facts because it is people like you who are going to have to pay for it.

He added:

I am not against rapid transit. I never have been, but I say to you that I am not in favor of a rapid transit system here in the District of Columbia that is brought about as a result of killing off and destroying the highway program here in the city of Washington.  
[pages 1152-1154]

On the evening of June 20, the committee heard from additional witnesses, including David Sanders Clark of the Committee of 100 on the Federal City. He said the committee strongly supported President Kennedy's position on the District's highway plans, particularly his call for a careful reexamination of the highway program and a delay in funding for the North Leg, Three Sisters Bridge, and the related Potomac River Freeway until the outcome of the review was known:

We firmly believe that any new freeways and bridges planned for Washington should be so located, designed, and constructed as to uproot as few people as possible from their homes and places of business, and do the absolute minimum of damage to the appearance of this city. These three ill-considered projects clearly do not meet the criteria.

Instead of appreciating the President's support for the rest of the highway program, highway advocates had "taken to lambasting the President for daring to suggest that certain parts of the program warrant further study." Clark added, "the most vociferous and intemperate criticism seems to come from individuals who are definitely not residents and taxpayers of the District of Columbia." Members of Congress were receiving letters from all over the country in support of the projects, with truckers particularly solid in support for the Three Sisters Bridges.  
[pages 1221-1222]

When Chairman Natcher asked about the cost of the NCTA transit proposal that the Committee of 100 supported, Clark could only restate NCTA's estimate. The chairman asked if he was including interest on the bonds over a 30- or 40-year period. Clark hoped the system would make money, as NCTA believed:

We do not think that is the really important thing. We feel that a transit system is a public service, just like a fire department or the post office, or the highway department. It is

something that people in a major metropolitan area have to have and people in the area are going to have to pay for in one way or another.

Chairman Natcher restated his view that killing off the highway program to bring about a rapid transit system was “a serious mistake.” He asked Clark if he believed Congress would appropriate \$20.5 million in the first year, \$50 million in the second year, and underwrite and guarantee \$600 million worth of bonds in the third year. Clark replied that he hoped so because every major city had similar problems.

The chairman said, “That would set a precedent from the standpoint of guaranteeing the bonds.” Clark said if so, it would be “desirable to set a precedent for the Federal Government supporting mass transit for cities just the way that the Federal Highway Act . . . set the precedent for the Federal Government helping out with highways.” [pages 1222-1224]

The subcommittee also heard from Peter Craig of the Northwest Committee for Transportation. Discussing the history of transportation planning, he explained that in the 1950s, planners acted on the assumption that highways would have to carry the primary transportation load. In 1955, automobiles carried 57 of peak-hour travel; planners assumed this trend would continue for decades. In 1980, 66 percent of all peak-hour trips would be in an automobile, with only 34 percent by transit, namely buses. NCTA wanted to reverse those percentages. “Numerically, the difference is about 50,000 peak-hour auto trips – enough to fill five eight-lane freeways to capacity.”

Unfortunately, debate over transportation “at times has been highly emotional, complicated by false issues and by erroneous or irrelevant factual claims.” In short, the debate should not be about subways or no subways. The issue was not highways or no highways. Both were needed. “The issue is one of degree: how much more highway capacity, where, for what purpose, and with what capacity.” He commended the Whitener committee hearings in 1962 and its unanimous report that was highly critical of the highway plan.

NCTA had proposed “a workable transportation system” that had been endorsed by NCPC, NPS, the Commission of Fine Arts, and President Kennedy. Craig’s committee also endorsed the plan, as well as President Kennedy’s call for reexamination of several freeways in view of the NCTA plan. “It is important to emphasize, however, that this pending reexamination of the District’s highway program need not, and will not, stop highway construction activity.” If the Committee on Appropriations approved the District’s proposed budget for FY 1964 of over \$60 million, it would be “by far the largest highway appropriation in the history of the Nation’s Capital.”

Craig offered several reasons why the reexamination was needed. First, he cited planning realities. The assumption behind the original freeway network was that the city would not have rapid rail transit. “It makes no sense to build a subway system to handle over half of Washington’s commuter needs to the central city, and also superimpose a highway system designed to carry 100 percent of such traffic.” Such needless overbuilding could hurt everybody, “placing both the subway and highway systems in financial jeopardy.”

Second, Craig cited fiscal concerns. It was, he said, a “demonstrable fact” that the District could not expect to receive enough funds to complete more than a fraction of its freeway program. President Kennedy, in his budget message, had made the same point about the District’s highway fund: “The highway fund . . . will face critical deficiencies after 1965.” Craig estimated that in the District, the deficiency would be about \$88 million. “There will not be funds available to pay for any of the eight freeway projects still under study – even those upon which the NCTA and the Highway Department are in complete agreement, such as the center leg and the Northeast freeway.” NCTA had provided “full justification” for its financing plan, but District officials had not provided any such justification for their plans.

Finally, Craig said the District’s highway program should be appraised to determine the degree of highway construction the city could physically tolerate. The full network would make the city even more dependent on the automobile than it already was, while requiring a 45-percent increase in parking spaces:

A freeway once built is permanent. Before any new commitments are made, the planners, the public, and the Congress must be certain that the irrevocable step is required. That proof does not exist today.

During the question period, Craig said he had some reason for hope that the District’s highway planners were rethinking their ideas:

For example, on two of these projects, the Northeast Freeway and the North-Central Freeway, we have seen a change in the attitude of the District Highway Department since a year ago and it now seems to be seriously considering the NCTA’s recommendation that those two freeways be combined as a single freeway facility, utilizing the right-of-way of the B. & O. Railroad. Such a combination of interstate routes, NCTA believes, would meet the truck and auto needs in conjunction with rapid transit and if so, the District is the gainer.

That was encouraging, but for “some reason,” the District highway department “adamantly stuck by its original plan” for the Three Sisters Bridge, “even though the assumptions which underlay those plans have now been shelved.” There was, he said “no conceivable need for that bridge, for autos, for trucks, even for bicycles, and it is only if you want to assume that rapid transit won’t carry anybody or that sometime beyond 1980 there may be some horrendous traffic increase, that there could conceivably be a traffic justification for the bridge.”

In 1960, Congress had faced a similar situation where freeway construction was planned in the northwest quadrant that would parallel and compete with a likely location for rail rapid transit. Congress concluded “that if there is any doubt, let’s build the subway first and see if it works and defer a parallel and competitive freeway for consideration at a later time.” The result was the 5-year moratorium included in the National Capital Transportation Act of 1960.

Craig was not opposed to all freeways, citing his support for the Southeast Freeway, the combined freeways in northeast, and the Theodore Roosevelt Bridge. The Three Sisters Bridge was “one of the most frivolous highway proposals.” He asked, “There are such essential freeway

requirements—why can't we proceed on those in which there is full agreement, particularly given the critical fund shortage in the District highway funds?"

When Representative Giaimo pointed out that given the problem of suburbanization, highways were needed to get people into and out of the cities, Craig explained that he was not arguing that highways, automobiles, and trucks were not needed:

The problem is how do you alleviate the congestion. One subway line can carry as much traffic as four eight-lane freeways. In other words, in terms of traffic congestion alleviation, one subway line can do as much as four eight-lane freeways . . . . Yet if you build the freeways, you have only compounded the problem in terms of a central city because you must park those cars at the other end and each of those cars takes 300 square feet. [pages 1244-1248]

Not all witnesses who discussed transportation opposed the District's freeway plan. *The Evening Star* report on the hearing pointed out:

Indorsement of the District's highway program was voiced by spokesmen for five business groups—the area's Automotive Trade Association, a new car group; Eastern Greyhound Lines; the Oil Heat Institute of Greater Washington; the area's Tire Dealers and Retreaders Association, and the area's Laundry-Dry Cleaning Association. ["Hearing Brings Clash On Highway Cutback," *The Evening Star*, June 21, 1963]

With District officials concerned that the reexamination President Kennedy had ordered would affect the schedule for the Center Leg, Administrator Whitton told reporters on June 28 that he saw "some possibility" that engineering studies for the project could start during the year. Clearly, the White House-ordered study "will affect what we do on the Center Leg," and that might result in delay. "A restudy of the North Leg is a good idea and is needed regardless of any controversy," but whether it was built would affect the location of the Center Leg.

The other problem was a dispute with Maryland over how the Center Leg would be linked to Maryland's segment of I-95 at the District line. While the dispute was unresolved, he thought the District could work on the southern half of the Center Leg, which would be unaffected by the later decisions on where the "troublesome northern section" would link with I-95 in Maryland.

As for the East Leg, BPR was "willing to consider" its relocation along the west bank of the Anacostia River, as favored by President Kennedy. ["Studies on D.C. Center Leg Freeway May Start This Year, Official Reports," *The Washington Post and Times Herald*, June 29, 1963]

As June 1963 ended, *Star* editors took a look at the situation:

It was inevitable from the beginning that the bitter dispute over Washington area transportation would end in the lap of Congress. And the need now is for cool heads to resolve the feud—not perpetuate it.

The only way they could do so was if committee leaders accepted a simple premise:

That the controversy over highways and the controversy over rapid transit are separate issues, not competing solutions to the problem of moving people in and out of Washington.

Rapid transit was absolutely necessary. “The most extensive system of freeways alone would not suffice.” Congress should approve legislation to begin work on the transit system.

At the same time, the editors blamed NCTA for the current crisis. The agency’s “unjustified attacks on the freeway program” invited retaliation by highway advocates. However, NCTA’s “major blunder” should not jeopardize the needed transit system.

Chairman Fallon had been correct in calling NCTA “the bottleneck” blocking decisions on freeways, but the White House “took the NCTA off the hook” when President Kennedy called for reexamination of the Three Sisters Bridge/Potomac River Freeway and the North Leg. Further, BPR was the agency threatening to withhold funds for the Center Leg until the controversy is resolved.

The editors offered a “clear” course of action. The Center Leg should proceed because it was “needed regardless of other decisions on the road system.” Similarly, if Congress can convince the Kennedy Administration to relax its order, the Three Sisters Bridge and the Potomac River Freeway “should move ahead immediately.” These actions would leave questions only about the North Leg:

The engineering, esthetic and relocation problems involved in this project all are difficult. But we are confident that they can be solved. The studies to provide the necessary answers should be undertaken immediately. [“Transportation Crisis,” *The Sunday Star*, June 30, 1963]

### **Appropriations 1964**

On July 8, the House Committee on Appropriations completed work on the District of Columbia Appropriation Bill, 1964. The committee’s report on the bill included a section on the city’s highway program. The committee had “very thoroughly” examined the District’s highway program with officials of the District and BPR. Bringing important highway projects to “a complete halt is a serious mistake.” Highways and rapid transit were both needed to meet the city’s transportation needs. The report traced the history of the Interstate System to the Federal-Aid Highway Act of 1944, which authorized designation of the System, and the Federal-Aid Highway Act of 1956 which authorized funds to build the network around the country, including in the District.

For FY 1959 through FY 1963, Congress had appropriated funds for the Potomac River Freeway totaling over \$17 million. “Additional obligations in the sum of \$11 million are imminent.” In FYs 1962 and 1963, Congress appropriated funds for the design and partial construction of the Three Sisters Bridge. “These two projects are not in the embryonic stage.” Further, they were consistent with the national program “and have been reviewed repeatedly by the Congress. “The District now has \$330,000 available for the Three Sisters Bridge and \$1,248,000 is remaining available from prior year appropriations for the Potomac River Freeway.”

In addition, the committee's bill appropriated \$900,000 for the North Leg in FY 1964. The section concluded:

The Three Sisters Bridge, Potomac River Freeway and North Leg of the Inner Loop should proceed without further delay.

The committee recommended appropriations for the North Leg (Center Leg to Northeast Freeway, \$900,000), the East Leg (\$450,000), 11<sup>th</sup> Street Bridge and approaches (\$400,000), the Center Leg (\$1,294,000), and the Northeast Freeway (\$903,000). It did not appropriate funds for interchange "C," with the city's consent, because it had funds from previous appropriations that were sufficient for needs in 1964. [District of Columbia Appropriation Bill, 1964, Report to Accompany H.R. 7431, Committee on Appropriations, U.S. House of Representatives, 88<sup>th</sup> Congress, 1<sup>st</sup> Session, Report No. 499, July 8, 1963, pages 2-3, 11]

The House considered the bill on July 11. In introducing the measure, Chairman Natcher discussed the many aspects of District activities the bill covered. When he came to the freeway controversy, he expanded on the report language. With many other controversial issues to be debated on funding for schools, welfare, and other aspects of the District, the freeway portion of the appropriation bill did not generate debate.

Nevertheless, several members of the subcommittee commented on the freeways. Representative Giaimo, saying that he was new to the committee, told his colleagues that he was not opposed to a rapid transit system for the District. "I am, however, opposed to a philosophy that says that rapid transit should and could exist without highways." He had cosponsored legislation in support of rapid transit, including a bill that would establish a rapid transit system linking the eight States in the northeastern megalopolis. "But never did I anticipate that such a system would preclude the use of highways."

Of the projects that President Kennedy had asked the city to reexamine, he said, "it would be extremely damaging and wasteful to abandon these projects." These projects could be completed in 4 years while the rapid transit system was, according to some estimates he had heard, as much as 10 years off. The transit system would undoubtedly have an effect on the highway planning that would be conducted after it was built. "But this does not mean that the construction of a rapid transit system precludes any highway program whatsoever." He added:

In the event that Congress authorizes a rapid transit system for the District of Columbia, I have little doubt that it will receive sympathetic attention from our committee. Until such time, however, I would like to echo the feeling that the projects presently underway should be completed. [District of Columbia Appropriation Bill, *Congressional Record-House*, July 11, 1963, pages 12453-12454]

Representative Finnegan told his colleagues that President Kennedy, "on advice that we members of the Committee considered to be in error," had delayed several projects for reexamination until the NCTA plan "could be further implemented." The District commissioners, Administrator Whitton, and the subcommittee supported continuing these projects, "not, of course, to the exclusion of any transit plans." Both highways and transit were the answer to the District's

transportation problems, but rapid transit would not be completed for 10 years. Therefore, he “unequivocally” recommended construction of the Three Sisters Bridge, Potomac River Freeway, and North Leg. The first two projects did not need funds at this time, but he supported the \$900,000 in the bill for the North Leg. He hoped “all proceed with such speed as is proper.” [pages 12454-12455]

Representative Baldwin also expressed his views. He referenced the Subcommittee on Roads hearings that had been completed the day before. His colleagues, he thought, would like to think that Washington was leading the Nation in the construction of Interstate highways through metropolitan areas. “Unfortunately, this is not the case.” On the contrary, the Roads Subcommittee’s hearings demonstrated that:

. . . the Washington situation was a sea of confusion and when we got into the meat of it, to find out why this sea of confusion existed, we found despite the recommendations in 1959 of every responsible planning agency in Washington, D.C. . . . that the recommendation of one agency which has come into the picture in the last few months, for all practical purposes had brought the Federal interstate highway program in the Washington area to a standstill.

All other responsible agencies and officials who testified, he said, “were united that this program must go forward.”

Representative Baldwin explained his concern that the taxpayers of the District and the surrounding area were not getting the highways their highway user taxes were intended to provide. “The reason they are not getting them is primarily because of the obstructiveness of the National Capital Transportation Agency.” This blockage must be broken. Everyone in the country was receiving the benefits of the Interstate System they were paying for, except for District residents who were “being penalized by a theory that apparently the National Capital Transportation Agency has that if they can bar any improvement in the highway system in the Washington, D.C., area, they can force sufficient support for a mass transit program.”

If NCTA thought that obstructing a program Congress overwhelmingly supported was how to gain support for rapid transit, its officials were going to “find that some of us who would otherwise support it will probably oppose it until the NCTA withdraws its opposition to completion of the program for Federal interstate highway construction in the Washington area as contemplated when we enacted the Highway Act of 1956.” [pages 12455-12456]

The House approved the bill on a voice vote, forwarding it to the Senate for consideration.

## **Senate Considers the Appropriation Act, 1964**

On September 23, the District Subcommittee of the Senate Committee on Appropriations began hearings on the District's FY 1964 budget. City agencies testified about the usual wide range of city business, including the Department of Highways and Traffic. The department's tables showed that the House bill had approved all requested funds for freeway projects except the \$330,000 requested for interchange "C." Neither the Senators nor the District officials discussed the freeway issues beyond a brief reference by city officials. [District of Columbia Appropriations for 1964, Hearings on H.R. 7431 before the Subcommittee of the Committee on Appropriations, United States Senate, 88<sup>th</sup> Congress, 1<sup>st</sup> Session, pages 20, 31]

On September 25, Senator Byrd opened the subcommittee's public hearing on the District's appropriations bill for FY 1964. Over 150 witnesses and spectators filled the hearing room. Of course, they were interested in a variety of subjects, but several wanted to talk about the freeway controversy. For example, Polly Shackleton expressed her concern about the relocation of District residents. She favored a central relocation service. "Urgent efforts by public agencies and private groups already are underway to increase the supply of much needed low- and middle-income housing." She was "particularly gratified" by President Kennedy's decision to order a restudy of the social, economic, and esthetic impacts of the North Leg, Three Sisters Bridge, and Potomac River Freeway.

She was hopeful that officials could find a way to "largely eliminate or at least minimize the loss of homes and destruction of neighborhoods and community facilities." Along those lines, she favored the Center Leg in general, but was not satisfied with the proposed route that resulted in the "entirely unnecessary destruction of homes and church and neighborhood facilities." [pages 793-794]

Similarly, Grosvenor Chapman, chairman of the Transportation Committee of the Washington Planning and Housing Association, testified that his group did not question parts of the Inner Loop, but had serious questions about the need for the North Leg, Potomac River Freeway, and Three Sisters Bridge. "We believe that construction of these facilities to interstate standards would result not only in a waste of public funds but also in the destruction of properties, neighborhoods, and scenic and traditional values of uncountable value." [page 798]

Several witnesses spoke in favor of the freeways. Harold Wirth of Firestone Tire and Rubber Company appeared on behalf of the Washington Representatives of Rubber and Tire Manufacturers:

Gentlemen, we should honestly face up to the urgent requirements of this situation from the viewpoint of the harassed motorists in the northwest quadrant of our metropolitan area. My own humble experience is merely one [that is] similar to thousands upon thousands of motorists who must traverse this quadrant daily on their way to and from their homes and offices.

In response to a question, Wirth said he lived in Rock Creek Hills, Montgomery County, and worked at 1001 Connecticut Avenue, NW. Since moving to the Washington area in 1938, he

found that traffic had grown, but “not one thing has been done to ease traffic congestion and its accompanying driving hazards during these past 24 years, with the exception of allowing Wisconsin and Connecticut Avenues to carry four lanes in place of three going north in the afternoon.” They both were, he said, “death highways.”

In his view, the Three Sisters Bridge and Potomac River Parkway were “the most important part of the entire freeway system”:

It should be built first before any other portions of the inner loop in view of the tremendous congestion existing in this northwest area caused by constant postponement of relief freeway construction . . . .

The early approval of the appropriation for the Three Sisters Bridge would assist in easing some of our congestion by permitting motorists from the western, middle, and northern areas of Montgomery County now crowding the only remaining streets [that] they can use to come into town, to approach the District through the George Washington Memorial Parkway now under construction on the east side of the Potomac River.

The east-side parkway, to be located entirely in Maryland, could not link with downtown Washington until the Potomac River Freeway was completed, “and this freeway cannot be completed until our highway engineers know where they may cross the river.” This relief was urgently needed. “Senator, it is all well and good to talk about esthetics and beauty, but when we have human lives at stake we should forget the beauty and get down to basic facts.” [pages 789-792]

AAA’s Miller testified about the “urgent need” for the Three Sisters Bridge. He described Virginia’s plans for I-66 and I-266, with eight-lane I-66 crossing into the District on the six-lane Theodore Roosevelt Bridge, which is restricted to passenger vehicles. He said, “Unless the Three Sisters Bridge is built to accommodate trucks, and the additional two lanes of vehicular traffic, there will be a traffic jam of colossal [sic] dimensions at the approaches to the Roosevelt Memorial bridge.” Trucks would have to cross at the 14<sup>th</sup> Street Bridge. “So far as the Key Bridge is concerned it is presently loaded to capacity and is not capable of handling the additional traffic which will be approaching on Route 66.”

Miller supported the entire proposed Interstate System. “The freeway system in the National Capital region is one entity and you cannot remove sections of it, as the NCTA is recommending, and still have an integrated system.” Without the Three Sisters Bridge and with the North Leg reduced to a “junior freeway,” as NCTA recommended, BPR might not be able to provide the full 90-percent Interstate funding promised for the full network.

He emphasized that AAA did not oppose the rapid transit system; if Congress decided to appropriate funds for its construction, “we will raise no objection.” However, AAA favored the full system the Mass Transportation Survey identified in 1959, including its transit component. AAA had “tried desperately” to avoid the conflict between highway and rail transit proponents. The association had urged NCTA to limit its recommendations to transit. “We even took our

recommendation to Charles A. Horsky, Advisor to the President on National Capital Affairs, but all to no avail.”

Instead, NCTA recommended cutting the highway program “by \$600 million, including a reduction of 70 miles of freeways,” bringing the highway and rapid transit plans “to a grinding halt in the form of a stalemate.” On behalf of the “overwhelming majority of the motoring public,” he said:

It is now quite obvious, as a result of what has transpired during the past 3 months, the quickest way to move ahead with all our transportation plans is to get the freeway program back on schedule at once . . . .

We believe that the people have been deliberately misled into believing that the rail rapid transit system would do away with the need for any further highway building in the District. Gentlemen, this is totally inaccurate. [pages 795-798]

Director Aitken, Deputy Director Airis, and their colleagues appeared before Senator Byrd’s subcommittee on September 28. Aitken summarized projects completed in the past year:

We have completed Anacostia Freeway from East Capitol Street to Pennsylvania Avenue [and] opened to traffic the 12<sup>th</sup> Street Expressway, from the Southwest Freeway to Constitution Avenue. We have opened to traffic the Washington Channel Bridge [and] the Southwest Freeway from Washington Channel Bridge to the center leg. This latter section of freeway was opened to traffic on August 26, and within 2 days it was carrying approximately 32,000 vehicles per day. We expect to complete the freeway between the center leg and South Capitol Street about May 1964.

Several projects were underway. The Southeast Freeway from South Capitol Street to Sixth Street, SW., was to be completed by June 1965. The city expected to complete the Potomac River Freeway from E Street to the K Street interchange in late 1965. The Theodore Roosevelt Bridge was to be opened to traffic in early 1964, the 11<sup>th</sup> Street Bridge (east structure) early in 1965, the E Street Expressway from 23<sup>rd</sup> Street to 19<sup>th</sup> Street in late 1965.

He told Senator Byrd that the location for the Three Sisters Bridge might be shifted to an alternate location. Senator Byrd said that in the previous year, “we marched up this hill in the face of considerable fire. Why was it you permitted your troops to go up the hill and get shot at?” He was referring to the original location and wondered why talk had emerged of moving the bridge. Aitken, saying he did not want to argue with the Senator, explained that if the bridge could be built somewhere else, the city had to consider it. Perhaps a bridge at another location would provide better service for the area.

The city had requested funds for engineering and right-of-way for the East Leg along the western bank of the Anacostia River. Aitken said the Center Leg was the “next major project,” extending from the interchange near 2<sup>nd</sup> and D Streets, SW., northerly to a connection with the North Leg. The city also wanted funds for engineering and right-of-way for the Northeast Freeway.

Engineer Commissioner Duke, who had been promoted to Brigadier General, joined the panel to discuss the newly formed Policy Advisory Committee. President Kennedy's advisor, Charles Horsky, had recommended formation of the committee to coordinate the reexamination of the Three Sisters Bridge and North Leg. The committee held its first working session on July 19. It included:

- C. Darwin Stolzenbach, NCTA Administrator;
- David E. Finley, chairman, Commission of Fine Arts;
- Mrs. James H. Rowe, chairman, NCPC;
- Conrad L. Wirth, Director, NPS;
- Colonel Charles Duke, District Engineer Commissioner;
- Rex Whitton, Federal Highway Administrator; and
- John Kohl, Assistant Administrator for Transportation, Housing and Home Finance Agency.

The committee designated Duke to be coordinator.

The committee, after a 2-hour organizational meeting, issued a statement saying the members "agreed to adopt objective re-examination procedures to insure results which would command general support." The statement added that the members agreed to "accept the responsibility to support the subsequent task of designing transportation facilities which would evolve from the re-examination." As the *Star* pointed out, four of the seven members "previously have opposed building the two projects." The committee had not decided whether to hire an outside consultant to conduct the study, as the District had planned to do. ["Policy Advisers Named On Highway Restudy," *The Evening Star*, July 20, 1963; "Group Set Up to Advise City on Freeway Plans," *The Washington Post and Times Herald*, July 20, 1963]

General Duke told the subcommittee:

We have held several meetings to date and at the moment we are involved in two simultaneous studies, one having to do with the possibility of relocating the Three Sisters Bridge. This is postponing, in effect, the discussion or consideration of the requirement for the bridge because we feel that, to a certain degree, the requirement would be tied in to the decision on the north leg itself. But we recognize full well that considerations other than strictly engineering considerations play a vital role in the decision on this project and . . . two alternate sites are being considered in an endeavor to try to resolve what one might call the other-than-engineering considerations.

As for the North Leg, the committee was considering proposals that fell into three categories:

At one end of the spectrum, having to do with the class of project that would carry the most traffic, we are considering eight-lane freeways—two different proposals, in fact. One has a minimum of right-of-way taking, and the other what the planners consider to be an "optimum" taking of right-of-way. This would be an eight-lane freeway and would have a sizable capacity for handling traffic.

At the other end of the spectrum we are considering a couple of proposals having to do with advancement of one-way streets only, with grade separations at various streets to enhance the carrying capacity as much as possible . . . .

Then in the middle, which amounts to somewhat of a compromise between these two solutions, the Committee is reviewing a proposal which has to do with the separation of the two types of traffic involved. The through traffic would be passed underneath the streets in a tunnel-type arrangement and the local traffic would be carried above the tunnel in a one-way street with controlled lighting. This would separate the local traffic, in other words, from the route traffic [sic].

Based on the Policy Advisory Committee review, the Board of Commissioners intended to send its report to President Kennedy by the end of December 1963.

Senator Byrd recalled that in 1962, the District was lagging behind the rest of the country in completion of its Interstate network. He asked about progress since then. Aitken replied:

I will comment on it but I do not like to, because I have to admit that whether it is my fault or someone else's, we are further behind now than we were a year ago.

Based on the latest ICE, "we have roughly 6 years to carry out roughly two-thirds of our program." He added, "It is going to be a very difficult picture and a difficult program because there are practical limitations on how much work you can do." [part 3, pages 2462-2496]

On November 6, the Committee on Appropriations completed work on its District of Columbia Appropriation Bill, 1964. The committee's report did not discuss the freeway issues, but did include a chart indicating that appropriations for the freeways were the same as in the approved House bill. [District of Columbia Appropriation Bill, 1964, Committee on Appropriations, United States Senate, 88<sup>th</sup> Congress, 1<sup>st</sup> Session, Report No. 632 to accompany H.R. 7431, November 6, 1963, page 20]

The Senate approved the bill on November 19, 42 to 35. During the debate on the bill, Senators were primarily concerned about schools and Federal public welfare aid, not freeways or transit.

These other issues would delay the conference committee's agreement on a unified bill. The conferees continued to meet through mid-December even as the country adjusted to the November 22 assassination of President Kennedy and the transition to President Lyndon B. Johnson. Finally, on December 17, conferees resolved differences on the hiring of additional teachers and welfare workers.

On December 18, the House considered the conference committee report. Chairman Natcher, in summarizing the final bill discussed the rivalry between advocates of highways and rapid transit ("Rivalry between these two groups is dangerous and certainly not in the best interest of our Capital City."), but the House approved the bill without debate. The Senate also approved the bill on December 18 without discussion of the freeway controversies. [District of Columbia Appropriation Bill, *Congressional Record-House*, December 18, 1963, pages 24905-24910;

District of Columbia Appropriation Bill, 1964—Conference Report, *Congressional Record-Senate*, December 18, 1963, pages 24999-25003]

President Johnson approved the legislation on December 30, 1963 (Public Law 88-252).

### **Waiting For Hearings on NCTA's Transit Plan**

While officials debated the freeway network for the Washington area, NCTA and transit advocates were trying to secure congressional support for the plan. On January 11, 1963, NCTA released a 124-page appendix on *System Planning*.

NCTA estimated that during peak periods Monday through Friday in 1980, 19,600 vehicles an hour, at most, would want to cross the four Potomac River bridges (14<sup>th</sup> Street, Arlington Memorial, Theodore Roosevelt, and Key), which collectively would have a capacity of 21,500 vehicles. "This means that central area bridge capacity will exceed demand by nearly 10 percent, even without the Three Sisters Bridge." If the forecast was wrong, additional capacity could be provided by building ramps connecting the Key Bridge with the George Washington Memorial Parkway in Virginia and the Palisades Parkway and Canal Road in the District. These changes would increase the bridge's capacity by 40 percent. The Three Sisters Bridge would be redundant.

As pressure had grown around the country for increased rapid transit, Washington officials tried to divert metropolitan areas from considering expensive fixed-rail or subway systems to developing less expensive express bus systems. The White House had made the suggestion for the Washington area in the fall of 1962, but NCTA's November 1962 report had rejected the idea in only one paragraph.

Now, in an appendix, NCTA explained why an express bus system would be impractical. Buses operating on city streets would be caught in the same congestion as the automobiles, possibly even making it worse because of stops. A subway for express buses would cost \$4.5 million more than a rail subway because of additional ventilation that would be needed. Finally, NCTA argued that an express bus system would be subject to weather. "During a recent blizzard in Cleveland, rail operations had a single two-hour delay; bus operations of the same transit company remained chaotic for a week." The report stated:

In sum increasing bus-subway capacity either by adding tunnel lanes or by widening stations would add substantially to the cost of a system that even without these changes would cost more than rail transit.

No one has ever operated a comprehensive express bus system, let alone a comprehensive bus subway system. It has to be established that a bus-subway system could be scheduled and operated in a fashion that would attract a large volume of patronage.

Skeptics had questioned NCTA's expectation that a rapid rail system would operate at a profit. The new report predicted that the rail system would lose money for 5 years, but would be net profitable due to increased patronage. By 1980, fares would bring in \$79.2 million, while another \$4.8 million would be raised from advertisements, vendors, and other sources. With

deductions for subsidies to feeder bus operators (\$7.5 million), and depreciation (\$5.2), the system would have a net income of \$43.4 million.

The report also summarized NCTA's views on the District's remaining freeway network. The East Leg, the report explained, was not needed and would be disruptive of homes and families, especially in the 11<sup>th</sup> Street corridor where District officials planned to build it. NCTA recommended a route that crossed the Anacostia River on the 11<sup>th</sup> Street Bridge and continued north on the east side of the river via the Anacostia Freeway and Kenilworth Avenue, both of which would be widened.

As for the District's consideration of running the East Leg on the west side of the river, NCTA pointed out that "much of the traffic that would use an eastern bypass originates or terminates in Washington and Montgomery County, on one hand, and southern Prince Georges on the other." Under NCTA's proposal, this bypass traffic would not have to cross the river on the crowded bridges in the 11<sup>th</sup> Street area. Putting the East Leg on the west bank would "encourage portions of such traffic to cross to the west, thereby further crowding these bridges."

The District initially had proposed extending I-70S in the Wisconsin Avenue corridor, but in 1959 had changed preferences to the North Central corridor for I-70S along Florida Avenue between Pennsylvania Avenue and 1<sup>st</sup> Street, NW. The Montgomery County traffic that would have used I-70S in the Wisconsin Avenue corridor would instead use a parkway/freeway combination along the Potomac River. NCTA proposed to replace the city's planned eight-lane North Leg Freeway with a four-lane "express street system" in the Wisconsin Avenue corridor. The system would include grade separations at major intersections on Wisconsin Avenue or a parallel street. "The route would be designed for higher capacity at the points where it joins the freeway system and where traffic will be heavier."

The express street system could carry 3,000 vehicles an hour, but NCTA projected actual traffic in 1980 as between 2,500 and 3,000 vehicles an hour. The expanded western end, moreover, could carry 3,600 vehicles an hour

With construction of the express street system, NCTA concluded that a freeway in the North Central corridor as proposed by the District was not needed. Much of the traffic expected to use the North-Central Freeway would instead use the express street system in the Wisconsin Avenue corridor or the routes along the Potomac River. Eventually, a depressed four-lane facility would be needed in the North Leg corridor. However, this facility was not planned for construction for several years; planners did not have decide on it now.

NCTA had compared its projected highway system with a mathematical model to predict transit use:

The recommended highway system, together with the refined rapid transit system, will permit motorists to travel even in the peak hours at speeds substantially greater than is possible on today's congested highways . . . .

What the results showed was that—given the agency’s recommended transportation system—1977 peak-hour speeds would be 30 per cent faster than 1959 speeds. [Clopton, “NCTA Plan Is Defended In Report,” *The Washington Post and Times Herald*, January 12, 1963; Flor, Lee, “NCTA Explains Alternative of Express Buses,” *The Evening Star*, January 12, 1963; “Transport Agency Would Separate Traffic at Wisconsin Crossings,” *The Evening Star*, January 12, 1963]

On January 25, the Prince George’s County Commissioners sent a telegram to Stolzenbach letting him know they approved NCTA’s \$793-million rail rapid transit system “in principle.” The commissioners joined Fairfax and Arlington Counties in Virginia in support of the plan. The District, Montgomery County in Maryland, and Alexandria in Virginia had not taken a formal position. [Clopton, William, “Prince Georges Backs Plan for Rapid Transit,” *The Washington Post and Times Herald*, January 26, 1963]

As explained earlier, the District and Montgomery County would express many reservations about NCTA’s plan. On March 28, the District Commissioners’ Planning Advisory Council called for progress to complete the Inner Loop and the proposed subway. The council, which the commissioners had reactivated in 1957 to advise them on planning matters, said construction of the downtown subway should begin immediately. “Feeder lines using existing rail lines, should be fed into this inner loop as early as possible. Further study can then be made of the controversial sections of the subway system.” The council’s head, Frank Wolfsheim, said:

Considerable doubt has been thrown on the accuracy of some of the cost and revenue figures of the NCTA report. These doubts should be cleared up before final authorization of construction funds is made by Congress.

In addition, the council recommended construction of the Three Sisters Bridge and Potomac River Freeway “at the earliest possible date.” [“Early Start On Transit Plan Urged,” *The Washington Post and Times Herald*, March 29, 1963; “Speed in Building Urged for Road and Rail Transit,” *The Evening Star*, March 28, 1963]

A month before President Kennedy released his recommendations, the Department of the Treasury sent an advisory letter to the Bureau of the Budget on April 16 indicating that it should not make direct loans to NCTA. Treasury might be willing to make loans to the District government or guarantee bonds sold to the public to pay for the rail network, but direct loans to NCTA would set a dangerous precedent for the Federal role in transit systems in other cities.

Even a loan to the District was problematic because such loans ordinarily go to the agency with sufficient taxing power to “stand in front of the Federal guarantee.” The special situation in the District “may warrant waiver of this requirement,” but only if it did not set a precedent:

Some extraordinary handling of the National Capital area mass transportation system is warranted by the peculiar status of the area relative to the Federal government. Such special treatment, however, should be provided in a form that will not place the Federal government in an untenable position in regard to the overall mass transportation program.

The other issue was whether the District, if it borrowed the funds from the Treasury at interest, would be willing to pass the funds on to NCTA. General Clarke told reporters the commissioners “do not know enough about the import of this to be able to comment.”

The Treasury Department’s decision would increase the cost of the rail rapid transit plan by as much as \$135 million. NCTA had expected to receive loans at 4-percent interest, along with guaranteed loans from private investors at 4.5 percent. If the entire amount had to come from private investors at 4.5 percent interest, the total cost would be \$911 million instead of \$776 million. [Clopton, Willard, “Treasury Dashes Hopes For Transit Loans Here,” *The Washington Post and Times Herald*, April 17, 1963; Doolittle, Jerry, “Estimated Cost Of Subway Up By \$135 Million,” *The Washington Post and Times Herald*, April 22, 1963]

As discussed earlier, President Kennedy announced his decisions regarding the Washington area transportation network on May 27, 1963, and sent a bill to Capitol Hill for “prompt and favorable” action. The President’s letter was consistent with the Treasury Department’s decision in relying on private investors. The three-page bill, which Representative Broyhill introduced as H.R. 6633, did not address financing issues.

Except for the financing issue, President Kennedy had given NCTA and Stolzenbach virtually everything requested. As noted earlier, Stolzenbach was optimistic that construction could begin in 1964.

While waiting for the hearings, officials and organizations announced their views. On June 3, the National Capital Regional Planning Council, after an intense 3-hour discussion, reversed its support of the 1959 plan to endorse rapid transit and a downtown subway. The council’s resolution was carefully worded in view of the divided views of the representatives of area jurisdictions. It did not endorse “rail,” which meant its resolution could refer to express buses rather than a rail network. The resolution had been drafted in part by Mrs. Rowe who, according to Lee Flor, was “an ardent rail transit supporter who has become known for her opposition to freeways.” The resolution did not mention highways. [Flor, Lee, “Planning Council Backs Downtown Subway Plan,” *The Evening Star*, June 4, 1963]

The Fine Arts Commission praised President Kennedy on June 18 for his “leadership . . . in requesting the Congress for authorization to proceed with plans for the rapid transit program formulated by the National Capital Transportation Agency.” The system was “urgently needed to prevent further seizure of parklands for highways.” The resolution, approved unanimously, also said the rail transit system would “curb the proliferation of car parking lots in important areas to the detriment of the appearance of the city.” [Lewis, Robert J., “President Wins Praise For Supporting Subway,” *The Evening Star*, June 18, 1963]

On July 3, Senator Byrd took a 2-hour tour of the sites of the new and proposed highways and bridges in the District, including the Three Sisters Bridge, the Potomac River Freeway, the Theodore Roosevelt Bridge, the Washington Channel Bridge, and the interchange, under construction, between the Southwest Freeway and the proposed Center Leg of the Inner Loop. At the Roosevelt Bridge construction site, he put on a hard hat and climbed up a 30-foot ladder to the bridge floor. The *Post* reported:

Byrd, a onetime welder . . . showed that he still knew how to work with his hands. After a one-minute lesson, he fastened some reinforcing rods together with wire. Could he be made into a competent rodman? “Oh, we could do it eventually,” said rodman foreman John Casteel.

After the tour, Senator Byrd met with reporters in his office. He said the “consensus in the Congress” was that the area needed a rapid transit system as well as the freeway system sought by the area’s highway departments. He was concerned about the delay in completing the Interstate System in the city. “I don’t see why [the Interstate System] should stop here in the District of Columbia.” He thought the Three Sisters Bridge was the best approach to improved trans-Potomac travel while the Potomac River Freeway and North Leg were essential. (Aitken had told him that not building the North Leg would be “like having half a wheel on a vehicle.”)

He also was concerned that J. George Stewart, the Architect of the Capitol, had not issued a permit for construction of the Center Leg under the Capitol grounds. Aiken had told the Senator that after 6 years of negotiations, Stewart had still not issued the permit. Senator Byrd said he might summon Stewart to the hearing “so that we can go into the matter with him.”

Senator Byrd also was concerned that the study requested by the President had not yet begun. “I certainly hope this reexamination and decisions are reached with reasonable dispatch.” It should be started as soon as possible so that “we can find out where we are going with our freeways.” [Mintz, Morton, “Both Freeways, Transit Needed Here, Byrd Says,” *The Washington Post and Times Herald*, July 4, 1963; Flor, Lee, “Road, Rail Backing Seen in Congress,” *The Evening Star*, July 4, 1963]

### **Transit Program for the Capital Region**

On July 9, 1963, Chairman Whitener of the District Subcommittee opened hearings titled “Transit Program for the National Capital Region.” Stolzenbach was the first witness, but before his presentation, Representative Broyhill wanted to introduce a prepared statement and raise some questions he wanted the NCTA Administrator to address. The brief statement indicated, “I recognize a definite need for a rapid transit system for this area,” but also was convinced “that no such system will eliminate the need for an expanded highway system to service the region, particularly for through traffic.”

Representative Broyhill recalled the history behind the National Capital Transportation Act of 1960. The Mass Transportation Survey had indicated a need for a transit system to complement the highway system. That was why Congress created NCTA. The purpose was to create an agency “to develop a program, study the financial feasibility of a mass transit system, and then to come back to Congress and get the authority to go ahead with it.” Not much was said during the Joint Committee’s hearings and deliberations about the new agency conducting a new study of the needed highway facilities. The survey had already projected the highway and bridge system needed:

So it comes as somewhat of a surprise, and to a degree a disappointment to some, that one of the major points in your recommendations is the holdup or postponement or delay or

abandonment of some of the highway projects. Many of the people in the area feel that we are going to need all of the highway freeway projects that are in the pipeline right now before we come to any real solution to our problems here. What we are doing here now is just delaying something that is inevitable.

The District was not taking advantage of the 90-10 Federal program for constructing the Interstate System, and the city's delay was affecting the ability of Maryland and Virginia to use their funds to the best effect. Given the need for the "up-to-date highway and freeway program," he would "like to have that point developed quite extensively during your statement, Mr. Stolzenbach, as to why we need to hold up on these highway programs which have been approved and are in the pipeline." He also hoped that nothing in the committee's proceedings would indicate support for the delay resulting from NCTA's report.

He complimented NCTA for calling for a \$60 million contribution from the local jurisdictions. "I do not believe we have much chance of getting this program approved by the Congress unless there is some willingness on the part of the local community to pay a portion of the cost." He wanted Stolzenbach to address whether the local communities have indicated support for their participation in the cost. In view of the questions about ridership, Representative Broyhill thought that local contributions would result in more participation by the riding public.

His third point was "the most serious one." He wanted to know if NCTA had "taken full cognizance in their study and in their recommendations of all of the existing transportation facilities, such as the existing rail lines, but more important, the existing transportation system." During deliberations on the 1960 Act, he said:

The committee expressed deep and grave concern as to whether the creation of any mass transit system would destroy or injure private enterprise, and the committee did express its intention, its desire, its determination to see that these privately owned and operated transportation companies were not injured and certainly not destroyed, but, on the contrary, took the view that these privately owned transportation companies should be exploited, expanded, and improved as a part of an overall improvement of transportation services here in the metropolitan area.

Chairman Whitener, in something of a rebuke, pointed out to Representative Broyhill that NCTA's report of November 1, 1962, had addressed the issue of existing mass transportation facilities in chapter 2 and also went into the highway situation:

I would hope that in the hearings that we can approach this matter as a serious study of the need for a rapid transit facility in the District of Columbia and in the metropolitan area, and not as a battle between advocates of one form of transportation and advocates of another.

Some, he said, thought the Whitener subcommittee "was opposed to the highway program. Of course, there is no basis for that allegation." He made his view "as one member of the committee" clear:

I am not in favor of a highway program or any other program which would uproot thousands of people from their residences without some plan to relocate those people. I think it is one of the bigger problems here in the District of Columbia. It is nice to be able to bring folks in from outside of Washington on highways, but I think it is even nicer to have places for people who are living in the District of Columbia to go to bed at night.

He added that someone from Washington had been calling people in his North Carolina district and providing “completely erroneous information as to the purpose of these hearings.” As far as he was concerned, “anyone who has any views on this matter can set them forth here in the record and give their testimony.” [Transit Program for the National Capital Region, Hearings before Subcommittee No. 6 of the Committee on the District of Columbia, U.S. House of Representatives, 88<sup>th</sup> Congress, 1<sup>st</sup> Session, 1963, pages 9-13]

The chairman did not speculate on who was calling his constituents, but the *Post* and *Star* speculated that he was referring to pro-highway lobbies.

Stolzenbach said he wanted to explain how NCTA had carried out its mission under the 1960 Act and to seek favorable congressional action on the President’s bill seeking authority for NCTA to begin construction of the proposed rapid transit system. “The Agency’s recommendations with respect to highways have been taken under advisement by the President and the other agencies concerned and the bills presently before this committee do not concern these recommendations.”

He summarized the first stage of NCTA’s review, namely “forecasts of future travel within the region.” He told the subcommittee:

The key conclusion of the Agency’s traffic analysis is that without a rapid transit system, and even assuming a highway system larger than that proposed by the District Commissioners, congestion will increase. But with a rapid transit system, and vigorous freeway program, not only can we accommodate the additional traffic that will develop, we can substantially improve today’s conditions and give the city a real measure of relief.

The NCTA proposal embodied in the White House bill, would create “a truly regional mass transportation system consisting of more than 80 miles of rapid transit service, an additional 15 miles of commuter railroad service, and over 50 miles of express bus service on freeways.”

He emphasized that in developing the proposal, he, Deputy Administrator Quenstedt, and their staff had held “countless meetings” with the public, private organizations, and “a wide variety of other agencies and governmental bodies,” as directed by Section 204(g) of the 1960 Act.

The legislation also had directed NCTA to study a subway from Union Station capable of dispersing passengers “to the principal employment centers of the District of Columbia and its immediate environs.” NCTA “literally examined dozens” of plans and settled on “the one that we decided was the best one.” He displayed a map showing the expected concentration of employment centers in 1980. On a second map he highlighted the downtown subway system, with its 15 stations that he said were “so located as to bring 80 percent of the prospective downtown employees to within a 5-minute walking distance of their offices, and that some 92

percent will be within an 8-minute walk of their office . . . .” The system also would be “an efficient economical means of bringing shoppers into town during the middle of the day,” as well as “a means of internal circulation within the downtown area that will greatly relieve the congestion we now find on downtown streets all during the day.”

The 1960 Act also called on NCTA to design a downtown subway that could be extended to serve other parts of the region. Using space already dedicated to transportation service would minimize disruption to the community as would avoiding residential areas:

The program before you involves no defacing of the city, little interference with the life and homes of our people, and, at the same time, provides the city and the region with a system capable of handling the traffic volumes expected in 1980 and beyond.

In planning the system’s eight transit radials, “the Agency closely adhered to the congressional requirement that railroad and highway rights-of-way be used wherever possible.” Six used railroad or highway rights-of-way. As a result, the proposed transit system would provide areawide coverage “while at the same time minimizing construction costs.” He identified the radials in clockwise order:

- The line from Rockville to downtown “utilizing the right-of-way of the Baltimore & Ohio Railroad.” The trains “would, without interruption, stopping at Union Station, go right on through into the downtown distribution system.”
- To serve the northeast, NCTA proposed a rapid transit line in the median strip of proposed I-95. “This line would merge with the B. & O. line” before going into the downtown distributor.
- Continuing to the east, NCTA proposed to establish a commuter railroad along the Pennsylvania Railroad’s main line from as far as Bowie, Maryland. “Trains on this line would come into Union Station where the people could get off and by an over-the-platform transfer board the subway system and thereby get anywhere in the downtown area.”
- In the southeast, NCTA would place a rapid transit line in the median strip of the proposed expressway going to the Henson Creek area of Prince George’s County.
- For the southwest, NCTA would place a line in the right-of-way of the Richmond-Fredericksburg & Potomac Railroad “from Springfield into Alexandria, serving the city of Alexandria, serving Pentagon City, a large office building and apartment development complex now going up there, serving the Pentagon, going under the river and into the downtown subway distribution system.”
- A rapid transit line to the west would run in the median of I-66 serving Arlington and Fairfax Counties. It, too, would connect with the subway distribution system by crossing the Potomac River in a tunnel.
- NCTA could not find an existing right-of-way in northwest, but proposed a subway line “going out Connecticut Avenue, eventually over to Wisconsin and out through the Bethesda business district past NIH [National Institutes of Health] to Pooks Hill.” The subway would be carried at least to Tenley Circle.

- Finally, NCTA proposed another subway line that “originates in the vicinity of Quincy Street and Georgia Avenue, and joins this Northwest route near Florida Avenue and 19<sup>th</sup> Street, bringing people here into the downtown distribution system.”

He added:

In addition, the dotted lines on the map show the various locations of the 50 miles of express bus service . . . . We propose express bus service running on the George Washington Memorial Parkway from Cabin John in Montgomery County, Md., direct to downtown Washington.

The rapid transit line on Route 95, would be served by express buses operating on the highway between the transit terminal and points further out.

In the southeast, express bus service on the existing Suitland Parkway, and on the Anacostia Freeway, would bring passengers into the rail rapid transit line serving that sector.

Similarly in the southwest, express bus service on the proposed expanded Shirley Highway would bring people to the Pentagon where they could transfer to the downtown subway.

Eventually the program contemplates express bus service on the access road to Dulles International Airport. The FAA, incidentally, is interested in the ultimate possibility of having a spur of the train line serve the airport, but I think that is some time in the future.

He summarized:

Here then is an express rapid transit system that truly covers all quadrants of the region, and provides far better service for bringing our people into downtown than can be accomplished by any other means.

NCTA’s rapid transit system “represents the most modern, up-to-date system that American technology can devise.” The system, in short, “represents as much of an advancement over the older subway systems in this country as the Thunderbird does over the model ‘T’ Ford.” The system would operate twice as fast as the New York City and Philadelphia systems:

In addition to their high speed, the rapid transit trains will have modern styling, they will be air conditioned, seating will be comfortable, and the cars will be attractively appointed and well lighted.

Stolzenbach summarized some the advantages of the system within the District. A trip from the State Department to Capitol Hill now took 25 minutes; it would take 5½ minutes by subway. When the subway was completed, 77 percent of all downtown jobs would be within 5 minutes of a station and 90 percent would be within an 8-minute walk. “As a result, the rapid transit system will provide excellent service during the off-peak, as well as the peak, hours and it will serve throughout the day as a fast means of traveling around the city.”

Suburban stations had been designed “to provide some 50,000 parking spaces so that a very large percentage of the passengers will be able to use their cars to get to the rapid transit lines.” Special bays would be made for passengers arriving at the station on feeder buses:

In short, this is an auto-age rapid transit system designed to provide an attractive alternative to driving all the way to town.

In considering cost, Stolzenbach pointed out that the committee creating the 1960 Act “refused to accept the proposition that a regional rail rapid transit system here in Washington must be a deficit operation. Neither do we.” Nothing was to be gained, he said, by looking at operations in other areas, except to use the experience elsewhere to make the Washington system more efficient. “We have a new slate to write on,” and NCTA had applied “a hardheaded, businesslike manner” to finances:

We have done this, Mr. Chairman, and it is abundantly clear that given the conditions now existing in the National Capital region and the dramatic growth expected in the years ahead, the transit development program before you today will be largely self-supporting, and over a period of some 35 years, will repay all borrowing for capital requirements. And notwithstanding the comment this conclusion has excited in some quarters, it is not concocted of legerdemain and wishful thinking. It is based on the facts.

The key ingredient for success exists here in Washington, but not in any other rapid transit city; namely, a history of realistic, economical transit fares. Unlike these other cities, where transit fares have been kept artificially low, with the municipality making up the deficits out of general public funds, fares in the Washington area have kept pace with the cost of providing transportation service.

The idea that the transit development program would be “largely self-supporting is the cornerstone of the financial plan” NCTA had proposed. The capital outlay of \$793 million was to be raised “through a combination of private borrowing and Government grants.” NCTA had assembled an advisory committee on finance consisting of businessmen from around the country. “The recommended plan satisfies all the tests.” It would have “a minimal impact on Federal budget expenditures, and calls for equitable participation by the local governments.”

Stolzenbach agreed with President Kennedy’s observation that establishing an interstate compact agency, with its own financing powers, was the appropriate form of organization. Establishing the compact was going to be a difficult task “beset with complex constitutional, legal, and political considerations.” While negotiations are underway, the President believed, “work on the transit development program should go forward vigorously.” If the compact had not been approved at the point where private borrowing was necessary, Congress should establish a corporation with borrowing authority to carry the program forward.

During this testimony, Stolzenbach did not address Representative Broyhill’s three questions. Committee questioning was postponed to allow out-of-town officials associated with NCTA to testify before leaving the area. [pages 13-24]

Testimony resumed on July 10, with Deputy Administrator Quenstedt and Chief Counsel Seeger presenting statements. Quenstedt discussed the schedule for construction of the rapid transit segments, while Seeger addressed several issues, including how the proposed network would be able to pay for itself out of the farebox. He cited examples from other parts of the country. Chicago, Cleveland, and Philadelphia “meet operating expenses plus a share but not all of the capital costs.” New York met its operating costs, but made only a “a minor insignificant contribution to capital cost.” Boston “doesn’t even meet operating expenses.” Some commuter railroads, such as the Long Island Railroad, were profitable, while others lost money.

The reason the District system could rely on the farebox was that it would charge a zone fare. “So the man who is traveling a longer distance, and who costs you more to carry him, pays a proportionately larger fare.” By using zone fares, “not only will this system meet its operating expenses but it can meet its capital charges as well.”

Representative William H. Harsha (R-Oh.), a longtime highway supporter who also served on the Committee on Public Works, interrupted Seeger’s testimony. With the House considering national urban mass transportation legislation, already approved by the Senate, at the same time as the NCTA bill, he wanted to know if Seeger was saying that the national financing problem requiring Federal funds could be “solved by a realistic rate.”

When Seeger would not go that far, Representative Harsha asked, “if your theory is accurate, it would apply in any situation, wouldn’t it, as long as you raised the rate to meet the demand of operating costs and capital reduction?”

Seeger replied, “Yes, I would say yes.”

Representative Harsha concluded, “In other words, we don’t need this [national] mass transit bill they are trying to shove down our---“

Seeger tried to divert Representative Harsha by explaining that the mass transportation bill included a provision for loan guarantees to help cities that wanted to charge higher fares to finance their systems out of the fare box. “But I think the administration’s position . . . is that what you charge is properly a matter of city policy, and is not to be a matter of Federal policy.”

Representative Harsha was not convinced. Under Seeger’s theory, “you could finance the bonds anywhere in the country,” without Federal assistance.

Allowed to continue his statement, Seeger concluded with a discussion of a survey to measure potential ridership. “The final conclusion of the survey was that a potential market as high as 85 to 90 percent of the downtown employment in Washington exists for rapid transit.” [pages 57-70]

Stolzenbach returned to the stand for the question period. Chairman Whitener began by saying that based on questions he had received from other Members of Congress, the biggest concern about the plan was the cost; “some of them are a little leery about supporting such a system here in Washington.” They also thought the two States and local jurisdictions should contribute more than presently planned.

Stolzenbach said the estimated cost was the minimum necessary for a regional rapid transit system. The overall cost should be “weighed against the value to the community that is going to result.” However, NCTA was not asking for a cash gift from the Federal Government to pay for the system. “What we are asking for is underwriting of a project which we are convinced will be self-liquidating in the long run.” He added that in deciding on an appropriate State and local share, NCTA was using the formula in the Senate-passed national mass transit legislation.

NCTA, Stolzenbach said, had consulted with the governing bodies of regional governments about the financing plan. “The invariable response was, ‘Well, that seems reasonable.’” Representative Broyhill wanted to know who made these commitments. Stolzenbach was vague, referring to elected officials. “It varied.” Since the plans were not yet approved by Congress, the officials could not put it before their local bodies for a formal vote.

Representative Broyhill thought the issue would come up on the floor of the House. He wanted a more formal commitment from the suburban communities stating they were ready to participate in the cost. Stolzenbach said, “I don’t think these people are in a position to make anything that could possibly be considered as a legal commitment at this point.” The NCTA bill had been written so that construction would not proceed without the required contribution. “In Virginia, for example, we don’t go beyond Pentagon City until they do make a commitment.”

Chairman Whitener wondered if those communities would be willing to contribute more if the feeling in Congress was that they were not doing enough. Stolzenbach thought that when communities saw the system in operation, they would be willing to contribute to ensure it reached their territory.

The chairman asked for NCTA’s answer to the many concerns raised about the agency’s impact on the area’s Interstate network and on networks elsewhere in the country. (As described earlier, Chairman Fallon was conducting hearings that were considering this point at the same time as the NCTA hearings.) Stolzenbach said NCTA proposed “a tremendous freeway system” for the area, with the differences between NCTA and area highway agencies “actually quite small.” The studies directed by President Kennedy were intended “to resolve some very practical problems of seeing just how you can meet the highway requirements in certain sectors of the city, where . . . the proposal is to build an interstate freeway of eight lanes, which is going to be very disruptive.”

Stolzenbach agreed that cities around the country were objecting to freeways:

The desire to have those needs met by alternative means, such as rapid transit is a phenomenon that has occurred in many other cities before it ever happened in Washington. I am thinking of San Francisco, New York, Boston, and Chicago.

And I think actually the refusal to go along with certain freeways in the heart of some of these other cities is of greater magnitude than anything that we have proposed.

The highway people in Maryland and Virginia wanted the Interstate network as planned, but NCTA felt “under a mandate to evaluate the plan put forth in 1959,” a view that Chairman Whitener’s report in 1962 confirmed. NCTA consulted with many highway officials, he said.

The fact that they may not agree with the recommendations “doesn’t imply any lack of cooperation.”

Chairman Whitener asked about a concern by highway officials around the country that highway user revenue would be used to build rapid transit. Stolzenbach replied, “We have never entertained such a thought nor in any of our studies, reports or recommendations will you find the slightest hint of that idea.

Perhaps mindful of Chairman Natcher’s off-stated concern about cost increases, Chairman Whitener asked if “you are confident that this transit system will do better in paying off its bonds than the D.C. Stadium has done.” Stolzenbach replied, “Yes.”

Chairman Whitener asked how NCTA could be so certain that construction of the rapid transit system would cause “a minimum of difficulties in the everyday life of the community.” Based on soil conditions, NCTA and its consultants had determined that most of the subway construction could be accomplished by tunneling “which involves no disruption at the city street level except at stations.” Some disruption might occur in a few sections where, due to soil conditions, cut-and-cover construction might be best. The disruption, even in those cases, would be “minimal.”

Representative Broyhill’s question period was next. He asked about consultation with area highway departments. Stolzenbach told him, “we consulted with them to the greatest degree that was possible.” Did the District or State highway officials, the Congressman asked, agree with NCTA’s recommendations. Stolzenbach replied, “No.”

Representative Broyhill saw this issue as a problem because those highway agencies had experts who had made the technical decisions on which projects to advance, but given the conflict between those officials and NCTA, Congress was being asked to do something it was usually reluctant to do, namely “sit in judgment between experts on various technical proposals.” He was “most reluctant” to hold up freeway projects already approved by engineers, and yet NCTA was proposing to delay freeway construction “for quite a number of years,” and that was based on the assumption that Congress would complete legislation and that subway construction could begin in 1964. “I do regret that you haven’t been able to work out that particular problem and have come to this committee with that unresolved.”

Before Stolzenbach could reply, Representative Harsha had a question about cooperation with highway officials. He pointed out the highway officials, including Administrator Whitton, who had testified recently before the Subcommittee on Roads, Committee on Public Works, that consultation was absent or “silly.” Moreover, the Commerce Department’s formal comments to the White House on NCTA’s report said “NCTA failed to cooperate.”

Stolzenbach summarized the consultation efforts, stating that BPR and the three highway agencies were fully aware of what NCTA was doing. They all wanted the Interstate System to proceed as planned, claiming NCTA did not have authority to review the highway plans. They implied, “Just go along with our highway plans and maybe we will go along with your rapid

transit.” He said that he did not think the 1960 Act “contemplated the requirements that this Agency get the agreement of all these highway departments.”

Chairman Whitener pointed out that President Kennedy, the highest authority of all, had reviewed NCTA’s report and gone along with it. Representative Harsha said the President did not have the opportunity to review the report as thoroughly as BPR, but the chairman replied, “I believe the buck stops right down at the White House, doesn’t it?”

When Stolzenbach referred to the NCTA study as a “truly joint project” and that the personnel borrowed from BPR had contributed to the technical review, Representative Harsha countered that, “If it was such a joint project and so well coordinated and cooperation was the utmost, why would they [the Commerce Department] come out with a stinging report like this?” Stolzenbach answered:

I can only presume they didn’t agree with our conclusions. It was understood in this joint project that this Agency has a responsibility for making recommendations.

Representative Broyhill, whose district included several privately owned commuter bus companies, returned to one of the questions he had raised the day before:

Mr. Broyhill. Did you consult with the operators of privately owned transportation companies in coming up with this report?

Mr. Stolzenbach. We made every effort to, Mr. Broyhill.

Mr. Broyhill. You made every effort. You mean, they refused to consult with you?

Mr. Stolzenbach. Yes.

Mr. Broyhill. The private companies refused to consult with you?

Mr. Stolzenbach. Yes.

He clarified that he initiated cordial consultation with D.C. Transit’s Mr. Chalk. In 1961, Chalk asked if NCTA would support his concept for a super-rail-transit system from the car barns in Georgetown to Dulles International Airport. Stolzenbach said he could not; NCTA had not completed its evaluation of the type of system the area needed. Moreover, Chalk did not have engineering specifications NCTA could consider. “I am sorry to report that his immediate response was, and I quote, ‘This is the end of all cooperation between us. Period.’”

The area’s other bus companies rejected overtures from NCTA. However, NCTA’s plan was based on providing facilities for bus service, such as stations and parking lots, but the bus companies would own the buses.

Representative Broyhill was concerned that the rapid rail lines would “take the cream” of traffic and leave the privately owned companies with “the feeder service, that in many instances . . . might not be profitable.”

Seeger responded that NCTA included \$7 million a year in its plan “to pay for feeder bus service that, in our judgment, would not be profitable, but would be important to the rapid transit system.” In addition, the plan included private bus service on trunklines such as the Shirley Highway and George Washington Memorial Parkway.

Representative Broyhill was not completely satisfied that the private companies in northern Virginia were being treated fairly, but his question period ended. [pages 72-88]

Representative Harsha was next. He was not, he said, opposed to NCTA's rapid rail system, which he thought was "certainly needed." He was less concerned than Representative Broyhill about the private commuter bus companies:

I am sure no one needs to hold their hand. They will look after themselves. I don't think you have to get down on your hands and knees and beg them to meet with you.

He was, however, vitally concerned about the "curtailment of the highway program." He said that apparently Chairman Whitener and Stolzenbach "think that the last word on what is to be done here does rest with the White House." He asked for Stolzenbach's reaction to the fact that the Appropriations Committee of the House has said, "We must carry the highway program along with any and all proposals concerning a rapid transit system," and have, for 5 consecutive years beginning in 1959, appropriated funds for the Potomac River Freeway and the Three Sisters Bridge. For FY 1964, the committee included \$900,000 for the North leg. "What is your reaction to that? Do you care to comment?"

Stolzenbach began, "May we start backward?" The \$900,000 was for the portion of the North Leg that was not in dispute. It was what the District wanted, NCTA "went along with" it, and the President included it in his budget. "It has never been in dispute at all." The rest of the North Leg, the part in dispute, "hasn't even been planned."

NCTA also did not oppose the Potomac River Freeway:

The only reason that is being held up is because until you know whether there is going to be a Three Sisters Bridge, it affects the design, and they were actually ready to start constructing parts of the Potomac River Freeway. That is not in dispute.

The only thing that is in dispute is one bridge, and the design of a highway corridor through the north leg, which was not contemplated to be built for another 6 years.

Representative Harsha wanted to confirm that NCTA did not object to the Potomac River Freeway. "That is right," Stolzenbach told him. What about the Three Sisters Bridge? Stolzenbach replied:

Our findings show that for a long time to come, even without a rapid transit system, you don't need the Three Sisters Bridge to handle the river traffic, and these are using the D.C. Highway Department's own figures.

NCTA, he said, was "not fighting this problem." It was simply one agency of the executive branch that had made a recommendation to the White House.

Representative Harsha turned to a NCTA brochure that referred to Washington as "a model area." Therefore, its mass transportation must be a model system. "The 212 metropolitan areas of the country will look upon the National Capital Transportation Agency and its work as a

model from which they can draw knowledge to help them in their growing problems of mass transportation.” The Congressman wanted to know if the advance of NCTA’s plans would be “the cue for the cities all over the United States to curtail their interstate highway development program within their community area?”

Stolzenbach replied that NCTA hoped to “build a model transit system here.” At this point, the mechanics of an integrated transportation system left “something to be desired,” but “this is just one of the facts of life in a complicated jurisdictional area in which there is great disagreement as between localities as to what the highway system should be.” Maryland and the District of Columbia, he said, were “further apart as to what highways should be running between the District and Maryland than any of the differences that lie between us and the D.C. Highway Department, for example.” All NCTA could do is “consult and cooperate” as well as making recommendations.

Representative Harsha commented that if NCTA wanted to be a model system, it would in his view not encourage other cities to change or curtail their highway programs.” Stolzenbach disagreed, saying, “Long before this Agency was created, highways . . . were being curtailed by action of city governing bodies in innumerable cities throughout the country. This is nothing new. It didn’t start here.”

What, Representative Harsha wanted to know, would happen to the Interstate System if cities decided to curtail freeways and use rapid transit instead? Stolzenbach replied that NCTA had proposed “a continuous interstate system” for the District:

I think it is reasonable to expect that if you are going to have a regional rapid transit system that is going to move twice as many people by public transportation than you would otherwise have, that this might call for some modifications in a highway system that was planned before 1955. This is literally what we are faced with here. The inner loop was designed in 1955.

Representative Harsha understood that NCTA was primarily concerned with moving people. Had NCTA given any consideration to national defense? Seeger, using a map, explained that “there isn’t any question about having a complete interstate system in the District of Columbia.” The map included I-66 from the west, I-95 from the south, and I-70S from the northwest to the Center Leg “of the loop and providing a continuous interstate system with trucks from Route 66 coming across the Jefferson Davis Highway over onto Route 95.”

The Congressman asked how NCTA’s map differed from the Mass Transportation Survey’s map of Interstate freeways. Seeger said the District proposed separate lines for the North-Central Freeway (I-70S) and the Northeast Freeway (I-95). NCTA recommended combining the two “and the great advantage of this was that you could, instead of going through the heart of north central Washington with tremendous displacements, you could follow the railroad right-of-way and get the highway in easily and smoothly without a big public fuss.” The District has said it could not see any “insuperable obstacles to this proposal.” In addition, NCTA recommended building the East Leg of the Inner Belt on the east side of the Anacostia River, but that idea was not adopted; the plan for construction on the west side was going ahead.

The only real issues, Seeger continued, were the Three Sisters Bridge and a portion of the North Leg:

My only point at this moment is that whatever may be said about the desirability of having Three Sisters bridge or the north leg of the loop, given this tremendous interstate system that is really agreed upon for all practical purposes, there need be no delay whatever in the District's highway program.

There are projects to keep them going for a good number of years to come.

The District, he said, had "a great deal of highway" ahead of it without worrying about the Three Sisters Bridge, "and no one was even proposing to build the north leg of the loop until 1969, anyway." The District's real problem was not whether to build a bridge or a portion of the Inner Loop, but how to pay its share of the cost for the Interstate highways that everyone approved. "It will take every cent the District has to do them, and there is no reason at all why the Three Sisters Bridge question should delay the completion of an interstate system."

Representative Harsha, recalling Stolzenbach's testimony before the Joint Committee that, "Highways and mass transit are and will always be competing facilities for mass transportation," asked what that meant. Stolzenbach said the modes competed for public choice, "but if the public has no alternative but highways, there can't be any competition." If government agencies want to establish a balanced system, they were not competing but were complementary.

When Representative Harsha again said the highway program was being held up, Stolzenbach told him that the Three Sisters Bridge was not even in the District's highway program when NCTA was created. The bridge, despite appropriations for it, was being held up by President Kennedy's call for a reexamination. At this point, agencies were trying to put together a balanced system that would give the individual traveler the choice of whether to use public transportation or the highways.

Representative Harsha changed directions by asking about Stolzenbach's activities, before becoming NCTA Administrator, as chair of a civic committee that promoted rapid transit and curtailment of the automobile. Stolzenbach said he was reflecting the views of the Interfederation Council of the Greater Washington area, which believed that the 1959 Mass Transportation Survey put too much emphasis on highways. "That was the simple view and this is what we expressed to the Congress at the time."

Representative Harsha asked if the council recommended "that certain police restrictions should be employed restricting the use of private automobiles in the area." Stolzenbach did not recall everything he may have said, but "one way of being sure that our highways are adequate to handle peak-hour traffic is to provide some means of controlling it":

When I talked to the traffic director of the city of Los Angeles last year, I asked him what is the solution to Los Angeles freeway problem [sic]. He said, "I am hopeful that we can eventually get some means of keeping the number of people who get onto these highways down to the limit that the highways can handle at a reasonable speed."

The Federal Highway Administrator told me, not long ago, that they are working on and doing research on means of controlling traffic so that the freeway systems in cities will work, instead of having freeway traffic come to a grinding halt as it does in Los Angeles twice a day.

Did the council advocate, Representative Harsha wanted to know, that the highway departments of Maryland and Virginia come under a regional agency's control. Stolzenbach said he was speaking for a group, but "I haven't taken any position on this question." But had he not advocated, the Congressman asked, that the regional transportation agency have the power to establish and operate a regional highway system "whether or not the local authorities agree." Stolzenbach did not recall saying that, but he pointed out that if each jurisdiction has a veto, "this may cause some problems."

Representative Harsha summarized that if Federal agencies were going to usurp State and local authority and control people, "where are going to go? Everything is going to be dictated from here in Washington as to what these people are going to do with their roads and how they are going to . . . ." Stolzenbach interrupted to say he did not think a central bureaucracy in downtown Washington should dictate decisions. "The real tough problem here is how do you organize this region to not only do regional planning but to get regional decisions."

What would happen, Representative Harsha asked, if local jurisdictions decided not to go along with NCTA's transit plan. Stolzenbach said NCTA planned to build, first, an economically viable system in the District. It would be self-sustaining, but would not provide regional service if other jurisdictions rejected the plan.

Representative Harsha asked about the difference between NCTA's November 1962 report and the transit development program released in the summary report of May 1963 and cited in the White House bill. Seeger said they were identical except in dropping interim-Federal loans that the Treasury Department had opposed earlier in the year.

The Congressman was concerned that if Congress approved the bill adopting the May 1963 report, Congress would "block ourselves by curtailing the Three Sisters Bridge, accepting your recommendations and these others."

Seeger said the bill did no such thing; it did not even mention the highway program. "It simply sets forth the engineering details with respect to the transit program, and the bills that have been introduced would do no more than that." The summary report did not mention NCTA's highway recommendations or the Three Sisters Bridge.

Representative Harsha said he had additional questions, but the House was in session, and the committee adjourned. [pages 88-96]

On July 9, O. Roy Chalk was in the Mediterranean on vacation. However, his office sent his letter to President Kennedy transmitting a "preliminary report on transportation" in the Washington area. The area should take advantage of "the maximum efficient application of the

most advanced technological developments in mass transit” to create the best transit system in the world.

The enclosed report explained that D.C. Transit System’s “exhaustive, critical analysis” of NCTA’s report revealed weaknesses that undermined the “very foundation” of its recommendations. A “vast wealth” of information and resources “was ignored, wholly or substantially,” while transit innovations, some in the experimental stage, were never mentioned or “glossed over briefly and dismissed summarily.” By ignoring “rudimentary principles of sound transportation planning,” NCTA made “many theoretical and dubious basic presumptions,” the result being “an inadequate definition of the present and future transportation problems of the area, thus preliminarily casting considerable doubt upon the proposed solutions.”

The problem with subways was that they were “a permanent fixture” that could not be “moved from place to place as the demands upon it may require.” Building such a network “could have drastic consequences,” especially if based only on “a mere 2-year study.”

The Washington area, the letter said, was familiar with the streetcar, motorbus, and surface railway. Now, however, Congress had appropriated \$25 million for the Housing and Home Finance Agency to study alternate methods of transit. Research included:

1. Pneumatic tube systems.
2. Ground effect machines.
3. Superrail.
4. Monorail.
5. Monobeam (an elevated beam that can carry transit vehicles in both directions).
6. Hydrofoil.
7. Carveyor (a “people mover”).

D.C. Transit suggested that a combination monorail-subway was another option worth studying, as was an underground automobile highway.

The company was not simply opposing construction of a rail rapid transit system; it was simply suggesting that the area wait until the recently financed research was completed before committing more than \$1 billion for “a permanent, inflexible subway system.” In the absence of “a panacea for the mass transportation ills,” officials should employ patience and careful planning, “as opposed to panic,” in deciding what to do.

The company, under its franchise approved by Congress, had the right to operate any mass transit system in the area. D.C. Transit was “ready, willing, and able” to incorporate the rapid transit system into current operations. The company was continuing its research “into the transportation needs of tomorrow” and was “redoubling our efforts to develop media to meet those needs.” The report concluded:

We respectfully submit that our efforts should not be thwarted even before we have had an opportunity to experiment with and to develop the fresh, embryonic concepts which have emerged as a result of these efforts.

The 16-page report contained drawings of futuristic modes of transit such as monorail and “ground effect machines” riding on air cushions.

The *Post* contacted Dr. John H. Kohl, who was in charge of the housing agency’s transit experiments authorized by Congress. He did not recommend delaying the Washington area system. “The problem is too urgent,” he said. “Various approaches can be taken and the decision as to the type of approach is essentially a local one.” He thought that NCTA’s plan “was pretty well engineered.”

Charles Horsky acknowledged that the White House had received several copies of the report, but thought that Congress was “the proper forum” for considering Chalk’s views in the course of its hearings on the NCTA bill. “I imagine that Congress will invite Mr. Chalk to discuss his proposals. The transportation agency probably will have its chance to reply to the Chalk charges at that time.” [Eisen, Jack, “Chalk Raps Transit Plan As Dubious,” *The Washington Post and Times Herald*, July 12, 1963; Flor, Lee, “Chalk Urges Delay on Area Rail Transit,” *The Evening Star*, July 12, 1963; the report, minus illustrations, was included the hearing record, pages 296-299]

Stolzenbach and his NCTA aides returned to the hearing on July 16. Representative Harsha began the questioning by trying to get Stolzenbach to admit that the views about curtailing highway construction he had expressed on behalf of the Interfederation Council were his own views. He had, for example, chaired the committee that drafted the report to this subcommittee. Stolzenbach was cautious. The report reflected the views of the council; he would not “entirely disassociate myself” from the conclusions. He did not “seriously disagree” with the conclusions, but they were a result “a drafting committee.”

Representative Harsha said that if Stolzenbach was on the drafting committee that prepared the report, “then it did reflect your personal opinion and your personal views” on curtailing highways use, did it not. Stolzenbach replied, “Certainly,” but as NCTA administrator, “I have not found it necessary to take a position . . . on a lot of the questions that were involved at that time.”

Representative Harsha pointed out he was not asking about Stolzenbach’s NCTA tenure. In his previous role, had he not recommended that the highway departments of Maryland and Virginia should come under the control of the agency that became NCTA? No, Stolzenbach said, “I never recommended that.” What about curtailment of the automobile? That was the council’s position and he “certainly felt at the time and the vast majority of the people who testified felt . . . that there was overemphasis on highways in the 1959 plan.”

Upon questioning about the Interstate System in the District, Stolzenbach was hesitant even to admit that he had seen a map of the network since the D.C. Highway Department had not published one. “It is difficult to say, for example, that our recommendation that the center leg of the inner loop be an interstate facility is in conflict with the plans for the highway people because the Bureau of Public Roads and the District of Columbia Highway Department have been in agreement on that problem.”

Would construction of the Three Sisters Bridge, Potomac River Freeway, and the North Leg have any effect on NCTA's plans? Stolzenbach replied, "They would have practically no effect."

The 1960 Act called on NCTA to research facilities, equipment, and services to meet the area's transportation needs. Had NCTA studied anything besides conventional subways? A NCTA consultant, Operations Research, Inc., had studied "the whole range of possible vehicle systems, ranging from the conventional things we have today into the most esoteric type of systems, such as ground effect machines." At one point or another, he said, NCTA had considered "every conceivable combination."

Referring to D.C. Transit System's report to President Kennedy, Representative Harsha asked about the flexibility of the NCTA proposal. Stolzenbach replied, "Considering the economics of the whole problem of urban mass transportation, I think it is the most flexible system that I have ever seen." He added the NCTA proposal was "essentially a radial system and the rail portion of it does not attempt to provide crosstown suburban transportation."

Representative Harsha questioned NCTA's assumption that costs related to the automobile, including parking fees, would increase substantially by 1980, but transit fares would remain constant and possibly decrease. Stolzenbach based his assumptions on the law of supply and demand. "There will be a greater demand and the price will have to go up." Seeger added that parking costs would continue to increase "faster than other costs, including the operating costs of the transit system and the fares paid into the transit system."

The NCTA officials agreed when Representative Harsha said they had not considered the movement of goods or services or materials. He suggested that NCTA had recommended "the so-called Junior Expressway or one-way street system" for the North Leg in the vicinity of S Street, NW. Stolzenbach denied that NCTA had made such a recommendation. Instead, it had recommended studies of alternatives to an eight-lane freeway in that corridor.

He did not recall how many people would be displaced by an express street system. But he agreed that NCTA's proposal would displace 5,400 people, with 20 percent displaced by the transit plan and the remainder by the highway program. No, NCTA had not made any plans for relocating people. "That is not our job."

How many people would be displaced by the Three Sisters Bridge? Stolzenbach replied that none would be displaced by the bridge itself. What about the Potomac River Freeway? Not very many.

Representative Harsha asked about NCTA's modal-split conclusions. Stolzenbach agreed with the Congressman that the Department of Commerce considered its forecasting procedures to be still in the developmental stage. He added that, "all the techniques in this whole business" were still being developed.

Representative Harsha asked Stolzenbach to confirm that the rapid rail system would carry about 20 percent of trips during peak hours, while the rest would be on highways. Yes, Stolzenbach said, adding that the breakdown was based on a joint traffic forecasting project conducted with

personnel of NCTA, the D.C. Highway Department, and BPR. Many of the decisions leading to the forecasts “were made by the Highway people. [sic]”

Stolzenbach answered a question about the Junior Expressway in the North Leg corridor by saying it would have about half the capacity of an eight-lane freeway. He did not have an estimate of the difference in safety.

Representative Harsha asked if it was possible that NCTA’s estimate of the cost of building the subway might “be very low.” Stolzenbach replied, “It is always possible that estimates can be off.” Finding that NCTA had done few test borings, with many coming after the report on November 1, 1962, Representative Harsha suggested that NCTA “just gambled and took a chance that it would show up as it did.” Seeger did not think the three engineering firms employed for the purpose “would consider themselves as ‘gambling.’”

Was not the 10-percent contingency included in the cost estimate “way below the normal practice”? Seeger explained that other systems had used 30 percent, but the additional percentages reflected anticipated inflation. NCTA had not projected inflation in its capital cost estimates.

Representative Harsha found through questioning that the estimate did not take into account the increase if personnel costs or the cost of construction went up about 14 percent. Did the estimate of \$793 million include interest on loans? No, it covered only capital outlay. NCTA projected it would borrow about \$800 million at 4.5 percent interest. The total cost, counting interest, would be about \$1.5 billion.

Representative Harsha concluded his 1½ hours of questioning by summarizing that the cost was \$793 million “if we do not have any increased costs.” [pages 118-132]

Representative Frank J. Horton (R-NY), whose district included Rochester, wanted to understand the philosophy of NCTA’s highway studies. Stolzenbach said that the philosophy was “to develop a balanced system,” and that also was the philosophy of highway officials who had endorsed NCTA overall transit plan. “The area of disagreement is quite small.” The 1959 Mass Transportation Survey had been the starting point for the highway studies.

Was the highway program in direct competition with the rapid transit program? Was NCTA trying to eliminate competition? Stolzenbach said, “That was never the intention.” Seeger added that the NCTA plan included a highway network costing well over \$800 million, “and we would not have recommended a highway system anywhere near that figure if our intent was to eliminate competition.”

What if NCTA had been directed only to study the highway network without a rapid rail system. According to the 1959 survey, Seeger replied, even with a \$500 million rapid transit system, the area would need \$2 billion worth of highways. Without transit, the area would need even more. “Now, I am talking about a highway program that is vastly beyond anything that is contemplated by the District of Columbia Highway Department.” [pages 132-134]

Representative Broyhill was next. He wanted to clarify that NCTA contemplated operating only the subway system, not bus lines. “That is right.” Could free enterprise survive with development of NCTA’s transit plan. “Yes.” Would a subsidy be needed? “Some of the lesser feeder lines that will be necessary possibly would not be profitable, and we have provided in our financial estimates for a certain amount to be paid.” NCTA would pay about \$7 million a year in subsidies out of annual operating revenues.

NCTA had not checked these figures with the existing companies, which had refused to cooperate. The subsidy might have to be considerably larger.

Did NCTA consider restricting the subway to the District and letting bus lines bring passengers from Maryland and Virginia into the city. Yes, NCTA had considered the idea, using I-66 as an example. Seeger said, “The conclusion was that it would be cheaper in the long run, taking into account operating costs and capital costs, to provide the rail service. There was also the fact that we felt that the rail service in that corridor would attract more passengers than would buses, largely because of the transfer problem.”

Representative Broyhill wanted to confirm that the system within the city could survive if the surrounding jurisdictions did not go along with their projected contributions. Stolzenbach agreed. Without suburban extensions of the rail line, the bus lines could continue providing radial service. In that event, Stolzenbach said, NCTA had proposed short extensions to Woodside and Silver Spring in Maryland and Pentagon City in Virginia, “which we feel are appropriate terminal points.” But Representative Broyhill emphasized the point that the subway could be kept within the District and that NCTA should explore letting “other types of transportation” bring people to the subway.

Did NCTA consider an all-bus system, without a subway? The 1959 survey concluded it was impractical. NCTA took another look at the idea, but decided that “as far as flexibility is concerned, we feel you get the greatest amount of flexibility and service, bringing everything together, by having these rail lines go as far into the suburbs as there are people to ride them.”

Representative Broyhill emphasized that his questions did not necessarily reflect his opinion. They were questions he thought would be asked on the House floor.

He asked about NCTA’s conclusion that three times as many people would ride rapid rail transit as buses. “How in the Sam Hill could a person know which he would prefer and how could you rely on his answer and, the second part of question is, Is that your sole source of information as to predicting the habits of people, what people do in riding rapid rail versus buslines?”

Warren Wittreich of National Analysts, Inc., explained the survey. The idea was to ask the question in as unbiased a way as possible to convey equal options. Of those who expressed a preference, 48 percent said they preferred rail because it avoided traffic and weather problems. Others thought rail was more comfortable or safer. Of those who preferred buses, 27 percent said their reason was greater mobility, while 24 percent thought buses provided greater comfort, and 15 percent said the bus would get them closer to their destination.

Had NCTA contacted the Housing and Home Finance Agency about its \$25 million research study? Yes, NCTA had been “in frequent contact” with the agency’s John Kohl. The housing agency “endorsed our program very heartily.” [pages 135-139]

Chairman Whitener asked if NCTA had considered D.C. Transit System’s assertion that it would have the right to operate the system? Seeger replied, “We were satisfied, Mr. Chairman, that under the D.C. Transit Franchise Act there is no right to operate the system. This is wholly a matter for Congress to decide. We have made no recommendations on that point.” The chairman read language in the 1960 Act that said NCTA should encourage private transit companies to provide needed services and that NCTA should not operate competing services, but may make agreements with private transit companies to provide services.

Seeger said he understood that language to keep NCTA out of the bus business, but the language is silent “on the question of who should operate the rapid transit system.”

Would NCTA operate the rapid rail system? NCTA proposed to construct the system but had not made any proposal on operation. A Federal corporation or an interstate compact agency were two alternatives for operating the system or Congress could provide for contracting operation to a private operator.

A private operator could run the system at a profit? Yes, although the bond period might have to be extended. The profit could come out of the farebox? “There is nothing profitable about this system,” Seeger replied. “All we have ever said is that it would pay its capital cost which isn’t very exciting to an investor.” A management contract might be possible, with the operator paid out of the farebox, if the bond period were extended.

What did the language in the 1960 Act mean: “shall encourage private transit companies to provide needed services in a manner consistent with the transit development program”? Seeger said NCTA interpreted that language to encourage maximum use of private operators, particularly for buses, “but I interpret the whole act as being a hedge on the question of operation of the rapid transit system.”

Chairman Whitener said that he and Representative Broyhill were raising the question “as to whether or not it was not the intent of Congress at the outset to first preserve existing transportation facilities, and secondly, to encourage existing, taxpaying, transit operators to operate a system required to meet the public convenience and necessity here in this area.” Seeger suggested that if the committee interpreted the language in that way, “that is dispositive.”

Chairman Whitener asked about the claim in D.C. Transit System’s recent report to the President that NCTA had overlooked new developments in the transit field. For example, NCTA thought the transit company’s proposal to operate a monorail, partly in tunnel, to Dulles International Airport was not feasible. Seeger said that NCTA’s engineering studies indicated that the tube for monorail would have to be larger than for a subway. “You would be spending more money and you wouldn’t get anything back in exchange for the additional money that you are spending.”

Did NCTA consider the new modes listed in the D.C. Transit System report? Yes, and NCTA had provided the study to the committee for the record.

How does NCTA respond to D.C. Transit System's claim that the NCTA report cited other transit systems in the country in support of the proposed system, but they are "deficit operations and are publicly owned and operated?" Seeger said he had addressed that point the previous day:

Our point is that in other cities rapid transit fares are kept low as a matter of city policy, that in this city there already exists a zone fare, that the policy established by the Congress was not to keep fares low but to charge a fair price for service and that the result is that we will be different from the other cities.

The system would have a 25-cent fare within the central zone, plus a 15-cent fare outside that zone.

As for ambiguous language in laws, NCTA thought transit usage would increase, and D.C. Transit System apparently thought so, too, as reflected in its recent acquisition of one of the Virginia bus companies. "So, conceivably they agree with this idea that there will be stimulation and it will occur in the suburbs and they are placing themselves in a position to profit from it."

Representative Harsha asked if NCTA was projecting more transit patronage because of the curtailment of the highway program. Quenstedt said, "There is an unfortunate identification of this agency with regards to the highway program." NCTA did propose a smaller freeway network than the 1959 survey, but so did the D.C. Highway Department. NCTA did not think the Three Sisters Bridge was necessary, but even if the entire highway program were built, "there is a need for transit. I believe everybody is agreed on that." During peak hours, NCTA projected that 60 percent of people coming into the District's central area would do so by the proposed transit facility. District highway officials said that at present 40 percent of people came into the central area by public transportation. "They say that that same absolute number will come in." This was a disagreement among responsible groups.

Representative Harsha asked if NCTA could sit down with the area's highway agencies and planning commissions "and come up with an acceptable compromise that will meet the needs of this community and correlate this program with the highway people and the other interested groups." Quenstedt said that all the groups were subject to President Kennedy's direction, and he had called for reexamination of the Three Sisters Bridge and North Leg. BPR's Whitton had told the Subcommittee on Roads that he thought the reexamination was necessary, as did General Clarke. Quenstedt said he had read Aitken's testimony, but he had "ducked it every time they tried to him down." [pages 140-146]

On July 18, Deputy Director Staats of the Bureau of the Budget appeared before the subcommittee in support of the legislation. The Federal interest in this issue, he said, was clear. Aside from the fact that the Federal Government employs nearly half of the workforce in the area, "the entire Nation has an interest in preserving the beauty and dignity of the National Capital region." Mass transportation "has a direct relevance to the future appearance and dignity of the Nation's Capital."

NCTA's plan "should meet both present and long-range needs of the region." It was based on the legislative mandate of the 1960 Act, could get underway with a minimum of delay, and its transportation development program was "essential to the achievement of long-range regional development plans." The Federal contribution to the project was consistent with the national legislation the White House had endorsed based on a two-thirds/one-third ratio for a national mass transportation program. As a result, a Federal contribution of \$120 million for a system that would cost nearly \$800 million "is not out of line."

Chairman Whitener asked if the plan was financially sound if jurisdictions outside the District refused to contribute their share. Staats was confident that area jurisdictions would agree to participate, but if not, "the total system might be less, or the fare structure adjusted but I think, so far as the payoff period is concerned, I think that the answer would be 'Yes.'"

Would it be financially sound if the system were extended only to Woodside and Friendship Heights in Montgomery County, Bowie in Prince George's County, and Pentagon City in Virginia? Staats thought so, but emphasized he wasn't suggesting that the system be limited in that way.

Representative Harsha asked if Staats thought the farebox could support the program. Staats thought "the assumptions here are reasonable." Many assumptions had to prove valid, but he cited two reasons why this system would be self-sustaining when many other systems were not. First, the fare would be higher than in areas such as New York City where people were used to paying a lower fare that did not equal costs. Second, by building a new system from scratch, "obviously you are going to be able to take advantage of what the manufacturers have learned in research and development of the most efficient system and the most comfortable system for transportation." That would make it more attractive to the public. Admittedly, the assumptions could prove wrong, in part "because we are dealing with human psychology," but based on review of the financial plan by several agencies, "we think they are not out of line."

When Representative Harsha asked about subsidies to local jurisdictions outside the District, Staats explained that those subsidies came out of operating revenues, not the Federal contribution.

Staats realized that President Kennedy's call for reexamination of the Three Sisters Bridge and North Leg had prompted controversy. "We are willing to take our share on this one." The two projects had "generated much controversy in the community." The White House concluded that "a careful analysis and statement of the alternatives—in terms of benefits and costs to the community—is required to resolve this controversy and produce a clear community consensus":

It should be emphasized that the issues surrounding these highway projects would have required resolution regardless of the NCTA report. That report reinforces reasons already present.

He cited Administrator Whitton's statement before the Subcommittee on Roads that "this study needs to be made." Further, the District was continuing a very large highway program of projects not in dispute. However, the District did not have all the funds needed to complete these

ongoing projects. Meanwhile, the District scheduled the Three Sisters Bridge and a portion of the Potomac River Freeway for early construction, but included the North Leg in a much later program:

Therefore, we see no basis to the contention that the highway program has been damaged. On the contrary, we believe that the proposed review will enhance its soundness by insuring that the program will meet in the best possible way both the needs and the desires of the entire community. Hasty action on parts of the program which are in dispute could seriously damage the future of this program in terms of community acceptance.

The decision to reexamine the two projects was consistent with the committee's 1962 report. "That report clearly reflects the philosophy that transportation facilities are provided as a service to the entire community and should be consistent with and maximize desired community development objects." He did not see any reason why the reexamination should be "a long-drawn-out affair." Contrary to statements in the press, the reexamination did not mean "an indefinite delay. This is not true at all. It is not contemplated." With cooperation from all parties, Staats expected the reexamination to be completed "in a very few months." If Congress approved the national mass transit bill, the White House would be ready to submit recommendations on the highway program in 1964. "We think that this kind of time would enable Congress before it commits itself to the appropriations to have the results of this review."

Representative Broyhill said the controversy about the highways was jeopardizing the mass transit legislation. "One of the things that the so-called highway people object to is the fact that they feel that this thing has been pretty well studied for a number of years." Other committees of Congress were concerned that the studies were called for only to make way for mass transportation:

In fact, I was told by a member of the House Public Works Committee the day before yesterday that if this bill comes to the floor this session, he predicts every member of the House Committee on Public Works will oppose it.

Staats wanted to dispel the idea that deferral of the three highway units had anything to do with whether the region would have highways or mass transit. "We need both. And I think that these three units would have been held out even if there had not been such a program." For example, the Three Sisters Bridge had been studied for years, but area officials still didn't agree on where it should be built, if at all.

Representative Harsha, a member of both committees, said his Public Works colleagues were concerned that NCTA was "recommending the curtailment of the highway program and, as such, may be attempting to have a captive market for this rapid transit system in an effort to make it pay off." They were concerned as well by the notion that the District system would be a model for all other communities to curtail development of the Interstate System in favor of mass transit.

Staats thought that an adequate mass transportation system would reduce pressure for additional Interstate routes in cities. It also would reduce pressure for additional Interstate highways to meet purely local needs. [pages 153-169; Staats' formal statement is on pages 171-176]

Architect of the Capitol Stewart appeared before the committee on July 24. He was concerned about NCTA's transit proposals that affected the Capitol grounds. The subway tunnels would have to be constructed "far underground" to avoid interference with the existing subway connecting the House and Senate wings of the Capitol. The plans would require "costly and extensive underpinning" for the Capitol. He was concerned the transit plans would interfere with extension of the Capitol to include a large underground garage and other facilities under the east plaza where NCTA proposed to place its station.

Further, NCTA had never consulted with him, his office, or congressional leaders. The only contact by NCTA that he was aware of was a request for information, such as on soil borings taken for the proposed extension; the Speaker of the House, as chairman of the Commission for Extension of the Capitol, had granted permission to provide that information to NCTA.

Stewart had been aware of NCTA's study, but the first he knew of how it would affect the U.S. Capitol grounds was when he saw the map in the newspapers covering NCTA's report. In response to questions from Representative Harsha, Stewart said he had no specifications, no detailed drawings, and no information on the planned depth of the line, the width of the tunnels, or what they would displace. The Congressman asked:

How could they, as responsible engineers, arrive at a cost of this thing, if they haven't progressed enough in their plans to determine the depth of their tunneling and the displacements and all the additional shoring they may have to do when they go into these other buildings or highways?

Stewart replied, "I don't know how they do it. He added, "I am not here to censure what they have done or what they haven't done." He was there only "to make a plea" that Congress not approve construction of transit facilities under the U.S. Capitol Grounds until NCTA joined in a study with his office, the Commission for Extension of the U.S. Capitol, and other congressional leaders. Speaking only as one member of the extension commission, "I would like to see it a little further away, near enough to service the building, but not underneath it, practically." In reply to questions from Representative Harsha, Stewart could not estimate how long coordination would take, how much it would cost, or whether it would affect NCTA's overall cost estimate.

Representative Broyhill pointed out that Stewart's testimony provided another example where NCTA failed to carry out the intent of Congress by not coordinating with other agencies and organizations affected by the proposed rapid transit system:

I think that this is most regrettable. I just think that we are spending a lot of time here and we are just not going to get anywhere; \$793 million in itself is a really difficult appropriation to get through this Congress. Certainly, with the Speaker and the Architect of the Capitol feeling the way they do about this matter, I think these are pitfalls that the Agency could well have avoided. [pages 202-211]

Polly Shackleton was the next witness. She said that a Member of Congress told her that some people considered her “merely a lobbyist or tool for transit interests.” She denied it:

I wish to state in no uncertain terms that I am not employed for money or other consideration by any transit equipment manufacturer or supplier, commercial interest, or business or professional group which stands to profit financially from any type of transportation program or related activity. Nor am I a stooge, paid or unpaid, for either D.C. Transit, the railroads, the roadbuilders, the National Capitol Transportation Agency, or the Bureau of Public Roads.

Chairman Whitener reassured her by saying, “Mrs. Shackleton, if you stick around here, you will be accused of a lot of things.”

The Democratic Central Committee favored the bill under consideration “because we are convinced that a rail rapid transit system for this area is absolutely essential.” She and her committee were not qualified to judge costs or methods of financing. “But we do suggest that any alternative to an efficient subway, rail transit system will be far more costly in human terms, as well as in terms of the viability of the city.” She also praised Chairman Whitener’s report of the Special Subcommittee on Traffic, Streets, and Highways. [pages 211-213]

She was followed by Dr. Kohl of the Housing and Home Finance Agency. The agency’s Office of Transportation had reviewed NCTA’s report, including its appendices. “We have found no objections to the NCTA transit proposals as they relate to the national program” that Congress was considering. The national program had a dual role of stimulating local transit development and of assisting regional efforts to meet transportation demand. NCTA’s plan was consistent with these goals.

Without naming D.C. Transit System, Dr. Kohl also addressed “disappointment and criticism” that someone had expressed because NCTA had not embraced more advanced technology. Some had said, he recalled, the transit program should be delayed pending the results of the agency’s research program:

While apparently appealing claims are made for new transit media, few can be found to have real substance when analyzed in the cold light of fact. Most of the HHFA demonstration projects, even those dealing with new equipment potentials, are actually refinements of the conventional rapid transit system. Only one project is underwriting the development of a radically different system, and this may be some years in the experimental stage before its practical application can be assured.

Other systems, such as the monorail, have been thoroughly explored with due regard to the statutory obligation that any recommendation be capable of early implementation. In view of all the circumstances with which NCTA was faced in preparing its recommendations, its selection of a modern rail facility of established capabilities seems reasonable. It may be regarded as a progressive, but not a “way out” solution.

Chairman Whitener asked specifically about D.C. Transit System's view that NCTA had not adequately considered pneumatic tube systems, ground effect machines, superrail, monorail, moonbeam, hydrofoil, and carveyor. Dr. Kohl believed that NCTA had studied these alternatives:

A number of these systems have specialized application, and in the light of the requirements of an areawide rapid transit system would not be suitable. Many are still in the early promotional stages and have not been proved either as physically feasible or as acceptable to the riding public, and therefore, I think many stages of development [remain] to be accomplished before most of these systems can be regarded as practical for urban mass transportation.

With the research funds authorized by Congress, the Housing and Home Finance Agency was encouraging new looks and hoped to identify some substantially new technology. "But at this particular time the conventional system is the one of established capability."

Representative Harsha asked if by the time the conventional system proposed by NCTA was completed, it would be obsolete? "No," Dr. Kohl replied, "I don't think so." He cited the monobeam as an example. It was "nothing more than a narrow gage bus on elevated concrete roadway." It might be helpful in some specific applications, "but where you are dealing with a major urban area, with peak-hour volumes of the magnitude that are likely to occur here in Washington, where you have to have interchangeable parts of an areawide system," a conventional system was the best option. He added that nothing was likely to result from his agency's study that "would justify altering the kind of conclusion that was reached. [pages 217-224]

O. Roy Chalk testified on July 25. He began by saying that his company favored a modern rapid transit system in the range of \$300 million to \$400 million. Only the newest, most advanced modes of transportation should be employed. The company favored "a greatly expanded and integrated highway system capable of piercing the bottleneck in the heart of the city." Further, "we are in favor of private enterprise being continued indefinitely as the exclusive operator of any transit system in our Nation's Capital pursuant to the mandate of Congress" as expressed in S. 3073 in 1956. (Chalk was referring to the Senate bill that became the Washington Metropolitan Transit Authority Act granting a franchise to D.C. Transit System, Inc.) Finally, Chalk said, "we are violently opposed to the extravagance of public ownership and operation, and the illegal violation of S. 3073."

He said his testimony was intended to "fill the obvious vacuums" in Stolzenbach's testimony and correct "any erroneous impressions" he left with the committee. "The deliberate exaggerations replete throughout the NCTA testimony are only exceeded by the bald minimization of truth which appears in the Administrator's plan." Many of NCTA's recommendations were "the result of a subtle technique of fallacious inverse argument" to reach a predetermined conclusion based on "alleged imaginary facts" lined up to fit that conclusion.

He endorsed the ideas in the evaluation that Martin Wohl had prepared for the Commerce Department but that had not yet been included in the committee's record. He had identified

numerous “grossly inaccurate and incorrect estimates and calculations.” Besides inaccuracies, NCTA’s report favored an inflexible “corridor” concept that “is completely shortsighted and long ago outmoded.” Chalk pointed out that, “Today’s main ‘corridor’ becomes tomorrow’s little used branch line.” Instead of simply eliminating the bottlenecks, NCTA proposed to solve transportation woes “by unnecessary and costly substitution of the entire bottle.”

He stated that as noted in his report to President Kennedy, NCTA gave no credence to the idea that the results of the transit experiments were worth waiting for. Instead, it was trying to “panic Congress” into approving its supposedly \$793 million proposal. “To be realistic and honest, the plans of the NCTA, if brought to fruition, would undoubtedly cost in excess of \$1.5 billion and could set a pattern for similar wasteful spending in many other cities of the United States.”

Chalk also discussed his claim that D.C. Transit System had the franchise, under S. 3073, “to operate a mass transportation system of passengers for hire.” No street railway or busline that would compete with his franchise company was to be established in the District. NCTA had ignored this statutory restriction. True, NCTA referred to feeder bus systems and subsidies, but “Who in his right mind would expect private enterprise to hang on, losing money, and accept the crumbs of service which fall from the table of a publicly operated major service line?”

(Section 3 of the 1956 Washington Metropolitan Transit Authority Act read:

No competitive street railway or bus line, that is, bus or railway line for the transportation of passengers of the character which runs over a given route on a fixed schedule, shall be established to operate in the District of Columbia without the prior issuance of a certificate by the Public Utilities Commission of the District of Columbia (referred to in this part as the “Commission”) to the effect that the competitive line is necessary for the convenience of the public.)

D.C. Transit was providing excellent service, at no cost to the Federal Government, with “the largest fleet of new air-conditioned buses in the world, of which we are particularly proud.” Even so, NCTA’s plan was “to disregard and to violate the rights of private ownership and operation of transportation facilities in the metropolitan area.” NCTA paid lip service to the congressional mandate that private enterprise be used wherever possible, but its recommendations presume government-operated transit lines “and that its expenditures should be of such astronomical proportions as to forever preclude the likelihood of economic operations with profit.”

Chalk recommended that Congress reject NCTA’s proposal and reaffirm D.C. Transit System’s existing franchise under S. 3073. Costs should be limited to not exceed \$400 million, with no more than 5 miles of subsurface tunnels if needed. Selection of technology should be delayed at least 2 years to allow the results of ongoing experimental projects to be known.

Representative Harsha asked if D.C. Transit System had cooperated with NCTA. Chalk said the company had tried to work with Stolzenbach virtually from the day he was appointed. Nothing happened for a long while, but the company eventually submitted its proposal to NCTA. NCTA “refused and ignored even to consider this proposal.” At their last meeting, Stolzenbach made

clear he would support a fixed-rail subway system “and that there wasn’t much point to discuss what he, I think, described as newfangled ideas.” Since his mind was completely closed, “there wasn’t any point in our assisting him, and that was the last time that I had the privilege and pleasure of meeting with Mr. Stolzenbach.”

Chalk denied the precise wording that Stolzenbach had said ended their discussion and that it had anything to do with a line to Dulles International Airport. “The point is that he said he had already made up his mind and there was no point in discussing any other ideas. There is a big difference.”

Asked about Dr. Kohl’s testimony on new technologies, Chalk said he hadn’t heard the exact wording, but said that Dr. Kohl had “indicated to our organization that he is most enthusiastic about this type equipment, and that it offers possibilities for the solution of certain phases of the problem.” He thought officials should wait for the results before going “off the deep end in expending in excess of \$1 billion.” He suggested, for example, a tunnel might be built for a monorail suspended high enough that automobiles could use the tunnel as well. Another alternative was a tunnel for mass transit during peak hours that automobiles could use at other times.

With “a little courage,” officials could establish regulations to control traffic by keeping certain vehicles out of bottleneck areas during peak hours. In that case, “you would have no need for subways. You wouldn’t even have a problem.”

As it was, if Congress adopted the NCTA plan, D.C. Transit System would gradually go out of business by about 1970. Meanwhile, the company was in the process of unifying bus service in Maryland, Virginia, and the District. Passengers would be able to travel around the region without changing vehicles. “Now this is a very convenient matter . . . . We are living in an age of convenience, and this is a great convenience.” [pages 263-269, 299-304]

Louis Justement was one of the witnesses on July 29, this time as chairman of the Transportation Committee of the Washington Building Congress, Inc. The congress, he said, considered a rapid transit system “desirable and necessary for Washington and this is the time to try and get it.” The fact that NCTA’s calculations suggested the system would be self-liquidating was pleasing, but “we do not believe that the acceptance of the rapid transit plan should be conditioned on this fact or its irrefutable substantiation by supporting data.” He asked, “Freeways are not expected to be self-liquidating; why should we expect more from rapid transit?” Although the Federal Government paid 90 percent of the cost of Interstate construction, the District’s 10-percent share was only “a first installment [because] a freeway requires continued maintenance and results in extensive and permanent loss of taxable real estate, costs which must be borne by the District of Columbia and adjoining counties.”

Rapid transit questions could “not be resolved by computing machines which, depending upon the data which is fed into them, could favor an all-automobile or an all-rapid transit solution.” What was certain was that if the city [the metropolitan area] was going to grow to 3.5 million people, “it must have a rapid transit system, and the sooner the better.” The NCTA transit plan was better than the plan proposed by the Mass Transportation Survey, but too many concessions

had been made to reduce the total cost. “We believe an adequate downtown distribution system must be provided with a center loop with local service and frequent stations.” The downtown section was the key, because whatever it consisted of was “just about final.”

Freeway controversies could be left to the future. Once the regional transit system was in place, it would create “an ideal framework for all other planning.” Flexibility might be excellent in some cases, but not for transit. “Rail rapid transit, by its very rigidity, will serve as the framework for all other planning, the body structure around which the living city grows and develops.” As others had said during the hearings, buses were more flexible, but they had some disadvantages, particularly the need to stop at virtually every corner in a congested city. Unlike a rapid rail system, a bus that can go anywhere does not provide a basis for sound city planning.

By contrast, as a rapid rail system spreads around the area, the tendency would be “to erect a vast majority of the new, important traffic generator structures in the immediate vicinity of the stations as they were planned.” Instead of uncontrolled sprawl, the growth of population “would be largely served by these new centers.”

Speaking only for himself, not the Washington Business Congress, he reacted to earlier suggestions that instead of incurring the enormous expenditure proposed by NCTA, the area should experiment with a small expenditure by building a trial line, such as one from Rockville to Union Station along the Baltimore and Ohio Railroad tracks, expanding from there with special bus routes. He was referring to testimony earlier in the day by Delmer Ison, Executive Director of the Washington Metropolitan Area Transit Commission, who had said:

We feel, though, that before we rule out an all-bus system that perhaps a study should be made, an engineering study and passenger study, but in the meantime, rather than delay this program, we recommend that we experiment with a rail system, say running from Rockville down to Union Station. [page 322]

Justement did not consider such a proposal a “fair test in any sense whatever.” He compared such a trial with “expecting an arm to function by itself out in midair, as a trial.” He continued:

[It] violates the main function that a transportation, a rail transportation, system can use from the point of view of planning, in that it is labeled a “trial”; it is labeled something that may or may not be permanent, and it develops no stations along its way; there are no new stations developed.

Further, a trial would push off a final decision to some “indefinite future” based on experience in the absence of the “most important part” of a rail rapid transit system, namely the downtown distribution loop:

Now, if you had to do something that was just a partial system I would much rather start with the body and have the downtown distribution system to which you could always add arms, but I would never try to make an arm function without a body. [pages 361-367]

As the hearings were moving to a conclusion on July 31, the *Post* carried an analysis by reporter Jack Eisen. He had been the newspaper’s principal reporter on city and metropolitan planning

(1957-1961), but had spent the previous year as associate editor of *The Los Angeles Times*, where he got to see a “wholly automobile-oriented city,” which he described as “a monstrous example” of the type. Eisen began:

Washington’s rapid transit program is getting more and more to resemble a ghost train shuttling eternally to and fro on a shadowy side track. Is it not about time somebody got it out onto the main line?

He would like to report that “after all these years,” plus 3 weeks of hearings, the city was ready to move forward. “But the course of the hearings had been just the opposite.” The solid ground transit advocates had expected to find “had been churned into vast clouds of dust . . . obscuring the main issues.” The subcommittee members were “baffled, perhaps even a bit angry.”

The question came down to what kind of city people wanted. A transit-oriented city was closely tied to its downtown. A highway-oriented city, such as Los Angeles, “tends to explode ever farther across the landscape.” In Washington, the argument was being carried to extremes, “and being flaunted, often in scary half-truths, by the highway lobbies.”

The debate between highways and transit should not occur. Everyone agreed an adequate freeway network was needed. The question was “how wide, how well-located, how well-designed and how well-adapted they should be in the special character we want to keep for the Nation’s Capital.” Surely even the most “dedicated mover of earth, pourer of concrete,” agreed that the area needed “an adequate, fast, safe, heavy-duty means of mass transportation.”

Stolzenbach had concluded, reasonably so according to Eisen, that a conventional subway was needed at least in downtown. However, another section of the 1960 Act “provided NCTA with its unhappy status as a lightning rod” by calling on NCTA to “evaluate” the 1959 Mass Transportation Survey. NCTA’s conclusion that the Three Sisters Bridge and North Leg should be dropped and the White House’s call for their reexamination “brought the highway lobbies into the arena in a howling fury.” The highway people already were concerned about interest in mass transportation in other cities and the legislation the Senate had passed authorizing a national transit program. If the NCTA plan could be defeated, the highway people thought it would be “an omen of victory for the highway forces.”

Even without the national implications, Eisen thought “the transit bill would have a rough time,” as reflected in the testimony before the concurrent hearings of the Whitener subcommittee and the Subcommittee on Roads. The primary purpose of some of the testimony before both subcommittees was “to clobber NCTA and all its works.” Stolzenbach had been accused of having an anti-freeway bias, of rigging statistics, of ignoring agencies that disagreed with him, and being unrealistic in thinking his system could pay for itself. “And so the charges go, all emphatically denied but each leaving a residue of doubt in the minds of the District committeemen.”

Chairman Whitener had been “the most neutral member” during the hearings. He appeared to be most concerned about the displacement of families by construction projects. “Clearly, if he had

his druthers on this issue, Whitener would choose the subway. It displaces fewer people than freeways.”

Representative Harsha was on the opposite side, having been the most vocal member of the subcommittee “in his insistence against any highway curtailment.” He favored mass transit, “but his interest is focused on buses.” He had “bored the hardest on Stolzenbach’s anti-freeway statements.”

Representative Broyhill, the only member of the subcommittee from the area, “followed a familiar tactic by suggesting a retreat before the outer ramparts of the transit defenses had been breached.” He suggested limiting the subway to the District,” a view that “squares with his lamentations over the harm that might befall the present bus companies.”

As for what the subcommittee might do, “the choice will be politically and intellectually tough.” If it approved the legislation, it will be accused of ignoring the evidence. The possibility of rejecting the plan “seems unthinkable to those with the city’s welfare in mind; a start must be made toward solving a problem that isn’t getting any easier.”

Eisen wondered if “a middle ground” existed. “Is there something—part of the commuter railroad line, facilities for express buses, a section of downtown subway, perhaps a station or terminal—that could be started soon.” In the meantime, commuters could be sure “that the ad writer wasn’t talking about his daily journeys when he wrote that seductive line: ‘Getting there is half the fun.’” [Eisen Jack, “A City Must have a Heart and Arteries,” *The Washington Post and Times Herald*, July 28, 1963; the ad line was for Cunard Lines’ luxury ships]

The Whitener hearings ended on July 31 with citizen groups endorsing NCTA’s transit plans. Edward J. MacClane said his group, the District Federation of Civic Associations, still opposed the Three Sisters Bridge and North Leg, suggesting that commercial interests were behind support for the District’s freeway program. Peter Glickert of the federation did not want the dispute over the transit organization to delay its plan. Representing the Fairfax Federation of Civic Associations, John Ellicott criticized “persons or groups who because of their own selfish interests deliberately or unwittingly delay or defeat” the proposed rapid transit plan. John Hoke, chairman of the Interfederation Council representing 400 civic associations in the area, said his organization was enthusiastic about the NCTA rail rapid transit system.

The only opposition on the final day, and it was mild, was from Arthur Miller of AAA’s district branch. “While we have no opposition to a rapid transit rail system,” he said, his group was concerned that the rapid transit plan was being presented as the one answer to the area’s transportation problems. “We are deeply concerned by the unjustified sabotaging of the highway program by the NCTA report.” [Flor, Lee, “Citizen Groups Testify For Rail Transit System,” *The Evening Star*, July 31, 1963]

### **While Whitener Considers the Options**

While the two subcommittees held nearly simultaneous hearings on related issues, the debate in the public arena continued.

In early July 1963, a meeting at the New Bethel Baptist Church resulted in formation of the Citizens Committee on Homes and Highways to fight “all who place the selfish interests of highway users above the needs of human beings.” The chairman, Eugene Davidson, was a member of the D.C. advisory committee to the U.S. Civil Rights Commission and a vice president of the Washington Real Estate Brokers Association. The new group, determined to represent displaced families, called on District residents to engage in President Kennedy’s “careful reexamination” of the freeways. Davidson said the committee would “give voice to the feelings of the community about the effect the proposed Three Sisters Bridge-North Leg Inner Loop truck highway complex would have on countless homes and community facilities.” He said:

The proposed freeways would take the homes of at least 19,000 residents and require condemnation of homes, churches, businesses and schools valued at some \$190 million.

A special committee had concluded that 19,000 residents, many within the Northwest Urban Renewal area, would be displaced, although the District placed the figure between 7,000 and 12,000. [Flor, Lee, “Foes of Loop Fear Ousting Of 19,000,” *The Evening Star*, July 3, 1963; “Citizens Join In Attack on Freeways,” *The Washington Post and Times Herald*, July 3, 1963]

On July 10, the Maryland State Roads Commission met with a delegation of citizens from North Chevy Chase about the impact of the Capital Beltway through Rock Creek Park between Kensington Parkway and Edgemoor Drive. The *Star* explained:

More than 100 North Chevy Chase citizens complained to State road builders and Maryland members of Congress last month that the half-mile stretch of planned roadway would uproot a large number of trees, cut across five or six homesides and adversely affect 50 other residences.

State road officials, who planned to award a construction contract later in the month, said they could not route the highway through a marshland north of Rock Creek, but would consider small realignments to save more trees to lessen the impact on homes. Maurice Donegan, representing the citizens, told reporters after the 2½-hour meeting, that he was “optimistic and hopeful.” He said, “Mr. Funk cannot guarantee or commit himself to changes but we feel he will do all he can to help us.” [“Beltway Route Revision Due,” *The Evening Star*, July 11, 1963]

Eugene Davidson told District Commissioner John B. Duncan on July 12 that the Citizen Committee on Homes and Highways wanted to participate in the reexamination requested by President Kennedy. Davidson thought that instead of spending additional funds, the District should rely on the studies NCTA had already compiled. Further, he wanted the study to not be limited to families displaced by freeways; it should be expanded to all government actions resulting in displacements. [Schuette, Paul A., “New Group Would Join Road Study,” *The Washington Post and Times Herald*, July 13, 1963]

(Commissioner Duncan had taken office on July 24, 1961. He was the city’s Recorder of Deeds when President Kennedy nominated him for the position. He was, as newspapers put it at the time, “the District’s first Negro Commissioner.” Judge David L. Bazelon of the U.S. Court of

Appeals administered the oath of office “before an overflow crowd in the public hearing room at the District Building.” During an organizational meeting after the ceremony, Duncan was named to oversee the city’s health and welfare activities previously handled by outgoing Commissioner McLaughlin. Duncan said:

I believe that the only way that we can win the goals we seek at home and abroad is for all of us to work together on a united front, irrespective of any personal interests we may have by reason of our different circumstances.

If this feeling of togetherness is adequately developed, I see the possibility of the greatest degree of progress that our city has ever witnessed.

(The appointment was for 3 years with an annual salary of \$19,000. Duncan, a graduate of Howard University, lived with his wife and two children at 5330 Second Street, NW. in the Petworth neighborhood. [“Duncan Gets Commissioner Nomination,” *The Evening Star*, July 11, 1961; Pierce, Charles D., “Duncan, ‘Taking Oath, Asks ‘Togetherness,’” *The Evening Star*, July 24, 1961])

By mid-month, NCPC had approved a route “in principle” for the East Leg along the west bank of the Anacostia River from an interchange with the Northeast Freeway above New York Avenue and the Southeast Freeway on Virginia Avenue near the Navy Yard. At the urging of T. Sutton Jett, NPS district area chief, NCPC insisted that any park land taken for the road be replaced.

The planners also retained final say on “precise alignment, grades, connections, landscaping and replacement of parkland.” Joseph Barnett, representing Administrator Whitton, voted against this retention of authority. “That’s the trouble with this commission,” Barnett said, “it spends too much of the staff’s time on detail.” This practice was “insulting” to highway agencies. Barnett thought construction could begin in 1964, with completion in 1965. [“NCPC Approved Route for Inner Loop,” *The Washington Daily News*, July 19, 1963; Lewis, Robert J., “Anacostia Renewal Boundaries Fixed,” *The Evening Star*, July 18, 1963]

On July 27, Aitken appeared on WWDC’s “Report to the People.” Freeway construction, he said, had come “quite near” to a halt in the city because of the reexamination, negotiations with the Architect of the Capitol on the Center Leg, and additional approvals needed on the East Leg. Although NCPC had approved the East Leg in principle, Aitken said the District would need “several months” to work out details. He estimated that construction would not begin for a year to a year and a half.

Asked if he could “conceive of anything” that would make the Three Sisters Bridge and the North Leg unneeded, he said highway builders were “never short of customers.” Transit could meet some needs, but the “bulk of the trips” will still be on freeways and streets. [“Near Halt Seen in D.C. Freeways,” *The Sunday Star*, July 28, 1963]

In early August, Lee Flor reported that Virginia highway officials were in no doubt about the need for the Three Sisters Bridge. In a January letter never officially released, Governor Albertis S. Harrison, Jr., had said that Virginia was “not opposed to rapid transit,” but he objected to

NCTA's claim that rapid transit would seriously cut the need for highways. More recently, F. A. Davis, deputy commissioner of the Virginia Highway Department, had written to Chairman Fallon, with copies for the State's congressional delegation, in support of the bridge. Not building the Three Sisters Bridge would be "an almost intolerable situation." Davis sincerely hoped Chairman Fallon's subcommittee would recommend construction of the bridge. "It is our feeling that all of the highways now planned will be needed, particularly those on the interstate system, regardless of any mass transit system as now proposed."

The uncertainty about the bridge was delaying completion of plans for I-66 "because we have no way of knowing the number of lanes that will be required." The planned freeway was to be eight lanes through suburban areas, but an interchange was to separate six lanes to cross the Potomac River on the six-lane Theodore Roosevelt Bridge while other lanes were diverted to the Three Sisters Bridge. [Flor, Lee, "Virginia Will Press For Sisters Bridge," *The Evening Star*, August 2, 1963; "State Halts Planning on River Route," *The Washington Post and Times Herald*, August 3, 1963]

Colonel Duke, in an August 17 appearance on "Report to the People," said officials had still not decided whether the city would hire expert consultants for the reexamination. The concern was that the resulting report would be just another expert report to be piled atop other, conflicting reports on the same subject. Instead of resolving the dispute, it might simply prolong it. Nevertheless, the District expected to complete the reexamination in mid-December. ["Road Restudy Finish Slated In December," *The Washington Post and Times Herald*, August 18, 1963]

As Congress returned from its August recess, the District of Columbia was awaiting action on measures affecting such subjects as crime, urban renewal, home rule, and transportation. NCTA's proposal for a \$793 million subway and rapid rail system was among them. Chairman Bible was delaying action until the House completed its work on the proposal. However, Representative Broyhill thought that passage of legislation was "highly improbable" in the first session of the 88<sup>th</sup> Congress. The national bill to establish a national urban transit program was in trouble in the economy-minded House:

Since the local bill calls for twice as much total expenditures as the national bill, it would be premature to try to push through the local bill, Mr. Broyhill said.

He did not see any evidence of "a vicious highway lobby opposing the transit program," but he recognized that highway supporters were defending freeways from cutbacks that NCTA had recommended.

Meanwhile, O. Roy Chalk continued seeking legislation that would ensure a private role in the transit plan. He promoted a bill calling for a Senate study of D.C. Transit's profits. A House bill would establish a 6.5-percent rate of return as a floor rather than a ceiling. He favored a bill that would transfer decisions on the company's fuel and real estate tax exemptions from the D.C. Public Utilities Commission to the Washington Metropolitan Area Transit Commission. ["Sheaf of D.C. Bills Waits in Congress," *The Sunday Star*, September 1, 1963]

On September 3, the District commissioners held a public hearing to consider the Center Leg and South Leg of the Inner Loop Freeway. The hearing began with discussions of the Center Leg by Albert A. Grant, chief engineer of the District's Office of Planning and Programming, and the South Leg by NPS Director Wirth.

Grant said the Central Leg Freeway, from the Southwest Freeway to New York Avenue, would be built in a tunnel under the Mall on the west side of the Capitol. In all, it would displace an estimated 630 housing units with 1,600 occupants, and 105 businesses. However, by using the airspace over the freeway, the District could completely replace the housing. (Congress had approved air-rights legislation nationally, but Grant said that Congress would have to pass legislation allowing the District to build over the freeways.)

BPR had questioned the eligibility of the Center Leg for Interstate 90-10 funds because it was too close to another Interstate route. Recently, however, BPR had informed the city that the Center Leg Freeway was eligible for Interstate funds. As a result, the District's 10-percent share amounted to \$4.6 million instead of \$23.3 million if built on the 50-50 matching ratio of non-Interstate Federal-aid projects.

Regarding the Center Leg Freeway, Wirth recommended that the city shift it west to avoid trees near the Ulysses S. Grant Memorial at the foot of Capitol Hill. Jack Eisen pointed out:

The project's biggest single stumbling block was not even mentioned—the refusal of the House Office Building Commission to back legislation that would permit a freeway tunnel beneath a small corner of the Capitol grounds at Independence ave. and Canal st., sw.

This action, apparently reflecting the views of the late House Speaker Sam Rayburn, would block the freeway or distort its design. Rayburn didn't want the freeway to run close to the new House Office Building that now bears his name.

Despite such concerns, he summarized the statements during the hearing:

Almost everybody who appeared before the District Commissioners either agreed the Center Leg of the Inner Loop Freeway is needed or that its construction is a foregone conclusion. The big question was what route it should take once it leaves the foot of Capitol Hill and heads toward its north end near Jersey and Florida aves. nw.

Referring to the citizen speakers, he said:

The main freeway critics were young men who are old hands at such appearances—Peter Glickert, representing the Federal of Citizens Associations, and Peter S. Craig, spokesman for the Committee of 100 on the Federal City.

Glickert suggested building the Center Leg under 3<sup>rd</sup> Street north of Pennsylvania Avenue, NW. He also said that the plan to limit east-west crossings to five streets (Pennsylvania, Constitution, New York, E and K) would hamper crosstown traffic and bus service. He also recommended

enlarging the northwest urban renewal area to make renewal funds available for relocation of those displaced by the freeway.

Craig said that in planning freeways, the city had disregarded the L'Enfant plan, but he acknowledged that it was too late to do anything about that. He commended the South Leg plans, but said the Center Leg Freeway represented a "shocking failure" in highway planning. It was "a parody on planning . . . an ugly gash . . . an impenetrable motor vehicle sewer . . . a moat." As for using freeway airspace for housing, Craig said that highway officials were showing "absolutely nothing" to prove its claims. He also recommended shifting the Center Leg to a location between 3<sup>rd</sup> and 4<sup>th</sup> Streets, NW., with vertical walls.

(Aitken responded to Craig by writing to Neill Phillips, chairman of the Committee of 100, to say that "your spokesman was unaware of or chose to ignore, other proposals for structures over the center leg. Recognizing your own objectivity and your sense of fair plan, I urge you to call these facts to the attention of the members of your committee.")

Bishop Smallwood E. Williams of the Bible Way Church located at 1130 New Jersey Avenue, NW., insisted on two recommendations. First, the Center Leg must not disturb his church. Second, he urged the District commissioners to "see to it that adequate housing be provided before one bulldozer or steam shovel demolishes any housing in the area" of the Center Leg:

The city's Negro residents, he said, "look upon the bulldozer as the people in Europe looked upon the Panzer tanks, demolishing our homes."

He also questioned the city's estimate of the number of people who would be displaced by the Center Leg.

Several witnesses were concerned about the impact on specific properties:

Similarly, other critics assailed the highway's taking of the Esso Building, the McShain Building, Holy Rosary Catholic Church and a soon-to-be-started 10-story apartment house, to cost \$2.5 million, at 3d and E sts. nw.

Other witnesses were more supportive. Robert H. Levi of Downtown Progress told the commissioners that the Center Leg was necessary to complement the "action plan" for revitalizing a 148-block downtown area through use of urban renewal powers. Groups such as the D.C. Advisory Board of AAA, the Metropolitan Washington Board of Trade, and the Federal City Council supported the plans. (Harold Wirth of the board of trade urged the city to allow enough clearance in the South Leg tunnels (14½ feet instead of the planned 12½ feet) to permit their use by military vehicles in the event of a national emergency.)

Overall, as *The Washington Daily News* summarized, "The District Plans for the South and Center Legs of the Inner Loop highway system met with surprisingly little opposition at the Commissioners' public hearing today."

The South Leg segment of the public hearing will be discussed separately. [Eisen, Jack, "Width and Design of Freeway Draw Criticism at D.C. Hearing," *The Washington and Times Herald*,

September 4, 1963; “Inner Loop Plans Are Praised,” *The Washington Daily News*, September 3, 1963; “Center Leg Freeway to Evict 1,600 Persons, 105 Firms,” *The Evening Star*, September 3, 1963; “Officials Answer Highway Critics,” *The Sunday Star*, September 8, 1963]

City officials, and the editors at the *Star*, were encouraged by the public hearing. The editors wrote:

There was high praise from almost every witness for the carefully planned south leg, which will route traffic through park areas around the Lincoln Memorial and the Washington Monument. And while there were understandable protests from property owners in the direct path of the center leg, virtually no one challenged the need for the central freeway.

This is a tribute to the good sense of the community.

The only negative was the dispute with the Architect of the Capitol. “It is high time that someone in Congress, with a little more authority than Mr. Stewart, and a little more willingness to act, should stop it.” [“Support for the Loop,” *The Evening Star*, September 9, 1963]

General Duke held a press conference on September 11 to discuss the Policy Advisory Committee reexamination of the Three Sisters Bridge and the North Leg. The review was proceeding smoothly. The committee, which he said was “not even considering” dropping either proposal, had identified four alternatives for the North Leg as Lee Flor described them in the *Star*:

1. A pair of one-way streets, similar to the NCTA proposal;
2. Two westbound and two eastbound one-way streets;
3. Two three-lane tunnels beneath surface streets; and
4. Interstate freeways with 200- and 300-foot rights of way.

Jack Eisen provided a different summary in the *Post*:

In planning for the North Leg of the Inner Loop Freeway, a crosstown route somewhere near T st. nw., Duke said one entirely new approach is being considered.

A pair of double-deck roads would be built along existing streets. The bottom decks would be 3-lane tunnels, 1½ to 2 miles long, for freeway traffic. The top decks would be on the surface, permitting access to cross streets and with signals timed for swift traffic movement.

The other four proposals are two variations on standard 8-lane freeways—one of a narrow right-of-way, the other of “optimum” width—and two combinations of express one-way streets.

The committee had assigned staff subcommittees to study each alternative. The result would be multiple reports on possible transportation corridors for the freeway.

The committee also was studying two alternative sites for the bridge (one upstream from Key Bridge and one downstream).

In reexamining the two proposals, General Duke said, the committee was covering four areas: the social and economic impact of the Three Sisters Bridge and the North Leg, estimates of costs for the alternatives, the aesthetic designs for the projects, and traffic estimates.

He acknowledged that the agencies represented on the committee had feuded in the past. "I am particularly pleased with the spirit of the group . . . it has been a conscientious group."

The key was that the resulting projects must be eligible for inclusion in the Interstate System because financing was "very important." Fortunately, he said, "the man who has a great deal [to do] with making the decision is on the committee." He was referring to Federal Highway Administrator Whitton.

General Duke told reporters that committee members hoped to get their report to the District commissioners in early November. They would, he thought, be able to reply to President Kennedy "by the end of December." [Flor, Lee, "Road, Bridge Restudy Progressing, Duke Says," *The Evening Star*, September 11, 1963; Eisen, Jack, "3 Sisters Span Shift Is Studied," *The Washington Post and Times Herald*, September 11, 1963]

### **The Freeway-Transit Link**

By the time of the press conferences, officials and observers recognized a link between resolution of the freeway debate and initiation of legislation to launch the rapid rail transit plan. "The committee," General Duke told reporters, "is conscious that there may be a relationship developing between the re-examination and the transit bill." The schedule he outlined meant that Congress would adjourn before President Kennedy reacted to the city's recommendations. In that case, action on NCTA's rail rapid transit plan would be postponed until 1964, an election year where action might be harder.

Eisen had reported the link as early as September 7 following Chairman Whitener's statement making clear that the transit legislation would have to wait until the freeway fight is over:

His statement, made from his home-town office in Gastonia five weeks after transit hearings ended, was no surprise. The highway lobby and its allies in Congress have made it clear they will fight the Washington transit measure unless a green light is flashed for the city's freeway program.

The villain of the situation, as the highway groups—and even some transit advocates—see it, is Administrator C. Darwin Stolzenbach of the National Capital Transportation Agency.

The White House had reportedly tried to get Chairman Whitener to move on the bill and to get the Senate District Committee to hold hearings, but neither was budging. Chairman Whitener explained, "There is not much sense setting out on a collision course if the chances are good of

having our craft destroyed.” Meanwhile, Senators wanted to use a House-passed bill as the basis for their hearings.

Chairman Fallon’s Subcommittee on Roads was the heart of support for the freeways:

Fallon made it clear to a reporter that he regards completion of the freeway system here as vastly more important than a rail rapid transit system. If transit fails, it would be Stolzenbach’s own fault. [Eisen, Jack, “Subway Bill Derailed By Freeway Advocates,” *The Washington Post and Times Herald*, September 7, 1963]

Or, as the *Post* editors put it:

The political impasse is clear enough. Until the subway authorization is guaranteed, the road program will be blocked in the Administration. And until there is a guarantee of the road program, the subway bill will be blocked in Congress.

General Duke’s encouraging words suggested that if the impasse could not be broken until 1964, at least the intervening “time will have been well invested.” [“Hint of a Compromise,” *The Washington Post and Times Herald*, September 13, 1963]

Horsky had spoken with Chairman Whitener and Senator Bible about getting the transit bill moving, but they saw two major problems, namely the cost of the District portion of the plan and the opposition from the Committee on Public Works. The White House had suggested that they separate transit and freeways, but the politicians did not think such a divided plan, no matter how carefully drawn, would last through even 1 day of hearings. Chairman Whitener said, “I think it might be very helpful if the ad hoc committee made its recommendation. It would deflate the highway-transit fight, which is an exaggerated controversy in that we need both rail and highway systems.” [Bassett, Grace, “White House Prods For Transit Action,” *The Sunday Star*, September 8, 1963]

The city was, in the *Post*’s opinion, “paying the predictable price for the grievous political error made two years ago by Mr. Stolzenbach . . . who succeeding in elevating two projects, the Three Sisters Bridge and the Inner Loop’s North Leg, into symbols of the whole expressway system.” After the White House supported his views, “the partisans of the highway, convinced that the White House means to hold up the entire road construction program, are retaliating against the subway bill with vehemence and effect.” If the White House did not decide in favor of the freeways in the next few weeks, Congress would not act on the transit bill this year. Success in 1964 was even “less likely.” Failure to begin the transit program “would constitute an unmitigated misfortune to this city.” [“Symbolism and the Subway,” *The Washington Post and Times Herald*, September 10, 1963]

A hint of compromise came from an unlikely source: Polly Shackleton. In brief testimony before the Senate District Subcommittee on September 25, she “offered the olive branch,” as the *Post* put it. On public witness day, she acknowledged that her committee had “opposed vigorously several Highway Department proposals because they involved wholesale destruction of homes, schools, churches, parks, and playgrounds.” Other groups shared the committee’s

“deep concern” about the impacts the freeways would have on “the thousands of families who would be uprooted.” Their combined voices had “been effective.” The East Leg Freeway had been shifted to the sparsely populated Anacostia River bank. Public agencies and private groups were attempting to increase the supply of low- and middle-income housing.

Her committee was “particularly gratified” by President Kennedy’s call for reexamination of the North Leg Freeway, the Three Sisters Bridge, and the associated segment of the Potomac River Freeway. “We are hopeful that the committee chaired by General Duke and representing the various Federal and District agencies involved will be able to come up with a solution which, unlike the Highway Department plans, will largely eliminate or at least minimize the loss of homes and destruction of neighborhoods and community facilities.”

Members of her committee were “much encouraged” by press accounts of the Policy Advisory Committee’s “completely new approach to the problem.” Because this new approach might help break the impasses, “I intend to propose to the Democratic central committee that we give careful and sympathetic study to the possibility, which has been suggested by General Duke, of utilizing tunnels under existing streets for freeway traffic, and await with interest further details of the plan.”

Briefly, she said her committee was “in favor generally of a center leg,” but not the current location. She urged the District to restudy the location “to eliminate what we believe to be entirely unnecessary destruction of homes and church and neighborhood facilities.” [District of Columbia Appropriations for 1964, Hearings on H.R. 7431 Before the Subcommittee of the Committee on Appropriations, United States Senate, 88<sup>th</sup> Congress, 1<sup>st</sup> Session, pages 793-794]

The *Post* saw her brief testimony as suggesting that a truce was “rapidly taking form between the highway men and the subway men.” The Democratic Central Committee was, the editors suggested, dropping their campaign against the freeway segments, but had succeeded in focusing attention on the housing problem the bulldozers would cause:

Our future historians will find it odd that the city, in this time of great urgency, chose to waste a year in shrill wrangling over these particular projects. The Three Sisters Bridge has nothing whatever to do with either the future transit system or with relocation. The north leg of the Inner Loop will not be built in this decade.

The long debate was near a conclusion:

Washington can afford to build expressways where they do not cause a net reduction in the housing supply. Where houses must be knocked down, they must be replaced. On that firm ground the whole city can meet. [“A Negotiated Peace,” *The Washington Post and Times Herald*, September 27, 1963]

The *Star* referred to Shackleton’s statement as a “Ray of Hope” in an editorial, but added that it was too soon “to start tossing our hats in the air.” Nevertheless, her comments “offer strong hope that there may yet be a settlement of this nonsensical dispute.” Quoting several of her hopeful phrases, the editors did not want to underestimate “the job of reaching a ‘reasonable’

compromise.” Still, if the impasse could be settled “amicably,” the editorial said, “the chance for the Washington area to get to work on an equally essential rapid transit program will be increased immeasurably.” Perhaps, the editors mused, Mrs. Shackleton realized this:

If so, she is wiser than a number of others in Washington, who apparently would rather see the transit program go down the drain, too, than to see any major freeways built. [“Ray of Hope,” *The Evening Star*, September 28, 1963]

### **The Bobtail Plan**

Even as freeway advocates began to feel hopeful, NCTA’s rapid transit plan continued to lose momentum. Chalk continued to bash the plan. On October 9, the newly formed D.C. Committee for Balanced Transportation held a well-attended \$100-a-plate testimonial for Chalk in the banquet hall of the Shoreham Hotel. The committee’s invitation stated that the purpose was to recognize the “many accomplishments for the area’s mass transportation system” by Chalk and his D.C. Transit System. F. Joseph (Jiggs) Donohue, a former District Commissioner under President Truman and currently with the District Democratic Central Committee, had created the organization.

The *Star* referred to the committee’s name in quotes because it was organized by D.C. Transit System’s advertising agency. In the *Post*, Jack Eisen added, “So loaded is Donohue’s letterhead with the names of Chalk colleagues and business associates that no great mental effort is needed for a quick assumption that Chalk is giving himself a party.” He added that the committee’s address, where guests were to send their checks, was in the building housing the headquarters of AAA, which also opposed the rail transit plan.

In brief remarks, Chalk recommended that NCTA’s transit and highway program be turned over to established agencies and his private company. At present, NCTA’s proposal was impractical. The agency had proposed halting highway projects without consulting highway officials, and developed transit proposals without consulting privately owned bus companies.

Donohue, an attorney who had lived in the District for 45 years, said his committee supported the Three Sisters Bridge and the rest of the District’s planned freeway system. He said the committee would take a position on NCTA’s transit proposal at a later date. [Eisen, Jack, “‘Balanced Transportation’ Interests Slate \$100-a-Plate Dinner for Chalk,” *The Washington Post and Times Herald*, September 29, 1963; “Chalk at Testimonial Hits Transit, Road Plans,” *The Evening Star*, October 10, 1963]

While Chalk was enjoying the testimonial, Chairman Whitener had still not advanced a transit bill for review by the subcommittee. At one point, he suggested the problem was that as a member of the Judiciary Committee, he was deeply involved in the committee’s consideration of the Kennedy Administration’s Civil Rights Act of 1963. As an opponent of the bill, he was attending as many as three committee meetings a week on the subject. He thought the next step in the transit bill would be hearings in the Senate by the Bible subcommittee, but Senator Bible indicated he was waiting for the House to act. [“Civil Rights Debate Perils Subway Bill,” *The Washington Post and Times Herald*, October 15, 1963]

While continuing his efforts to halt the Civil Rights Act, Chairman Whitener had been considering the transit measure. He had concluded that the NCTA plan could never pass the House in view of its high cost. He also was concerned by opposition from the highway forces on the Subcommittee on Roads. Further, he was concerned that Stolzenbach had been unable to rally support in Maryland and Virginia.

According to Professor Schrag, Chairman Whitener recalled Louis Justement's suggestion during the hearings that, "I would much rather start with the body and have the downtown distribution system to which you could always add arms." On October 16, the chairman surprised subcommittee members by summoning them for a meeting on October 23 to consider a scaled down transit system. Jack Eisen described it in the *Post*:

The network omits most long hauls into the suburbs, with two lines stopped just inside Maryland and Virginia. Silver Spring would be served, but not Bethesda. Other suburban extensions would come later.

As revised, the system would entail 23.3 miles of track costing nearly \$401 million, contrasted with the 83 miles costing \$793 million proposed last November by the National Capital Transportation Agency.

Instead of a subway loop encircling the Mall with lines crossing at 12<sup>th</sup> and G sts, nw., the reduced system would be built around a single downtown subway along G st.

Its general shape would be a lopsided X, with lines radiating to Anacostia, Silver Spring-Woodside, Van Ness st., and Connecticut ave. nw. and Pentagon City. Short branches would go to the Rosslyn gateway to Arlington and to 17<sup>th</sup> st. and Columbia rd. nw.

. . . . The new plan contemplates an investment of \$141.7 million and borrowing of \$259 million.

From the start, the proposed network was known as the "bobtail" system. Eisen pointed out that it "bears a strong similarity to the total network proposed by the Mass Transportation Survey of 1959."

Chairman Whitener said he worked out the system following talks with NCTA and "the Public Works Committee and the highway people." The White House, which had been NCTA's strongest backer, supported the plan. The *Star* reported that, "Specifically, the proposal by Mr. Whitener has the strong indorsement of Charles A. Horsky . . . ."

The bobtail plan was silent on highway routes and bridges, a feature the chairman hoped would help it advance on the House floor. He said there would be "no elimination of needed outlying highways, at least." [Eisen, Jack, "Shorter Subway System Here Weighed," *The Washington Post and Times Herald*, October 17, 1963; Eastman, Sam, "White House Backs Shorter Rail Plan," *The Evening Star*, October 17, 1963; Schrag, pages 57-58]

The early reaction to the bobtail plan was largely favorable. Edwin Seeger of NCTA, which had drafted the bobtail plan at Chairman Whitener's request, said officials were satisfied with the

abbreviated plan because it might lead to faster congressional action. Engineer Commissioner Duke said the District commissioners had endorsed the original NCTA plan, but liked the bobtail plan even better, in part because it might help resolve the freeway controversies. John Kohl of the Housing and Home Finance Agency also endorsed the bobtail plan, saying the proposals “seem to be consistent with the long-range plan” for the area. The Metropolitan Area Highway Users Conference endorsed the plan as “far more realistic” than the original NCTA proposal, telling Chairman Whitener in a letter that, “the proposal is worthy of serious consideration, but it must be kept in mind that the freeway program is still stalled.”

The *Star* concluded that the plan “makes good sense,” especially since the broader NCTA plan “does not have a chance of passing this year.” [From *The Evening Star*, “Scaled-Down Transit Plan Meets Favor” (October 18, 1963), “Transit-State One” (October 18, 1963), “Highway Users Back New Transit Proposal (October 20, 1963), and “Transit Aide Indorses 23.3-Mile Rail System” (October 21, 1963); “Subway Plan Hailed as ‘Realistic,’” *The Washington Post and Times Herald*, October 20, 1963]

On October 23, the District Subcommittee met in executive session to consider the new plan. The chairman was hoping for a quick okay, but members anticipated the questions that would be raised during floor consideration – and they wanted answers the chairman did not have. In particular, they wanted to be sure the financing plan for the bobtail system was sound.

Instead of voting for the plan, the subcommittee decided to ask more than 20 government agencies and organizations, including civic, transportation, labor, and special interest groups, to review and comment on it by November 12. The request made clear that the subcommittee was looking for comments on the financial details and estimates that were made public only on the day of the meeting. Lee Flor summarized the plan:

According to the single financial table made public today, here is how the system would be financed and constructed:

The transportation agency would need \$120 million in Federal grants, plus \$21.7 million from the District, by 1967. The financial table shows no provision for repayment of these funds.

Then between 1967 and 1973, the transportation agency of the Federal Treasury would issue the \$310 million in Federally guaranteed bonds to pay for construction.

As Jack Eisen put it, “Washington’s bobtailed subway bill began to nose off its congressional sidetrack yesterday at the speed of a bus caught in a traffic jam.” He added that the chairman had already received one response without even asking for it. Chalk called the bobtail plan “wasteful” and “archaic,” reiterating his view that the private sector should build and run the subway. According to Eisen, Whitener replied with a “polite thank you.” [Flor, Lee, “Rail Transit Comment Asked of 20 Agencies,” *The Evening Star*, October 24, 1963; Eisen, Jack, “Congress Calling for Citizens’ Views on Budgeting Sidetracked Subway Bill,” *The Washington Post and Times Herald*, October 24, 1963]

Chairman Whitener discussed the bobtail plan on television station WTTG-TV's "Community Dialogue" program on October 27. He said highway and transit supporters should "fall in line" with the bobtail plan "because of the great need of some solution for our traffic and transportation problems here in the District." He added, "Certainly those who commute daily should look forward with great pleasure to having a rapid transit system." He anticipated that the bill would pass the House before adjournment. The Senate District Committee, he predicted, would then "move with dispatch" to complete Senate work on the bill.

Polly Shackleton, also on the program, told viewers, "We could never build enough highways to accommodate all the commuters and all the people who use them." Therefore, it was "absolutely imperative to get started on a rail rapid transit system in order to accommodate thousands of commuters . . . ."

Executive Director Delmer Ison of the transit commission raised a concern relating to the fact that the current bus system had 640 downtown stops while the bobtail rail system would have only 14 stops. He said the transit commission had "considerable doubt as to whether 14 stops can adequately replace 640 stops." ["Subway Transit Action Seen Soon in House," *The Evening Star*, October 28, 1963]

The White House endorsed the plan in a November 4 letter from Phillip S. Hughes, Assistant Director for Legislative Reference, Bureau of the Budget. Hughes wrote:

Since the proposed schedule for the longer transit regional development program extended in any event over the period 1964-73, it would not be inappropriate for the Congress at this time to authorize construction of parts of that program which are consistent with, and at the same time essential elements of, the longer range regional development plan. Indeed, the knowledge gained in the development of the limited system will provide factual data upon which to base future decisions to expand the system into the regional transit program originally proposed by the Agency.

Hughes observed that the proposed bill "would not interfere with negotiations currently underway looking to the establishment of a regional compact agency with authority for development and administration of a regional transportation program."

The White House continued to believe the original NCTA plan was "the most desirable transit system from the standpoint of service, downtown distribution, and maximum contribution to a balanced regional transportation system." Any shorter-range program should be advanced with the understanding that a large plan was awaiting implementation. However, Hughes concluded:

The system outlined in H.R. 8929 is the essential core of a long-range transit development program and is in line with recognized broad regional developmental objectives. Accordingly, its enactment would be consistent with the administration's objectives.

Also on November 4, Commissioner Tobriner wrote to Chairman McMillan of the District Committee on behalf of the District commissioners. Development of mass transit facilities was

“a critical need,” Tobriner wrote. After years of intensive study, the time had come for “positive action,” with an early start “a matter of vital concern to the District, as well as to the Federal Government.”

Tobriner commented that the original NCTA plan called for 25 miles of rail-transit facilities in the District, with a local contribution of \$21.7 million. The bobtail plan called for only 16.5 miles of rail-transit facilities, but the District’s contribution was the same amount as for the larger system:

Thus, in the substituted version, the taxpayers of the District contribute the same sum for a reduced rapid transit system. Nevertheless, the Commissioners are confident that this contribution is a reasonable one. However, the Commissioners are hopeful that no additional contribution beyond the contemplated \$27.1 million will be required of the District in the event that the system is subsequently expanded to that originally planned.

In view of the serious need to improve mass transportation facilities in the District, the Commissioners recommend approval of H.R. 8929.

The District subcommittee published the more than 50 comments received on the bobtail legislation in: Transportation Program for the National Capital Region (Supplement to Hearings before Subcommittee No. 6 of the Committee on the District of Columbia, U.S. House of Representatives, 88<sup>th</sup> Congress, 1<sup>st</sup> Session (Hughes letter, pages 16-17, Tobriner letter 18-19).

On November 13, the Whitener subcommittee approved the bill authorizing the bobtail plan. The chairman told reporters after the closed session that the members approved the plan without controversy. He added, “It’s fair to say that there are some members who wanted to approve the 83-mile system.” However, as Representative Broyhill told reporters, the bobtail plan was “all we thought we could sell to Congress.” He was satisfied that the bobtail plan would not harm the private bus companies with lines into Maryland and Virginia because passengers would have to use the buses to reach the rail system.

The House District Committee approved the bill authorizing the bobtail plan on December 5, 1963, by an 11-2 vote. The committee adopted only one amendment, requested by Architect of the Capitol Stewart. The amendment provided that any construction through the Capitol grounds would be prohibited unless approved by the Congressional Commission for Extension of the U.S. Capitol.

Representatives Abraham J. Multer (D-NY) and Richard L. Roudebush (R-In.) were the negative votes. The committee had rejected Representative Multer’s two amendments. One, in line with D.C. Transit System’s views, would have required that private enterprise build and operate the transit network. The other amendment would have protected labor interests. Representative Broyhill said committee members thought those issues should not be written into a bill that merely authorizes the system. [Eastman, Sam, “D.C. Subway Bill Advances,” *The Evening Star*, December 5, 1963; Carper, Elsie, “House Unit Approves D.C. Subway,” *The Washington Post and Times Herald*, December 6, 1963]

The committee issued a report on the bill on December 6. The report emphasized the urgency of the need:

The National Capital region faces a transportation crisis. Its streets and highways are burdened with ever-increasing volumes of traffic creating a congestion problem that has grave consequences for the District and the suburbs alike. Traffic congestion limits mobility within the District and the region. It results in excessive amounts of premium land, particularly in downtown Washington, being used for surface parking facilities. The daily crush of commuters moving between their homes and places of employment entails costly losses in time and money . . . .

There is universal agreement that it is impossible to meet this growing demand for transportation, or to ease today's traffic problems, by means of highways alone . . . . In other words, the people of the National Capital region must be provided a real choice between using public transportation, or using their private automobiles for trips to and from their places of employment.

Commuters did not have that choice "in any meaningful sense" because of the inadequacies of bus service:

The conclusion is inescapable that if Washington is to achieve a higher percentage of public transportation – as it must do if the traffic congestion problem is to be solved – nothing short of a rail rapid transit system operating in subway and on exclusive rights-of-way can do the job. [Transit Development Program for the National Capital Region, U.S. House of Representatives, 88<sup>th</sup> Congress, 1<sup>st</sup> Session, Report No. 1005 to accompany H.R. 8929, December 6, 1963, pages 7-8]

The report also addressed union concerns. Unions wanted the bill to make clear that the Davis-Bacon Act, approved in the 1930s to ensure prevailing wages, applied to construction of the system. Unions also wanted the bill to establish a labor relations policy for employees after the system began operating. Because the Davis-Bacon Act applied to every contract with Federal funds exceeding \$2,000, the report said that since NCTA was a Federal Agency, the committee concluded that explicitly applying the law to the project was unnecessary.

As for the second issue, the bill provided for construction, but left open whether the system would be operated by NCTA, another Federal Agency, or an agency created by compact among local jurisdictions. With operations possibly not beginning until 1970, "the proposal for immediate establishment of a labor relations policy is premature." Further, the provision of the National Capital Transportation Act of 1960 on labor relations remained in effect. Under the provision, NCTA could not establish a labor relations policy until Congress established a policy on the right to organize, to bargain collectively, to arbitrate disputes, and safeguard job rights. This provision, in the committee's view, "provides adequate protection for transit workers during the construction phase." [pages 14-15]

On the day before the House was to consider the bill, opposition forces made their plans clear. Chalk accused the White House's District advisor, Horsky, of plotting to put D.C. Transit System

out of business. Horsky, according to Chalk, had applied “terrific pressure” behind the bill. Chalk said he spoke with Horsky on December 6 to ask if private enterprise would be allowed to operate the system. Horsky provided only “evasive answers.”

Chalk sent a night telegram to all 435 Representatives saying the legislation “provides for a minimum addition of \$400 million to the national debt to build an outmoded, stopgap subway system for the District of Columbia with no provision protecting private enterprise against public operation.” The bill would “saddle the government with public ownership of this system and create a governmental Frankenstein without any experience in the transit field to run it.” Chalk urged the House to amend the bill to “provide for experienced private operation by D.C. Transit System, Inc., pursuant to the act of Congress granting its franchise.” [Flor, Lee, “D.C. Transit’s Head Attacks City Rail Plan,” *The Sunday Star*, December 8, 1963]

As debate began on December 9, Chalk arrived in the House gallery around noon. “I’m very confident it will go my way,” he told reporters.

Meanwhile, Representative Multer, who represented a district in New York City, was mapping out his strategy for the floor debate. He intended to introduce his two rejected amendments during the debate. The National Transit Workers Union was canvassing House members urging them to reject the bill. The union also sent telegrams to all Representatives.

Nevertheless, Chairman Whitener was cautiously optimistic. “I don’t think it’s in the bag, but I could see no reason why we shouldn’t go on and make our decision. I hope it will be favorable.” [“House Fight on Subway Mapped Out by Multer,” *The Evening Star*, December 9, 1963]

*Post* editors were worried about the labor issues, which posed the “most immediate danger to the bill.” The editors referred to the 1960 Act’s provision calling on Congress to establish a labor relations policy:

If the unions force a debate now on labor standards, they will jeopardize the whole system upon which their members’ future jobs depend. They will only invite the opponents of the subway to strike up an alliance with the antagonists of organized labor.

If the unions were wise, they would “wholeheartedly support” the bill now and defer subsidiary issues such as labor relations “until the system with its promise of jobs is securely authorized.”

After 5 years of planning, the bill offered an alternative to sprawl and “unimaginable traffic congestion everywhere.” The editorial concluded that, “A vote for this bill is a vote for a more comfortable and convenient life for the city’s people.” [“Subway and Sanity,” *The Washington Post and Times Herald*, December 9, 1963]

## **The House Debates the Bobtail Plan**

On the House floor, Chairman Whitener asked that the House resolve itself into a Committee of the Whole and that debate be limited to 2 hours and divided equally between Representative Broyhill and himself.

The chairman began by saying he had heard a great deal of discussion of the bill already and had “observed there is a great deal of misunderstanding about some of the content of this legislation, as well as the effect of some of the amendments which I understand will be offered.” He discussed the area’s congestion and the long battle to achieve balance among highways and transit. The bill, he said, called for a total Federal contribution of \$120 million compared with Federal expenditures of about \$75 million a year on highway construction in the region. Considering all the highways the area’s highway departments want to build in the absence of a transit system, “and that these additional highways still won’t provide the answer, it seems clear to me that the proposed Federal contribution to the rapid transit system is entirely reasonable.”

He emphasized that this bill was completely separate from the Urban Transportation Act of 1963, still pending in Congress. That bill created a national program, while the present bill was limited to the Washington area. Without Federal involvement, the District would never build a subway or the extended rail rapid transit system:

I, for one, consider the national mass transit bill to raise issues of Federal financial and administrative involvement in local matters that are completely unrelated to the issue at hand. In contrast, under the Constitution, the Federal Government is very deeply involved in the affairs of the Nation’s Capital, for these affairs were rightly considered by the framers of the Constitution to be matters of national concern.

Therefore, he supported the present bill for the Washington area while the national bill remained to be decided on its merits later.

In closing his opening statement, he addressed the two issues that had caused the most concern in recent days. First was the proposal to amend the bill to allow private enterprise to construct and operate the rapid transit system. A proposed project of this magnitude “requires the constant scrutiny of the Congress,” a goal that could best be achieved by allowing a Federal Agency, namely NCTA, to build it. By the time the system becomes operational in 4 or 5 years, “Congress will have ample opportunity to consider the question of how the system should be operated.” He did not see any reason to delay construction while Congress debated how the system will be operated.

Second was the proposal to include “a rather complicated labor relations policy” in the bill. He pointed out that in passing the National Capital Transportation Act of 1960, Congress had considered a similar provision. “Congress included in the act a provision stating in the clearest of terms that before an operation could begin, Congress would enact a bill establishing such a labor relations policy.” The thinking at the time was that such a policy would be premature until Congress decided what entity would operate the system. In the meantime, labor is fully protected throughout construction by the 1960 Act and other existing Federal laws.

During the 10 years that Congress had been considering transit options for the area, “the very problem that this program is designed to solve . . . has grown worse and worse. The time for action to solve the problem has arrived, if it is not in fact overdue.” [Transit Development Program for the National Capital Region, *Congressional Record-House*, December 9, 1963, pages 23854-23855]

Representative Broyhill, the ranking Republican on the House District Committee, told his colleagues that he considered the bill “absolutely essential to the health, well-being, and beauty of our Nation’s Capital.” It involved bringing “a major innovation” to the area in the form of “a modern, high-speed, high-capacity rail rapid transit system.” He discussed the history leading to this bill, including the Mass Transportation Survey and the 1960 Act.

He assured his colleagues that the Federal cost for the bill’s bobtail plan would be \$120 million, while the District’s share would be \$21.7 million:

The balance of \$258.9 million plus interest requirements during construction will be repaid out of the revenues of the system. It is anticipated that the system will repay its bonded debt over a period of 36 years, and that we may reasonably expect a refunding of government grants during later years.

These projections were based on a 25-cent base fare within the 10-mile square of the original District of Columbia and a maximum of 55 cents to the farthest point, which was Bowie, Maryland.

The bill left “many important questions unanswered.” It was designed to begin construction of needed facilities, “a time-consuming proposition.” With construction underway, additional legislation would be introduced to authorize bond financing and determine how the system would be operated. The operational issue involved “complex questions concerning the nature of the organization which is to control and operate the system, the rights of the private transportation companies that are presently serving the region, labor relations, and many others.” These questions needed to be answered, but the answers can come after construction is underway.

Representative Charles R. Jonas (R-NC) said he was undecided about the bill, but wanted to know why the taxpayers of every State should pay 30 percent of the cost of the system while District residents paid only 5 percent. Representative Broyhill replied that the percentages were based on the national urban transit bill under consideration in Congress, where the Federal Government would contribute two-thirds of the cost of Federal-aid transit projects. Further, the taxing authority of the District was limited. “We could tax the District of Columbia to a point of diminishing returns but this would accomplish no useful purpose.” He added, “I do not think we can shirk our responsibility to see that the Nation’s Capital is properly financed or properly run.” [pages 23856-23857]

Representative B. F. Sisk (D-Ca.), a member of the House District Committee, discussed the importance of the bill, which would get construction underway:

In the meantime the rights of the private transportation companies in the area and the interests of my good friends in the labor movement will be undisturbed. In fact . . . the bill by providing new jobs here . . . will be a very great help to labor.

Transit labor's concerns would be met before operation began, while the 1960 Act expressly prohibits NCTA from acquiring "facilities, property, or rights-of-way of private motorbus companies" and operate buses or similar motor vehicles "or make agreements for the provision of motorbus service competitive with private transit companies." While construction was underway, Congress would decide whether the system would be operated by a public agency or private company. In closing, he said, "Transportation relief in Washington can come about only if the Federal Government commits itself to the task and takes the first step." [pages 23857-23859]

Representative Roudebush said that he had voted against the bill in committee. "For the life of me I am unable to differentiate between a system of this type as proposed by this legislation and those systems to be proposed in the so-called mass transportation legislation." He intended to oppose the national legislation and the current bill for the Washington area. He questioned the projection that the bobtail rapid transit system would pay for itself. "What if this curtailed system does not pay off financially." He continued:

It looks to me as though the Federal Government will not only lose its \$121 million contribution but will be saddled with [the] requirement that we make good the \$258.9 million in bonds and possibly be on the hook for the \$21.7 million for the District contribution.

He was opposed not just to the Washington plan but to Federal involvement in mass transit anywhere in the country "if the Federal Government is required to pay for it." He planned to support the planned motion to recommit the bill to committee. [page 23859]

Representative William B. Widnall (R-NJ) said it was time "to start talking sense." He was referring to "the apparently useless debate over the so-called highway transit issue." He used the phrase "so-called" because everybody agreed the area needed its Interstate highways as soon as possible and felt the same way about the rapid transit system. Only two portions of the Interstate System were in doubt, but they were "temporarily deferred to see if there is not a way to construct them so as to avoid injury to parklands and undue displacement of people." He understood that rapid progress was being made and that President Johnson would soon announce the results.

Constructing the rapid transit system was essential. "Indeed, the usefulness of the Interstate Highway System depends to a very large extent on the existence of a companion rapid transit system." He was concerned that without the transit system, the area's Interstate highways "will suffer the fate of so many other urban freeways around the country which are intolerably congested with automobiles almost from the moment the ribbon is cut." Congress owed it to the citizens of the Nation's Capital to "maintain an efficient transportation system." He would vote for the bill. [page 23860]

Representative Multer discussed his objections to the bill. First, he thought Congress should start with the highest District priorities. If Congress had only \$20 million to spend in the District, spending it on “education and educational facilities” should come first. As for the \$400 million cost of the bobtail system, anyone reading the bill will “find this is a blank check.” The bill does not limit how much NCTA will spend, but it does guarantee that whether the money comes from the Federal Government or the District, “every dollar will be Government money or Government guaranteed.”

Second, the bill “completely ignores the rights of labor.” As a member of the Committee on Banking and Currency, he was “a little amused by the irony” that the same people who often accused him “of driving private enterprise out of our system . . . and replacing it with Government” were now “advocating public ownership and operation of a new transit system in the District of Columbia.”

Third, “the planners who came in with the plan are utterly incompetent as planners, and if they are incompetent as planners, they are more incompetent as builders and operators of a subway system.” He explained this charge by saying that the best way to relieve congestion in the center city was to provide parking lots in the suburbs so people can leave their cars and take transit into the city, “as we do in New York City”:

These planners are going to compound the difficulty by building a subway first, the experimental part right in the heart of the city. How are you going to get there except by bringing the automobiles to the heart of the city in order to use the subway? That is why I say the planners were incompetent.

The bill should be returned to committee to develop “a proper plan . . . so that we can get a rapid transit system that will do the job.”

Representative Multer also took exception to a colloquy between Chairman Whitener and Representative Horton about whether anyone had testified during subcommittee hearings that private interests would construct the subway system. The chairman had replied, “I remember no such testimony.” Representative Multer pointed out that the supplemental hearing record included proposals by private enterprise to build the transit network. “They tell you they can do a job of improving transportation in the District of Columbia by spending \$103 million of their own money.” They also said that after doing so, they would “provide for a realistic test project, a rail rapid transportation system, in an area most suitable for such a system.”

The Congressman was referring to a letter dated October 31, 1963, that Chalk submitted to Chairman McMillan. Chalk said that “even to the untrained eye,” the only difference between the NCTA and bobtail plans was that “the suburban arteries, originally declared to be vital, have been eliminated.” The result was “an otherwise impractical and inadequate system is rendered even more impractical and inadequate.” He proposed the construction of 160 additional miles of express busways on separate lanes, reserved for buses during peak periods, along with a minibus service in the downtown area, all for \$103 million. Once that service was in operation, he would test the Lockheed monorail technology on 5 miles of elevated, suspended railway – all before the

area spent \$1 billion on a subway system. (Supplement to Hearings before Subcommittee No. 6 of the Committee on the District of Columbia, pages 41-44]

Representative Multer summarized his point by saying the job “must be done” to provide transit in the Washington area, but “whenever private enterprise can do the job, the Government should not do it.” He concluded:

Sure you have a lot of clamor from all around the city and all the agencies to do something about transit. I want to do it now, but I want to do it correctly.

Chairman Whitener pointed out that Chalk had sent a telegram to every member of the House “in which he said the proposal was a proposal of an outmoded system, but he wound up saying he wanted to operate it.” Representative Multer said he had not seen it, but would offer an amendment that would invite D.C. Transit System or anyone else in the private sector to take over the job. [pages 23860-23861]

Representative Mathias talked about the urgency of getting started:

We have reserved to the Congress virtually all of the authority contemplated by the Constitution to control practically everything that happens within the District of Columbia. With that authority goes responsibility. It is that responsibility which we are being called upon to discharge today.

He planned to vote for the bill “because it is a sheer necessity.”

Representative Frank T. Bow (R-Oh.) suggested to Representative Mathias that much of the congestion could be relieved if federal agencies were dispersed out of the Washington area instead of concentrating them in the District. Representative Mathias replied that the reason so many agencies are located in the Washington area is that the District of Columbia is the seat of the national government designated under the Constitution. Nevertheless, Representative Mathias said, “90 percent of the Federal Government employees today are located in places other than the Washington metropolitan area.” He added that with the expected population increases over the next 30 years, “we have to make an urgent decision now.” [page 23862]

Representative Alvin E. O’Konski (R-Wi.) wanted to put the bill in “its true perspective.” The Senate, he said, had passed the Urban Mass Transportation Act authorizing grants and loans totaling \$325 million. The House, “in its wisdom,” had refused to take up the bill. And yet:

Here you have a bill that calls upon the taxpayers of the United States of America to underwrite in one way or another \$406 million for just one little speck on the map of the United States; namely, the District of Columbia.

True, the District would contribute \$22 million, but “when the District of Columbia in its great feeling of good will says that they will donate \$22 million they will just come to us and ask for \$22 million of the taxpayers’ money as that share because they are using that money for this purpose.”

He also questioned the revenue estimates that assured repayment of the Federal contribution and payment of expenses out of the farebox. Everyone knew that every transit system in the country is “operating in the red.” Moreover, the fact that the bill calls for the bonds to be guaranteed by the Federal Government “is an admission of the fact that the bonds could not be sold on the open market; nobody would buy a dollar’s worth” otherwise.

The House had recent experience with such revenue projections in the congressional experience with the District Stadium. “The stadium is operating at a deficit, the bonds are in default, and the Government which guaranteed those bonds . . . are paying off those bonds.”

He added that no one should think “that I am naïve enough to swallow the notion that this \$259 million is going to be paid back.” In his 22 years in the House, he had never seen a single proposal where a revenue-proposal involving Federal funds resulted in the Federal Government recouping “any of its money.”

And this bobtail plan is just a start. “This is just the first bite, my friends, and remember that, when I propose a motion to recommit the bill back to the District Committee for further study.” [pages 23862-23863]

Representative Everett G. Burkholter (D-Ca.), representing a district based in Los Angeles County, said that no matter how many city streets, highways, and freeways are built, “that is not the answer to the traffic problems in the urbanized cities today.” People suggest that private enterprise would become interested in mass transportation given that over 200 communities have populations over 50,000 people. However, all statistics and reports proved that mass transportation pays its own way, with public subsidy, in only three cities. They are Cleveland, San Diego, and Chicago, “and some of them are going in the red, I have been told recently.” That was why private enterprise was not interested in financing urban mass transportation.

The number of vehicles on the roads must be reduced:

Therefore, you are going to have to go overhead or underground by either subway or elevated, such as the monorail, or any kind of mass transportation, as long as it is elevated or underground. You are going to have to provide off-street parking facilities in all of the urbanized cities.

In sum, experts said let private industry do the job; no need for public funds. “We have been talking about that for 25 or 30 years, but we are no further ahead than at the beginning.” It was time to pass this bill for the Washington area. [page 23863]

Representative Carlton R. Sickles (D-Md.) expressed concern that one of the problems with NCTA was its inadequate coordination with local jurisdictions. He wanted to be sure that once the bobtail plan was underway, NCTA would coordinate with Maryland and Virginia before decisionmaking.

Regarding the labor issue, local jurisdictions were in negotiation on an interstate compact agency for operating the transit system. As a member of Maryland’s negotiating team, Representative Sickles could tell his colleagues that, “We are just at the point of considering the issue of the

labor policy with respect to the operational employees of the system.” The negotiators would be helped greatly if they knew the congressional policy. He had reviewed the labor policy proposed in 1960, “and for the life of me, I cannot see the reason for the delay in their consideration.” His constituents who worked for the transit company were “concerned, deeply concerned, about their seniority rights, and pension benefits, and they are concerned now.” He intended to vote in support of the labor amendment. [page 23765]

Representative Harsha questioned passenger predictions based on surveys that he considered inadequate. Only 2,005 commuters had been surveyed. They had been asked:

Considering bus and rail vehicles, with no difference in cost, time, or convenience, which would you prefer?

The Congressman emphasized the word “convenience” because the bobtail system would be less convenient than NCTA’s original system, if only because of needed transfers or having to drive somewhere, park, and board a transit vehicle. “Now, in this age of convenience, this is not equivalent to the convenience of a commuter’s automobile.” As a result, patronage would decline, meaning that the financing plan is not sound – “and the taxpayers have to subsidize the program.” He wondered how anyone could vote for this bill but against the national bill. He urged the House to reject the bill. [pages 23865-23866]

The time had come for amendments. First was Representative Multer’s amendment prohibiting NCTA from beginning construction until it had “given private enterprise at least 6 months to submit offers to build, own and/or operate a transit system.” Similarly, once the system is built, NCTA must give private enterprise the opportunity to operate it.

Representative Gross wanted to know if the amendment meant that private enterprise would pay for the system. Representative Multer replied, “This is the intent of my amendment,” adding:

I have in mind we have a mass transportation bill pending in the Rules Committee which calls for money for the entire country, grants and loans, including the District of Columbia. If private industry comes forward after that bill is enacted into law, and is law, we should not exclude private enterprise from coming in and qualifying if they can.

Chairman Whitener asked if Representative Multer was referring to D.C. Transit System, which the chairman indicated “is now receiving substantial subsidies from the Federal and District taxpayers.” Representative Multer denied he was referring to the company, but said the company did not receive a subsidy. “They get a certain tax exemption if their net income does not give them a 6-percent return. They have never yet earned that 6 percent. They get no subsidy from the Government.” He urged adoption of his amendment.

The chairman admitted that a certain aspect of the amendment appealed to him since “I am a strong advocate of private enterprise and an opponent of excessive Government intervention.” He continued:

But the hard, cold fact is that no private enterprise in the 7 or 8 days of the hearings we had appeared to talk on this situation here in the District of Columbia.

They knew, he said, “it is not feasible.” A private operator would have trouble with financing and acquiring right-of-way. He added that Representative Multer is fully familiar with the New York City subway and, therefore, “knows that no private operator could operate that system nor could they have built it originally.” He recommended the House defeat the amendment.

The House agreed to the amendment, 82 to 37.

Representative Multer offered his lengthy amendment containing labor provisions. He stated that the AFL-CIO prepared the amendment, but it had been rejected by the subcommittee and the committee:

Mr. Chairman, this amendment will preserve for the workers of the District of Columbia the right to bargain but not to strike. It will preserve for them the right to bargain as to wages, fringe benefits, and all of the other things that a worker should be entitled to bargain for. It contains this further provision that in any dispute—and I emphasize “any dispute”—the matter must be submitted to arbitration and the determination of the arbitrators is final and binding on all concerned.

The amendment, if adopted, would affect what would happen after the system is built, but to those who suggested waiting until then to consider the amendment as provided for in the 1960 Act, he said, “it also goes to what will happen the day after this bill is enacted into law. It will apply to anybody and everybody who is working in connection with the construction of this system.” True, the Davis-Bacon Act guarantees construction workers will be paid the prevailing wage. But beyond the prevailing wage, the amendment would “guarantee to them the fringe benefits and also the right to go in and bargain and present their grievances and obtain whatever remedy they may be entitled to.”

Representative Charles A. Halleck (R-In.) asked if the amendment provided for compulsory arbitration. Representative Multer replied that he did not “want to quibble about words.” If after negotiating in good faith, the sides could not agree, “they must submit to arbitration.” Arbitrators appointed by both sides would listen to their arguments and make a determination that would be “binding on both sides.” That, he added, is what the unions recommended for this bill.

Mr. Halleck. If the gentleman will yield further, is not that compulsory arbitration?  
Mr. Multer. I suppose it is.

After some further questions and discussion of the amendment, the House rejected it, with 61 votes for and 91 opposed.

Representative Barratt O’Hara (D-Ill.), a journalist, editor, and commentator in Chicago, introduced an amendment that would prohibit the acquisition of any occupied home until the residents had been relocated. The House rejected the amendment.

With debate and consideration of amendments concluded, Chairman Whitener called for a vote on the bill. Before that vote could take place, Representative O’Konski offered a motion to

recommit the bill to committee. The House voted in favor of the amendment to recommit the bill, 278 to 76. [pages 23872-23873]

After 4 hours of debate, the House, in this way, rejected the bobtail plan and the bill to implement it.

### **In the Aftermath**

After the House overwhelmingly defeated the bobtail plan, Commissioner Tobriner was bitter:

I say a pox on both their houses. One thing is certain, unless the transportation problem is solved and effectuated shortly, the city and its environs face a dismal future.

He added:

I am not biased in favor of subways or highways but I am definitely biased in favor of the people of the District and surrounding area having adequate transportation to and from their homes and places of employment in vehicles of their choice at costs commensurate with their means and with minimal dislocation of homes and businesses.

The highway work currently authorized or shortly to be, must continue.

He was particularly angry at NCTA:

The arrogant, unilateral approach of NCTA to this problem has done much to create the impasse which, if no solution is found, will doom the city's economic future.

What was needed, he said, was a presidential commission consisting of Members of Congress, representatives of the District and surrounding jurisdictions, citizens, governmental, business and labor groups. With support from a technical advisory group, the commission would be directed to reach decisions by a firm deadline.

Horsky, the White House aide who had strongly supported the bobtail plan, discussed options with Chairman Whitener, who was "not at all optimistic." If the \$400 million plan was too expensive for the House, he doubted a less costly plan could be developed that would be economically feasible.

Stolzenbach, who had watched the debate from the House gallery, told reporters he was "quite disappointed," but the "basic idea is sound. We've got to keep going." He remained determined:

I didn't become administrator of the National Capital Transportation Agency to preside over its dissolution. I presume this is not the last word of Congress."

NCTA's staff was determined to find out why the House vote as it did:

Part of the opposition, they found, resulted from complaints by the AFL-CIO that federal operation of transit would deny labor unions either binding arbitration or a right to strike, leaving them in an even worse position than under the Wolfsons [Chalk's predecessors in

operating the District's bus service]. But the real reason for recommitment [sic, to the District Committee] was that the House as a whole had paid little attention, and many members had no idea what the vote was about. When Deputy Administrator Quenstedt talked to some congressmen and their staffs, they assured him that the vote for recommitment had been made out of caution, confusion, and a reluctance to make a big decision near the end of a session. Try again, they said.

That was fine as a legislative strategy, but what was the NCTA staff to do? The agency was humbled by its initial defeat. Stolzenbach morosely canceled his earlier request for tens of millions of dollars for land acquisition and construction. More seriously, the agency's staff was cut in half. [Thomas] Deen left for a consulting job, leaving transportation planning in the hands of William Herman, who was trained in finance, not engineering. [Schrag, pages 58-59]

By contrast, Chalk was delighted. "The House acted wisely," he said. "The vote indicated that Congress felt the Stolzenbach-Horsky plan is not the right plan." In addition, he said, the House had "reasserted the right of private enterprise. Stolzenbach was discredited—or, at least, his plan is discredited."

Engineer Commissioner Duke was "very disappointed. I was hopeful . . . . That short version seemed to fit in with the balanced system we have all been trying to arrive at." He was not sure what the next step was. "The District really needed it," he said, but "we'll have to withdraw and regroup."

Walter Bierwagen, the local union chief, had been disappointed when the House rejected the labor policy. Although defeat of the bill would cost union jobs in the area, he said, "Without the labor guarantees, I'd rather the bill was rejected."

Jack Eisen in the *Post* and Grace Bassett in the *Star* analyzed the debate to determine how the vote ended up so lopsided. Eisen wrote:

There was no clear pattern in the House debate. Opponents attacked the cost, expressed doubt that its financing plan was workable and said Government decentralization would be preferable to paying for rapid transit.

One thing surprised him. "Washington's noisy freeways-transit dispute was hardly mentioned."

Bassett said of the "stunning" defeat:

Administration planners could calculate in adverse votes the cost of failing to compromise their differences with business, labor and some suburban jurisdictions. The most perfect plans could not have convinced the House yesterday to accept a \$400 million network opposed by three such politically potent factions.

Opposition to the bill teamed such unlikely allies as pro-labor Representative Roosevelt, Democrat of California, with anti-spending Republican Gross of Iowa, and Democrat

Multer of New York, a spokesman for small business, with Judge Smith of Virginia, guardian of suburban independence.

They discussed turning points. One such event was a quorum call requested by Representative Harsha just before Representative Roudebush spoke. With only 69 Representatives responding, the Speaker briefly resumed the chair to summon the other members, 345 of whom responded. Bassett wrote, "They had not expected to be summoned for the local debate and began mumbling about the cost of the unfamiliar project," the very point Representative Roudebush made when debate resumed.

Eisen and Bassett singled out Representative O'Konski's comments as helping to focus the opposition on cost issues, and Bassett cited Representative Roudebush for the same reason. "House Members," Eisen wrote, "obviously were wary of the legislation as soon as they realized its magnitude."

Defeat of the Multer amendment on labor was a turning point as well. Bassett thought the labor provisions were "doomed after Minority Leader Halleck of Indiana drew from their author, Mr. Multer, an acknowledgement that they included compulsory arbitration." After that, "Republicans voted in a bloc against guaranteeing rights [that] workers now have under private contracts should union members be shifted to a public operation." She concluded:

More than any other single factor, the labor argument probably defeated the bill. Once it was rejected, labor champions, who otherwise were for the administration program, voted to bury it.

As for the future, Eisen wrote:

Recommittal could be a death sentence. But the District Committee is free to rewrite the measure and send it back to the floor for a second try. Or a rescue attempt could be made in the Senate, which generally is regarded as friendlier to the District.

However, Bassett wrote, "Chances are slim that the Senate can reshape a transit bill to suit the House next year." She added that "this is almost sure to be tested." [Bassett, Grace, "Bitter Tobriner Asks Solution In Rail Defeat," *The Evening Star*, December 10, 1963; Eisen, Jack, "Bobtailed Subway Plan Overwhelmed by House," *The Washington Post and Times Herald*, December 10, 1963]

On December 11, Representative O'Okonski explained his motion to recommit the bill to committee:

If the bill had been defeated, which it would have been, it would have been dead for at least 10 years. By referring it back to committee, there is time for a real hardcore look at another proposal.

He did not believe that highway supporters or Chalk were factors in the recommittal vote. The \$400 million price tag was a key factor in the defeat, a fate that would meet any similar high-cost proposal. He was sure that Congress would give a transit bill for the District another look if

NCTA could address the financing and private enterprise issues. He also thought that a subway-rail transit network with an underground system was “a thing of the past.” Officials should consider innovative transit technology.

Representative Broyhill agreed that recommitment, which he voted against, offered some hope. He added, however, that, “Unless something is done pretty quickly, the justification for the agency’s existence will terminate.” Some alternative such as express bus service might be considered, but prospects for an alternative subway plan “look dim.”

Chairman Whitener was not planning any immediate action. “We’ll take a good serious look” at what to do, but he saw little support for Commissioner Tobriner’s suggested presidential commission. [Flor, Lee, “Transit Bill Vote Cited As Keeping Issue Alive,” *The Evening Star*, December 11, 1963]

In editorials, the *Post* and *Star* made clear who was at the heart of the defeat. No one, the *Post* editors wrote, thought it would be easy. The “shocking vote” was a setback, “but not a final disaster.” The need had not changed. All the conditions leading to the bill, such as a transportation crisis and support for a rapid transit system, were still in place. However, “Congress never supports major improvements for Washington unless they enjoy very nearly unanimous local support.” The House vote was “a sharp and explicit personal repudiation of Mr. Stolzenbach”:

Mr. Stolzenbach committed three errors of political judgment. He believed that he could build the subway only by vehemently attacking the Inner Loop. He believed that he could build the subway only if revenue estimates promised to pay its whole cost; the figures were demonstrably incredible. He believed that he could build the subway only by refusing to answer questions, however legitimate. He offered no reassurance whatever to the bus companies that he proposed to displace, or to their employes [sic]. They worked hard, and successfully, to beat the bill. It is now time to replace Mr. Stolzenbach.

In view of the House rejection, Stolzenbach could “serve the city best by promptly resigning.” If he stays, the *Post* doubted that in view of the wide distrust he had engendered, “any bill can succeed while he retains office.”

His successor would not have it easy:

A new administrator will have to work out, in detail, the relationship between the bus companies and the transit system, protecting the interests of the companies and of their employes [sic]. He will have to meet and dispose of the absurd proposal for private ownership; one might as well talk of private ownership of the post office, or of the sewers.

With all that accomplished, the President should send a rewritten bill back to Congress. “The need for action is urgent” because Congress “cannot hold back the steady waves of citizens coming to live and work in Washington.” [“The Next Step,” *The Washington Post and Times Herald*, December 11, 1963]

In “The Transit Fiasco,” *Star* editors understood Commissioner Tobriner’s “bitterness about the highway-transit controversy,” but that “silly feud” was not responsible for the defeat in the House. The editors attributed the House defeat of the bobtail bill to several factors, including labor opposition, Chalk, the “inadequacy of the arguments” by NCTA and other supporters, the lack of defense by House leaders for Federal expenditures, and the Washington community’s failure “to exert itself as strongly in behalf of the bill as the spokesmen for special interests exerted themselves in the fight to kill it.” But make no mistake:

It was derailed by the pipsqueak arrogance of C. Darwin Stolzenbach, the NCTA director, who, over a long period of time, has managed to generate nothing but ill will toward the agency. Drawing himself up to his best Churchillian stance after the vote on Monday, Mr. Stolzenbach typically announced that he had not become the NCTA head “to preside over its dissolution,” and that he presumed “this is not the last word of Congress.”

It must not be the last word, not because Stolzenbach said so, but because “a rail-transit system is absolutely essential to the health and well-being of the Washington area and of the Nation’s Capital itself.” To achieve that goal, NCTA and “others within the administration are going to have to correct a number of faults before the next effort is made.”

Those faults were correctable. Freeway construction should proceed. Except where a freeway should provide right-of-way for a rapid transit line, NCTA “should keep its nose out of highway business.” NCTA also must reach accord with labor, private enterprise, and area jurisdictions outside the District. “Most of all the vital importance of an effective rail-transit system to the Nation’s Capital must be made apparent to everyone.”

The editors thought Chairman Whitener summed it up best. “The cost to the Federal Government of not building a rapid-transit system will be far greater than the cost of building one.” That was “the essential truth” that Congress must come to accept. [“The Transit Fiasco,” *The Evening Star*, December 11, 1963]

### **Locating the Three Sisters Bridge**

By late 1963, the Three Sisters Bridge was the most controversial of several controversial Interstate projects. As *Post* editors had put it in the July 9 editorial cited by Representative Cramer:

Bridges seem to bring out the worst in Washington’s government. Nothing could illustrate more sadly its constitutional state of indecision than the announcement that we are now to have still another study of the future Three Sisters Bridge, at a cost of another half million dollars. The city wasted seven years wrangling over the designs for the Theodore Roosevelt Bridge, and the questions raised by Three Sisters are far broader.

As for the “economic, social and aesthetic considerations” the reexamination was to explore, they were “precisely the kind of value judgments that most Americans consider to be political issues.” [“In Lieu of a Decision,” *The Washington Post and Times Herald*, July 9, 1963]

Virginia highway officials supported the bridge. As Deputy Commissioner F. A. Davis of the Virginia Highway Department had told Chairman Fallon in a letter, failure to build the bridge would result in “an almost intolerable situation.” He added, “It is our feeling that all of the highways now planned will be needed, particularly those on the Interstate system, regardless of any mass transit system as now proposed.”

Meanwhile, Virginia had halted design of I-66 approaching the river “because we have no way of knowing the number of lanes that will be required.” The current plan was for I-66 to have six lanes north of the Capital Beltway to the Dulles access road. Between the Capital Beltway and the Potomac River, I-66 would have eight lanes to the junction with I-266 to the Three Sisters Bridge. Beyond the I-266 interchange, I-66 would continue with six lanes to the six-lane Theodore Roosevelt Bridge. If the bridge were not built, I-66 would have to be rethought to find a way to carry eight lanes of traffic instead of six lanes. [Flor, Lee, “Virginia Will Press For Sisters Bridge,” *The Evening Star*, August 2, 1963; “State Halts Planning on River Route,” *The Washington Post and Times Herald*, August 3, 1963]

On November 7, 1963, the White House released Commissioner Tobriner’s letter stating that the seven-member Policy Advisory Committee had agreed on a compromise location for the bridge. “The committee recommends against the proposed location at the Three Sisters Island site.” Instead, the bridge would be built between Roosevelt Island and Key Bridge.

This new location meant that the bridge would touch down in the District near the foot of Wisconsin Avenue, NW., on the Georgetown waterfront. It would connect with the Potomac River Freeway parallel to the Whitehurst Freeway. This location had “distinct aesthetic advantages” and, with “appropriate design will insure essential service to highway users.”

One result of this new location was that it might affect the number of lanes on I-66 through Rosslyn. Instead of a six-lane freeway leading to the six-lane Roosevelt Bridge, Virginia would have to plan for additional lanes through a community that was expanding with new apartment and office buildings. That development would make locating the freeway even more challenging than it already was. The interim report stated that, “The committee trusts that this agreement will have the concurrence of the Commonwealth of Virginia.” (Horsky told reporters that this reference to Virginia’s position was “stronger than hope but weaker than a no.”)

The committee also endorsed construction of the North Leg, but said that in its design, “maximum consideration should be given to the concept of tunneling within the bounds of engineering feasibility to assure minimum disturbance during construction and to minimize displacement and esthetic impact.” The bridge and North Leg were to be built to Interstate standards with six or eight lanes.

Precise locations were yet to be determined, but Lee Flor summarized the general location of the North Leg:

[The] north leg would connect to the inner loop freeway around Pennsylvania avenue near Rock Creek park and then would curve north and eastward, running a few blocks south of

Florida avenue. The route most usually mentioned is along R and S streets N.W. until the freeway connects to a center leg freeway around Third street and New York avenue N.W.

The decisions described in Tobriner's letter were general and tentative. The Policy Advisory Committee would not make final decisions until a public hearing was held after the members reviewed additional design and alignment alternatives. [Flor, Lee, "Three Sisters Out, Span Downstream," *The Evening Star*, November 7, 1963; Eisen, Jack, "Modification Of Highway Links Urged," *The Washington Post and Times Herald*, November 8, 1963]

One thing the committee had not done was consult with the Arlington County Board or Virginia highway officials. As Roye Lowry, a member of the board who would become its chairman in 1964, pointed out, "A bridge has two ends." Virginia and county officials were analyzing the decision, with the most difficult issue being the impact on Rosslyn. Board Chairman Thomas Richards thought the problem might be manageable, but "such lack of cooperation when the planning is under way is no way to handle a metropolitan-wide-area problem."

Representative Broyhill, by contrast, called the Policy Advisory Committee's decision "a perfect solution." He thought homeowners in the Arlington Palisades would agree with the decision. [Eisen, Jack, "Bridge Project Action Angers Arlingtonians," *The Washington Post and Times Herald*, November 9, 1963]

Rosslyn, cited earlier as the site of an oil terminal, was a 100-acre unincorporated village in the northeast corner of Arlington County across the Potomac River from Georgetown. The opening of the Aqueduct Bridge had spurred development of a lawless community at its base. The coming of the electric trolley in the 1890s spurred a civic cleanup, but Schrag described the area's evolution:

Though named for a farm, the area had been home to breweries, slaughterhouses, and saloons since the late nineteenth century. As the New Deal and World War II inflated Washington's construction industry, Rosslyn became the city's staging area, with storage yards and firms dealing in lumber, millwork, and asphalt. Then in April 1957, the Marriott company took a 99-year lease on a former brewery to use as a hotel, and in November county planner Dorothy Muncy suggested redeveloping Rosslyn with office buildings and tourist hotels. With the expansion of federal government employment in the early 1960s, investors thought this a fine idea, and by 1963 four office buildings were under construction, with plans approved for ten more. [Schrag, page 222]

The coming of the Theodore Roosevelt Bridge spurred the development.

*Post* editors praised the decision, not for "the genius of its engineering or the brilliance of its planning [but] by the unanimity of its support." Everyone—highway people, transit people, park people, city-beautiful people—had signed "the terse little statement." The committee should be renamed the Road and Rail Truce Commission" because it had "restored the balance of the city's intricate transportation politics."

By shifting the bridge downstream, the “Truce Commission” had reassured several Senators that the bridge would not harm Glover-Archbold Park. The new location had its drawbacks, particularly the need to shift I-66 through Rosslyn, possibly in a tunnel. “But the political values here clearly outweigh the planning considerations.” [“Declaration of Truce,” *The Washington Post and Times Herald*, November 9, 1963]

Engineer Commissioner Duke, who headed the advisory committee, said officials would coordinate with Arlington County and Virginia officials after they received President Kennedy’s response to Tobriner’s letter. Appearing on WWDC’s “Report to the People,” Duke conceded that the reaction in Virginia and particularly Arlington County had not been “extremely enthusiastic.” Nevertheless, he thought that solutions, particularly for the routing of I-66 through Rosslyn, would be reached jointly. He also thought that once the precise location of the bridge was set, “the Potomac River Freeway I don’t think will pose any particular problem” for Georgetown residents. [“Duke to Seek Arlington Views on New Bridge,” *The Sunday Star*, November 10, 1963; Eisen, Jack, “Decision Awaited on Next Bridge Site,” *The Washington Post and Times Herald*, November 10, 1963]

President Kennedy replied to Tobriner on November 12, 1963. The President was pleased to have the letter informing him that the District Board of Commissioners concurred in the Policy Advisory Committee’s decisions. “The recommendations are likewise acceptable to me, and will be included in my budget recommendations to the Congress in January.” He added:

The Policy Advisory Committee is an example of the possibilities for cooperative action among Federal and District agencies in resolving difficult problems, and the fact that its recommendations are unanimous is particularly gratifying. The concurrence of the Board of Commissioners in those recommendations should assure that the entire District Highway Program can now move forward.

He added, “the fact that its recommendations are unanimous is particularly gratifying.”

With release of President Kennedy’s letter, Chairman Whitener’s subcommittee took time from developing the bobtail legislation to approve a resolution drafted by Representative Broyhill calling upon the District commissioners to “proceed forthwith to implement the construction” of the bridge and North Leg. Chairman Whitener, who said the vote was unanimous, was hopeful that the agreement would diminish opposition by highway supporters to his transit bill. [Flor, Lee, “Kennedy backs Georgetown Bridge Plans,” *The Evening Star*, November 12, 1963; Eisen, Jack, “Georgetown-Rosslyn Bridge Gets Kennedy Endorsement,” *The Washington Post and Times Herald*, November 13, 1963]

*Star* editors thought that in saying the projects could move forward, President Kennedy had “struck precisely the right note.” Many details needed to be worked out to determine whether the new bridge location was feasible or the disruptive impacts of the North Leg really could be minimized:

The important thing is that the agencies represented on the committee, which previously were fighting over the need for both these projects, now agree they should be built. We

trust that the President will make sure there is no backsliding on that crucial point.  
[“Forward, March!” *The Evening Star*, November 15, 1963]

By November 16, the first sign of a problem with the new location of the bridge was evident. Members of the Arlington County Board were “outraged” that they had not been consulted, criticized the plan unanimously, and urged consideration of alternate sites. The board had received the plan only on November 5, without a chance to comment on it before Commissioner Tobriner’s letter to President Kennedy. The board was concerned that the uncertainty would affect their development decisions. Chairman Richards said, “This Fairfax Drive-Route 66 area can be another real good hot area where we can develop a high yield tax base,” similar to Rosslyn. Board member Leo Urbanske, Jr., denounced the plan, pointing out that, in contrast to the prior upstream location, the bridge in its new location would compound congestion in Rosslyn.

The board advised County Manager Bert W. Johnson to write to the Virginia Highway Department to express the county’s disapproval of the new plan. He also was authorized to send a copy of the letter to the White House. [“Arlington Board Scores Bridge Site,” *The Washington Post and Times Herald*, November 17, 1963; Kelly, Brian, “Not Consulted on Bridge, Arlington to Tell Kennedy,” *The Sunday Star*, November 17, 1963]

Reacting to the dispute in Virginia, Engineer Commissioner Duke met with Virginia highway officials and representatives of the Arlington Board for a strategy session. Deputy Federal Highway Administrator D. Grant Mickle represented BPR. “As of this moment,” he said, “there appears to be an impasse between the District and Virginia.” The city wanted the District terminus of the new bridge to be as near as possible to 31<sup>st</sup> Street, NW., because that was the end of the present Potomac River Freeway project, the District’s portion of I-266. The District was open to any Virginia terminus for I-266 as long as it ended at the desired location in the city.

On December 4, General Duke announced the results of the meeting. Officials had agreed on a joint study. Virginia officials were to study a site upstream from Key Bridge and a tunnel-bridge crossing near Three Sisters Islands. As described by Jack Eisen in the *Post*, the two alternatives were:

- Rte. 266 to branch off near N. Kirkwood st., Arlington, tunnel beneath the Palisades near the upper end of Spout Run Parkway, then cross the river on a diagonal bridge about one-quarter mile downstream from Three Sisters.
- The route to cross the river about on line with Arlington Oak st., one-quarter mile upstream from Key Bridge and roughly parallel to it.

At the same time, the District would conduct engineering studies of a site downstream from Key Bridge, the site the Policy Advisory Committee and President Kennedy had endorsed. They all agreed not to study the original Three Sisters Islands location, thus seemingly killing the idea of a bridge named Three Sisters Bridge.

General Duke told reporters he was confident the differences could be resolved. Chairman Richards said he was “quite heartened by the spirit of co-operation and the desire on the part of the District to undertake a joint study.”

In short, as Eisen put it, “Virginia and Arlington County officials yesterday torpedoed the Rosslyn-Georgetown bridge plan that was supposed to end Washington’s freeway warfare.”

Unaware of the strategy session, Representative Broyhill decided to intervene. At his request, the House District Committee named him a special peacemaker. Having previously called the location approved by the Policy Advisory Committee “a perfect solution,” he now called it “bad and costly” in view of the Virginia opposition. He wanted to set up an emergency committee to identify a location for the bridge that all parties could accept. The committee would include the District, Virginia, Arlington County, NPS, and BPR, as well as citizens from both sides of the river. He also intended to invite Horsky to participate. They would, he said, “sit down and thresh out all objections.”

Reaction to Representative Broyhill’s initiative was mixed. Chairman Richards, saying that officials in the strategy session had developed “a fine working rapport,” said of this additional initiative:

Further expansion of the decision-making process by Mr. Broyhill’s intrusion is going to further complicate the situation and muddy the water. We would reach a reasonable decision without his entry.

General Duke, by contrast, said he would “cooperate with the Congressman and look forward to helping in any way we can.” [“Eisen, Jack, “Rosslyn Bridge Plan Is Scuttled By Virginians,” *The Washington Post and Times Herald*, December 5, 1963; “Broyhill Proposed New Bridge Group,” *The Evening Star*, December 5, 1963; “Broyhill Named Peacemaker in Bridge Wrangle,” *The Washington Post and Times Herald*, December 6, 1963]

Despite the mixed reaction, officials met in the House District hearing room at 2 p.m. on December 11, 1963, just 2 days after the House rejected Chairman Whitener’s bobtail plan. Participants included Jett of the NPS, Lowry of the Arlington County Board, Acting District Highway Director Thomas F. Airis, and Engineer Commissioner Duke. Representatives of Arlington County and Georgetown civic associations were present in the hearing room.

Participants agreed to hire a consultant to conduct a 4-6 month study of the options as soon as Congress granted the funds. If the conference committee on the District’s appropriations act, 1964, included \$330,000 for the Three Sisters Bridge, the funds would be used for the study. The study, to be financed by the District and Virginia, would cover two layouts, one upstream and one downstream of Key Bridge. Participants explicitly excluded the original Three Sisters Bridge location from the study. Jett was very pleased by that decision, but was neutral on the remaining options. [“Outside Consultant Called to Referee Battle Over Three Sisters No-Bridge,” *The Washington Post and Times Herald*, December 12, 1963; Flor, Lee, “D.C., Virginia In Accord on Bridge Study,” *The Evening Star*, December 12, 1963]

With approval from the House and Senate appropriations committees, the District committed \$5,000 for the study of two alternative sites for the bridge, with Virginia committing an equal amount. BPR provided the 90-percent match of \$90,000. The New York firm of Howard, Needles, Tammen and Bergendoff received the contract to conduct the study. [“Consultants to Study Two Sites for Bridge,” *The Sunday Star*, January 12, 1964]

### **The North Central Corridor**

Following the assassination of President Kennedy, the Kennedy family remained in the White House for several days before moving out. On December 7, President Johnson and his family were ready to move in.

During that period, the country did not have a Vice Presidential residence as at present. The new President had come to Washington after winning a special House election in 1937. In 1943, the Johnsons purchased a red-brick colonial at 4921 Thirtieth Place, NW., in the District’s Forest Hills neighborhood. As Vice President, Johnson and his family moved to a three-story mansion named Les Ormes (The Elms) that they purchased in May 1961 at 4040 52<sup>nd</sup> Street, NW., in the Spring Valley section of the city. Perle Mesta, a fixture on the Washington social scene for years, had been the previous owner. (Her lavish parties for Washington’s social and political leaders had earned her the nickname: “the hostess with the mostest.”)

On moving day, the new President decided to take a walk around his soon-to-be former neighborhood, accompanied only by his friend and adviser, Jack Valenti, the Secret Service, a limousine, and a motorcycle escort. Hatless and in a light raincoat, he walked south on 52<sup>nd</sup> Street to a cul-de-sac where a dog in one of the yards barked at him. “Down, down,” he told the dog. At that moment, Alvin Howard Thompson, a stone mason from Cabin John who had worked on the Johnsons’ home, pulled up. “Good morning, Mr. President,” he said, from his pickup truck. After they shook hands, the President continued his walk. A neighbor rushed out to take a picture of the President. They shook hands.

He continued onto Rockwood Parkway until it intersected Glenbrook Parkway. Part of the way, he could walk in the middle of the street because of light traffic and the Secret Service waving cars to the side. In all, he walked a little over a mile before traveling by limousine to the White House to begin his official day.

One of the events on that day was a ceremony honoring 31 distinguished men and women with a President Medal of Freedom. In a surprise climax, President Johnson added President Kennedy and Pope John XXIII, who had died on June 3, 1963, to the list of recipients. Of the former President, Johnson said, “we are the lesser for his death . . . but each is somehow larger because he lived.” Not visible to the attendees, Mrs. Jacqueline B. Kennedy watched the ceremony before leaving with her children for a Georgetown home made available to her by Undersecretary of State W. Averell Harriman. [“Johnsons Buy Mesta Mansion,” *The Evening Star*, May 20, 1961; “Johnsons Plan To Spend Night In White House,” *The Evening Star*, December 7, 1963]

For years, the new President had been a frantic commuter in the Connecticut Avenue corridor, as biographer Robert A. Caro described based on a 1951 article in the *Saturday Evening Post*:

He was the old Lyndon Johnson driving to work in the morning from his home, a two-story, white-painted brick colonial at 4921 Thirtieth Place in a quiet residential area in northwest Washington—driving down Connecticut Avenue with one hand on the wheel, the other frenziedly twisting the dial on the car’s radio back and forth from one station to another searching for news broadcasts, shouting obscenities at broadcasters who said something with which he didn’t agree. He was constantly sounding his horn to get other drivers out of his way—if they didn’t move aside quickly enough, he would lean out the window and curse them; passing them on their right, he would bang his big left hand down on the outside of his car to startle them. [Caro, Robert A., *Master of the Senate: The Years of Lyndon B. Johnson*, Alfred A. Knopf, 2002, page 140. His source was: Healy, Patrick F., “The Frantic Gentleman from Texas,” *Saturday Evening Post*, May 19, 1951]

Now, his commuting years were over. The Secret Service and police would keep his limousine moving.

Still unresolved in December 1963 was how Montgomery County motorists would commute between home and their jobs in the District. The congressional freeze on freeway construction in the District’s northwest quadrant was to be in effect for another 2 years, so time remained to find a solution.

For many motorists, the planned I-70S western leg entrance along the Potomac River was impractical because it involved an indirect route between suburban homes and jobs in the District. Officials were still considering the Wisconsin Avenue corridor for the North Leg of the Inner Loop to carry the eastern leg of I-70S, but the affluent, heavily populated area seemed an unlikely place for an eight-lane freeway. Even so, NCTA had identified the corridor for upgrading with grade separated intersections to speed traffic.

The North Capitol Street corridor east of Rock Creek Park appeared to have fewer negatives. NCTA endorsed the corridor for a freeway and rail line from Silver Spring because the road could be built along the Baltimore and Ohio Railroad tracks to minimize disruption of neighborhoods already separated by the trains. In January 1963, Donald Gingery of the Maryland-National Capital Park and Planning Commission called this idea “impractical nonsense.” He said, “You simply can’t funnel all traffic down one corridor. If it has to carry traffic from Rte. 70-S, the proposed northern parkway and other main arteries, it will take 28 lanes to get it through Silver Spring.” Moreover, the plan to merge I-95 traffic within the District with the corridor would add to the traffic volumes. [Kendrick, Thomas R., “Planners Critical of NCTA Idea,” *The Washington Post and Times Herald*, January 24, 1963]

In April, BPR Deputy Administrator Mickle called for “a work session” among Maryland, District, and BPR officials to resolve location issues. Chairman Funk sent a telegram to Maryland planning officials urging them not to take any action on the Wisconsin Avenue corridor before the meeting:

It is my opinion that these meetings will clear up the questions involved in Route Interstate 95, the north central corridor and the Wisconsin avenue corridor as they affect

Montgomery and Prince Georges' Counties and the District of Columbia. ["Parley Called On Maryland Road Routes," *The Evening Star*, April 4, 1963]

During the meeting, BPR asked Aitken to consider a change in the District's plan to build I-95 to intersect I-70S in the vicinity of Catholic University. From there, the joint freeways would follow the Center Leg. BPR suggested considering an intersection of I-70S and I-95 in the Montgomery County suburbs before entering the District from Silver Spring. According to the *Post*:

Aitken is not receptive to the Bureau's suggestion. He pointed out that it has been almost five years since the city began laying out the Northeast Freeway and that the route has been endorsed by the National Capital Planning Commission and also fits in with the plan of the National Capital Transportation Agency.

"It doesn't make much difference to us what they do in Maryland," Aitken said. "But any change here in the District would mean we'd have to throw away five years of planning."

Maryland highway officials were considering whether a shift of I-95 to the west would be advisable. Chief Engineer David H. Fisher said, "we are wondering if we could better serve some of the growth taking place further west." [Clopton, Willard, "Maryland Planners Weigh Relocation of Interstate Route," *The Washington Post and Times Herald*, April 22, 1963]

As will be discussed, Funk negotiated with BPR and NPS to designate the Baltimore-Washington Parkway as I-95. He would reconstruct the NPS portion for truck use and provide a link to New York Avenue in the District. This plan, which had the advantage of limiting the taking of homes and businesses, was abandoned in mid-1963, leaving Maryland and District officials to continue debating how to get I-95 traffic between the Capital Beltway and the Inner Loop.

In November 1963, the Maryland State Roads Commission issued its preliminary 5-year construction program. It omitted the North Central Freeway south from the Silver Spring-Wheaton area, a link between I-70S at Pooks Hill and the District, and the first leg of the planned Outer Belt connecting I-70S to the North Central Freeway. No routes had yet been selected for the expressways, but the Maryland State Roads Commission had included them in August in a list of 48 critically needed projects.

After seeing the omissions, the Montgomery County Council voted unanimously to ask Governor Tawes to intercede with the legislative council, meeting in Baltimore, to defer action until the three "vitally needed" expressways were reconsidered. County Public Works Director Joseph C. Kordella said that Chairman Funk "repeatedly supported the 1959 Transportation Plan," but had "virtually ignored its major elements" by dropping the three expressways from the 5-year plan. [Kendrick, Thomas R., "State Road Plan Omits 3 Major Area Highways," *The Washington Post and Times Herald*, November 17, 1963; Christmas, Anne, "County Urges Tawes to Save Road Projects," *The Evening Star*, November 27, 1963]

During the meeting on November 27, Delegate James R. Miller, Jr., of the county's delegation, told Funk, "If these roads were needed in August, they certainly are needed now." Funk

explained that he dropped the three expressways because District officials had not yet pinpointed where I-70S or the North Central Corridor would enter the city. He offered to include them in the plan as “footnote items” to be revived pending District decisions and the availability of funds for future work. Miller replied, “This seems reasonable and I hope it will speed up action in the District.” [Rowland, James B., “Road Projects Put on ‘Critical’ List,” *The Evening Star*, November 18, 1963]

*Star* editors agreed with “the howls of protest from county officials,” saying they were “entirely justified.” Leaving the projects out of the 5-year plan had “shortchanged the citizens of Montgomery unconscionably.” No project in the State was “more urgently needed than the north-central route.” True, the alignment had not been determined. However, Maryland, the District, and BPR had funded a \$350,000 consultant study on the issue, with the results due in January. If agreement could be reached, construction might begin sooner than 5 years if, that is, Funk was determined to do so. Relegating the items to footnotes raised questions about how hard Funk would fight to secure agreement on an alignment and get construction underway. What was needed was for Maryland, the District, and BPR “to drum up enough courage to face jointly difficult problems involved in locating freeways which cross jurisdictional lines in the Washington area. [“Footnote Items,” *The Sunday Star*, December 1, 1963]

Reacting to the dispute, Senator Beall called a meeting in his office on August 10 to discuss the issue just 2 hours before the Maryland-National Capital Park and Planning Commission held a public hearing on the I-70S western leg along the Potomac River Palisades. In addition to Funk, Governor Tawes’ representative, and State legislators, Senator Beall had invited BPR and District representatives to the meeting.

Following defeat of the bobtail plan the day before, Senators Beall and Daniel B. Brewster (D) asked participants what Congress could do to resolve the disputes between Maryland and the District over freeway links. Funk, Engineer Commissioner Duke, and Administrator Whitton suggested repealing the freeze on freeway construction in the northwest quadrant. The two Senators and Representatives in the meeting said they would consider legislation to reverse the freeze.

The highway officials also expressed doubts about the proposed Palisades Freeway, subject to the freeze, that would be presented to a public hearing later in the day. Whitton offered “a personal opinion” that he did not think that building an expressway would be possible parallel to the George Washington Parkway that NPS had under construction. [“Attack Considered On Freeway Freeze,” *The Evening Star*, December 10, 1963; Eisen, Jack, “House Vote Stirs Plans For Roads,” *The Washington Post and Times Herald*, December 11, 1963]

The Maryland-National Capital Park and Planning Commission had only recently begun considering the Palisades Freeway. Three weeks after ordering a study, the commission released a report on November 11 explaining that the county needed more than one entrance (North Central Freeway) to the District. The report said the \$11.4 million freeway would run from the Capital Beltway along the Potomac River from Cabin John Creek Valley west of Bannockburn, under MacArthur Boulevard, through and virtually erasing the old community of Glen Echo west

of the Glen Echo Amusement Park. The freeway would connect to the proposed Rosslyn-Georgetown bridge downstream from Key Bridge before linking with the Inner Loop.

Because the freeway would carry trucks, the route would be eligible for Interstate designation and 90-10 Federal-State funding. It also would remove the need for a freeway in the Wisconsin Avenue corridor. Funk, who had not read the report, said that J. E. Greiner, already studying the routing of the North Central Freeway, would also study the new proposal for a Potomac River entrance. [“Consultants to Review Palisades Freeway Plan,” *The Evening Star*, November 12, 1963; Eisen, Jack, “\$11.3 Million Palisades Freeway Outlined by Maryland Planners,” *The Washington Post and Times Herald*, November 12, 1963]

The *Post* summarized the December 10 public hearing by saying, “Montgomery County citizens, who have been building up steam against the proposed Palisades Freeway, gave the plan a tongue lashing yesterday.” The central criticism was that the freeway was not needed because it would parallel the George Washington Parkway. The critics rejected the commissioners’ explanation that the freeway was needed to carry the trucks that were banned from the parkway. The Potomac Valley League representing 14 civic groups pointed out that on the existing I-70S, trucks comprised 11 percent of traffic, but only 3 percent of the trucks would use the Palisades Freeway according to studies by the planning commission’s staff. Further, the freeway, if built, would result in “unthinkable congestion at the intersection where the Potomac Freeway will join the inner loop in the District.” A letter from NPS Director Wirth, introduced into the record, criticized the plan and favored the Wisconsin Avenue corridor.

The result, the *Star* indicated, was that the Palisades Freeway “appears to be scuttled.” Commission Vice Chairman Brewer said after the public hearing that he was “bloody and bowed.” He said he would support a proposal by Commissioner Caroline Freeland to revive plans for a routing along the western fringe of Rock Creek Park. [Tuck, Lon, “Palisades Citizenry In Arms Over Road,” *The Washington Post and Times Herald*, December 11, 1963; Segraves, John, “Palisades Interstate Route Appears to Be Scuttled,” *The Evening Star*, December 11, 1963]

On December 18, the Maryland-National Capital Park and Planning Commission adopted the Freeland resolution dropping the Palisades Freeway from its plans. To find an alternative route, the commission planned to work with the Maryland congressional delegation to end the freeze on freeway construction in the northwest quadrant. The resolution also urged President Johnson to ask for Stolzenbach’s resignation as NCTA Administrator. [“Major Planning Shifts Faced in Montgomery,” *The Evening Star*, December 18, 1963; Tuck, Lon, “Planners Drop Palisades Route,” *The Washington Post and Times Herald*, December 19, 1963]

The Maryland congressional delegation introduced legislation on December 18 to lift the northwest freeway freeze. It had been put in place in the expectation that construction of rail rapid transit would begin during that period and reduce or eliminate the need for freeways in the area. Citing House rejection of the bobtail plan, Senator Beall said, “Recent events foreshadowed great difficulty for any attempt to construct a rapid rail transit system in the District. We must therefore re-examine the effects of this freeze on highway planning.” With the Palisades Freeway rejected, the focus was on the North Central Freeway to carry I-70S traffic

into the District, but Senator Beall emphasized he was not specifically supporting that alternative, or even the lifting of the freeze. They wanted early hearings on the bill “to reevaluate the results of this highway construction ban, both in the District of Columbia and in our own State of Maryland.”

The Washington area, he said, faced critical transportation problems. As population and traffic increased, “the situation will worsen unless we have imaginative traffic and transit research and planning now.” He continued:

We need rapid mass transit and we need an expanded but sensible highway program. We are not likely to get either by restricting the highway and transit experts and denying them the tools they need to meet present and future transportation needs. [Eisen, Jack, “Bill Would Lift Freeze on D.C. Highway Jobs,” *The Washington Post and Times Herald*, December 19, 1963; “Bill Proposed to Lift N.W. Freeway Ban,” *The Evening Star*, December 18, 1963; Amendment of National Capital Transportation Act of 1960, *Congressional Record-Senate*, December 18, 1963, page 24949]

With a Potomac River entrance for the I-70S western leg remaining in doubt, those hoping for an eastern leg along the North Central Freeway faced doubts. BPR’s chief engineer, Francis C. “Frank” Turner, pointed out that BPR had not approved the North Central Freeway for I-70S. The decision on Interstate status depended on a study underway by the J. E. Greiner Company for the District and Maryland highway departments. Eisen wrote of Turner’s statement:

From the standpoint of Federal officials, one big question is whether interstate truck and auto traffic approaching Washington from the northwest [on I-70S in Maryland] ought to be diverted over the Capital Beltway from Pooks Hill, Bethesda, eastward to Silver Spring before heading southward into Washington. [Eisen, Jack, “Long Delay for Freeway Seen in Stalled Approval of 70-S,” *The Washington Post*, December 26, 1963]

As reflected in the Policy Advisory Committee’s report, the District was planning to mitigate freeway impacts by building some segments in tunnels, trenches, or elevated designs with joint use of the air rights above or below them for other desired community assets, such as buildings, playgrounds, plazas, and arcades. By year’s end, the District was working on such a plan for the Center Leg, although the city had not yet decided on the best occupants for the air rights. [Eisen, Jack, “Up in the Air,” *The Washington Post and Times Herald*, December 26, 1963]

The District received good news on December 30, 1963, when Representative Carl Vinson (D-Ga.) of the House Office Building Committee, agreed to a plan for building the Center Leg Freeway in the Third Street corridor in a tunnel further west of the Capitol and one block longer than originally planned. Representative Vinson said he would recommend the plan to the other members of the committee: Speaker of the House John W. McCormack (D-Ma.) and Representative James C. Auchincloss (R-NJ). With their support, they would introduce a bill authorizing the tunnel.

According to General Duke, Representative Vinson agreed to the plan the Sunday before Christmas after touring the site. The Engineer Commissioner said the agreement was “very

encouraging,” but several steps, including congressional approval, remained before design and construction could begin. [Flor, Lee, “Mall Freeway Tunnel Gets Vinson Approval,” *The Evening Star*, December 31, 1963; Eisen, Jack, “Inner Loop Mall Tunnel is Approved,” *The Washington Post and Times Herald*, December 21, 1963]

## D.C. Freeway Revolt and the Coming of Metro

### Part 3 The Citizens' Revolt

#### Table of Contents

The Pressure of a Deadline .....	4
Farewell to Harold L. Aitken .....	5
A New President .....	8
Chairman Natcher's Concerns About Decisionmaking .....	11
Congress and the Center Leg .....	14
The District's Funding Deficiency.....	18
Opening the Theodore Roosevelt Bridge.....	25
The Center Leg and the Capitol Grounds .....	28
Final Action on the Center Leg Vehicular Tunnel.....	38
The Georgetown-Rosslyn Bridge.....	43
Reactions to the Bridge Report .....	47
The Joint Public Hearing .....	55
The Freeze.....	59
Getting I-70S into the City.....	60
The Emergence of Sammie Abbott.....	64
Public Hearing on the North-Central Freeway.....	67
"For the Foreseeable Future" .....	77
The Public Has a Say - Again .....	80
Reviving the Rail Rapid Transit Option in 1964 .....	84
The Urban Mass Transportation Act of 1964 .....	93
Problems for the South Leg .....	98
The Strange "Directive".....	104
A New Direction for the South Leg.....	118
Another New Plan for the South Leg.....	122
Breakthrough on the North Leg .....	129
NCTA Prepares for 1965 .....	131
President Johnson Jump Starts the Plans .....	142
The 1965 Interstate Cost Estimate .....	149
North-Central Freeway Study .....	158
Rapid Rail Transit Gets a Hearing – Day 1.....	168
Rapid Rail Transit Gets a Hearing – Day 2.....	176
Rapid Rail Transit Gets a Hearing – Day 3.....	186
Rapid Rail Transit Gets a Hearing – Day 4.....	188
E Street Expressway.....	205
East Leg Advances.....	212
The Tunnel in the Sky.....	215
Under the Potomac River Freeway .....	222
The Potomac Crossing .....	226
Walter J. McCarter To The Rescue.....	231
D-Day for Transit.....	240

Senate Review.....	254
To the Senate Floor.....	274
District Home Rule.....	281
Chalk and the Fare Increase.....	285
The D.C. Revenue Act.....	289

### **Part 3** **The Citizens' Revolt**

From the 1940s through the early 1960s, the District's freeway plans were a source of battle among agencies. Citizen associations kept the pressure on the agencies to settle their debates, with many associations fighting to block the planned freeways.

By the end of the 1950s, citizen protests against urban Interstates were taking place around the country. The objections to each freeway were unique to the location, but had much in common from city to city. Homeowners did not want to lose their homes or neighborhoods. Business owners did not want to lose their livelihood. African Americans, still typically called Negroes, fought against efforts to divide their neighborhoods with freeways. In a period before Federal highway law authorized the "just compensation" called for in the Fifth Amendment of the Constitution, protesters hardened in their opposition.

How citizens protested differed based on geographic and income levels, as illustrated in Washington. George Lardner, Jr., in his new *Washington Post* "Potomac Watch" column, described the difference in December 1964 by describing citizen protesters in upper income northwest and lower income northeast Washington neighborhoods:

In the Northwest, protectors of the status quo use phone calls, first names, and chats at the country club.

On the other side of town, they use picket signs, jeers and letters of protest.

[Lardner, George, Jr., "The Game in Upper Northwest," Potomac Watch, *The Washington Post and Times Herald*, December 28, 1964; the column was originally called "Watch on the Potomac."]

(*Post* editors had asked staff reporter Lardner, who covered national and local topics, to write a 5-day-a-week column on urban affairs involving the District, Maryland, and Virginia. His columns began on December 21, 1964, and provided interesting sidelights and insights into the news of the day, and will used for that purpose in this history of the Washington area's transportation battles. The first column, to be discussed later, was about the North-Central Freeway. Lardner continued the column through January 1966, but finding it too confining in subject matter, returned to general reporting. The *Post* continued the column with other reporters.]

Roadbuilders fought back with public relations campaigns on the theory that if people understood the benefits they would gain when the urban Interstate networks were complete, supporters would drown out the critics. However, the growth of the environmental movement accelerated after publication of Rachel Carson's *Silent Spring* (1962), in which the author demonstrated how human action, such as deploying chemicals, affected the environment. The revitalized movement, previously focused on conservation, gave critics a new front to oppose highways. At the same time, the Civil Rights Movement was shaking the established order, increasing opposition to freeways through minority neighborhoods, and providing a template for anti-

highway protests. Soon, protests against the Viet Nam War, added to the growing acceptance of fighting governments – and the view they were not telling the truth.

In the view of the impassioned citizens and other critics, freeways could not be improved. They had to be stopped. The ideal alternative was rail rapid transit focused on subways.

In the District, with its built-in network of official critics, the battles continued as public objections escalated.

### **The Pressure of a Deadline**

President Eisenhower had proposed a program based on issuing bonds to pay upfront for completion of the Interstate System in 10 years. Congress, opting to employ highway user tax revenue credited to the new Highway Trust Fund on a pay-as-you-go basis, authorized Interstate construction funds through FY 1969. Those final funds would remain available through FY 1971 – the intended final year of the program. The goal was to apportion the funds on a needs basis to complete the Interstate System in every State around the same time at program's end.

The Federal-Aid Highway Act of 1961 authorized additional funds for Interstate construction through FY 1971, with the funds to remain available for expenditure through FY 1972. As a result, BPR and State highway officials were well aware that 1972 was the program's deadline.

Administrator Whitton made the deadline clear to State highway officials during his address to the annual meeting of AASHO in December 1962. The half-way point in the Interstate program, he said, was 1964. Therefore, he challenged the assembled State highway officials to get at least 50 percent of the 41,000-mile Interstate System open by the end of that year. With 13,100 miles open (including 2,300 miles of toll facilities incorporated into the System) and 4,900 miles under construction, he considered the 50-percent completion goal attainable.

Whitton urged State highway officials to focus on “those projects that will link up continuous, long route sections, especially those connecting the larger cities.” Those segments not only would make big contributions to achieving the 50-percent goal by the end of 1964, but would “best demonstrate to the public the benefits of the system,” including time saved and improved safety.

Whitton made the point again when he addressed AASHO in October 1963:

We have a task before us—a task which is definite in its scope—a task which lends itself to orderly accomplishment if approached under an orderly program . . . . I believe every State can do it. But those States which fail to finish on time may well face what in effect amounts to a financial penalty. If only the ABC Federal-aid program continues after 1972 [referring to funds for the Federal-aid primary, secondary, and urban systems], the uncompleted parts of the Interstate System will have to be finished with 50-50 matching Federal-aid, instead of 90-10.

Even if the Congress provides for some sort of extension of the Interstate System program after 1972, it may well be at less than the 90-10 matching ratio. It might be 70-30, or 60-

40 as it was [for Interstate projects] just before the 1956 Act. Certainly it is quite possible that Congress may not see fit again to offer 90 percent Federal aid. So work not completed under the existing law may have to be built under a program with less favorable financing arrangements at the State level. The best insurance against this happening, of course, is to finish this program on schedule.

Whitton estimated that the final construction contracts must be awarded during 1970, at the latest, to ensure 90-percent reimbursement as late as 1972.

As Whitton had testified during congressional hearings in 1963, the District did not have any “continuous, long route sections.” Its nearly 29 miles of designated Interstates included only short sections. As of the end of 1963, the status of the District’s Interstate network was:

- Engineering or right-of-way: 3.3 miles
- Under construction: 5.6 miles
- Improved to standards adequate for present traffic: 1.9 miles
- Completed to full or acceptable standards: 2.4 miles
- Preliminary status or not yet in progress: 15.4 miles.

[“Improvement Status of System Mileage as of December 31, 1963,” Table I, Quarterly Report on the Federal-Aid Highway Program (as of December 31, 1963), news release, Bureau of Public Roads (BPR 64-9), February 7, 1964]

The city’s longest route, I-95, was 8.9 miles long, but the Southwest Freeway was the only open segment. The Southwest Freeway was instructive. As part of redevelopment of the southwest quadrant, the District had removed longstanding lower-income, minority neighborhoods. The mass clearance left room for the Southwest Freeway without protests from citizens who already had been uprooted or businesses that had been torn down.

Much of the mileage that was not open or in an active status was controversial. The District had no choice but to plan on building this mileage in the midst of populated, close-knit District neighborhoods that did not want to be disrupted. Nevertheless, these segments, too, were subject to the completion date specified by Congress.

### **Farewell to Harold L. Aitken**

On November 19, 1963, Harold L. Aitken announced his plan to retire on December 20:

A person in public life with a job like mine inevitably meets with resistance from various groups and I consider that it would be in the best interest of the District to retire and let a new man come in. I hope, for the sake of the city, it can resolve the transportation situation because if it doesn’t it is going to be in trouble.

Aitken was 55 years old, having met the retirement age in May, but he could have remained in the position for many years. (The mandatory retirement age was 70.) He said, however, that now was “an opportune time” to step down. He did not say so, but observers in the District Building and reporters interpreted his decision as being a result of frustration. He told reporters,

“It’s just a combination of things. At best, this job isn’t an easy one in terms of winning friends and accomplishing objectives.”

Engineer Commissioner Duke called Aitken’s departure “a great loss to the District.” He added, “He is a very strong, experienced man. I’m wondering how we’re going to fill the gap.” He had not yet begun the search for a new Director. [Schuette, Paul A., “Aitken Resigns as Chief of D.C. Highway Dept.,” *The Washington Post and Times Herald*, November 20, 1963; “Aitken Plans to Retire As D.C. Highway Chief,” *The Evening Star*, November 19, 1963]

A *Star* editorial referred to Aitken as “an able, conscientious highway director” and said his loss at this critical time “is regrettable.” The editorial reflected the widespread view of why Aitken was retiring:

Obviously he is discouraged . . . by the series of political stalls and setbacks which have brought the freeway construction program to a virtual standstill. And we suspect, although he had nothing to say about it, that the final straw was the recent agreement by the President’s Policy Advisory Committee on the Three Sisters Bridge and the inner loop freeway.

The editorial acknowledged that the goal of the advisory committee was “to overcome political objections, and to minimize the disruptive impact of the highways.” However, studying the new location for the bridge, between Key Bridge and Roosevelt Island, meant further delay. This did not mean “the highway program is going down the drain”:

If the modifications do not pan out, however, these projects will still have to be built, perhaps as they were proposed initially by the Highway Department . . . . This is the point on which the Commissioners, as the policy makers of the city, must not waver.

More than ever, they will “need a strong highway director on whose judgment they can rely to make the right decisions.” [“Mr. Aitken Departs,” *The Sunday Star*, November 24, 1963]

Aitken left office on December 7, having taken “terminal leave” until his official resignation on December 20. Jack Eisen visited Aitken in his office:

Aitken plucked a collection of plaques and awards from the walls of his office, put a few final papers in the out-basket of his uncluttered desk and departed Thursday on terminal leave before taking a new, as-yet-unannounced job.

His friends, Eisen wrote, were not surprised by his departure:

They report that events of the past several months pushed him beyond the boiling point. Some break seemed inevitable.

The big explosion was over freeways and rapid transit. Aitken, who believes with an evangelistic fervor in the benefits of urban freeways, was indignant at suggestions that roads be curtailed to benefit rail rapid transit patronage.

He had little patience with the generalization that freeways, being disruptive, are bad. Failure to build modern roads, he feels, would bring economic stagnation to Washington as surely as building a wall around it.

Like many observers, he was concerned by how the city was governed. Authority and responsibility were scattered among agencies that answered only to the President, who had other things on his mind for the most part:

Aitken's friends say it was not restraints as such that triggered his ultimate frustration, but the uncertainties and interminable bickering invited by the labyrinthine organization.

Of course, he had critics:

Aitken's critics reply that the retiring highway director had too great a sense of his own rightness, was given too frequently to seeking speedy approval for fragments of a program without fitting these into a meaningful pattern.

The pending issues might have been resolved if not for NCTA's decision to oppose the Three Sisters Bridge and downgrade the North Leg of the Inner Loop Freeway:

But NCTA found firm friends at the White House. The late President Kennedy's endorsement of its transit program and his order that the disputed interstate links be restudied muffled official criticism. A new District Engineer Commissioner, Brig. Gen. Charles M. Duke, was reportedly given clear orders on the subject.

Duke's first major task was to preside over sessions of the special, top-level restudy panel. It recommended a bridge in a new location and the maximum possible use of tunnels for the Inner Loop's North Leg.

His friends say Aitken felt that the new bridge scheme created more problems than it solved, and that the panel's inconclusive language on the North Leg was an invitation to protracted bickering.

A week later, he announced his resignation. "The job will be hard to fill." The District lost "a skilled highway builder, a precise engineer, a hard-working department administrator":

What is needed is someone who is all these things—and, unlike Aitken, a diplomat, a political operative and an image-maker as well. [Eisen, Jack, "A Man and His Frustration," *The Washington Post and Times Herald*, December 8, 1963]

Aitken's deputy, 57-year old Thomas F. Airis, was named Acting Director of the District Highway and Traffic Department.

On February 14, General Duke announced that after considering 76 applicants, the Board of Commissioners had chosen Airis to be Director. The commissioners "place great importance on getting along with other agencies," and they concluded that the soft-spoken Airis was "exceptionally skillful" in that regard. As acting coordinator for District mobilization in snow

emergencies, Airis had experienced three “pretty good snows” to deal with. “He’s done such a fabulous job,” General Duke said with a smile, “I kind of hate to take it away from him.

Airis, a native of Eau Clair, Wisconsin, graduated with a civil engineering degree from the University of Wisconsin. In 1929, he became a civilian employee of the U.S. Army Corps of Engineers in Detroit, but was called to active duty with the Corps in World War II and the Korean War. He met his wife, Marcia Morse, while in charge of rehabilitating the road network of northern Greece. He, his wife, and three children lived at 10119 Gary Road in Potomac, Maryland.

After working on the U.S. section of the St. Lawrence Seaway, Airis joined the District’s Department of Highways and Traffic as deputy director in 1959. Like Aitken, Airis was pro-highway, but in an interview after the announcement of his promotion to Director, he said he believed strongly in comprehensive transportation planning. Bus usage should be encouraged, he said, and as for rail transit, “I don’t think that’s up to me.” The District’s highway program was “predicated on a mass transit program, and if there isn’t going to be a rapid transit program, something’s got to be done about beefing up in other quarters.” [Flor, Lee, “Airis Named Director of District Highways,” *The Evening Star*, February 14, 1963; Eisen, Jack, “Airis Promoted to Highway Chief; Backs Over-All Transit Program,” *The Washington Post and Times Herald*, February 15, 1964]

On April 8, Airis announced that Richard Dana Wallace would be the new Deputy Director. Wallace, who had been chief of construction and maintenance since 1959, was a native of the District, having graduated from Western High School and received a civil engineering degree from George Washington University in 1941. He lived in McLean, Virginia, at 205 Guilford Court. [“Road Director Names Deputy,” *The Washington Post and Times Herald*, April 9, 1964]

## **A New President**

The presidential election year of 1964 had begun on a promising note for those hoping the freeway and rail transit battles could finally be resolved. On January 21, 1964, President Johnson sent his annual message to Congress on the District of Columbia’s budget. The section on transportation began:

The Administration and the Congress have been wrestling with the transportation problems of the District for many years. While some progress has been made, I hope for further progress during the coming year.

A major barrier had been surmounted, he said, when the District Commissioners accepted the Policy Advisory Committee’s November 1963 recommendations for “an additional central city Potomac River crossing and an interstate connection making maximum use of tunneling across the north central part of the District.” President Kennedy had accepted the recommendations “and they likewise have my approval.”

While location and design remained to be worked out, the breakthrough justified inclusion of funds in the budget for “major additional segments of the urgently needed Interstate System in the District.” The need was, indeed, pressing:

The financing of the construction of the Interstate System requires immediate attention. The System must be completed by 1972.

To meet growing needs, President Johnson proposed a loan authorization for the District’s highway fund of \$35 million in addition to the \$50.2 million already authorized. He also supported the District commissioners’ plan to request approval of a penny increase in the city’s 6-cent gasoline tax to provide \$2 million annually, “a sum sufficient to retire the \$35 million loan in 30 years.”

The FY 1965 proposal called for a District highway construction and planning budget of \$14.5 million. With a Federal matching share of \$48.4 million, the District’s highway construction outlay would be \$62.9 million. The budget included funds for:

- Planning to put 14<sup>th</sup> Street in a tunnel or depressed expressway under the National Mall – District share: \$300,000/Federal share: \$300,000.
- Planning to replace the superstructure of the 14<sup>th</sup> Street Bridge to handle reversible lanes on Shirley Highway - \$30,000/\$270,000.
- West section, North Leg Freeway - \$597,000/\$5,373,000.
- Central section, North Leg Freeway - \$80,000/\$720,000.
- East section, North Leg Freeway - \$423,000/\$3,807,000.
- Center Leg Freeway - \$1,450,000/\$13,050,000.
- North-Central Freeway - \$300,000/\$2,700,000.
- Georgetown-Rosslyn bridge - \$250,000/\$2,250,000.
- East Leg Freeway - \$1,000,000/\$9,000,000.
- 9<sup>th</sup> Street Expressway - \$2,200,000/\$3,000,000.
- Intermediate Loop - \$1,700,000/\$1,700,000.
- 11<sup>th</sup> Street Bridge - \$165,000/\$1,465,000.

After more than 10 years of study, President Johnson said, the problems of providing rail rapid transit had not yet been resolved. After all this study, what was clear was that “such a system is a critical necessity if intolerable traffic congestion is to be avoided.” He was certain that Congress agreed:

The recent recommittal of H.R. 8929 to the House District Committee demands a redoubling of efforts to find an acceptable program which will permit a transit development plan to proceed. I have instructed the National Capital Transportation Agency, together with other Federal agencies, to work with affected local jurisdictions to that end. I am confident that the Congress agrees on the need, and I trust that an acceptable program can be formulated at this session of the Congress.

His message concluded:

A comprehensive transportation system must, of course, be the result of joint efforts between the District and its neighboring jurisdictions. Indeed, the Congress has conditioned continuing Federal assistance in highway development in urban areas after mid-1965 on the existence of such cooperation. Many other local problems, too, extend beyond the District's boundaries, just as many problems in the suburbs cannot efficiently and economically be solved without the full cooperation of the District. I intend to give my full support to the development of cooperative efforts to meet these regional problems and to provide for the orderly development of the National Capital Region.

While encouraging Congress to advance rapid transit legislation, President Johnson proposed cutting NCTA's budget in half. Officials of NCTA could not say, initially, how the cut would affect the agency's staff of about 60. [Flor, Lee, "Johnson Indorses Rapid Transit Here," *The Evening Star*, January 21, 1964; "President Backs Gasoline Tax Boost," *The Washington Post and Times Herald*, January 22, 1964]

(President Johnson also called for construction of a building for the Housing and Home Finance Agency, which at the time was scattered among several buildings. The building would be located at 7<sup>th</sup> and D Streets in the redeveloped southwest quadrant of the city. The President also recommended creation of a Department of Housing and Community Development, his version of President Kennedy's Department of Urban Affairs and Housing, an idea that Congress had not supported.

(On September 9, 1965, President Johnson signed the Department of Housing and Urban Development Act, creating the new department. It would move into the building the President had recommended for the housing agency at 451 Seventh Street, SW., across the street from the privately owned building that would be the rented headquarters of the U.S. Department of Transportation by the end of the decade. ["Johnson Asks Better, Fewer New Buildings," *The Evening Star*, January 21, 1964; Horner, Garnett D., "President Asks Cabinet Post For Housing," *The Evening Star*, January 21, 1964])

On April 14, 1964, Administrator Whitton confirmed the following District routes and descriptions for ICE purposes:

66 – From the District of Columbia-Virginia line eastward via the Theodore Roosevelt Bridge crossing of the Potomac River to a junction with FAI Route 695, thence northward and eastward to a junction with FAI 95.

70S – From the District of Columbia-Maryland line to a junction with FAI Route 95.

95 – From the District of Columbia-Virginia line at the south end of the 14<sup>th</sup> Street Bridges northeasterly to the District of Columbia-Maryland line enroute to Baltimore.

266 – From the District of Columbia-Virginia line in the vicinity of Key Bridge to a junction with FAI 66.

295 – From the District of Columbia-Maryland line in the vicinity of Oxon Run northward to a junction with FAI Route 695, thence easterly and northerly to a junction with FAI Route 95.

495 – On the Woodrow Wilson Bridge from the District of Columbia-Virginia line to the District of Columbia-Maryland line.

695 – South leg of Inner Belt from FAI Route 66 at the east end of the Theodore Roosevelt Bridge, to FAI Route 295 in the vicinity of 11<sup>th</sup> Street, SE., excluding the portion coincident with FAI Route 95.

This list adopted the routing of I-70S on the North-Central Freeway from the District line to the link with I-95 (Northeast Expressway). The two routes would follow the same freeway from the link to the Inner Loop.

By August 1, 1964, the District had to turn in an estimate of the cost to complete the remaining mileage for BPR's 1965 ICE. BPR could drop routes it did not believe could be completed on time. District officials, therefore, had to convince BPR to leave the controversial segments in the ICE, and then had to overcome the many obstacles to beginning construction by 1969.

### **Chairman Natcher's Concerns About Decisionmaking**

Chairman Natcher had been concerned by NCTA's November 1, 1962, report to President Kennedy. The routes NCTA wanted to abandon were part of the Interstate System and as such, he thought they should be built.

As Congress got back to business in 1964, Chairman Natcher began hearings on the District's appropriations act for FY 1965. On February 5, Engineer Commissioner Duke, Director Airis, and other highway officials appeared before his subcommittee. Near the start, Chairman Natcher said he knew that at some point, Airis would bring up matters involving the freeway system:

As you have heard me say on more than one occasion, that certainly I am against any program that has for its purpose the stopping of our highway program in the District of Columbia. For some 3 years now I have believed that any program that attempted to do this would fail.

Although he believed the District of Columbia needed rapid transit and the present highway program, he was not surprised when the House rejected the bobtail plan 2 months earlier. "I thought it was a serious mistake to proceed as they proceeded." He did not blame the District's highway officials. "As you know, it pertained to those in the other groups and agencies, and I thought the action of the House of Representatives was correct."

Airis summarized the status of key freeway segments:

- Theodore Roosevelt Bridge and approaches: construction was underway with completion "no later than mid-1964." Initial service would be limited to connections with Constitution Avenue and the George Washington Parkway. "The additional service will

have to await completion of our E Street Expressway, which is now under construction and is scheduled for opening in late 1965, together with the remaining Virginia connections.”

- Potomac River Freeway: North of the Roosevelt Bridge, construction was underway on the G Street Tunnel. When it is completed in early 1966, it will provide a connection with the Roosevelt Bridge complex to the north. Another portion of the freeway, including its K Street interchange, was under construction. Major work would be finished in late 1964, with additional contracts needed to complete the facility.
- Central Potomac River Bridge: This name referred to the successor of the Three Sisters Bridge. In accordance with the Policy Advisory Committee’s recommendations, the District and Virginia had concluded arrangements with a consultant to study the new location. “Two locations are being studied, one above and one below Key Bridge, and we are optimistic now about moving the project off ‘dead center’ soon after our study is completed.” Airis added, “We think we will.”
- South Leg of Inner Loop: The South Leg included a tunnel under the Lincoln Memorial grounds, a center section that contained a tunnel in the Tidal Basin area, and an interchange on the eastern end with the 14<sup>th</sup> Street corridor and the Southwest Freeway. NPS and BPR, which were responsible for the western and central segments, were preparing PS&E documents to advertise for bids. The city was responsible for the interchange, which was “practically designed.”
- Center Leg Freeway: The Board of Commissioners had approved a design for the Center Leg between Constitution and Massachusetts Avenues, NW. With tentative congressional approval of a tunnel under the Capitol and U.S. Botanic Garden grounds, the city now had an acceptable plan for tunneling under the Mall. “As a result we have now targeted design for the entire section north of the center leg all the way to Massachusetts sometime this year.”
- Southwest Freeway: Completed and put in operation as far as South Capitol Street, including the Center Leg connection.
- Southeast Freeway: Construction was underway as far east as 6<sup>th</sup> Street, SE., with completion by mid-1964. Temporary ramps were to be provided for the street system until the city could complete the freeway beyond 6<sup>th</sup> Street.
- Interchange “C”: A study was underway for a modified interchange and connections to the Sousa and 11<sup>th</sup> Street Bridges. The goal was to begin design and preparation of the PS&E in the spring. “Construction should begin next year.”
- Anacostia Freeway: On the east side of the river, the freeway connects the Baltimore-Washington Parkway with the Capital Beltway at the District’s southern border via the Kenilworth interchange. “It will syphon off a sizable percentage of through traffic, including truck traffic that now traverses the Washington streets, particularly Third Street just west of the Capitol. The freeway was in use between the Naval Air Station and the Pennsylvania Avenue interchange. “The main facility will be opened for use by mid-1964.”
- 11<sup>th</sup> Street Bridge: Construction was underway on the first of a pair of spans. When it opens in late 1964, work would immediately begin on the second structure.
- East Leg of the Inner Loop: Negotiations with a consultant were concluding for a route study along the west bank of the Anacostia River. “The study is targeted for completion

by the end of this year, with the intention of moving to public hearings and design stages in early 1965.”

- Northeast North-Central Freeway: A consultant study was nearing completion. The city hoped to have a recommended plan in the spring for presentation during a public hearing and NCPC review. “We plan to be able to start design by mid-1964.”
- North Leg of the Inner Loop: In accordance with the Policy Advisory Committee’s recommendations, the District was preparing a scope of work for a planning study for the west segment. “Studies will be targeted for completion by the end of 1964, with the expectation of securing approval rapidly thereafter, so that we can proceed to design by early 1965.” [District of Columbia Appropriations, 1965, Hearings on H.R. 10199 Before Subcommittee of the Committee on Appropriations, U.S. House of Representatives, 88<sup>th</sup> Congress, 2d Session, 1964, pages 719-725]

After covering other activities, Airis discussed the status of Interstate completion. He estimated total program costs to be in the neighborhood of \$457 million. To date, the city had obligated \$122 million in Federal-aid Interstate funds, instead of the \$359 million it should have obligated for steady progress to the deadline. He reminded the subcommittee of BPR’s decision that any projects not started before the 3-year period before the 1972 endpoint would not be eligible for 90-10 Interstate funds. “This means that in order to complete the Interstate System on schedule, we must obligate interstate funds at an annual rate of approximately \$58 million per year.”

Chairman Natcher asked if any of the delays in the past 3 years put Interstate routes in jeopardy. He wanted to be sure the city had “no chance of losing any part of our program as a result of the time delay.” Airis replied, “It will be difficult.” Some jobs needed to get started very soon:

The only thing that will hold us up, sir, is in the decisionmaking field. The ordinary engineering planning, the engineering design, the engineering construction can all be completed in the time that is allotted. We have I think about 8 years yet.

Chairman Natcher asked if Airis was referring to the Three Sisters Bridge. “Yes, sir.” Was time of the essence? “That is correct, sir.”

General Duke said that whenever a serious problem affects the basic decision, such as whether to build the bridge, “a considerable amount of time can transpire before that affirmative decision is reconfirmed.” The analysis and reanalysis of the bridge illustrated the problem, as did design of the North Leg to include tunneling. He discussed the ongoing negotiations with “all of the responsible elements” and advised that, “At least, we are in agreement that the facilities should be built”:

So it is a matter of reaching agreement, by negotiation as it were, and reaching a consensus as to these particular matters. We are confident now that these decisions can be reached, and in a minimum of time, because a lot of time can be lost in the process.

Chairman Natcher said, “The committee is delighted to know that you are proceeding to stay within the time limit, so that we can construct this all-important system here in the District of Columbia.”

Airis wanted to reassure Chairman Natcher by explaining why he was confident of completion on schedule. First, “the basic differences in the elements of the interstate system appear to have been resolved.” Planning studies could proceed to completion, followed by a logical and orderly process to construction.

Second, the city was cooperating with other local jurisdictions to establish the 3C planning process the Federal-Aid Highway Act of 1962 had required. “This should insure community consensus and agreement and tend to avoid the kind of controversy that has slowed down our program in the past.”

Third, congressional approval of pending legislation to provide relocation services and assistance as well as to allow the use of air rights would help the District “implement our right-of-way and construction programs, and to provide a fresh and imaginative use of air rights for housing, office buildings, and recreation facilities over and under our freeways.”

Finally, the city was “using up-to-date advance scheduling techniques, the latest in electronic computer equipment” that would allow the city to “aggressively prosecute the forthcoming design, right-of-way, and construction phases to ensure the successful completion of our program.” [pages 728-730]

When General Duke referred to the “responsible elements,” he had in mind those with authority in the review process. President Kennedy had endorsed the freeway plan in November, as had President Johnson in January, leaving responsible elements to work out the details of how to build the approved freeway network. The collapse of the bobtail plan in the House was a separate matter, but with the future of rail rapid transit in doubt, the highway network was more important than ever.

### **Congress and the Center Leg**

Although Congressman Vinson had approved the plan to build the Center Leg tunnel under a section of the Capitol and U.S. Botanic Garden grounds, formal congressional action on legislation was needed. On January 14, 1964, the House Office Building Commission approved the plan. The next step was for General Duke to work with Architect Stewart on legislation authorizing the tunnel to traverse a small portion of the grounds. Construction would be by cut-and-cover tunnel. North of the tunnel, District officials were still studying the path, with a goal of relocating and narrowing the right-of-way to avoid Holy Rosary and Bible Way Churches. [Eisen, Jack, “House Group Approves Freeway’s Mall Tunnel,” *The Washington Post and Times Herald*, January 15, 1964]

On April 7, 1964, the House Subcommittee on Public Buildings and Grounds held a hearing on H.R. 10392, authorizing the District to locate a portion of a vehicular tunnel under the Capitol and U.S. Botanic Garden grounds. Only two witness panels testified. The first panel consisted of Architect Stewart and associates. Stewart stated that the bill “meets with my endorsement.” Representative Auchincloss confirmed that the House Building Commission “thoroughly approves of this plan.”

General Duke and Director Airis comprised the second panel. After summarizing the history of the Center Leg, its status as part of the Interstate System, and delays in securing approval of the tunnel, General Duke said the bill represented a solution “that does not depreciate the vista of our Nation’s Capitol, and yet still provides the essential traffic service needs within the bounds of engineering feasibility and economy.” After additional discussion of the routing, the hearing ended. [Vehicular Tunnel Under U.S. Capitol Grounds, Hearing before Subcommittee on Public Buildings and Grounds, Committee on Public Works, U.S. House of Representatives, 88<sup>th</sup> Congress, 2d Session, April 7, 1964]

The Committee on Public Works approved the bill on April 27, 1964. The House considered the bill on June 3, approving it without a recorded vote after brief comments from committee members. [Authorizing the Commissioners of the District of Columbia to Locate a Portion of a Vehicular Tunnel Under Parts of the U.S. Capitol Grounds and the U.S. Botanic Garden Grounds, Report on H.R. 10392, Committee on Public Works, U.S. House of Representatives, 88<sup>th</sup> Congress, 2d Session, Report No. 1348, April 27, 1964; Vehicular Tunnel Under U.S. Capitol Grounds, *Congressional Record-House*, June 3, 1964, pages 12504-12505]

In the Senate, the Subcommittee on Public Roads, Committee on Public Works, held hearings on the Federal-Aid Highway Act of 1964 in May 1964. When General Duke and Director Airis testified on May 20 regarding the 1964 Act, subcommittee members asked about the tunnel. General Duke emphasized that the tunnel would maintain the vista of the Capitol while accommodating essential traffic service. It would be a key segment in the I-95 freeway from Maine to Florida, was consistent with areawide planning, and had been cleared by the Architect of the Capitol.

Senator Lee Metcalf (D-Mt.) asked about recent concerns that the District might not have enough local matching funds for the project and that the city’s highway program “faces a complete collapse” as a result. General Duke said that Congress was considering legislation to increase the District’s gas tax and bond authority for the city’s highway fund. However, “if this [tax] legislation is not enacted, this project . . . could be in jeopardy.”

Senator John Sherman Cooper (R-Ky.), the ranking member of the subcommittee, asked a series of questions about the Inner Loop. Does it circle the Capitol? Yes, but in a much larger circle. Has BPR approved it? Yes. Do the District commissioners support it? They do. How long is it? 16 miles. What is the estimated cost? \$340 million.

Would all of it be above ground except the portion under the Capitol grounds? Not necessarily. The Policy Advisory Committee had recommended putting as much of the North Leg as possible in tunnels. Then it has not yet been determined which other parts will be underground? Correct, since the part that is still in the study stage may be underground at least in part.

Senator Cooper recalled the statement that there was no objection to the project. He asked if any people in the way of the Inner Loop had objected. General Duke clarified that he was referring only to the segment that would go under the Capitol grounds. Objections had been raised to several other segments of the Inner Loop, including the Three Sisters Bridge and the North Leg.

Senator Cooper asked about the Policy Advisory Committee's conclusions, which General Duke summarized.

Did the city have letters of support from the National Gallery of Art, the U.S. Botanic Garden, and the Architect of the Capitol. The city had a letter from the National Gallery, while a letter from Architect Stewart covered the Capitol grounds and the portion of the U.S. Botanic Garden involved in the project.

Next, Senator Cooper requested details on the tunnel, such as its width (varies from 170 to 270 feet), how far below ground (not closer than 8 feet to the surface), and whether there would be fumes. "There will be fumes," Airis replied. "It will have quite a large ventilation system which can be located at either portal, or at one portal, we do not know yet." Will the fumes be blown around the Capitol Grounds?" No, Airis replied, because the fumes "would discharge up into the air. We probably will have the ventilating station as a part of some building on either the north end or down at the south end and I doubt if you would notice it in the area here at all."

What about noise? There would be noise in the tunnel, Airis said, but "I doubt if you would hear it outside at all." What was the purpose of the Inner Loop. The purpose was to "provide a distribution system for traffic . . . so that [motorists] will not use and clog up the existing street system."

Senator Cooper then made clear why he had asked such detailed questions. He understood the need for a tunnel "in an area where the traffic is as great as it is here," but he was not sure BPR had approved the plan. "Nevertheless in view of the fact that there have been objections to the proposal, I would hope that the committee would have the chance to get the testimony of other people including the Bureau of Public Roads." He added:

It seems that there is more and more encroachment upon the grounds of the Capitol as if everybody tried to get on it, or go underneath it. We still do not have testimony on its need and I believe that it is necessary for us to get the advice of other bodies.

For example, he asked if the Commission of Fine Arts had approved the plan. No, General Duke said, the city would not submit the plan to the commission until the tunnel segment had been designed. In that case, why was the District before this subcommittee without having secured needed approvals? General Duke tried to make clear that the bill the District was seeking covered only the portion of the Center Leg that would go under the Capitol Grounds. The Center Leg had already been authorized and was not up for review under the pending bill.

Senator Cooper had to attend a hearing of the Rules Committee, but ended his questioning by saying the subcommittee should hear other testimony on the subject. "I am not reassured by the statements now." Senator Metcalf, chairing the hearing, said he agreed. [Federal-Aid Highway Act of 1964, Hearings for the Subcommittee on Public Roads, Committee on Public Works, United States Senate, 88<sup>th</sup> Congress, 2d Session, May 1964, pages 71-81]

Senator Hiram L. Fong (R-Hi.), who apparently was not familiar with the subject, asked what had happened to the funds appropriated for this segment of the Center Leg in prior years. “We have not used it,” Airis replied, pending the legislation under review during the hearing.

Senator Fong asked about the purpose of the Inner Loop, which Airis explained using a map. What would happen if the Center Leg were not built? Traffic would continue to be distributed on city streets at C and 2d Streets, SW. Are there any alternatives to the Center Leg? “We are so far along that it is almost a must.” Airis added that, “other alternatives could conceivably be used, but this is certainly the logical one.”

Did the plan involve “a subterranean loop under the Capitol”? General Duke explained that the tunnel would be under only a portion of the Capital grounds, not the Capitol building. Are you asking for permission to go under the Mall and complete all other elements of the Inner Loop? The legislation covered only the section of the Center Leg that would be built under the Capitol grounds, not any other segments. “The reason we are here is to receive your permission to trespass on Capitol Grounds.” [pages 81-84]

Senator Randolph concluded the questioning of the District panel by asking about the status of Interstate completion in the city compared with the States. General Duke said, “I would say just in very general terms that we probably rank 48<sup>th</sup> or 49<sup>th</sup> out of the States in terms of scheduling and prosecution of this very important interstate highway program.” With the 1972 deadline looming, “we must prosecute all elements of it as fast as we can.” He estimated that the District had committed only 30 percent of the Interstate funds it would receive for its entire network (roughly \$125 to \$130 million expended out of about \$500 million):

- 17.1 miles – preliminary status, not yet in progress
- 2.8 miles – under engineering or right-of-way acquisition
- 6.1 miles – under construction
- 8.9 miles – total underway
- 1.9 miles – open to traffic to standards adequate for present traffic
- 4.1 miles – total open to traffic out of a total designated mileage of 30.5 miles

Senator Randolph referred to the congestion today in a city that “is perhaps growing at a rate comparable to the States of California, Florida, Arizona, and other such areas of the country.” Congestion bottlenecks would only get worse. “All we need is to listen to our radios in our cars as we drive to Capitol Hill from our residences, listen to the helicopter reports to understand the flow of traffic into the District and, of course, out of the District at night, to understand that we need, and need now, a further development and expansion of the necessary arteries for motor transportation.” General Duke agreed with those sentiments. [pages 84-85]

On May 21, General Prentiss testified before the subcommittee about the proposed Federal-Aid Highway Act of 1964. At one point, Senator Randolph asked General Prentiss, in view of his former service as Engineer Commissioner, to comment on the Center Leg bill. General Prentiss said the Inner Loop occupied “a relatively large area due to the fact that Washington has, because of height limitation, the biggest central business district for a city its size in the United States.” As a result, the Center Leg was essential:

Otherwise, people will not utilize the belt when they want to go from Southwest to Northeast. But the center leg will take care of that traffic and be the shortcut from the Southwest to the Northwest and from there to the Northeast.

Further, the Center Leg would take traffic off the Capitol grounds and eliminate congestion in its vicinity.

Senator Randolph asked if the tunnel would enhance the Capitol area by removing traffic from ground level. Yes, General Prentiss replied, it would be “a great aid” to removing traffic that does not have a reason to be on the Capitol grounds. He suggested that if the Senators wanted an idea of what the tunnel would look like, they could go to the 12<sup>th</sup> Street tunnel under the National Mall “and that will give a fine example of the kind of structure which will be built to tie in the Southwest Expressway with the Northwest Expressway.” [pages 127-128]

### **The District’s Funding Deficiency**

On May 18, 1964, Chairman Whitener held hearings of his House District Subcommittee on financing for Federal-aid and local highways. The bill under consideration, H.R. 11022, would increase the loan authorization by \$35 million (to \$85.25 million) for construction of District highways and increase the city’s motor vehicle fuel tax by 1 cent a gallon (to 7 cents).

City officials, including Commissioner Tobriner, General Duke, and Director Airis, were the only witnesses. They testified about the District’s financial crunch. The District, Airis said, had “fallen behind” schedule on completion of the Interstate System. General Duke estimated the District would need \$28 million in matching funds for its 10-percent share of Interstate projects over the next 6 years, plus \$27 million for other Federal-aid highways and \$23 million for local streets. “Funds are not available under current revenue authority to continue these programs beyond fiscal year 1965.” To meet needs, the city needed a transfusion of \$61 million over the next 6 years. The situation at this point was dire, as Airis told the subcommittee:

Starting in 1966, the District of Columbia would have to abandon the completion of its portion of the interstate system and would fail in its obligation to the President and to the Congress. Such action may require a refund of substantial Federal-aid dollars to the Bureau of Public Roads, if the Bureau determines that current interstate projects would have to revert to the ABC category. This would place the District of Columbia in a most serious financial plight.

Beyond the Interstates, the city would have to halt work on “the complementary supporting system of expressways, major arterials, and local streets.”

Airis summarized the history of highway planning in the District dating to the 1950 comprehensive plan of the National Capital Regional Planning Commission. As for the present, he said:

I would like to point out that all current highway planning for the District of Columbia is based on the assumption that a greatly improved mass transit system, such as the one

proposed by the National Capital Transportation Agency in its November 1, 1962, report, will be in place and will attract the number of transit riders estimated by that agency.

At this point, the city was behind BPR's schedule:

With such a timetable, at least half of our program should be under contract by now. However, because of recent planning delays and radical changes in Federal fund availability over the last few years, we have thus far only obligated about one-third of our interstate program.

Now, the District was under pressure to speed up construction, and needed the resources to do that. Even the bill under consideration was insufficient. Airis said, "Without early enactment of H.R. 11022, we must anticipate a collapse of our comprehensive highway improvement programs." [Financing Federal Aid And Local Highways For The District of Columbia, Hearings on H.R. 11022 before Subcommittee No. 6 of the Committee on the District of Columbia, U.S. House of Representatives, 88<sup>th</sup> Congress, 2d Session, May 1964, pages 3-16]

During the question period, Chairman Whitener asked if he detected "a thread of thought" in Airis's statement that the highway program could "fully meet the problem of transportation people in the District of Columbia" with a rapid transit program. Airis said he was not an expert on mass transit:

I would answer it this way: All of our forecasting has been based on the availability of some type of an adequate mass transportation system to handle the passengers that would not be handled by our highways.

In short, the highway network would not be adequate without some type of rapid transit system. In the absence of such a transit system, Airis could not say how much larger the highway network would have to be. [pages 44-45]

The subcommittee held a second day of hearings on May 25. Following the respectful hearing for city officials, the subcommittee on this second day erupted in what the *Post* called a "new outbreak of Washington's protracted freeway war." Jack Eisen commented:

Recently, in the wake of House rejection of the subway bill last December, there has been some undercover sniping at the road program by influential persons. This apparently hit the mark in the Senate, where key members of the Public Works Committee voiced doubts last week over the proposed tunneling of the Mall by the Center Leg of the Inner Loop Freeway. [Eisen, Jack, "New Eruption of Freeway Feud Feared," *The Washington Post*, May 26, 1964]

The first witness, Hyde Gillette of the Metropolitan Washington Board of Trade, said the board was "completely committed to the pressing need for a balanced highway-rapid-transit transportation system to serve Metropolitan Washington." The street and freeway system was integral to the long-range plan:

In fact, because of the delays in finalizing and securing legislative action respecting the mass-transit system to be provided, it is most necessary that the highway projects proceed on or near schedule in order to accommodate the rapidly growing number of residents, visitors and commercial enterprises in the National Capital.

On behalf of the board, Gillette urged approval of the bill. [pages 61-64]

Admiral Phillips of the Committee of 100 on the Federal City was the next witness along with Peter Craig, who chaired the Roads Committee. The Committee of 100 endorsed the penny gas tax increase in H.R. 11022, which would bring the District's gas tax in line with the tax in surrounding jurisdictions. However, the committee opposed the provision increasing the borrowing authority for highway work:

The Committee of One Hundred believes that the place to start achieving a balanced transportation system is to balance the highway fund budget, reducing capital outlays to levels that can be afforded. The Highway Department has been able to expand its program with alacrity in recent past, and it should be able to reduce the program now to levels that are fiscally realistic.

The Committee of 100 recommended deleting the following projects:

- The Georgetown bridge, formerly the Three Sisters Bridge
- The North Leg (west section of the Inner Loop)
- The third 14<sup>th</sup> Street bridge
- Widening South Dakota Avenue, NE,
- Widening Missouri Avenue, NW.

Admiral Phillips concluded his brief statement by praising the District for using \$3.3 million in highway revenue to pay the annual expenses for traffic police instead of using general fund revenue as was done as a temporary measure for 3 years. [pages 64-65]

Admiral Phillips submitted, for the record, a background paper that Craig had prepared. It began:

A balanced transportation system of highways and rapid transit has received much lipservice [sic] but little definition or meaningful action at the District Highway Department. Each year since World War II the newly discovered highway needs grow (at a faster rate than previous projects have been completed) while proposals for transit improvements have been actively opposed or allowed to wither.

He summarized the history of planning since the early 1940s. Even as NCTA came on the scene to promote rail rapid transit, the highway program continued to expand. "When the Planning Commission, the NCTA, or the District's citizens protested, they were told the projects would be 'needed' anyway, even with rapid transit." Despite plans for rail rapid transit, the Highway Department "reckoned all increased travel would be by private automobile." When NCTA released its plan, it was "met with a withering volley of special highway lobby publications,

critiques authored by the District of Columbia Highway Department or Bureau of Public Roads and persistent lobbying on the Hill.”

Although the Policy Advisory Committee had unanimously endorsed a new location for the Three Sisters Bridge and tunneling for the North Leg, many members did so not because they thought either facility was needed. Rather, they did so “because it was assumed that approval was necessary if even a bobtailed subway was to survive the highway lobby gauntlet in Congress.” That theory did not prove true, Craig continued. “Not only was the NCTA plan first cut in half and then recommitted but every voice among planners and government urging moderation in highway construction was silenced.” Overall, 1963 “was tragic for the cause of a balanced transportation system” in the Washington area.

The result was that hundreds of millions of dollars were pending for freeways on the drawing board, “without 1 penny spent for subway construction.” The fruits of this imbalance were all-time highs in motor vehicle travel, transit at its lowest level since World War I, and record highs for the number of people killed or injured, air pollution, and the amount of space devoted to off-street parking.

Perhaps the best way to achieve balance was to force the District to balance its highway fund budget by “reducing capital outlays to levels it can afford.” Craig’s paper cited the northwest quadrant where highway supporters warned that residents would regret opposing expressways through Whitehaven, Glover-Archbold Park, Rock Creek Park, and the Wisconsin Avenue corridor, as well as the widening of Wisconsin and other arterial streets. Despite the dire warnings, northwest had “been the one established residential area of the city which uniquely has been free from blight or any ‘flight to the suburbs’ and in which real estate values (and District tax revenues) have risen precipitously.” [pages 65-67]

In testimony, Craig told the subcommittee that the Committee of 100 saw “little point in borrowing more money that cannot possibly be repaid.” The easy alternative was for the District Highway Department to “revert and reduce its scope of its highway program to bounds which can be more easily financed.” The Interstate System “has been growing every year” with uncompleted projects. He pointed out that the map District officials displayed did not include “freeways which have been completed for 5 years or more that originally were part of the Interstate System.”

Craig cited I-295 as an example. The 1959 Mass Transportation Survey included the route from the Woodrow Wilson Bridge, along the Anacostia River, to East Capitol Street, then along the Kenilworth Avenue Freeway to the Maryland line. However, the completed Kenilworth Avenue Freeway was removed from the Interstate System, as was the portion of the Anacostia Freeway between East Capitol and 11<sup>th</sup> Streets. Then, I-295 was “looped over the river to go along the west side of the Anacostia River.” He listed other segments added to the Interstate System in the past 5 years:

- The second Georgetown bridge
- Potomac Freeway west of Key Bridge
- A third 14<sup>th</sup> Street bridge

- The Northeast Freeway
- The North-Central Freeway
- The North Leg, east section

To save the \$35 million in additional borrowing authority, the District could simply revert to the Interstate System as of 5 years earlier.

During the question period, Chairman McMillan said:

I think it is a wonderful idea you suggested—that by going back to the old concept of building a highway around Anacostia, it would mean much less money, and I believe it would probably serve a better purpose.

He did not want to criticize Airis or General Duke, both of whom were fairly new to their posts. “Their purpose here is to build highways, and we need highways. But what I am interested in is let’s try to stay within our means, and not bite off more than we can chew.”

The only question came from Representative Harsha. He saw the testimony as “creeping up in . . . an effort to curtail the highway program for some other reason.” He asked where Craig worked. Craig said that after a stint as a special assistant to the House Judiciary Committee, he worked at Covington & Burling for 10 years. As for the last 3 or 4 months, “I have been commerce counsel of Southern Railway, dealing in ICC and State regulatory commission problems.” Representative Harsha had no further questions. [pages 75-77]

The next witness, former District Commissioner Renah Camalier represented the District Advisory Board of AAA. He supported the bill in view of the urgency of completing the District’s Interstate highways to meet the deadline before BPR had issues.

During the question period, Chairman McMillan said he did not think anyone objected to the penny increase in the gas tax. The question was whether the additional borrowing authority would cover needs or would have to be supplemented. Schuyler Lowe, director of the District’s Department of General Administration, tried to clarify the situation. “The loans, both present and proposed, would, of course, be a prior lien on the revenue of the highway funds.” Funds to amortize the loan would be sufficient through 1968. But if the highway program progressed as planned, by 1969 the city would “have to have some additional revenues coming into the highway fund in order to carry on with further” work. The additional loan authority was “absolutely essential in order to keep this program moving at a rate which would permit the District to obtain full participation of the interstate program.” [pages 79-80]

John Immer of the District of Columbia Federation of Citizens Associations also endorsed the penny gas tax increase. However, the federation opposed any increase in borrowing authority “until this has been properly cleared by the community.” The point was where capital funds should go. “Are highways more important than children,” he asked:

Should we proceed full speed ahead with an expanded highway program and leave our schools and instructional facilities in the ditch?

Rapid transit was another option. “The amount involved here is approximately that suggested as the District’s contribution to a rapid transit system.” The federation questioned the need for many of the proposed highway projects, as well as the transfer of revenue from the general fund to highways. “We believe that these programs need to be subject to more critical review by the community before they are allowed to displace too many of our residents and deprive our children of needed schools and other social facilities.”

Representative Harsha asked for an explanation of the statement that projects should be “properly cleared by the community.” Immer referred to projects that “we do not feel have been given complete approval of the community, and we think that this should be done before we go into the broader question of the loan.” How would Immer get community clearance? Public hearings revealed strong community and local opposition to some of the freeways “and despite that fact I think they have still remained on the agenda here.” The federation was trying to convey “the feelings of the people who live in the District.” In short, “we cannot have everything.”

Representative Harsha observed that the federation wanted to advance schools ahead of highways, but apparently wanted to advance rapid transit ahead of schools. Immer replied, “The view of the federation at this time is that the \$35 million would probably accomplish more in solving our transit problems applied to a rapid transit system than they would to the highway system.” In short, Representative Harsha told him, the federation was not much opposed to the added borrowing authority but to the highway program. Immer said the federation still would question whether the additional funds should go to schools, but the answer might be different if the alternative were rapid transit. [pages 80-82]

General Duke and Director Airis returned to continue their testimony. Chairman McMillan engaged General Duke in a discussion of the possibility of reopening the old 14<sup>th</sup> Street bridge for U.S. 1 traffic. It might serve traffic while the next span is built. General Duke suggested that “we might have to do that . . . if the proposal to study the new bridge doesn’t progress as rapidly as we would hope.” However, the city would prefer a new bridge to reopening the old one if traffic needs warranted additional capacity. Chairman McMillan said he did not object to a new bridge, but the old one might serve airport traffic while relieving peak period congestion. General Duke agreed that the idea should be explored. “We are keeping that in mind,” he said.

Representative Harsha asked General Duke to comment on Craig’s suggestion that the city revert to the Interstate network of 5 years earlier. General Duke observed that the current plan was the product of a planning process and had been approved by NCPC and NCTA. He had to qualify that statement, in view of NCTA’s position on the Three Sisters Bridge and the North Leg, by saying “I think by and large the official transportation planners of the area agree with the system as we have lined it up now.” As for Craig’s view:

We can fail to recognize the inevitable growth of traffic paralleling the growth of the community generally, and not necessarily within the District of Columbia now, but considering the entire metropolitan area, or we can close our eyes to this long-range requirement and build in an automatic stifling device for the future of the District of Columbia.

This is the balance that the transportation planners are trying to assess.

Reasonable observers, he said, may disagree with official judgments, but “I happen to feel that the current highway plan is the best plan that can be devised.” He emphasized that to meet transportation needs by the end of the century, the highway plan “must be supplemented by the Rapid Transit System about which so much has been said.” Without these programs, people who work in the city will look for jobs elsewhere. “They will balance the adversities of travel, as it were, and it is our job now to plan for this and to make sure that we have a vibrant community for the District of Columbia for the years to come.”

Representative Harsha also wanted to know if the city would be unable to complete the Interstate System if Congress did not approve the additional loan authority contained in H.R. 11022. General Duke said he could not be sure, but “just using my own extemporaneous judgment,” he thought the failure to approve the loan authority “would place in specific jeopardy the 1972 deadline for completion of the Interstate System.”

Chairman McMillan, recalling the long effort to secure the Commission of Fine Arts’ approval of the Theodore Roosevelt Bridge, asked if the city had trouble getting the group’s approval for the new Interstate network. General Duke would say only that “collecting of the various approvals around the District for our projects is a very tedious matter.”

With that, General Duke had to leave because of a prior commitment.

Chairman Whitener asked Airis if he thought the current plans would serve the area better than the 5-year old plan Craig had mentioned. Airis replied, “I don’t think there is any question on that point.” The current plan for the Inner Loop, for example, would “provide much better service” than the old plan.

Chairman Whitener asked about Craig’s statements regarding the Anacostia Freeway and the Kenilworth Freeway. Airis explained that the change in I-295 was made because the freeway leads to the Baltimore-Washington Parkway, which prohibits the use of trucks. In addition, quite a bit of traffic will want to go to or come from the central part of the city:

So, for those two reasons . . . it was decided in the best public interest to change and make the Anacostia Freeway interstate up to the 11<sup>th</sup> Street bridges, and thence into the District, and change the upper end back into merely a Federal-aid highway.

After an exchange with Lowe about whether the 1-cent increase and loan guarantee would ensure completion of the network (Lowe thought the city would return to the committee at some point to seek additional revenue), Chairman Whitener concluded the hearing. [pages 83-91; the subcommittee’s hearing report reprinted a lengthy statement by Peter Craig titled “A Balanced Transportation System on a Balanced Budget” containing his history of transportation planning in the District beginning in the 1930s. pages 97-126]

According to Eisen, “The hearing ended with the District program hanging by its fingernails.” [Eisen, Jack, “New Eruption of Freeway Feud Feared,” *The Washington Post and Times Herald*, May 26, 1964]

The editorial writers at *The Evening Star* agreed, and they knew who to blame. They hoped the District Committee’s “attention will not be diverted . . . by the distorted and divisive poppycock which it heard on the subject Monday from the Committee of One Hundred on the Federal City.”

Referring to the comment by Admiral Phillips that the “place to start establishing a balanced transportation system is by balancing the highway budget,” the editorial commented:

The truth is, of course, that Mr. Phillips and Mr. Craig are not interested in balancing the highway budget. And certainly they have no interest in a “balanced” system—one in which the transportation needs of the Washington area would be reasonably met by both freeways and rapid transit . . . Mr. Phillips and Mr. Craig are interested in halting freeway construction wherever and by whatever means they can.

A few years earlier, the anti-highway perspective they reflected had divided highway and transit supporters, bringing “all transportation planning virtually to a standstill.” Now, “the emphasis in official thinking more recently has swung back to a reasonable balance between freeways and transit.” The editorial concluded, “The divisionists should not be permitted to gain a foothold again.” [“Highways in Trouble,” *The Evening Star*, May 28, 1964]

### **Opening the Theodore Roosevelt Bridge**

On June 23, 1964, officials and about 300 spectators gathered for the dedication of what the *Post* called the “bridge that almost wasn’t”: the \$24.5 million Theodore Roosevelt Bridge. The ceremony took place on the ramp leading to the bridge from 23<sup>rd</sup> Street and Constitution Avenue.

General Duke, the master of ceremonies, introduced the keynote speaker, Senator Jennings Randolph, who said the bridge was a fitting memorial to former President Theodore Roosevelt. “Here are woven together the two threads of his interest and efforts in the conservation of land and water.” Senator Randolph referred to the “skepticism” and “perhaps despair” that some planners and builders felt during what the *Post* called “the years of long and bitter squabbling about the bridge that sometimes was envisioned as a tunnel, or even a tunnel-bridge.”

Those past disputes, according to the *Post*, were not on the minds of those watching Alice Roosevelt Longworth, the former President’s daughter, yank a cord to unveil a plaque that would be set in stone and placed along the bridge:

THEODORE ROOSEVELT

BRIDGE

----- o -----

THIS BRIDGE IS NAMED IN HONOR OF

THEODORE ROOSEVELT

1858-1919

TWENTY-SIXTH PRESIDENT  
OF THE UNITED STATES OF AMERICA  
STATESMAN – SOLDIER – MAN OF LETTERS

After the ribbon cutting ceremony, a motorcade of antique automobiles rolled across the bridge from Washington to Virginia. Mrs. Longworth and other members of the Roosevelt family, including two grandsons, occupied the lead vehicle.

The day before, George Kennedy, who wrote The Rambler column in the *Star*, toured the bridge with Carl Wilson, who was in charge of bridge construction for the District Highway Department. Wilson arrived in his air conditioned Chrysler Imperial for the advance tour:

We went west at Constitution avenue and, instead of making the left turn at Twenty-third street to the Memorial Bridge, continued ahead. The barrier had been removed.

The ramp going up to the bridge swings to the right and back as it goes over underpasses still to be paved.

We stopped to survey the scene. To our right on a bluff 30 feet high were the Naval hospital buildings, more recently used by the CIA. Below, the earth moving machines were working in a man-made valley—the route of the Inner Loop whose course north of K street has yet to be determined.

“There,” said Mr. Wilson, pointing to a triangular knob bordered by the grading of roads under construction, “stood the Heurich Brewery.” If anything had looked permanent on the Foggy Bottom waterfront it was Christian Heurich’s Rhinish castle with its square tower of red brick, a feudal stronghold suggesting a moat around it, a draw bridge and a dungeon within.

Now, nothing remains and the landscape is so altered that it is difficult to determine just where the castle stood.

We drove on to the new bridge and over the East Channel of the Potomac. The safety railing is low, one of those metal bands that bounces errant cars back onto the highway.

The bridge included sidewalks. Wilson told Kennedy, “They are primarily to enable anyone whose car stalls on the bridge to walk off without danger to traffic.” However, he already had observed State Department workers walking across the bridge from the Arlington Towers apartment buildings to their office in the District.

The preview continued:

After it clears the lower tip of Roosevelt Island, the bridge becomes a trident, a three pronged fork.

We took the right fork and rode down to the parkway bound north. We turned across the median strip and came back on the Washington-bound approach. It goes under one road and over another before landing us back on the bridge.

As Kennedy observed, “It takes several years to build a major bridge, but despite this the bridge is invariably completed before the approaches.” The new bridge was “an extreme instance” of this saying. The bridge was expected to carry I-66 traffic between the Virginia suburbs and the Inner Loop. For now, however, Virginia had not built the I-66 section inside the Capital Beltway. As a result, the connecting ramps limited the bridge’s use. According to the *Star*:

Virginia-bound traffic from downtown will be able to go down Constitution avenue, onto the bridge, and then northbound onto the George Washington Memorial parkway. There will never be any way for motorists to turn southbound from the bridge to go toward Alexandria on the parkway.

Inbound traffic likewise will only feed from the Memorial parkway vehicles coming east. Traffic from the direction of Alexandria will not have access to the bridge.

Virginia highway officials hoped to complete a connection between the bridge and Arlington Boulevard.

As Airis had testified earlier in the year, the District approaches were not ready, either. The connection from Constitution Avenue to the bridge was in place. The *Star* continued:

The remaining two-thirds of the District approaches that will feed traffic into the bridge are the connections with the Inner Loop freeway and the E street expressway.

The E street expressway is scheduled to be opened late next year. At that time, traffic will be able to get on the expressway at Nineteenth street N.W., for a clear approach to the bridge.

The Inner Loop was experiencing the most delay:

The inner loop is to be finished from the Whitehurst freeway to the bridge in late 1965. But near the Lincoln Memorial, the freeway is not expected to be finished until 1967 or 1968.

[“Roosevelt Span to Open Tuesday, Links Incomplete,” *The Evening Star*, June 22, 1964; Kennedy, George, “The Rambler . . . Crossed Roosevelt Bridge,” *The Evening Star*, June 23, 1964; Gilliam, Dorothy, “After 14 Years, Roosevelt Bridge Is Opened,” *The Washington Post and Times Herald*, June 24, 1964; “Bridge Over Potomac is Dedicated,” *The New York Times*, June 24, 1964]

The *Star* editors recalled the groundbreaking ceremony 4 years earlier when a cannon that was supposed to “herald the great event” malfunctioned. “For the practical good it is doing, the opening of the bridge this week is nearly as much a dud.” During its first 24 hours of “full operation” (the editors put the phrase in quotes), the bridge had carried only 8,600 vehicles from

the District to Virginia and 6,100 vehicles in the opposite direction. “In contrast, the nearby six-lane Arlington Memorial Bridge regularly handles 71,000 cars a day.”

The *Star* asked: “Pitiful?” It answered: “Of course.” The “controversial ‘spaghetti bowls’ of ramps and access roads, designed to shoot cars on and off both ends of the bridge in all directions, are completely inoperative.” The editors did not blame the builders of the bridge, “which we think is functional and thoroughly handsome.” They knew who to blame:

The current sad state of affairs is very much the fault, however, of countless highway, planning, park and other governmental officials on both sides of the river, whose stalling and bickering have unconscionably delayed the freeway system of which the bridge is merely a part.

Traffic will increase gradually with the connection to Arlington Boulevard and the opening of the E Street Expressway:

Its important connections to Virginia’s Route 66 freeway and to Independence avenue in Washington, however, still remain years away. And its full value will not be realized until the District’s entire inner-loop freeway network is finished.

Nevertheless, the editors considered the opening of the bridge “no mean accomplishment.” Perhaps, they speculated, “its limited use may prove important—as a constant reminder to everyone of the need to complete the freeway system as a whole.” [“Spaghetti Strings,” *The Evening Star*, June 26, 1964]

Donald Beekman Myer, in his book about District bridges, described the Theodore Roosevelt Bridge as “a shallow-arched, multiple-spanned, steel girder structure, lightly resting on low stone piers.” He called its appearance “simple, but not enduring.” He lamented that the District had ignored the advice of the Commission of Fine Arts, the NPS, and “the pleas of numerous agencies and citizens’ groups,” and built the bridge instead of a tunnel. [Myer, Donald Beekman, *Bridges and the City of Washington*, U.S. Commission of Fine Arts, 1974 (1983 edition), page 16]

In the 1992 *Post* feature on Washington’s bridges, Bisbort wrote:

Much maligned for its aesthetic deficiencies (though isn’t this quibbling, with the Kennedy Center so close by?), this bridge is nonetheless a driver’s godsend, flaring off in several directions at either end. Built in 1960, it’s a multiple span steel girder that sits low on the water. [Bisbort, page 9]

### **The Center Leg and the Capitol Grounds**

The House of Representatives had approved the bill allowing the District to build the Center Leg tunnel under a sliver of the grounds of the Capitol and the U.S. Botanic Garden. In June, Senate action was pending. The Subcommittee on Public Roads reported the Center Leg bill to the full Committee on Public Works on June 3, but in view of the concerns raised by Senators Cooper,

Fong, and Metcalf, the subcommittee took the unusual step of holding a second hearing on June 19.

At the start of the hearing, Senator Randolph said that the subcommittee had approved the bill on June 3 “with the reservation that the [final committee] action on this measure would not be taken until the committee has today’s hearing testimony studied and evaluated.” He wanted to stress, however, that the bill in question concerned only one short segment of one portion of the District’s Interstate System. “I would point out that this committee has neither the responsibility nor the authority for determining the alinement of projects in the Interstate System in the District of Columbia.” To clarify, he added, “I would hope that our discussion will be concentrated on that aspect, and not go astray into a consideration of the concept or possible alinement of the inner loop.” [Vehicular Tunnel Under U.S. Capitol Grounds, Hearing before the Subcommittee on Public Roads, Committee on Public Works, United States Senate, 88<sup>th</sup> Congress, 2d Session, June 19, 1964, pages 2-3]

Senator Metcalf said he did not agree that the alignment was beyond the purview of the committee “because after all the alinement does take into consideration where and under what circumstances we are going through some of the Capitol Grounds, which is our responsibility.”

Senator Cooper agreed with Senator Randolph about the lack of authority to determine the location of Interstate roads. “What I do object to, however, is for this committee to be used to determine the alinement, and I think that is what is happening.” He had not known anything about the project until the last hearing on the bill. Now, upon subsequent investigation, he learned that several agencies must approve the alignment of the Center Leg; he wanted to be sure they approved before Congress acted. “As I understand it there is still some controversy and conflict over the alinement, the design, and the cost of the center leg.” If the committee or the Congress approved this bill, advocates of the Center Leg location could then seek further approvals based on congressional approval:

Our decision would have its influence on the other agencies. In my own judgment I think it would be better for the District Highway Department and the Commissioners to complete their plans and to secure approval from these agencies, and then to seek congressional approval of this final part. It seems to me the Highway Department is putting the cart before the horse.

He also wanted to ensure that the tunnel would not affect “the beauty or utility of the Capitol Grounds.” He anticipated “a great deal of noise and fumes, and I just don’t think these matters have been determined, and I think if there is to be a complete design we should have all these facts before we approve what I would call a pig in a poke.” [pages 3-4]

Administrator Whitton and BPR Deputy Director of Engineering Barnett were the first witnesses. Whitton described the Center Leg as part of the Inner loop and a segment of I-95, “the main north-south route on the east coast of the United States.” The purpose of the bill was to allow construction of a vehicular tunnel “under the westernmost projection of the U.S. Capitol Grounds and the U.S. Botanic Garden grounds” under the jurisdiction of the Architect of the Capitol. The tunnel “would in no way disturb the appearance of these grounds” except during construction.

Officials had proposed to build the Center Leg through these grounds because it was “part of the most reasonably direct route” for I-95. “Without it, traffic approaching the inner loop and destined beyond would have extra travel distance by way of the east leg or north and west legs of the inner loop.”

Urban areas such as Washington had encountered “the greatest difficulties and delays” in building their Interstate networks. With congressional approval of the vehicular tunnel bill for the Center Leg, the District could “proceed to construction in the very near future.” [pages 5-6]

Senator Randolph began the questioning on broad terms. The Interstate plan was for all the States to complete their Interstate segments “at approximately the same time; is this true?” It was true. Was it also true that the District of Columbia “is almost on the lowest rung of the ladder” of progress? It was true. Is it correct that the tunnel under the Capitol grounds was needed “if the orderly program is to proceed in the District of Columbia?” Yes, that was correct.

Senator Randolph asked Whitton to elaborate on his statement that the tunnel would not disturb appearances on the Capitol Grounds. Whitton said he had not seen the detailed plans, but the plan was for a cut-and-cover tunnel. There would be “disruptions and unpleasantness during construction” of the channel into which the tunnel would be placed. However, the trench would then be covered and “the surface of the area of the Capitol Grounds will be restored as it now is.”

In response to a question from Senator Randolph, Whitton confirmed that BPR would approve the plans, just as it would for a plan in any State.

Senator Metcalf wanted to know if the District would consider alternatives such as boring the tunnel instead of building it as a cut-and-cover tunnel. Yes, the District would. Has BPR received any of those estimates? No. So BPR doesn’t know which would be cheaper, is that correct? BPR had no information on that subject, which District officials might be able to provide.

Senator Randolph and Barnett discussed the limits of the tunnel, which had changed as a result of negotiations with the Architect of the Capitol. Barnett said:

The original tunnel terminated at the south borderline of Independence Avenue, and as a result of this conference, they extended the tunnel to C Street, Southeast, so that the area west of the Rayburn Office Building is free for whatever future planning there might be  
.....

Returning to the District’s status on Interstate completion, Whitton recalled, as he had in previous settings, that the District, unlike the States, lacked rural areas. The city could not complete large amounts of rural mileage, as the States could, while the urban segments were in dispute. That difference, he said, “accounts in my judgment for most of the cause, maybe all of the cause for their being behind in the development of the interstate program in the District.”

Senator Metcalf introduced a letter from the Midtown Business Association, dated June 16, that picked apart many aspects of plans for the Inner Loop. After 10 numbered criticisms, the association said that instead of wasting money on the Inner Loop, the funds could better be spent

on the President's plan to modernize Pennsylvania Avenue. By contrast, Senator Metcalf introduced a letter from the National Capital Downtown Committee (Downtown Progress), dated June 18, in strong support of the Center Leg Freeway. Having not seen either letter, Whitton deferred comment.

Senator Metcalf indicated he was "pleased that this proposed tunnel, if it is built, will extend beyond Independence Avenue and pass the Rayburn Office Building." [pages 8-16]

Senator Cooper wanted to understand the designation process for the Center Leg as part of the Interstate System. Whitton and Barnett explained that the Inner Loop, including the Center Leg, had been designated in general terms in the September 1955 Yellow Book. The District then submitted a map showing its proposed beltline facilities and radial routes. BPR's Division Engineer for the District had given tentative approval, but the routes were not fixed in relation to existing roads and buildings. Final approval was dependent on a public hearing, full consideration of the material collected during the hearing, and review of economic effects. The District held the public hearing in September 1963. The next step was a District submittal to BPR for final approval.

Barnett said that Whitton had indicated that while BPR was satisfied with the location of the Center Leg, he would not approve it until Congress passed the legislation allowing construction of the tunnel, ensuring that it could be built as planned. "That is the reason for the bill in front of you now."

Did the District commissioners approve the plans? Barnett was not certain, but he assumed so "or they wouldn't have proposed it to us." Are Interstate funds available? Yes, Federal Interstate funds are available. Does the District have matching funds available? Whitton did not know. Have detailed plans been prepared? Plans had been prepared in sufficient detail for BPR approval, but the District would have to say whether more detailed plans, essentially the PS&E, were ready. Had officials considered a longer tunnel rather than a depressed highway beyond the present limits? Barnett replied, "No, sir. Of course, when you extend the tunnel the cost mounts up."

Senator Cooper wondered how Whitton could say, as he had, that the tunnel would not affect the appearance of the Capitol Grounds when he had not seen detailed designs. The Senator thought the committee had a responsibility to judge that point from models or plans. Whitton acknowledged he had not seen either.

The Senator said he was "very much interested" in General Duke's statement that he could not provide specific information on these points or state the cost of the tunnel. "Wouldn't that be a fundamental fact that the Bureau would know?" The project, Whitton replied, had not proceeded to the stage where a precise estimate would be possible. The District estimate of \$71 million was based on experience in other cities with similar tunnels, but until detailed plans were prepared, estimates were "going to be rather vague but I think close enough for us to determine that the project is justified."

Senator Cooper wanted to know about access roads at the tunnel ends. Whitton expected some kind of interchange near the north and south ends of the tunnel. Would that result in much noise at the entrances? Based on tests, Barnett said there would be “very much noise but not more noise than there is on the streets of the District today.”

What about fumes in the tunnel, Senator Cooper asked. Barnett replied that the tunnel would require artificial ventilation, adding “there is nothing mysterious about that.”

Senator Fong asked what would happen to the Interstate funds if some routes had not been built by the 1972 deadline. Whitton told him:

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

In that case, Senator Fong was under the impression the District would lose \$70 million. Whitton confirmed the amount. What about asking Congress to extend the program beyond 1972? Whitton replied:

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

(Senator Fong said he asked about the 1972 deadline because he was worried about the Interstates in Hawaii, which was not a State in 1956 (statehood became official on August 21, 1959). On August 29, 1960, BPR had approved three Interstates (designated H-1, H-2, and H-3) for the new State. The Senator thought that because of the delayed approval, Hawaii might be entitled to an extension of the completion date because it was going to be very difficult to meet the current schedule. Whitton replied only, “I hope you keep that position.” [pages 17-22])

Chairman Rowe of NCPC was the next witness. She told the subcommittee that NCPC had approved “the general concept of the center leg of the inner loop, but we have never taken any action on its precise alinement”:

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

Most recently, NCPC's review of the city's capital budget resulted in a statement that NCPC cleared the budget with the understanding that before the city advertised for bids, NCPC wanted to see a model of the project showing an architectural treatment of the Center Leg. She added:

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

NCPC was concerned about the aesthetics of the approaches to the Capitol and how the Center Leg might affect area residents:

We can't determine it when we have no precise information on just where and how extensive the proposed route is going to be.

Senator Randolph said that as subcommittee chairman, he understood the present bill was permissive. "It does not force the construction or alinement if the other responsible agencies do not approve the specific alinement." [pages 22-24]

Senator Metcalf said he also was concerned about the exits and entries to the tunnel. Rowe said that was one of the reasons that NCPC wanted to see a model "to determine just what a road is going to look like." NCPC did not want to delay planning, so it approved the funds needed to date, but wanted to be sure of the plan before the District advertises for construction bids. The Senator commented, "Apparently you are in the same position as the Bureau of Public Roads in not having seen the final plans." Rowe agreed. [pages 24-25]

The next witness was William Walton, chairman of the Commission of Fine Arts. He cited the two tunnels already under the Mall, "both of which we think are a great addition to the beauty, because they divert traffic from the surface." He continued:

In general we feel this about the center leg, that in principle it would be a step toward preserving the surface beauty. There are already long lines of trucks thundering across the Mall at Sixth and Fifth Streets.

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

Senator Cooper wanted to know if the District commissioners or highway officials had sought the commission's advice on design of the freeway and tunnel. "Not on the design, no." The commission feels it is consulted too late to make a real difference, is that right? Yes, and it has been the commission's general experience. Did the commission have any concerns about the freeway being very close to the Capitol grounds. Walton replied:

From what I have seen in the press and so forth, I would say that the length of the tunnel south somewhat solves the problem, but the north approach looks to be like a very bad

one, an open cut that with access highways would have a very negative effect on the Federal landscape. The tunnel should be probably longer if they must have one.

Senator Cooper said that like the commission, he felt the subcommittee was being consulted too late to do anything, “and we are asked to approve the design without knowing what it is.” Walton commented, “We should jointly prevent that.” [pages 26-33]

General Duke and Director Airis were the hearing’s final witnesses. General Duke emphasized the city’s coordination with NCPC, which had “recommended favorably” the center leg, conditioned on review of the design via a model showing the architectural treatment. “This will certainly be done as one of the first steps of the design contract.” He was certain NCPC would concur.

Similarly, he was confident that the District would coordinate with the Commission of Fine Arts “at a very early date, and here again I really have no reason to believe that we will not be able to reach complete agreement on the beauty of this area that must be preserved.” The city also had coordinated with the Architect of the Capitol, NPS, and GSA. Moreover, the Center Leg was included in NCTA’s transportation plan. [pages 33-34; General Duke submitted letters and statements of support for the record, pages 34-44]

Senator Metcalf asked what would happen if the city did not get NCPC’s final approval “that you are so confident of getting.” General Duke was confident of approval; “we have always been successful in getting this approval.” If not, “so far as I know, sir, we wouldn’t proceed with this project.” The Senator asked if that would be the end of the project under the statute. General Duke was not certain whether NCPC, under statute, could kill the project, but said, “We plan to get the approval of the Planning Commission and we will get it.” If necessary, the city would adjust the project to get the approval.

General Duke emphasized that the Center Leg was an important element of the main north-south Interstate route on the East Coast, but also served local needs. By permitting downtown distribution of local and long-distance trips, the Center Leg would relieve local streets of substantial traffic volumes. The tunnel would carry large amounts of traffic from the Southwest and Southeast Freeways under the National Mall to destinations to the north. It also would eliminate the continuous flow of traffic on U.S. 1 along Third Street, just as the 12<sup>th</sup> Street Expressway under the Mall removed some 16,000 daily trips from surface streets. For these and other reasons, the District considered passage of the present bill to be essential because it would allow the city to secure Federal funds to design and ultimately construct the tunnel segment.

Senator Metcalf asked if the city would have an Interstate System if the Inner Loop were built without a Center Leg. General Duke replied that if the rest of the Inner Loop were built, including the North Leg, he would agree that “we could in fact have an Interstate System.” However, the Inner Loop was planned with a Center Leg to provide “that balance of transportation between Maryland and Virginia and the urban area of the District of Columbia required for proper balance of the transportation requirements.”

Senator Metcalf summarized several points:

- The relocation of people for the Center Leg,
- “the fact that you are going to have an open ditch that will cut the city of Washington—the Capital of the United States—into two parts,”
- The cost of \$71-\$72 million, and
- The fact that Whitton said an alternative existed involving an extra amount of mileage.

Despite those factors, “you still feel that the center leg is an important component of this transportation system.”

General Duke replied, “I definitely do.” The city was “quite conscious of the adverse effect of the construction of any public improvement in the District of Columbia.” Recognizing these effects, the city “reluctantly” approved construction, “and I can assure you that the Board, after due consideration of all these factors, unanimously are of the opinion that this leg should be built.” He added that “you should feel confident that the inherent beauty of this area will be protected by the modus operandi in the design of these projects.” NCPC, NPS, and the Fine Arts Commission would assure that (“I should say of all the places in the country where the procedures are designed to insure beauty and insure a proper outcome, the District of Columbia probably would rank one on the list.”)

Of all the north-south legs of the Inner Loop, General Duke said the Center Leg “has encountered the least opposition.” The others had nowhere near the agreement on alignment or architectural treatments.

Senator Metcalf asked if the District had considered boring the tunnel instead of using the cut-and-cover method. General Duke said that at about \$71 million, the cut-and-cover tunnel was already an expensive project. Changes such as boring the tunnel would increase the cost considerably. He said, “one of the basic problems involved in this project is blending the beauty and the inconvenience on one hand with the cost of the project on the other hand.” If Congress approved the bill, the city would immediately hire a consultant to “decide answers to some of these questions right now with respect to the length of the tunnel, the type of the tunnel and this sort of thing . . . .” The consultant also would prepare a model of the facility. The District had not reached that stage because highway officials did not want to hire a consultant for detailed work before receiving permission from Congress for crossing under the Capitol grounds.

Senator Metcalf had to leave the hearing before he completed his questions, but he summarized his concern:

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

I think some of the concern that we have is because we don’t feel that your plans are quite established and full enough so that we can give permission for trespass. [pages 45-50]

Senator Cooper introduced a letter from Admiral Phillips, who could not be present to testify, but wanted to express the views of the Committee of 100 on the Federal City. The committee “strongly supports the concept of tunneling beneath the Mall but is gravely concerned about the location and design of the freeway north of Constitution Avenue”:

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

Therefore, the committee hoped that Congress, if it approves the bill, will amend it to require that “any continuation of the freeway north of Constitution Avenue likewise be tunneled so as to minimize or eliminate the undesirable features that would otherwise result from the open-trench design.” [pages 50-51]

Senator Cooper suggested that if the tunnel were extended the length of the Center Leg, the number of people displaced would be reduced and the taxable property involved would not be lost. General Duke replied that while such a project would be technically possible, he would question whether it “would be practical and feasible” to prevent relocations or destruction of businesses.

Senator Cooper replied that he wanted to be sure that the idea of extending the tunnel was at least considered by the District and BPR. “Will that be done?” General Duke replied, “Absolutely, sir,” adding that the current plan was “a very rough thing,” subject to review by NCPC and the Fine Arts Commission “from the standpoint of the beauty of the area and the aesthetics of the area.” The tunnel would be extended “to the proper length with these factors in mind.” However, he did not think those agencies “would necessarily indicate that the tunnel would be extended even further than the esthetics might require, for the express purpose of preventing relocation.”

Will the District consult with the Fine Arts Commission? Absolutely. Was it not strange that NCPC withheld its approval until seeing the design and model of a freeway that Senator Metcalf called “a ditch”? “No, sir.” Should Congress not have the same advantage of seeing the design and model before voting on the bill? General Duke understood Senator Cooper’s and Senator Metcalf’s concern, but “I can assure you that the design of the center leg will, I am sure, relieve your mind of such concern.” The city was following the same procedures, in cooperation with BPR, as every State.

Senator Cooper reminded General Duke that there is a difference. “This is the Capital City . . . . I think there is a great deal of responsibility for preserving the beauty not only for today but for the future, and you have responsibility to do that under your job.” He was concerned that the city expected Congress to approve “a bill which would give you carte blanche to do whatever you want to do, and that we would have no authority to do anything else about it.” He thought that if the hearings had accomplished anything, it was the assurance that the city would consult with the Fine Arts Commission and produce plans for NCPC to review “because these agencies are

concerned not only about the construction of the center leg, but the effect upon the beauty of the city.”

Senator Randolph pointed out that General Duke had testified during the previous hearing that the city intended to do those things. The Senator did not object to having these commitments put on the record, “but I would want to point out that we haven’t had to pull this out of General Duke, because he said it before.” General Duke pointed out that Section 2 of the bill addressed this very subject by requiring the permission of the Architect of the Capitol and would be subject to any conditions he prescribed.

Senator Randolph said that he, like every member of Congress, was concerned about the beauty of the Nation’s capital. However, “there is the process of change which must necessarily be part of our life.” When he bought a residence in the District (at 4608 Reservoir Road, NW., in Foxhall Village near Glover-Archbold Park), it was “a rather quiet location, somewhat removed from the hurry of the city.” This condition changed over the years, “and now the cars are constantly moving by this residence, and sometimes backed up for blocks.”

The congestion he saw every day was basically a reflection of the area’s transportation problems. “I could conceive of nothing worse for the District of Columbia than to allow ourselves to bring about insufferable congestion . . . by prolonged consideration of projects that are vital to the fulfillment of the Interstate System.” He added, “I say this with due deference to the needs here of the preservation of the beauty and integrity of the Capitol Grounds themselves.”

Senator Randolph wanted the record to reflect that “this is a matter of concern to be sure. It is also a matter of immediate need. It is also a matter of consultation and counseling.” He was confident that General Duke would ensure all consultations are conducted and that construction would not begin “until the answers to the questions that Senator Cooper and others have advanced are clearly enunciated.”

The hearing came to an end. [pages 52-55]

The *Star* and *Post* recognized that obstacles had been placed in the path of the bill. Lee Flor wrote that General Duke “came under a barrage of cross-examination about the freeway” from Senators Cooper and Metcalf. The hearing “also brought rumbles of protest” from NCPC and the Commission of Fine Arts. Jack Eisen wrote that although the bill moved a step closer to approval, the “hearing didn’t make it sound that way.” He also mentioned the “unusual parliamentary situation” of the bill, which the subcommittee had approved with the condition that the full committee would not act on it. Senator Randolph said he held the subcommittee’s additional hearing “to let his colleagues develop a hearing record, presumably to oppose approval.” [Flor, Lee, “D.C. Engineer Quizzed on Freeway Planning,” *The Evening Star*, June 19, 1964; Eisen, Jack, “Tunnel Under Mall Moves Step Nearer to Senate Approval,” *The Washington Post and Times Herald*, June 20, 1964]

On June 22, General Duke wrote to Whitton in response to the Midtown Business Association’s criticism of the Inner Loop. General Duke did not reply sequentially to each of the association’s 10 points, which he said were “somewhat repetitive.” As for the value of the Inner Loop, it was

similar to inner loops in other cities, had received BPR approval, and would “serve to distribute traffic destined for the District into the downtown area, thereby relieving the city streets from the choking traffic congestion which otherwise will continue to worsen.” It will “be of value to Washington businessmen and residents.”

All highway construction was financed by user taxes, such as the gas tax, so the association’s assumption that Washington residents and businesses would have to pay for freeways that would primarily benefit suburban commuters and others from out of town was in error.

The association was correct that a few organizations opposed the Center Leg, but “the overwhelming majority, including all of the official agencies responsible for transportation planning, have been in favor of the project.”

As for the prospect that the Inner Loop would result in tax loss from acquired properties, the association’s assertion was contrary to experience in other cities “and it is specifically contrary to our experience to date in areas adjacent to our Southwest Freeway and the so-called ‘Foggy Bottom’ area adjacent to elements of the Potomac River and E Street Expressways.”

General Duke agreed with the association that the city had a number of serviceable arterial streets, “but there is no refuting the fact that they are presently heavily congested with traffic and will become more so unless proper additional facilities are authorized and built.”

The association also had referred to the families and businesses that would be displaced as a result of the Inner Loop. The city was dedicated to keeping such losses to a minimum, in part by considering alternative routings. “Once the route is adopted, however, we will lessen the impact on those affected by all means at our disposal.” The city saw great potential for relief in the use of air rights over freeways.

Finally, he pointed out that the Washington Board of Trade, Downtown Progress, and other organizations representing downtown businesses supported the Inner Loop. The city was “convinced that this improvement is definitely in the overall public interest.”

Whitton submitted the letter to Senator Randolph for the hearing record on July 1. [pages 14-15]

### **Final Action on the Center Leg Vehicular Tunnel**

On July 1, the Senate Committee on Public Works approved H.R. 10392. The committee’s report described the project, discussed the hearings, provided a section-by-section summary of the bill, explained the traffic relief it would provide, and offered “Committee Views.” The committee, the views section stated, was satisfied that the Center Leg was an integral part of the Inner Loop and of I-95, and would relieve traffic on city streets.

The bill, the views section continued, was concerned only with the segment that would be built under the Capitol and U.S. Botanic Garden grounds, not any other part of the Inner Loop. Construction was to begin in early 1965 and take 2½ years. The committee saw “no detriment to the esthetic values of the Capitol Grounds and surroundings.” The city would consult with NCPC and the Commission of Fine Arts on final design of the tunnel and approaches. Before the

end of construction, the city would restore the grounds to the satisfaction of the Architect of the Capitol.

The report included Senator Cooper's individual views. "I oppose approval of H.R. 10392 because I do not believe Congress has received adequate information and justification at this time for such legislation." Neither the city nor BPR had prepared detailed plans for the Center Leg even though the tunnel constituted 25 percent of its length. NCPC had approved the general concept, but was withholding final approval until it could review the detailed plans:

It seems to me that the Commissioners of the District of Columbia, in asking the Congress to approve a tunnel under the Capitol Grounds before it has developed detailed plans for the entire project and before it has secured the approval of the National Capital Planning Commission is putting the cart before the horse [sic].

The Committee on Public Works did not have the authority to dictate alignments, but it did have the responsibility to protect the use and beauty of the Capitol grounds. Although the Center Leg would be placed in a tunnel under the grounds, "the segments at either end of the tunnel would be in an open cut below the ground level." Additional roads would be necessary at the exits to accommodate traffic. "There is no way of knowing now what the impact of these additional roads immediately adjacent to the Capitol Grounds would [be] upon the use or beauty of these grounds."

Senator Cooper acknowledged General Duke's commitment to consult with NCPC and the Commission of Fine Arts "but the record shows that no model or detailed plans have yet been submitted to either of these agencies." The Senator was concerned about encroachments on the Capitol Grounds "and a lack of concern by the Congress about the effect of construction projects, both private and public, upon the beauty and use of the Capitol Grounds and the Federal City itself." He urged Congress not to approve the bill "until we have more adequate information." [District of Columbia-Interstate Highway Program Center Leg of the Innerloop [sic] Freeway System, Committee on Public Works, United States Senate, 88<sup>th</sup> Congress, 2d Session, Report No. 1161, July 1, 1964]

When the Senate sought unanimous consent to take up the bill on July 2, Senator Cooper objected, thus postponing the debate, for parliamentary reasons, for a week. The *Star* reacted to the maneuver by saying that if the Senator was worried about esthetics on Capitol Hill, "he is barking up the wrong tree." The reason the segment would be in a tunnel was "to get it completely, totally, forevermore out of sight," with the side benefit of removing a lot of traffic congestion that "makes Capitol Hill today anything but attractive."

Senator Cooper said he would like to see the completed plans and maybe a model of the proposal "before approving the simple bill authorizing the District to cross two little tips of land under the jurisdiction of Congress." The fact was that a model would be prepared early enough to be changed to the satisfaction of NCPC, the Commission of Fine Arts, the Architect of the Capitol "or anyone else in authority." First, the District needs congressional approval of the tunnel before securing Federal-aid funds to begin detailed design.

With the House and the Senate Committee on Public Works having approved the bill, the editors hoped Senator Cooper would not make any further trouble on the Senate floor:

He has no need to. It is [a] safe guess, that this project will be under closer scrutiny from Congress, at every step of the way, than any road in Washington history. [“Unnecessary Roadblock,” *The Evening Star*, July 6, 1964]

The Senate considered the bill on July 8. Introducing the bill, Senator Randolph explained its provisions. Inviting the attention of Senator Cooper, he said the tunnel would not have any adverse impact upon the Capitol grounds, saying “on the contrary, it would enhance the Capitol, so far as it would siphon underground much of the transient traffic that now crosses the Mall in areas immediately adjacent to the Capitol.” He emphasized that the bill was “permissive; it is not prescriptive.” It allowed District authorities to construct the tunnel at the designated location. “It would not designate the alinement of the center leg, nor would it authorize the construction of any other segments of the inner loop freeway system.”

For those still concerned about the results, Senator Randolph quoted from the hearing transcript about the District’s commitment to coordinate detailed plans and a model with NCPD, the Fine Arts Commission, and the Architect. In short, “General Duke has given every assurance of his intention to cooperate fully with other responsible agencies on this matter . . . . He can do no more until the Congress . . . grants the authority to construct the tunnel under the Capitol Grounds” and funding becomes available for the next steps.

After Senator Randolph and other members of the Committee of Public Works engaged in supportive colloquies, Senator Cooper introduced a motion to recommit H.R. 10392 to the committee “with instructions to report the bill back to the Senate not earlier than the beginning of the next session of Congress (or Apr. 1, 1965).” In some ways, H.R. 10392 was a minor bill affecting only the District and the Capitol Grounds. “It is rather difficult to arouse much interest in a bill of this type.” However, “there are important questions connected with the bill.” Approval would commit the Federal Government and the District to spend about \$71 million even though in the absence of detailed plans “we will enact a bill without knowing how it will affect the use and beauty of the Capitol Grounds.” Congress ought to be more concerned about appearances. Some intrusions were innocent, “but sometimes we wake up to find out that something has happened to the Capitol Grounds, or to the city, and we have made it possible.” He said that Administrator Whitton had testified that BPR had not considered any alternatives to the tunnel alignment.

He referred his colleagues to a model exhibited in the rear of the Senate chamber. It had been prepared, not by the District or BPR, but “by a business group in downtown Washington.” It will give the Senators a conception of what the Center Leg will look like (although he emphasized that neither the District nor BPR had approved the model).

Senator Cooper was concerned that if Congress agreed to the bill before detailed plans were prepared, before an official model was made, before NCPD, the Fine Arts Commission, the Architect, and others had a chance to see it, “every agency will be told, ‘Look, we have secured

the authorization from Congress. Now you must approve this center leg' for the estimated cost of \$71 million.”

If the District prepares detailed plans and BPR approves them, “and if these plans were reasonable, and preserved the use and beauty of the Capitol Grounds, I believe that the Congress would approve them.” His objection was to being asked to approve the plans before they are prepared in detail and to the satisfaction of appropriate authorities.

Senator J. William Fulbright (D-Ar.) interrupted to ask if he heard correctly that no alternatives had been considered. When Senator Cooper said that was correct, Senator Fulbright asked why not since surely some alternative must be possible. Senator Cooper assured his colleague that alternatives were available, including tunneling the entire Center Leg.

He was concerned about the general tendency of Congress to approve projects before final plans were available. He cited examples such as the Senate Office Building, the Rayburn Office Building, and Lafayette Square where the Court of Claims wanted to tear down several old structures for a new court building even though the building could have been built anywhere in the city.

He referred to Chairman Rowe’s testimony that NCPC had approved the Center Leg in concept but would not give final approval until it had a model to review. “If the National Capital Planning Commission can demand a model, it seems to me that the Congress can demand a model also before it approves this construction.”

Senator Clifford Case agreed with Senator Cooper. “We in Congress must assume greater responsibility than we have assumed up to now, not only with respect to structures affecting the capitol area, the area in which the Capitol Building and surrounding buildings are located, including the park, and so forth, but also with respect to the whole city.” He did not want a stone turned, a building destroyed, a building erected unless it was in conformance with “a well-designed plan for all public works in the city.” He added, “That is particularly true with respect to highways”:

When we drive out to the airport, for example, and cross onto the southeastern loop—I believe that is what it is called; it is the only part that has been constructed—we are appalled to see what the construction of that small segment of the particular highway project involved has meant to a great area of this city.

Considering that each leg of the Inner Loop has no meaning without the others, he said:

. . . we should not put another penny into the planning and certainly not into the execution of the highway system of this city until we know what the completed job will be like; and we should not go along, authorizing it little by little, bit by bit, each bit of which will be used as an argument for the creation of the next segment, with the result that the whole city will be destroyed.

(In describing his trip along the Southwest Freeway to Washington National Airport, Senator Case apparently was not aware that the widespread destruction of the southwest quadrant of the

city was the result of redevelopment plans, not the freeway. The Senator, based in Rahway, New Jersey, where many constituents likely worked in New York City, lived at 1236 30<sup>th</sup> Street, NW., between M and N Streets several blocks west of Rock Creek Park.)

Senator Fong observed that funds for the Center Leg would remain available through 1972, while Senator Cooper was asking for a delay of only 10 months at most. “I believe the Senator should be accorded the 10 months’ delay.”

The Senate rejected Senator Cooper’s recommittal amendment, 26 to 39. With the amendment rejected, the presiding officer ordered a third reading, the final parliamentary step before passage of the bill.

Senator Thomas H. Kuchel (R-Ca.), who had voted in favor of the amendment, interrupted the procedure to say that he and many other Senators had missed the debate because they were attending an all-day hearing. He asked to be reminded of the issues under discussion.

After further debate, Senator Kuchel introduced a motion to recommit the bill to committee. A parliamentary discussion ensued about whether the motion was in order after the Senate had rejected Senator Cooper’s amendment to recommit only 10 minutes earlier. The new motion was ruled in order because Senator Cooper’s amendment included instructions about timing and the new motion was a straightforward recommittal.

The subsequent debate reiterated the issues. Senator Dirksen, the former chairman of the House District Committee and the Senate District Committee, offered his view:

Mr. President, no one shall say that I have been indifferent to the affairs and needs of the District of Columbia . . . . But this matter is not so world shaking that nations are going to rise and fall by having the project delayed for a little while. After all, \$71 million is not hay, even in Washington; and that evidently is the amount here involved.

We had better make up our minds that if we ever start on this project, there will be scaffolding and construction tools and mountains of earth and excavations all over the place, and that will probably be our “dish” for a matter of 4 or 5 years. I would rather not venture into this matter so lightly.

He cited Virginia Avenue, which he used daily in his commute (from Broad Run Farms, Sterling, Virginia). “It has been so torn up that one must zigzag in and out.” He said he “was content to wait a little while until there is complete and well rounded advice on the question.”

Senator Kuchel’s motion was rejected 25 to 39. The presiding officer then completed the third reading and declared the bill passed. [Vehicular Tunnel Under Parts of the U.S. Capitol Grounds, *Congressional Record-Senate*, July 8, 1964, pages 16106-16115]

On July 14, the District commissioners approved the route of the Center Leg between the Southwest Freeway and New York Avenue, NW. The *Star* described the route:

From its connection with the Southwest freeway, the Center Leg will tunnel under the Mall at Second and C streets S.W. to near Third street and Constitution avenue NW. Congress recently approved the legislation to authorize this tunnel which edges onto Capitol property, and it is now awaiting signature by President Johnson.

After emerging from the tunnel, the Center Leg will follow a corridor between Second and Third streets N.W. until it reaches K street, where it will veer over into the corridor between Third and Fourth streets N.W.

Use of this route will save some major church buildings, but will require the razing of the Miles Memorial Church building at L and Third streets N.W.

Churches which had been threatened but are now spared by the new route are Holy Rosary Catholic Church, Third and F streets; Bibleway Church, Third and L streets N.W., and the Mount Carmel Memorial Church, Third and I streets N.W.

The plan would require demolition of small commercial establishments, apartment houses, and single family homes displacing about 1,200 people.

The commissioners' approval meant that District highway officials could begin developing detailed plans for the freeway. General Duke told highway officials "to work in the early stages with the Fine Arts Commission and the Planning Commission to insure that a proper aesthetic treatment is given."

The commissioners regretted that Congress had not approved the legislation requested in 1963 authorizing the District to pay relocation costs up to \$200 for an individual or family and up to \$3,000 for a business. The Senate had approved the bill. However, Representative John V. Dowdy (D-Tx.), chairman of the House District subcommittee handling the bill, said the bill "got so badly messed up" with his District urban renewal investigation that it became sidetracked. Chairman Dowdy was not sure when his subcommittee would act on the bill. "I had hoped to have it in the urban renewal bill," presently awaiting House action.

Commissioner Tobriner and General Duke referred to the bill as "vital." Maryland and Virginia had such laws. General Duke said that "this means all we can do is pay a property owner the fair market value of his property under eminent domain. We will not be able to pay relocation or moving costs. Therefore we would like to reiterate our support for the legislation which would permit us to pay these relocation expenses." [Pierce, Charles D., "D.C. Approves Central Leg of Freeway," *The Evening Star*, July 14, 1964]

President Johnson approved the bill, known as the Capitol Grounds Tunnel Authorization Act, on July 21, 1964 (Public Law 88-381), without comment.

### **The Georgetown-Rosslyn Bridge**

During the first half of 1964, the consulting firm of Howard, Needles, Tammen and Bergendoff was studying two alternative sites for the Georgetown-Rosslyn Bridge. By June, Representative

Broyhill was increasingly impatient. On June 29, 1964, he wrote to Engineer Commissioner Duke to protest the “confusion and delay” in selecting the site:

It is well over a year ago that a new trial balloon was inflated on a site between Key Bridge and Theodore Roosevelt Island. I feel I speak for all in now demanding that an end be put to such a ridiculous situation.

Broyhill recalled the December 11 meeting in 1963 when District, Virginia, and Federal officials “agreed that the need of a prompt resolution of the question would be recognized by a continuing sense of urgency in all further actions.” Nevertheless, another 6 months had passed “and there has yet been no announcement of any decision on the site for the bridge.” He told General Duke:

The December meeting was held in response to a strong expression by a tired and irritated public calling upon their officials to end the delay. Our citizens had been too long subjected to announcement of first one site and then another and still another with controversies springing up after each new proposal.

Albert Grant, the District Highway Department’s planning chief, told reporters the consultant’s report would be ready in August. It would cover a location downstream of Key Bridge, opposed by Virginia officials, and one upstream. Colonel John Israelson, assistant to General Duke, said that District officials shared Representative Broyhill’s impatience, but fund limitations had prevented an earlier reporting date. When officials receive the report, he said, it will be submitted to the Policy Advisory Committee for review.

Representative Broyhill recommended that when the report is ready, all officials involved should meet to decide on the site and “prevent additional trial balloons from being shot down.” [“Broyhill Protests Delay in Selecting Bridge Site,” *The Evening Star*, June 29, 1964; “Broyhill Prods District On Potomac Bridge Site,” *The Washington Post and Times Herald*, January 30, 1964]

*Star* editors agreed that Representative Broyhill was raising “a timely inquiry,” since after the December 11 meeting, officials expected the study to take 3, maybe 4 months. Now, nearly 8 months had passed. “No consultants’ report. No decisions. No nothing.” The editors recalled how excited General Duke had been when the Policy Advisory Committee “had at least conceded the need for *some* new bridge at *some* future time in *some* location near Key Bridge.” That, however, was merely a victory in one skirmish in a long war. “It is time now to move on the next battlefield.” [“Good Question,” *The Evening Star*, July 3, 1964; italics in original]

A month later, Mr. Leslie Logan, president of Arlingtonians for the Preservation of the Palisades, reported that he had learned from a reliable source that the consulting firm was studying three sites for the bridge, not two as everyone had thought. The three sites, he said, were clustered near the mouth of Windy Run on Arlington Bluff above Three Sisters Islands. Logan’s organization opposed any bridge between Spout Run and Windy Run. He said a bridge between those points would “bury their homes and park land under concrete.”

Facing criticism for this possible intrusion on the Palisades, Arlington County Manager Johnson reluctantly told the Arlington County Board that the consultants were studying only three sites, including the two known sites upstream and downstream of Key Bridge, and one that would touch the Palisades upstream from Three Sisters Islands. He knew this because he had seen a rough draft of the report, which county officials were fact-checking. The final report had been delayed until September after BPR suggested the third site. He refused to divulge the specific locations under study, claiming that at this point the report was technically the consultants' property.

Johnson told the board that the consultants were analyzing only the three sites as well as their potential traffic, economic, social, and aesthetic impacts. Their report "will not be a coercive document and will not express a preference for one location."

In response to Logan's claim that the board had secretly taken a position on the location, Vice Chairman Richards said:

I reiterate and emphasize that no stand has been taken, and no stand will be taken until the consultants' report is available. [Kelly, Brian, "Third Site Being Studied For New Potomac Bridge," *The Sunday Star*, August 9, 1964; Lescaze, Lee, "Bridge Site Eyes North Of 3 Sisters," *The Washington Post and Times Herald*, August 9, 1964]

Officials finally released the consultants' 97-page report on September 18. As Johnson had said, it did not identify any of the sites as superior to the others. The estimated cost of each bridge was in the range of \$53.4 million to \$59.5 million. This "comparatively slender" difference in cost, the report said, should not be a factor in the final choice.

The *Star* and *Post* summarized the findings. According to the *Star*, site 1 downstream from Key Bridge "would have engineering and traffic problems around Rosslyn":

Plan 1 would require tunnels under Rosslyn plaza, extensive reworking of the George Washington Memorial parkway [sic], and apparently would create a "mixing bowl" whereby different streams of traffic would have to weave back and forth at full speed. Costly construction with difficult grade problems would be necessary to eliminate this dangerous weaving, they said.

The *Post* added:

The site below Key Bridge would require "a considerable length of ten-lane highway" on Interstate 66 between Lee Highway in Arlington and Rosslyn Circle.

A route with ten lanes in Virginia, they added, would create operational difficulties and would send the cost of retaining walls on both sides of the Potomac up to \$5 million.

The bridge itself, in this location, the consultant said, "competes esthetically with the monumental Francis Scott Key Bridge" next to it, but would mean "practically minimum disturbance to the Virginia and District shores."

They also said the route would mean demolition of most of the Whitehurst Freeway, which the other plans would retain as the westbound segment of the new Potomac Freeway.

The second site, as described in the *Star*, was north of Key Bridge:

The consultants said that since this would not require building extra freeway facilities through Rosslyn, the plan is much simpler than Plan 1. Maintaining traffic in Rosslyn would be simpler and much of the difficult weaving problem in Plan 1 would be eliminated.

In addition, westbound trucks on the Potomac Freeway would be able to get onto the new bridge only from the left, high-speed lane. Cost construction problems would be involved if merging of high-speed traffic going in different streams were to be avoided on the Virginia side.

For aesthetic reasons, the consultants included two tunnels bored through the high cliffs on the Virginia side of the river. They would be “relatively expensive,” but are feasible.

The *Post* added that this alternative, a few hundred yards north of Key Bridge, would “require only six lanes for I-66 east of the approach to the new river crossing.” The tunnels, according to the consultants, could be built by cut-and-cover techniques, but boring the tunnels would reduce public objections.

The *Star* said that site 3, the alternative that BPR had suggested, called for “a short freeway spur through a high-class Arlington County residential area, with a bridge crossing the river west of the Three Sisters Island in a general line with O street in the District of Columbia.” The *Post* added:

The route, near the Reservoir, would provide “the best distribution of traffic” between I-66 and I-266 (the designation for the new bridge and its approaches), the consultants said, because the two routes would be entirely separated from each other.

But this plan, unlike the other two, does not contemplate a Potomac River Freeway connection with Foxhall rd. and MacArthur Blvd. on the District side. It would also involve an open cut through the Palisades on the Virginia side.

The *Post* summarized:

Under all three proposals, highway officials said, Key Bridge traffic would not be able to get onto the Potomac River Freeway and vice versa. The present connections between Key Bridge and the Whitehurst Freeway, they said, would be eliminated.

Further, the consultants concluded that the crossing, whenever built, would be critically needed even with “an improved mass transit system in location.”

Each site would require relocations:

- Site 1 – 600 people, including families in 90 single-family houses.
- Site 2 – 650 people including families 106 single-family homes.
- Site 3 – about 700 people, including 139 families in single-family homes.

“Most of the relocations would be necessary in Arlington,” Flor wrote.

### **Reactions to the Bridge Report**

The Policy Advisory Committee met for 2 hours to discuss the report. General Duke told reporters after the meeting, “We don’t want to give anyone the impression, by any stretch of the imagination, that the committee has any preconceived views.” The committee would not decide on the location until after a public hearing in November. He anticipated that the committee would complete its decision by the end of the year. [Flor, Lee, “3 Rosslyn-D.C. Bridge Plans Analyzed, but None Indorsed,” *The Evening Star*, September 18, 1964; Lardner, George, Jr., “3 Choices Offered for Bridge Site” and “Committee Will Await Public Reaction Before Deciding on Site for Bridge,” *The Washington Post and Times Herald*, September 19, 1964]

Arlington County Board Vice Chairman Richard said he was “appalled by all three” alternatives and explained that “the two upriver locations do serious damage to the Palisades and the lower one is such a mass of concrete that it will be unacceptable in Rosslyn.” He added, “I do not think our community will find any of these acceptable.” Chairman Roye Lowry said he would “reserve judgment” but was concerned. Under one plan, he said, “there’s at least one place where there would be 17 lanes of concrete marching up Route 66 out of Rosslyn.” The county was planning public outreach opportunities as the board developed its official position.

Arlingtonians for Preservation of the Palisades did not wait for public outreach. Its executive committee held a meeting on September 19 before issuing a statement opposing all three alternatives. “The consequences of the projected crossing would be calamitous to us and to Arlington County.” The report, Logan said, had not convinced the group of the need for a link between I-66 in Virginia and the Potomac River Freeway in the District:

The widespread acceptance of the [Capital] Beltway has destroyed the validity of all traffic surveys made prior to its recent opening and has resulted in a complete transformation of the traffic pattern for the area. [Flor, Lee, “Arlington Has Chance To Protest Bridge Plan,” *The Sunday Star*, September 20, 1964; “Arlingtonians Renew Bridge Fight,” *The Washington Post and Times Herald*, September 20, 1964]

A few days later, the group issued a report saying that Virginia and District highway officials justified the new bridge primarily by saying the crossing was needed for trucks that were barred from the Theodore Roosevelt Bridge. The new bridge would not be needed, the report stated, if officials lifted the truck ban, which was based on advice from President Eisenhower to keep trucks away from the Lincoln Memorial area. If there were any question about repaying Interstate funds to BPR, Congress could answer it with special legislation. The report also recalled NCTA’s statement, in its report of November 1, 1962, that the additional bridge was not needed, a recommendation the group claimed was still valid. [“Let Trucks Use Roosevelt Span Citizens Urge,” *The Sunday Star*, September 27, 1964]

On October 13, 26 officials, including members of the Policy Advisory Committee, toured the three sites from a fireboat transporting them along the coast. On shore, participants visited the sites by bus. As they inspected the upstream site that would take the route through the Virginia Palisades, Elmer K. Timby, the primary author of the consultant report, assured the officials that, “Properly done, it could be just as unobtrusive as the George Washington Parkway.”

Returning to the bus, they passed M. B. Matlack of 2700 North 25<sup>th</sup> Street. Although I-266 would not take his home, it would pass alongside his property. He told the officials, “Most of us back here hate to express ourselves on the bridge because we get profane.”

NCPC Chairman Rowe said she had questions about the traffic justification for the bridge and how many lanes would be needed at the site downstream from Key Bridge. Director Airis assured her, “This is what the tour is for – so you can raise questions and get answers now.” [Lardner, George, Jr., “Officials Inspect Proposed Bridge Sites,” *The Washington Post and Times Herald*, October 14, 1964; “Officials Inspect 3 Proposed Sites For New Bridge,” *The Evening Star*, October 14, 1964]

On November 5, District and Virginia highway officials held a briefing for the Arlington County Board and the Arlington County Planning Commission. The public was invited to attend but this was an opportunity for county officials, not the public, to ask questions and comment on the plans. Highway officials unveiled a 14-page report on Potomac River traffic forecasts for 1985 when the Washington area was projected to have a population of nearly 4 million people. Virginia’s suburbs would increase from 613,000 at present to nearly 1.3 million. Even with the new Georgetown-Rosslyn Bridge and the addition of a span for the 14<sup>th</sup> Street Bridge, the total lanes across the Potomac River would fall 5,000 vehicles an hour short of the 35,700-an-hour design capacity needed in each direction in 1985. These were, the report stated, conservative projections; population growth since 1960 already exceeded predictions.

The traffic projections considered operation of mass transit at peak load, but in the absence of congressional action, the shape of mass transit could not be predicted. Traffic management techniques, such as carpools and staggered work shifts could reduce peak demand, but “some additional cross river capacity” would be needed to make up the difference.

The report covered traffic moving between the Virginia suburbs and the District. It excluded the Cabin John and Woodrow Wilson Memorial Bridges from the calculations because they were “bypass routes.”

Chairman Lowry asked if the traffic justification for the new bridge was primarily because President Eisenhower “had determined not to allow trucks to use the Theodore Roosevelt Bridge.” He wondered if the new bridge could be avoided if the bridge were opened to trucks. The report addressed this question. The new I-266 bridge “is not planned solely to bring trucks into the District.” In fact, the report stated, trucks would constitute only 8 percent of expected cross-Potomac traffic volumes. As a result, allowing trucks on the new Theodore Roosevelt Bridge would not change the need for the additional crossing.

In conclusion, highway officials stressed that “highway department and transit agencies cannot accomplish these objectives by themselves. Regionwide community understanding and cooperation is essential.”

In advance of the meeting, Arlingtonians for Preservation of the Palisades held its own meeting. The association voted to oppose the upstream site “unalterably.” [Lardner, George, Jr., “D.C., Virginia Squabble Over Bridge Plans,” *The Washington Post and Times Herald*, November 5, 1964; Flor, Lee, “Plan for New Bridges Is Viewed as Inadequate,” *The Evening Star*, November 5, 1964]

On the day of the briefing, NCPC approved the concept and location of a \$12 million two-way, four-lane bridge as part of the 14<sup>th</sup> Street Bridge to replace the span closed in 1962. Construction would begin in 1966. The vote was unanimous, taken without opposition or debate. However, some commissioners saw the vote in the context of the proposed Georgetown-Rosslyn Bridge. Commissioner Walter C. Louchheim, Jr., told Engineer Commissioner Duke, “Until we can fully appreciate the new facilities, it would seem that we should postpone action on alternatives up the river.”

Chairman Rowe said she voted for the additional span for the 14<sup>th</sup> Street Bridge in the hope that it would render the upriver bridge unnecessary. Like Louchheim, she argued that if the city replaced the abandoned bridge at 14<sup>th</sup> Street, trucks could use the new span, thus making unnecessary the new upriver crossing, which advocates said would be used by trucks that were banned from the Theodore Roosevelt Bridge. She pointed out that 14<sup>th</sup> Street was “closer to the warehouses and employment centers” in the District. “I’ll vote for your bridge,” she told General Duke, “if you’ll vote against the one upriver.”

General Duke replied, “I’m for both. That’s one of the inevitabilities of life—death, taxes and Duke for bridges.” He realized that approving the 14<sup>th</sup> Street span would “lead to extensive debate” about the need for the bridge near Three Sisters Islands, but said, “I’m willing to take the risk.” He added that he had “complete confidence in the objectivity of the commission regarding the proposal.” He responded to the truck issue by saying that “there’s very little interplay” between the traffic crossing the Potomac at 14<sup>th</sup> Street and the traffic upstream. [Lewis, Robert J., “Planners Approve Span at 14<sup>th</sup> Street,” *The Washington Post and Times Herald*, November 6, 1964; Lardner, George, Jr., “NCPC Backs New Bridge At 14<sup>th</sup> St.,” *The Washington Post and Times Herald*, November 6, 1964]

(Commissioner Louchheim, who had moved to Washington in 1934, was a financial consultant, Democratic Party figure, and patron of the arts. President Kennedy appointed him to NCPC in 1961, a post he held through most of the Johnson Administration, serving as vice chairman for much of that period. He and his wife lived at 2824 O Street, NW., in Georgetown. [Eisen, Jack, “Planning Chief Post May Go To Louchheim,” *The Washington Post and Times Herald*, November 2, 1961; Crawford, Kenneth G., “Walter C. Louchheim, Civic Leader,” *The Washington Post and Times Herald*, February 1, 1973])

On November 6, County Manager Johnson provided a report to the Arlington County Board recommending construction of a Potomac River bridge near Three Sisters Islands. Of the three

alternatives, it was, “the best and only suitable location.” It would require twin tunnels beneath the Virginia Palisades and would connect I-66 with the Potomac River Freeway, with direct connections with MacArthur Boulevard and Foxhall Road. The report suggested shorter, straighter tunnels because they would “save virtually all the houses” in Arlington that were threatened by the original concept. Johnson warned that if a bridge were not built, Arlington County would suffer from more congestion and crashes that would “reduce Arlington’s and Northern Virginia’s competitive position as a desirable place to live, to work and to do business.”

At the same time, Peter Craig of the Committee of 100 on the Federal City released a report attacking the proposed bridge. The report claimed that traffic projections used by District and Virginia highway officials were too high. Only when northern Virginia reached 2.5 million residents would the area reach the traffic levels cited by highway officials. “Such a population is not expected until well after the year 2000, if ever.” Commuters could do without any new bridges for at least 12 years. Craig’s report added that providing new bridges would discourage motorists from shifting to the rapid transit system that was inevitable.

District highway planner Grant disputed Craig’s claim. “Our bridges are up to capacity now. How can they be adequate?” He added, “We can’t continue to stick our heads in the sand.” [Lardner, George, Jr., “Arlington County Manager Urges a Three Sisters Bridge,” *The Washington Post and Times Herald*, November 7, 1964; Flor, Lee, “Span Near Three Sisters Urged in Arlington Report,” *The Evening Star*, November 7, 1964]

*Star* editors, discussing the three alternatives, said of the debate in Arlington County that “the bridge war has taken a sudden diversionary tack.” Instead of focusing on which location would be best, “several vocal, well-organized citizen groups are challenging the need for any new bridge, under any circumstances, along any route.” Arlington County had asked for facts, and the highway officials had provided them. “The results leave no room for reasonable doubt as to the need for the bridge.” The only question was whether one bridge would be enough.

Facts were one thing. “None of this, of course, will deter angry citizens from pressing their attack at public hearings next week before the county planning commission and the County Board.” The editors hoped that county officials would “confine the testimony, as far as they are able, to the job of finding the most desirable route.” [“Decision in Arlington,” *The Evening Star*, November 7, 1964]

All the witnesses at the Arlington County public hearing on November 9 opposed any new bridge. The bridge was not needed, they said, and if built would ruin the Potomac Palisades. They did not trust traffic projections. Mrs. Milton E. Wertz of the North Highlands Citizens Association said, “The overriding need has not been established . . . . The loss of property is therefore not in the public interest and is wholly unacceptable to us.” Mrs. George B. Green of Arlington County Cultural Heritage testified that the Potomac Palisades were part of the county’s heritage and the setting for Arlington National Cemetery and the national monuments in Washington. Her organization was not willing to sacrifice the Palisades for yet another bridge.

Many supported rail rapid transit instead of a new bridge. The Arlington Civic Federation called for a halt to planning for the bridge “until a full mass transit system is approved and designed.”

Too much emphasis had been placed on automobile traffic, with a “great lag in mass transit planning.” The group urged officials “to restore balance in transportation planning.”

Robert K. Gray, who lived on Courthouse Road, agreed, especially in view of likely technological advances:

We resist “one more bridge” proposals which delay the day when we will give rapid transit a chance. In the 1970s, we may be using air cars, vacuum-driven subway tubes, or a method of rapid transit undreamed of today. [“Proposed Span Arouses Critics in Arlington,” *The Evening Star*, November 10, 1964; “Arlington Group Hits Lag in Transit Plans,” *The Evening Star*, November 11, 1964]

The Arlington County Planning Commission held a public meeting on November 12 to question planning staff. It then recommended a moratorium of 3 to 5 years before the county should decide on an I-266 bridge:

Another bridge will tend to slow down the effort to secure rapid transit for the area. While rapid transit may not solve all our problems, we believe that, when a halt is called to the construction of more roads and bridges, we can expect more acceleration for a rapid transit system.

Although population would inevitably increase, the commission did not believe the increase in northern Virginia would “carry with it a similar ratio of increase” in motor vehicle crossings of the river.

In what the *Post* called “a cautiously worded amendment to its recommendation,” the commission said that if the Arlington County Board decided a bridge was needed, a bridge near Three Sisters Islands would be the “least damaging” of the three studied. [“Arlington Planners Propose Delay on Bridge Decision,” *The Washington Post and Times Herald*, November 13, 1964]

In the District, the Democratic Central Committee agreed with those who wanted a moratorium until rail rapid transit was given a chance. In a statement, Lewis H. Ulman, the committee’s deputy planning and housing chairman (and brother of NCPC Chairman Rowe), said:

Sound planning requires that the full impact be first measured of an integrated transportation system with fully operational rail and bus rapid transit. You can’t make adequate traffic forecasts until you’ve got actual mass transit in operation—both rail and express bus.

Despite the numbers invoked by District and Virginia highway officials, another bridge would only “accentuate an already serious imbalance between public and private transportation.” Moreover, a rail rapid transit system would be able to carry 35,000 to 40,000 passengers an hour, approximately the same amount carried by existing bridges during peak periods. Ulman said, “You can’t forecast what the change in commuting habits will be once a subway’s in operation without actually having it there.”

The committee also did not agree that highways and transit were complementary. It wanted a showdown, which it was confident transit would win. ["D.C. Democrats Put Rapid Transit Ahead Of Proposed Bridges," *The Washington Post and Times Herald*, November 13, 1964]

On November 13, the *Star* printed a letter to the editor from Leslie Logan responding to the "rude shock to Arlingtonians" contained in the editorial "Decision in Arlington." Citizens groups in the county, Logan wrote, were proud of the Arlington County Board for "heeding the voice of their constituents and of taking sensible action in asking for full justification for the proposed expenditure of millions of dollars from public revenues." That the bridge was not wanted was reflected, he said, in the November 3 election when candidates favoring preservation of the Potomac Palisades were elected.

Logan also took exception to the reference to "several vocal, well-organized citizen groups" that opposed any bridge anywhere:

We challenge only haste in making decisions based on jerry-built statistics, and in making decisions which are a mockery of the democratic process.

His organization was not anti-highway in general or even anti-bridge. The group strongly supported the new span for the 14<sup>th</sup> Street Bridge complex, as well as improving and enlarging existing bridges. "We concur in the intent of the Congress to provide a balanced highway-rapid transit system for the metropolitan area."

As Chairman Lowry had stated, Arlington County had nine major arterial highways, with I-66 planned to be the tenth. "Under existing methods of financing highway programs," Logan quoted Lowry as saying, "we can be buried in concrete at no cost to ourselves. But such a free burial is not a community objective of Arlington County."

The *Star* added an editor's note after printing the Logan letter:

Mr. Logan's letter implies that the members of the Arlington County Board are firmly opposed, as he is, to the construction of any new bridge in the Palisades area, and that the board requested the new study in order to bolster the opposition. If this is Mr. Logan's belief, we think he is wrong on both counts." ["Decision in Arlington," Letters, *The Evening Star*, November 13, 1964]

Lowry had written to NCTA's Darwin Stolzenbach seeking clarification on whether the agency stood behind its November 1962 claim that the Three Sisters Bridge was not needed.

Stolzenbach replied:

Our resources and full effort have . . . been devoted to preparation of a rail rapid transit proposal, and we have not, and are not, presently able to up-date our earlier studies to a point where meaningful judgment can be expressed concerning bridge requirements.

Since that 1962 recommendation, "there have been a number of significant developments which must influence any subsequent judgments." One development was that he had signed the unanimous Policy Advisory Committee statement in November 1963 that I-266 should be built

across the river at a location upstream or downstream of Key Bridge rather than at Three Sisters Islands. He added that NCTA concurred generally with the District Highway Department's "methods of forecasting" traffic.

As Lee Flor summarized, the letter "may be used by both supporters and opponents of the bridge." [Flor, Lee, "Agency Letter May Add to Bridge Dispute," *The Evening Star*, November 14, 1964]

By a 3-0 vote, the Arlington County Board agreed with the Arlington County Planning Commission by adopting a resolution rejecting all three study locations for the Georgetown-Rosslyn Bridge. The resolution, which said the bridges threatened the "natural beauty" of the Potomac Palisades, argued that the "real need" was rail rapid transit. The members of the public in attendance, many representing civic associations, applauded loudly.

Chairman Lowry and Vice Chairman Richards considered voting against the resolution, primarily because of traffic projections presented by highway officials. However, they decided to abstain so the resolution would be unanimous when it was presented at the joint public hearing on November 24.

The board voted after a public hearing where only three people favored the bridge: representatives of the Arlington County Chamber of Commerce and the Northern Virginia Advisory Board for AAA, and Arlington resident Paul Neff. Leslie Logan led the many opponents. "There is a puzzling intermingling of figures" in the consultants' report. He questioned the validity of their report because the consultants started with the bias that a bridge was needed. He urged the board to oppose all bridge options until a "balanced mass rapid transit highway system is worked out for the whole metropolitan area." [Lescaze, Lee, "Arlington Leaders Vote Against New Bridge on Potomac," *The Washington Post and Times Herald*, November 15, 1964; Kelly, Brian, "Rosslyn Bridge Plans Rejected by Arlington," *The Sunday Star*, November 15, 1964]

George Lardner, Jr., writing in the *Post*, summarized the situation by saying:

Washington is in the midst of another fight over a subway that hasn't been started and a bridge that hasn't been built. In a town addicted to Grand Plans and Monumental Delays it was perhaps too much to expect anything else.

The anti-bridge brigade has taken center stage for the moment. They want a subway before any more bridges. Highway officialdom is making a show of biting its lip and looking brave. But perhaps it can afford to. The subway has yet to get a penny for construction. Congress has already apportioned money for the bridge substructure.

After months of study of alternatives to the Three Sisters Bridge, "the leading candidate . . . seems to be one very near the old one, between the Three Sisters Islands and Key Bridge."

Without the incentive of the pending vote in the House on Chairman Whitener's bobtail subway plan, some of the Policy Advisory Committee members "seem to be shying away from the 'unanimous' stand" that President Kennedy had found "particularly gratifying." NCPC chairman

Rowe said, "Nobody said the bridge was needed. The statement was very carefully worded." The committee had agreed to delete a sentence stating explicitly that the crossing was needed. The highway supporters on the committee, including Administrator Whitton, went along with the deletion in the interest of unanimity. After all, they reasoned, "surely the statement that a bridge should be built amounted to a statement that one was needed."

Lardner recalled the discussion when NCPC approved the new 14<sup>th</sup> Street span on November 5. Chairman Rowe and Commissioner Louchheim saw it as an excuse to delay a decision on the new bridge near Three Sisters Islands. As discussed earlier, Mrs. Rowe maintained that in view of the new bridge in the 14<sup>th</sup> Street complex, "further study" of the Georgetown-Rosslyn Bridge was needed. In any event, Lardner wrote, Mrs. Rowe also felt that rapid rail transit should be given favored treatment by downplaying highways. Asked if her attitude might hurt the subway by antagonizing the highway interests, she replied, "I don't know how important an element that was in the past or will be in the future."

Rowe also had not let up in her opposition to the North Leg, which NCTA had recommended for replacement with "express streets." The advisory committee had sidestepped the controversy by calling for as much tunneling as possible.

As reflected in Stolzenbach's recent letter to Lowry, the NCTA Administrator "is standing mute." Lardner explained:

NCTA appears to be caught in the middle. The House turned the agency down last year, for a host of reasons ranging from labor policy to who should run the rail transit system. But the noisy freeway-vs.-transit fight was not mentioned as an issue.

Now, however, the fight is popping up again.

Stolzenbach is apparently fearful of offending highway officials on the one hand and fearful, on the other hand, of offending some of his most vocal supporters who still contend that to fight for mass transit means to fight against highways.

Peter Craig, chairman of the Committee of 100's roads committee, was continuing his fight:

Craig, a long-time freeway critic, contends that the bridges we have now across the Potomac should stand commuters in good stead for at least 12 more years. Rush-hour traffic isn't really bad, he said.

An attorney who described his freeway fighting as "a part-time hobby," Craig produced for publication today an 80-page report packed with statistics against bridges. The report challenges in exhaustive detail the traffic estimates cited by the Virginia and District Highway Departments in support of their bridge proposals.

By now, District highway officials just sigh when asked about Craig's statistics. Which seems to prove something about statistics, whether Craig's, the District's, or anybody else's.

District planner Grant pointed to the city's traffic projections for cross-river traffic in 1985. These projections showed that cross-river traffic would be congested in 1985 despite the coming of rail rapid transit and the 10 additional planned lanes of bridge crossings. [Lardner, George, Jr., "Battle Between Subway, Highway Interests in New Round," *The Washington Times and Times Herald*, November 15, 1964]

### **The Joint Public Hearing**

On the eve of the joint public hearing, the *Post* took on Chairman Rowe. Under pressure from the White House, she had signed the report to President Kennedy unanimously agreeing on potential sites for the new bridge. Now, she had returned to opposition "with the absurd quibble that she only agreed to the bridge's location; she did not agree to building it." Her alternative, at least for trucks, was curious, the editors said:

Instead of a new bridge from Arlington to Georgetown, she would run the Route 66 traffic down through the riverside parks. Trucks and all, it would pour across the parks, in front of Arlington Cemetery, the Kennedy tomb, and the Pentagon, to the 14<sup>th</sup> Street bridges. There is altogether too much long-distance traffic on those parks now, and this unwarranted invasion of irreplaceable parkland must be firmly resisted.

She and "the misguided Democratic Central Committee" were convinced that people would use rapid transit "if driving becomes sufficiently inconvenient." The editors pointed out that I-66 would largely serve traffic originating in western Fairfax County, which NCTA's current transit plan did not touch. "The campaign against the bridge merely continues a totally profitless stalemate over the city's planning." ["City Nonplanning," *The Washington Post and Times Herald*, November 23, 1964]

The hearing on November 24 took place at the Marriott Twin Bridges Motel in Arlington. The the crowd, as judged by their reaction to the presentations, was mostly opposed to any I-266 river crossing.

Airis began with a prepared statement arguing that without the bridge, the existing streets of Arlington and Georgetown would be overloaded. He also pointed out that cities with rapid transit systems were still building "suitable highway networks," including bridges to support them. He cited New York City, which had "the world's largest and probably best subway system and yet also has large and extensive freeways under construction." He pointed out that just a few days earlier, on November 21, the city had opened the Verrazano-Narrows Bridge as a link between Staten Island and Brooklyn in a city.

Albert Grant cited the traffic forecasts demonstrating that the region's highway system was planned to accommodate 1985 traffic "remaining after full projected diversion to mass transit." "We are proposing a highway system which will be totally inadequate if the mass transit system is not built." Highway plans had been cut back "to an irreducible minimum" in view of projections of diversion to the planned rail rapid transit system.

Arlington County Board member Joseph L. Fisher, who had drafted the approved resolution, summarized why the board opposed any of the bridge locations. The board had studied the traffic statistics “but is not convinced that they demonstrate a need for this route at this time.” The board had expressed “emphatic opposition” to the bridge because “the people of Arlington overwhelmingly do not want this route and its bridge.” He added that, “The damages to Arlington will far outweigh the benefits, not only to Arlington but to outlying areas to the west.” I-266 and the bridge would carve up neighborhoods, cut tax revenue, and hurt the Potomac Palisades and commercial property. “In return for these losses, there would be one more bridge to carry cars and trucks into the metropolitan center, which already is choked with vehicles, many of them in futile search of places to park.”

Peter Craig, representing the Northwest Committee for Transportation Planning, said his organization wanted to “defend Northwest Washington and the Central City against this unwanted and totally unnecessary intrusion” by the proposed bridge. The committee opposed all three sites the report had studied. “They are like asking the city whether it wishes to die by the guillotine, the electric chair or the gas chamber.” Based on the estimate that cross-river traffic would amount to 97,000 peak hour trips in 1985, the bridge would be the wrong solution. That would justify a second rail transit line across the river.

Former Representative Robert Hale (R-Me.), representing the Committee of 100 on the Federal City, worried that officials might overlook “the fact that no necessity has been shown” for a new bridge. The District’s traffic projections, he said, had been “wholly discredited.” He said the Year 2000 Plan, which President Kennedy had approved, emphasized that “every attempt should be made to encourage rush-hour use of transit.” More bridges, such as the I-266 crossing, would “destroy this policy by encouraging even greater automobile commuting than exists today”:

Many people speak as if a man’s right to drive to his work all alone in his Cadillac or Continental was a basic American right guaranteed by the Constitution, like the right to life and liberty. This is nonsense.

In what George Lardner described as “politely phrased dissension,” another member of the Committee of 100, Irving C. Root, said he supported the bridge. A former superintendent of National Capital Parks (1940-1950), Root said that neither he nor other supporters on the Committee of 100 had been consulted. He supported rail rapid transit and the District’s freeway system, but said that “needless and mutually destructive contention” had hindered both options.

Leslie Logan said the proposed bridge would “undoubtedly cause the air pollution problem of the metropolitan area to worsen.” He asked, “Who’s going to live here anyway? People or automobiles?” The Federal-Aid Highway Act of 1962 called for a cooperative areawide planning process before major highway or bridge decisions were approved. The opposition of the Arlington County Board should disqualify the bridge. (The 3C planning process would not go into effect until July 1, 1965.)

On behalf of the District’s Democratic National Committee, The Reverend E. Franklin Jackson said that building the bridge would be “putting the cart before the horse.” He recommended improving bus transit and providing rail rapid transit before adding bridges. If additional

highways had to be built, he urged officials to find a solution to relocation problems posed by the North Leg.

Delmer Ison of the area's bus regulatory commission pointed out that "even with rail transportation, rubber-tired vehicles can be expected to be the dominant means of transportation for commuters in the Washington area." Except for New York City, he said, "no metropolitan area has yet devised a public transportation system, rail, bus or a combination thereof, which has been able to attract more than approximately 25 per cent of the commuters."

Robert K. Gray of the North Highlands Association reiterated his view that highway planners were shortsighted:

A study of technological development in the United States supports the very strong possibility that by 1985 the automobile as we know it may be as outmoded as the buggy whip two decades after Henry Ford.

Near the end of the hearing, with many spectators filing out, several pro-bridge witnesses testified. Worthington H. Talcott of the Joint Committee on Transportation for Metropolitan Washington said, "Anyone who says that Washington does not have a disastrous rush-hour traffic snarl is either blind, misguided or a resident of some other city." He had thought the hearing was held "not to determine whether or not a bridge should be built but rather where it should be built." The location decision should be left to "responsible engineers." (The committee represented the Metropolitan Washington Board of Trade, Federal City Council, National Capital Downtown Committee (Downtown Progress), and the Washington Board of Realtors.)

S. A. DeStefano said the Arlington County Chamber of Commerce believed a bridge in the Spout Run Valley would "offer the greatest service to and has the least impact on Arlington."

On behalf of the Fairfax County Chamber of Commerce, Robert W. Grow urged "the earliest possible practicable construction of I-266," with a preference for the site near Three Sisters Islands. ["Few at Bridge Hearing Support Any of 3 Sites," *The Evening Star*, November 24, 1964; Lardner, George Jr., "Bridge Opponents Ask Subway, Clean Air First," *The Washington Post and Times Herald*, November 25, 1964; Flor, Lee, "Hearing Record on Rt. 266 Span Open to Dec. 8," *The Evening Star*, November 25, 1964]

(Admiral Phillips was not pleased by Irving Root's dissenting voice at the public hearing. During the Committee of 100's December 4 meeting, he said, "the overwhelming majority" of members opposed the bridge. That official view had been stated during the hearing. "To give the impression to the public that a steamroller is operating here is most damaging," he said. Root, who had retired from NPS in 1953 to establish a private practice as a landscape architect and planning consultant and lived on Hillcrest Place in Chevy Chase, defended himself, saying:

We need the very best mass transit and the very best highway system we can have. I'm sorry you consider it such an unsavory report.

(With only a few dissenting votes, the Committee of 100 prohibited public pronouncements of minority views after the Committee takes a stand. Members wishing to dissent may do so, but

they should use their own names without citing their membership in the committee. [“Anti-Bridge Faction Muzzles Opposition,” *The Washington Post and Times Herald*, December 5, 1964; “Irving Root Dies; Was Parks Chief,” *The Washington Star-News*, December 12, 1973])

The *Star* editors again took on the “several small but well-organized groups” that had diverted attention at the public hearing from the point: choosing the best location for the crossing. “But you would never know it from the testimony.” Their idea was to build a full regional rapid rail system. “Then see if the bridge is needed.”

First, the bridge was needed now. Without it, the “carefully-planned freeway systems” in the District and Virginia “cannot possibly function effectively.” Second, the “relatively conservative forecasts of traffic” demonstrate that the new bridge was based on “a firm assumption that the transit system *will* be built—and that only through a balanced combination of freeways and transit can the massive traffic volumes predictable in the future be handled at all.”

NCPC Chairman Rowe, the editorial said, had led a similar campaign a few years earlier, with the support of the District Democratic Central Committee, in the belief that delaying freeways would promote the transit system. “It didn’t. It touched off a feud between highway and transit advocates which brought both programs to a virtual halt.” The White House intervened to “restore the sensible concept of a balanced transportation approach—including, incidentally, the new Potomac bridge.” As for the latest efforts, the editorial ended:

Now Mrs. Rowe and her friends, by their latest irrational attacks, are recklessly threatening once again to reopen the same old wounds. If they have any real concern for the transit program, they should stop before it is too late. And if they fail to do so voluntarily, the White House should again step in and stop them. [“Phony Bridge Issue,” *The Evening Star*, November 27, 1964; italics in original]

Two weeks later, NCPC voted against the District’s budget request for the Three Sisters Bridge, as well as the related request for funds to continue the Potomac River Freeway west of 31<sup>st</sup> Street, NW., in Georgetown. Unnamed sources told reporters that NCPC thought officials should wait until the new 14<sup>th</sup> Street Bridge is completed before approving another Potomac River crossing. The commission also took into account Peter Craig’s criticism of the District’s traffic forecasts. One unnamed commissioner said the city had “not answered” the critique.

For the North Leg Freeway and North-Central Freeway, NCPC okayed the budget request for “emergency” funds for right-of-way acquisition, but said the city would have to seek NCPC approval before spending any of the funds.

The exact impact of NCPC’s actions was unclear because on budget matters, its actions were only advisory. The District commissioners, the Bureau of the Budget, and President Johnson could overrule NCPC’s actions. However, NCPC’s actions often proved influential with Federal officials. [“Planners Oppose 3 Sisters Bridge,” *The Sunday Star*, December 13, 1964]

## The Freeze

The 5-year moratorium Craig had helped secure in the National Capital Transportation Act of 1960 to block construction of the Northwest Freeway was successful. The problem for highway officials was how to get I-70S traffic from Pooks Hill on the Capital Beltway to the Inner Belt in the District.

On a map, the logical entry point was the Wisconsin Avenue corridor. George Lardner, in his column about how different parts of the city protested freeway intrusions, offered some reasons why residents of northwest Washington objected:

- The Wisconsin Avenue corridor would nick the Chevy Chase Club.
- The Wisconsin Avenue corridor would displease some members of the Establishment.
- The Wisconsin Avenue corridor raised the prestigious hackles of the Metropolitan Washington Board of Trade, the Federal City Council, Woodward & Lothrop and the chairman of Riggs National Bank.

These critics favored a riverside link through northwest for I-70S, but that proposal was “subsequently bogged down mainly because of difficulties with parkland.”

Lardner recalled that when the Mass Transportation Survey considered the Wisconsin Avenue corridor:

All the chaps at the Chevy Chase Club had to do, for example, was wait for the late District Commissioner David B. Karrick to show up for a round of golf to tell him what they thought. An old-line Washingtonian, Karrick was not about to preside over the club’s dissolution – or even rearrangement of its golf course.

After two years of hot community debate, Karrick and Engineer Commissioner A. C. Welling outvoted Commissioner Robert E. McLaughlin in April of 1959 to kill the Wisconsin Avenue corridor.

“Boom Boom” Welling (he liked to open new projects with cannon shots) had undoubtedly been cautioned extensively by then to hold his fire on freeway projects through Northwest Washington.

Harland Bartholomew, during his tenure as NCPC chairman, revived the idea, which BPR embraced as the shortest, most direct, practicable alternative for getting I-70S into the city:

That brought out the big guns. Four committees of Congress jumped into the dispute. The upshot was a five-year Congressional freeze on freeway construction through the Northwest west of 12<sup>th</sup> st., nw.

BPR reversed its position after coaxing from the White House, leaving the option of a less direct alternative as eligible for Interstate 90-10 funds. Maryland officials saw a route along the western edge of Rock Creek Park as the best choice, but NPS and park supporters blocked that option.

In 1962, NCPC and NCTA recommended shifting I-70S from the Wisconsin Avenue corridor to Silver Spring to enter the District in the North-Central Freeway corridor, with a link to the I-95 Northeast Freeway. After I-70S and I-95 came together, they would continue on a single alignment to the Inner loop. BPR had accepted the switch for ICE purposes. The Maryland State Roads Commission had hired J. E. Greiner Company to study alternatives for the North Central corridor. Traffic would travel along the Capital Beltway between Pooks Hill and Silver Spring where the interchange for I-70S would be built. [Lardner, George, Jr., "The Game in Upper Northwest," Potomac Watch, *The Washington Post and Times Herald*, December 28, 1964]

As discussed earlier, concerned Members of Congress from Maryland launched an attack on the freeze to revive the more direct routing for I-70S. The failure of the bobtail plan on December 9, 1963, appeared to give new urgency to lifting the freeze. With Senator Brewster's bill in hand, the Senate District Committee wrote to area agencies on December 20, 1963, seeking their views. ["Views Asked On Freeway Thaw in NW," *The Washington Post and Times Herald*, December 21, 1963]

On January 6, Senator Mansfield, the Majority Leader, announced he would not oppose lifting the freeze as long it did not revive the Glover-Archbold Parkway project. By that point, only one agency had responded to the Senate District Committee's letter. The National Capital Regional Planning Council endorsed the bill. ["Mansfield States Stand On Freeways," *The Washington Post and Times Herald*, January 7, 1964]

The Metropolitan Washington Council of Governments (COG) endorsed the bill on January 23. The freeze was "an undue restriction on the planning process."

On January 25, BPR Administrator Whitton reversed the agency's position that Federal-aid planning funds could not be used to plan freeways in the freeze zone. Jack Eisen wrote:

Whitton touched the administrative blowtorch to the controversial freeze following a new ruling from the general counsel of the Bureau of Public Roads. It held that planning funds could be spent seeking a general route, but not funds for preparing construction blueprints.

Eisen emphasized that the reversal did not mean "a highway through the Northwest to Bethesda actually will be built." [Eisen, Jack, "Metro Unit Hits 'Freeze' On Freeway," *The Washington Post and Times Herald*, January 24, 1964; "U.S. Planning Funds Are Ruled Usable on N.W. 'Freeze' Route," *The Washington Post and Times Herald*, January 26, 1964]

### **Getting I-70S into the City**

Regardless of the fate of the freeze, Chairman Funk was awaiting results of the Greiner study of Maryland's proposed 10-lane North-Central Freeway. With the Potomac River, Wisconsin Avenue, and Rock Creek Park corridors blocked, the new alignment east of the park in the Baltimore and Ohio Railroad corridor seemed the best alternative.

The study, expected to take 6 months when the contract was awarded in mid-1962, was still not completed in September 1964. However, on September 30, 1964, Lardner reported:

District and Maryland highway officials have been sitting all summer on a long-awaited report on the North Central Freeway that seems sure to touch off a storm in Silver Spring . . . . Ordered more than two years ago, the report is still in preliminary form.

Officials had received the report in June, but after saying they would release it without delay, had postponed announcements about its content:

Concern by Maryland road officials over the suburban stretch apparently has caused most of the delay. A review committee of highway officials has been working with the consultants on the report's final version.

Officials refused comment on the recommended alignment. Airis said, "It's not ripe yet," and refused even to say how many lanes the freeway would contain. He promised to make it public on November 5. He indicated that the report had been delayed because "we've had trouble nailing down the [Inner Loop] system in the District." Funk would say only that the freeway in Maryland would tie in with the Beltway "east of the B&O tracks."

Nevertheless, Lardner saw a clue in the numbering of Capital Beltway interchanges:

Interchange 21 is at Georgia avenue and Interchange 23 is at Colesville road (U.S. Rte. 29). In between is Sligo Park Golf Course and Holy Cross Hospital—but no interchange 22.

Funk did say that officials planned to hold a public hearing, tentatively scheduled for December 14 in the Silver Spring Armory, before making a final proposal. "It looks to me like most of the pros and cons will develop concerning the county location. It's a much more difficult problem there than in the District." [Lardner, George, Jr., "Freeway Report May Touch Off Suburban Storm," *The Washington Post and Times Herald*, September 30, 1964]

Chairman Funk joined Airis for a press conference at the District Building on November 9, 1964, to announce the results of the study by J. E. Greiner Company. Greiner had identified an 8.8-mile corridor, known as "Railroad-East, Sligo," for a 10-lane freeway that would include reversible middle lanes that could eventually be used exclusively for express buses or a rail transit line. The recommended route was the best of the 18 corridors studied for the route.

In the District, the freeway would begin at the Inner Loop near Rhode Island Avenue, NE., to the north of Union Station, just east of the railroad tracks. It would run east of the railroad tracks (13<sup>th</sup> Street, NE., to Michigan Avenue, NE.) and continue east of the tracks to Buchanan Street, NE., staying east of Catholic University, but cutting through Catholic Sisters College. On the way to the District-Maryland line, the corridor followed the tracks to Kansas Avenue, NE., before cutting away from the tracks to parallel North Capitol Street. The report estimated that the 3.54-mile segment in the District would cost \$75,053,000.

From the east side of North Capitol Street, it would cross the State line into Maryland while turning west to pass north of Montgomery Junior College to Colesville Road. The freeway would run along the north edge of the railroads tracks before curving northward east of 16<sup>th</sup> Street extended. At the intersection of 16<sup>th</sup> Street and Georgia Avenue, the freeway would

begin curving toward the Capital Beltway at Sligo Park Creek before continuing on the west side of the park to University Boulevard. The estimated cost of the 5.31-mile segment in Montgomery County was \$53,151,000.

The North-Central Freeway would have an interchange with I-95, known as the Northeast Freeway, east of South Dakota Avenue in Fort Totten Park between Galloway and Gallatin Streets. The two routes would continue on a combined freeway to the Inner Loop.

The freeway would require the taking of the homes of 1,310 families, the fewest of the 18 routes studied, in part by running parallel to the Baltimore and Ohio Railroad tracks wherever possible.

The District's new relocation agency, authorized by Congress in legislation signed on October 6, 1964 (Public Law 88-629), would help those displaced by the freeway to buy or rent new quarters. In addition, Greiner pointed out that the Housing and Home Finance Agency's mortgage program for low and middle income families could help provide replacement housing.

Based on normal turnover, Greiner predicted that displacees would be able to find housing within 10 blocks of their former homes in no more than 2 years. Speaking of District residents, the consultant report stated, "Relocating of displaced renters could be accomplished in about a year by utilizing existing housing." Greiner recommended construction of housing near the freeway to provide for relocatees as well as to replenish the city's housing stock. "Planning for such construction could be performed sufficiently in advance of the Freeway construction to allow for direct relocation."

Some of the loss of taxable property would be made up by the use of airspace over the freeway, which also would be used to provide housing for displaced families. New housing, with affordable rents, could be built over the freeway. The report singled out a 6¾-acre site for air space housing at Kearny, Monro, and 10<sup>th</sup> Streets, NE. Another promising location for air space housing was a 4¾-acre site at Eastern Avenue and North Capitol and Underwood Streets.

At the press conference, Funk said the construction of freeways was "a sign of the times. We hope that it will be approached as being a difficult problem that has to be solved . . . nothing can be done today that won't hurt a few people." He was keeping his options open in the Wisconsin Avenue corridor, but was not expecting such a "massive artery" as planned for the North-Central Freeway. "It seemed better to move over here and do this first. Then we'll see what happens."

Airis added, "we see nothing in the foreseeable future in the District portion of Wisconsin Avenue." He expected the North-Central Freeway would relieve pressure from traffic for another freeway in the Wisconsin Avenue corridor. Regardless of what might happen in the Wisconsin Avenue corridor, Funk and Airis hoped the proposed alignment could be advanced without the fierce fighting other District freeways had faced.

Lardner's account of the press conference ended:

Hundreds picked up summaries of the Freeway recommendations in the District and Silver Spring yesterday. Civic groups said they wanted to study the report before taking any stand.

[Flor, Lee, "D.C. Hopes to Get Freeway Accord," *The Evening Star*, November 10, 1964; Lardner, George, Jr., "Northeast Freeway Urged Here," November 10, 1964, and "Relocation Stressed As First Freeway Job," November 11, 1964, both: *The Washington Post and Times Herald*]

Reactions were not long in coming. William Hammond Thomas, president of the D.C. Federation of Civic Associations, said his predominantly African-American group could not accept the plan:

Not only are we opposed to it because of the displacement, but also because of the additional tax burden that will be imposed. We're already suffering from the flight of many of our high-bracket taxpayers to the suburbs. Construction of freeways tends to accentuate this deficit.

He acknowledged the material in the Greiner report about relocation and housing:

That all sounds pretty rosy, but I don't know if it's practical. So far most builders have maintained they have been unable to build housing for low and middle income people in the city. If housing were made available, of course, most of my objections would not obtain. But it's something that remains to be proven. There is a housing shortage already.

The predominantly white organization, D.C. Federation of Citizens Associations, offered a qualified okay. Its president, John Immer, said, "Some sort of access from the north and northwest is needed." The recommended route was "probably the best available, particularly in comparison with, let's say, Wisconsin Avenue which is already overcrowded with local traffic." [Lardner, George, Jr., "D.C. Civic Official Says Freeway Plan Ignores Displacees," *The Washington Post and Times Herald*, November 12, 1964]

Editorially, the *Post* and the *Star* endorsed the plan, but with some caveats. The *Post* pointed out that the North-Central Freeway had been on transportation maps for years, at least as far back as the Mass Transportation Survey. "It is generally viewed as the irreducible minimum of new highway construction from central Washington into Montgomery County." It must be built, but "designers have a heavy responsibility to extract the greatest possible benefit from a price that will inevitably be very high both in dollars and in disruption."

The editors were concerned that it would "take an excessive amount of park land in Montgomery," where in some locations the right-of-way would be wider than Sligo Creek Park. It would displace 1,300 families and dozens of businesses employing 3,000 people. "Firm decision" were needed on what would happen to these people and how air rights might be used "before construction begins, because the buildings' foundations ought to be laid when the road is first begun."

With these issues requiring more study, the *Post* editors were concerned about the plan to hold a public hearing on December 15. Considering that highway officials held the Greiner plan for

months (“until the election had passed”), “they can hold up the hearings until the citizens have a chance to consider the proposal.”

The *Star*’s editorial, “Freeway No. 1,” said the northern suburban area was “in greatest need of immediate commuter traffic relief.” As a result, District and Maryland officials should give the North Central Freeway a high priority.

The recommended route “seems clearly to be the best of the 18 alternative routes studied,” but “several other considerations” should be discussed before a final decision. Officials should be more specific about housing plans for relocatees, including use of air rights (“a concept which is not widely understood”). Officials should address whether the 10-lane freeway could accommodate all projected traffic, especially since the southern end would also carry I-95 traffic on the “so-called ‘third route’ to Baltimore.” The editors asked, “Can that be done without creating an intolerable traffic jam near the southern terminus of the freeway?”

If the freeway carried I-70S, the editors were concerned about the Wisconsin Avenue corridor. Because a freeway was virtually impossible, officials wanted to delay consideration of the corridor until the North Century Freeway and a rail transit system were completed:

If their proposal is followed, however, the need for early construction of the rail transit system becomes more imperative than ever. And so do necessary highway improvements serving the western part of Montgomery County—including especially along the George Washington Memorial Parkway along the Maryland side of the Potomac, the completion of which has been permitted to drag on interminably for no good reason.

[“The North Central Freeway,” *The Washington Post and Times Herald*, November 12, 1964; “Freeway No. 1,” *The Evening Star*, November 14, 1964]

The Maryland State Roads Commission and the Maryland-National Capital Park and Planning Commission had scheduled a public hearing on the Maryland section of the North-Central Freeway for November 16, 1964. District highway officials planned to hold a public hearing on their section of the freeway in January.

### **The Emergence of Sammie Abbott**

Even as Maryland officials planned their public hearing, the public was organizing to reject the plan. The center of rejection would be Takoma Park.

Takoma Park was one of the suburbs that began along the Baltimore and Ohio Railroad’s Metropolitan Line. Developer Benjamin Franklin Gilbert purchased land in 1883 along the District-Maryland border. “Of all the suburbs of Washington,” an advertisement claimed in 1886, “none is lovelier in its Natural Scenery, none more healthful, none more accessible.” The advertisement added:

Malaria is Unknown

And Malarial Patients Visiting the Park are Speedily Cured

As with all the early suburbs, access to downtown was critical:

Takoma Park is but six miles from the Capitol, and may be reached (in ten minutes by express) via trains on the Metropolitan Branch of the B. And O. Railroad, there being 19 trains daily, and Sunday church trains, day and evening . . . .

Another highlight of the new community:

The streets and roads are graded and graveled, a force of men being constantly at work keeping the grounds in order.

By 1888, the new town had 1,000 residents served by a train station on the southwest side of the railroad crossing. Takoma Park was incorporated in 1890. The town was located in Maryland, although development spilled across the border into the District where the community became a neighborhood called Takoma. [Historic Takoma, Inc., *Takoma Park*, Images of America, Arcadia Publishing, 2011, pages 7 and 13]

As the *Star* mentioned in its November 16 article about the upcoming public hearing in Maryland, “In opposition to the freeway, a Save Takoma Park Committee has been organized.” One of the organizers, Norman Malakoff of 7417 Holly Avenue, said the committee would meet on November 19 to discuss ways to delay the public hearing until “we can mobilize sentiment for eliminating the highway and substituting a mass transit plan.” [“Hearing Set In Maryland On Freeway,” *The Evening Star*, November 16, 1964]

On November 19, 1964, about 300 residents attended a meeting to discuss strategy for blocking the freeway. Takoma Park Mayor George M. Miller told them that blocking the freeway would not be easy:

Just from a casual perusal of the plan, I can tell you they have the answers to everything you can think of . . . . We can’t attack the plan on the basis that “It’s going through my back yard.” We must say: “It’s not feasible at this time, not proven, not necessary.”

The immediate goal was to convince Maryland officials to postpone the public hearing until late January, considered the “absolute minimum time necessary” for proper study of the plan.

A member of the committee identified as “Sam Abbott” told the crowd that “our only salvation is in subways, rapid transit, monorail.” [“Takoma Park Residents Air Opposition to Freeway Plan,” *The Evening Star*, November 20, 1964; “Freeway Plan Gets Backing In Wheaton,” *The Sunday Star*, November 22, 1964]

Sammie Abbott, as he would more often be called, would emerge as an outspoken, at times outrageous, leader of the anti-freeway movement. In a 1978 interview, he told the *Post* one of the reasons: “I’m a perpetually mad person.” He continued:

“I hate injustice. As far as I’m concerned, I’m living to fight injustice. I’m living to fight the goddamned thing. I’m too mad to sleep.”

Abbott was the grandson of Arab Christians who had fled Syria to escape persecution. Raised in Ithaca, New York, Abbott dropped out of Cornell University in the early 1930s, radicalized by the Depression, to become a union organizer. He and his family moved in 1940 to Takoma Park, Maryland, where, unlike Takoma residents across the nearby State line, he could vote. (District residents could not vote in presidential elections until ratification of the 23<sup>rd</sup> Amendment to the Constitution in 1961 gave the District three votes in the Electoral College that selects the President.)

After World War II, he fought for desegregation and was a peace activist for the Bertrand Russell petition seeking a commitment from the United States never to use atomic weapons again. His activities aroused the interest of the FBI and the House Un-American Activities Committee. When the committee called him to testify, he lost his job in commercial art, was blackballed for more than 2 years, and started a freelance commercial art business. [Levey, Bob, and Levey, Jane Freundel, "End of the Roads," *The Washington Post Magazine*, November 26, 2000, pages 14-15; Armao, Jo-Ann, "Legendary Takoma Park Mayor Dies," *The Washington Post*, December 18, 1990]

Now, the Maryland State Roads Commission had targeted, unintentionally, the Abbott home at 7308 Birch Avenue in Takoma Park for the North-Central Freeway. He became publicity director for the Save Takoma Park Committee. In 1966, the committee would become one of the founding members of the Emergency Committee on the Transportation Crisis (ECTC), the best known of the groups in the D.C. freeway revolt. ECTC, which combined white communities, such as Takoma Park, with African-American communities in northeast Washington, including the Lamond-Riggs Citizens Association, the Brookland Civic Association, and the South Manor Neighborhood Association. Abbott would serve the umbrella organization as publicity director.

Peter Craig should have been pleased that he and his neighbors had saved Cleveland Park, but that was not the case, as Bob Levey and Jane Freundel Levey explained in a November 2000 article about the freeway fights in *The Washington Post Magazine*. Based on an interview with Craig, the Leveys wrote:

But he soon realized that the ban only shoved the specter of freeways onto poorer, blacker neighborhoods. In fact, on official city plans, the cross-park [Northwest] freeway soon was replotted as the North Central Freeway, linking Silver Spring and Capitol Hill—the road that would have led to the razing of 4,000 homes, most of them occupied by black families.

"I couldn't be parochial. I had to oppose the whole thing," he says. Especially after Sammie Abbott called him out of the blue one night and said: "All you care about is the rich white folks west of the park."

"He said to me that I was being pretty provincial," Craig says. "He guilt-tripped me, and being a good Quaker, I fell for it. [Levey and Levey, page 24]

Another anti-freeway activist, Reginald H. Booker, was an African-American in his 20s whose family moved from Philadelphia to Washington in 1950 when he was 9 years old. They lived in

a rental at 360 N Street, SW., until it was bulldozed along with much of southwest for redevelopment. “Ever since,” he told the Leveys, “I think I’ve been involved in every issue in the black community on the front lines.” The family moved to Luray Place near Howard University.

In the 1960s, Booker, a clerk with the General Services Administration, met Abbott, then in his late 50s, at a meeting in Prince George’s County to protest living conditions at an apartment complex along Eastern Avenue. Booker, who did not live there, addressed the tenants, advising them of the importance of organizing and staying vocal. A white man, whom Booker thought looked a little like the nearsighted cartoon character Mr. Magoo, approached him saying, “I liked the way you handled yourself.” Booker and Abbott would be the core of ECTC, with Booker emerging as its president. [Leveys, pages 13-15]

As Maryland officials prepared for their public hearing, the Save Takoma Park Committee was one of several groups organizing for the event.

### **Public Hearing on the North-Central Freeway**

On November 18, the Woodside Park Civic Association in Silver Spring voted overwhelmingly to oppose any of the alternatives for the North-Central Freeway. They recommended postponing the public hearing to allow more time for study. Instead of the recommended route through Silver Spring from 16<sup>th</sup> Street across Georgia Avenue toward Sligo Creek Park, the association urged officials to shift the route to continue along the Baltimore and Ohio Railroad tracks to the Capital Beltway. Debate lasted 3 hours. [“Citizens Hit Freeway in Woodside,” *The Evening Star*, November 19, 1964]

By contrast, the Wheaton Chamber of Commerce announced “strong support” for the freeway. The chamber recommended extending the freeway beyond its planned terminus at University Avenue in Silver Spring. [“Freeway Plan Gets Backing In Wheaton,” *The Sunday Star*, November 22, 1964]

Although officials planned a wide median that could accommodate rail rapid transit, NCTA said, as the *Post* put it, “thanks-but no thanks.” NCTA, with its reduced staff, was planning a new proposal for consideration when the new Congress convened in January 1965. With enactment of the Urban Mass Transportation Act of 1964 on July 7, 1964, and presidential support, NCTA officials had developed a \$431 million proposal that included a route from a Woodside station northwest of the 16<sup>th</sup> Street Railroad Bridge in Silver Spring along the railroad right-of-way to Union Station, where the line would become a subway. They decided that the rail line would provide better service in its alignment along the railroad tracks instead of in the freeway median. District planner Grant said the median could still be used as reversible lanes for peak hours and to accommodate express buses. [“Rail Transit on Freeway Opposed,” *The Washington Post and Times Herald*, November 22, 1964]

The *Post* also had concerns about a freeway that an editorial said “clearly ought to be built.” Editors were concerned about “expansive grassy borders and median strips, rolling carelessly through neighborhoods in which space and housing are in very short supply.” They did not think

rural standards should be applied to an urban freeway. They hoped the public would ask why officials planned “to condemn a swath 300 to 500 feet wide to accommodate 10 lanes of traffic each 12 feet wide.” Citizens also might ask “why it is necessary to take large acreages for long-radius exit ramps, so that cars can drive at 45 miles an hour into local streets where the speed limit is 25 miles an hour.”

Officials claimed that a narrower right-of-way would require concrete retaining walls and overhead trestles that “everybody” opposed. “If narrow margins mean cutting in half the amount of land to be taken, and the number of homes and businesses, this hypothetical ‘everybody’ may turn out to be hardly anybody.” Even as BPR encouraged “the most imaginative innovation in highway design,” the editors had “seen little of it, unfortunately, in this one.” They urged highway officials “to respect the communities through which they must pass.” [“Roads Through the City,” *The Washington Post and Times Herald*, November 22, 1964]

The mention of BPR’s encouragement of imaginative innovation in design was a reference to the agency’s promotion in recent months of human and aesthetic values. Administrator Whitton had released a circular memorandum on March 1, 1963, to BPR’s field leaders acknowledging that BPR and nearly all the State highway department had “given serious consideration in the location and design of highways to the many elements included under the general concept of esthetics.” Despite “criticism from several sources” of highway engineers, he commended them “for their excellent work in these regards.” In view of the pressure of the deadline for completing the Interstate System, he was concerned that officials might tend to lessen their attention to esthetics in designing the final mileage:

Make no mistake about it. A pleasing result is a very important element of our highway program. In the final analysis we will be judged by the appearance of our highways as much as by any other factor. Their adequacy and efficiency are likely to be taken for granted by the driving public. They will give no thought to the thickness of pavement underneath their vehicles but they will know when the pavement is rough, the roadsides scraggly or the view ahead depressing and monotonous.

To give motorists “a keen sense of the beauty and compatibility of the highways they drive,” officials can take several steps, such as fitting the highways to the landscape and designing structures so they have architectural excellence.

These efforts were particularly important in urban areas where location was “limited by high land costs and existing culture and the appearance of the areas along a highway may be unsightly beyond control of the highway engineer.” Highway engineers should not be deterred. They should “observe a design or a detail which improves the appearance of a highway” and take “all of the other steps in the development of highways that this extra effort in insuring pleasing appearance will add greatly to a highway system of which we can all be proud. [“New Conservation in Cities and Along Highways,” *Congressional Record-Senate*, May 20, 1965, pages 11095-11096]

The *Post* editors were referring to a widely covered speech that Whitton gave on December 7, 1964, during AASHO's 50<sup>th</sup> annual meeting in Atlanta. Addressing the Committee on Administration, he urged his colleagues to pay more attention to human and esthetic values:

Unfortunately, the highway builder is widely accused as the despoiler, cutting a swath through the scenery with slide rule and bulldozer. You and I know it isn't so. We're not ignoring the people's needs and desires, their rights and privileges. But are we really doing everything we possibly can?

He pointed out that only 22 State highway agencies qualified for Federal-aid to pay for moving costs of those displaced by highway construction:

Some states still seem to lack sufficient advance scheduling so that right-of-way can be acquired at a deliberate pace. Families and businesses certainly should be entitled to specific information, patient explanation and sympathetic understanding, ample time and help to find new quarters and fair and prompt-payment.

I am sure many of the stories we hear from displaced people are exaggerated, but some indicate rather casual if not calloused treatment at the hands of public officials.

Referring to the circular memorandum of March 1, 1963, he said:

I still see too many roads and structures that look as though they were cranked out of a machine. Esthetics should be one of the basic elements in the design of new highways.

He elaborated on this theme:

We have vastly broadened our concepts of the purpose and effects of our work: the swift, safe, uncongested movement of traffic; comfort and convenience of the traveler; economic growth of areas, states, and the Nation; urban area rebirth and development; attention to human values.

And the last is by no means least. We must never forget that we are building for people, not vehicles.

He added:

In getting from here to there, by highway, we have to keep our eyes open. Let's give them feast instead of famine. [Tyson, Remer, "U.S. Pushes Help for Families Displaced by Roads," *Atlanta Constitution*, December 8, 1964; Steif, William, "Roads Ignore Human Angles, States Told," *Pittsburgh Press*, December 7, 1964; "AASHO Celebrates Golden Anniversary; Looks to Future," *Better Roads*, February 1965, page 14]

On November 23, Chairman-Director Funk responded to requests for postponement of the public hearing. In an address to the Allied Civic Group at the Silver Spring office of the Maryland-National Capital Park and Planning Commission, he announced that the December 15 public hearing, scheduled to begin 9 a.m., would be a "preliminary" hearing. Maryland officials would

join with the District for a second public hearing in January. In addition, he announced that Greiner would open an office on December 1 in the planning commission's headquarters for a 30-day period to hear citizen suggestions.

He said that a decision on a freeway location "takes guts—a lot of them":

Let us be brutally frank and admit that a \$128 million project piercing 8.8 miles of highway in urbanized Washington will hurt some existing communities.

Nevertheless, population growth in Montgomery County made the freeway the "most critical present need of the Maryland portion of greater Washington." He added:

I firmly believe that strong partnership must exist between both mass transit and freeway system, to provide the transportation mobility which a great city needs.

He told his audience, "Assuming no unusual problems, a decision of route [sic] should be reached during the next six months." In that case, the freeway could be in use by late 1970. [Flor, Lee, "Two Hearings Set On New Freeway," *The Evening Star*, November 24, 1964; "2 Hearings Open to Foes Of Freeway," *The Washington Post and Times Herald*, November 25, 1964]

Mayor Miller of Takoma Park vowed to oppose the freeway "at every opportunity," including Maryland's December 15 public hearing and the joint Maryland-District public hearing scheduled for February 4, 1965. In a letter published in the newsletter of the Save Takoma Park Committee, he said, "We shall use every legitimate means available to us to remove or reduce the impact of the freeway." He pointed out that the Maryland-National Capital Park and Planning Commission had recently developed a master plan for Takoma Park that did not show the freeway.

The newsletter also indicated that the committee had established headquarters in the city Municipal Building at 8 Columbia Avenue. The committee also had selected its permanent officials, including Roderick F. Davis as chairman. Sammie Abbott was listed as chairman of the publicity subcommittee. [Flor, Lee, "Takoma Park Mayor Vows to Fight Freeway," *The Evening Star*, December 9, 1964]

Senator-elect Joseph D. Tydings was already hearing about the controversy. Tydings, an attorney and the adopted son of former Senator Millard Tydings, had served in the Maryland House of Delegates and as U.S. Attorney before running for the Senate in 1964. Given his base in Baltimore and Harford County, residents of Montgomery County wanted to let him know about the issues that concerned them.

At the end of a series of town meetings around the State, he attended a meeting at the planning commission's headquarters in Silver Spring. The 100 citizens in attendance raised a number of issues, including the North-Central Freeway. Mary Ann McGuire and Joseph Ferrier of the Save Takoma Park Committee addressed the freeway, with Ferrier telling him:

Not since 1814 when the British burned Washington has there been an attempt to wipe out a city. Now 150 years later someone is trying to do it within the law.

McGuire, saying the freeway would endanger students at five schools, asked him to seek a postponement of the public hearing because the freeway should be delayed “until a mass transit system has been given a chance.”

Thomas Oyster of the Wheaton Chamber of Commerce, told Senator-elect Tydings, “We’re very much in sympathy with the people of Takoma Park, but some people are going to be disturbed by any route that is selected.” The recommended alternative would uproot the fewest people and help relieve congestion in Wheaton. “I know it’s bad when homes are taken, but there are adequate legal avenues for the people.”

Joseph C. Kordella, the county’s public works director, asked the incoming Senator to work to lift the freeze on freeway construction in the District’s northwest quadrant. Kordella and J. Newton Brewer, Jr., emphasized the need to combine highways and rail rapid transit. [“Tydings Hears Pro and Con On North Central Freeway,” *The Evening Star*, December 10, 1964; “Tydings Given Full Bill On Problems of Suburbia,” *The Washington Post and Times Herald*, December 10, 1964]

Senator-elect Tydings followed up by asking Funk and Chairman William J. Stephens of the Maryland-National Capital Park and Planning Commission to postpone the public hearing until January and to schedule it in the evening when “working people” could attend. Because a second, joint hearing was scheduled for February 4 in the District, the Senator-elect said the postponement would not delay the project. Commission vice chairman Byron Sedgwick told reporters, “I see no reason to postpone it.” The record would be kept open for 60 days, he said, and written statements “will carry just as much weight” as statements during the hearing. [“Freeway Hearing Delay Asked,” *The Washington Post and Times Herald*, December 13, 1964]

With the public hearing just days off, the Save Takoma Park Committee decided not to take a stand against the freeway. This decision was in keeping with the committee’s position that the public had not had enough time to study the proposal. Instead, the committee called for “large numbers” of citizens to appear and to “actively protest.” The committee had hired an attorney, James P. Gleason, to testify at the hearing about the lack of sufficient time.

On December 14, about 350 people responded to the committee’s call for an “emergency meeting” to plan for the hearing. In the girls’ gym of Montgomery Blair High School, the crowd heard Chairman Davis say the committee had decided on “a change of tactics,” as described in the *Post*:

Davis and Committee attorney James Gleason asked opponents of the proposed freeway route to turn out for a massive show of opposition Tuesday but not to testify at the public hearing . . . .

Gleason and spokesmen for civic groups in Woodside, Woodside Park and Woodside Forest plan to testify at the hearing also to seek another hearing later to present a detailed case.

State officials had 3 years to develop the freeway proposal, Gleason said, while citizens had only a month.

They asked citizens to arrive at 8:45 a.m for a formal protest carrying picket signs to “demand their rights” in the mode of what Gleason called “passive resistance.” Some of the picket signs were displayed in the gym:

- Stop the Concrete Octopus
- Keep Takoma Park the Azalea City
- Meeting Rushed, Plans Hushed. Why?

[“Big Turnout Urged to Fight Freeway Plan,” *The Evening Star*, December 14, 1964; “350 Persons Plan Protest Of Freeway,” *The Washington Post and Times Herald*, December 14, 1964]

On December 15, 1964, opponents made their presence felt before the public hearing. A picket line formed early with about 50 people carrying signs, including:

- Fight Funk’s Folly
- Funk Will Meet His Waterloo
- In A Blue Funk?
- A Freeway Helps Only The Highway Lobby
- We Want To Fight Funk With Facts

Lee Flor described the audience inside the hearing as “relatively quiet and well-mannered,” but most of the 700 people opposed the North-Central Freeway. Opponents began to boo when Funk arose to explain the purpose of the hearing. The Maryland State Roads Commission and the Maryland-National Capital Park and Planning Commission wanted “every interested citizen and civic group to have ample time to examine engineering reports and testify on the freeway.”

He added, “Nevertheless, we should realize this is an automobile age.” The audience replied “No” and booed. He said that Montgomery County was one of the wealthiest counties in the country and that many families had three cars. “Baloney” someone shouted over a chorus of boos. Funk pointed out, “I’ll bet most of you came here today in cars or buses,” to which the crowd jeered. Saying, “I’m not scared of booing,” he told them that if a referendum were held to force people to stop using their cars to commute, it would be defeated overwhelmingly. The audience jeered.

Gleason, representing what Flor described as the “most highly-organized group opposing the freeway,” argued for more time to review the Greiner report. He said that officials had the report as far back as June, according to news accounts, but citizens were given only a month before commenting. Citizens “cannot participate in these proceedings until a fair opportunity has been given them to properly evaluate the issue.”

Mayor Miller said he agreed. He wanted to make “an official objection to the lack of time permitted for us to study.” He referred to the Takoma Park master plan that had been developed over 6 years in cooperation with the planning commission that did not mention construction of a freeway through the city. Takoma Park, he said, had hired a consultant to analyze the Greiner report. This review was needed because “the impact of the freeway proposal on our city is startling and the ramifications too great for quick and easy analysis.”

In response to a request from Commissioner Brewer, officials agreed to keep the public hearing record open until March 1. This decision meant that officials would not be able to decide how to proceed until at least March – or at least to announce a decision until then. Funk also indicated he hoped to have a meeting or hearing in Takoma Park to give citizens another opportunity to testify.

Freeway supporters also testified. The Silver Spring Board of Trade and the Wheaton Chamber of Commerce spoke in support. Washington Cleveland of AAA’s District Division supported the freeway because the area would face “intolerable congestion” without it.

Some speakers offered suggestions. C. Edward Nicholson of the Woodside Forest Citizens Association recommended that officials forget the “birdwatchers and nature lovers” and consider a route through Rock Creek Park. William F. Hickey of the Woodside Civic Association urged an end to the freeze on freeway construction in northwest when it expired. The Allied Civic Group agreed that a “high speed transportation facility” was needed, but questioned the regional planning for the North-Central Freeway. E. Blair Lee, a former planning commission member, suggested bypassing Takoma Park by crossing the District line near Montgomery Junior College.

Despite the opposition, Funk “had his day,” as Flor put it:

Toward the end of the hearing, in a dramatic confrontation, he stood up from the hearing table, walked around to the witness microphone and calmly told the audience:

“Please! Let’s keep some dignity in this meeting.”

“You brought this problem to us,” because so many people today own so many automobiles, Funk told the audience. “We didn’t bring it to you.”

The consultants for the North-Central Freeway have had a special public relations office in M-NCPPC offices . . . for 15 days, but not more than 40 persons had asked the consultant questions, Funk said.

“I hope this freeway question does get you stirred up, so you get down to work, ask questions and get information,” Funk told the 700 persons. Funk had been booed earlier in the hearing, and was booed once again.

As the *Post* summarized, “The controversial North-Central Freeway won qualified approval from business groups and total disapproval from affected residents yesterday at an all-day hearing in Silver Spring.” [Barnes, Bart, “Noisy Citizens Jeer Plans For North Central Freeway,” *The Washington Post and Times Herald*, December 16, 1964; Flor, Lee, “Freeway Foes Boo Funk At

Silver Spring Hearing,” *The Evening Star*, December 15, 1964; Flor, Lee, “Takoma Park Citizens Win Freeway Fight Concessions,” *The Evening Star*, December 16, 1964]

As an editorial in *The Evening Star* put it:

At Tuesday’s public hearing on the new North-Central Freeway, Maryland Roads Commissioner John Funk casually remarked that “this is an automobile age.” He should have ducked. He was virtually drowned in a chorus of boos.

The reaction, the editorial acknowledged, was predictable:

One section of boo-leaders, for example, was burned up, and rightly so, at the brief time given citizens to prepare for the Maryland hearing. The complex new freeway proposal is contained in a consultant report which took years to develop, but was released only last month. There was no need for such haste in calling a hearing.

Another large contingent of dissenters came from Takoma Park. Their property is directly affected by the freeway. They want the route somewhere else—as every neighborhood always wants every freeway somewhere else. Their reaction was thoroughly normal.

Something else was happening during “Tuesday’s noisy demonstration which was quite out of the ordinary and reason for considerable concern”:

For the fact is that an increasing number of people seem to be working themselves into a belief that maybe, after all, this isn’t an “automobile age”—that traffic congestion really isn’t so bad, and that if people would only stop talking so much about ways to alleviate it, maybe the problem would go away.

This odd notion is being nourished, within the National Capital Planning Commission and elsewhere, by a small group of people whose basic purpose is to halt freeway construction wherever and whenever they can. When they are pushed, they offer the rationale that any degree of future transportation problems can be handled by a mass-transit system. Just the other night, one civic leader proposed telling highway officials that “they won’t get any more roads until they get together with the mass transit people and we have some coordinated action.”

The editorial saw this view as ironic since all government officials supported construction of a rail-transit system as soon as possible. “Indeed, their freeway proposals depend upon the existence of adequate transit facilities to handle future traffic.” Further, the individuals and groups attacking the North-Central Freeway, the Inner Loop, I-66, and the new Potomac River crossing were “not merely hampering these projects. They jeopardize, as well, the prospects for congressional authorization of the transit system.” The editors called on President Johnson to include support for both programs in his January message to Congress on the District budget, and to do so “in terms strong enough to head off a new highway-transit battle.” [“Mr. Funk’s Freeway,” *The Evening Star*, December 16, 1964]

The *Post* recalled Administrator Whitton's words in Atlanta, quoting his references to roads cranked out of a machine, about esthetics in highway design, and never forgetting "that we are building for people, not vehicles." The editorial concluded:

The distance between the Federal Bureau of Public Roads and the District Highway Department is measured in light years. Mr. Whitton has indeed been talking for some time about the need to consider the communities through which the big interstate roads run. He can produce a number of examples of highways ingeniously adapted to urban areas. None of them is to be found in Washington. ["Highway Esthetics," *The Washington Post and Times Herald*, December 19, 1964]

Business and civic interests met in Bethesda on December 17 to consider reviving the Wisconsin Avenue corridor. Opening the meeting, Robert W. Lebling of the Bethesda-Chevy Chase Chamber of Commerce said he hoped the assembled representatives would secure support from their organizations to form a "transit-western" expressway committee. He acknowledged that development might reduce prospects for the corridor, but if the groups supported freeway construction for western Montgomery County, experts might be able to identify freeway options.

Donald Gingery gave what Flor called "a fiery lecture about the history of freeway disputes." Gingery said that in producing the Mass Transportation Survey, officials had built in safeguards against "the kooks and nuts" who would oppose the findings. He blamed NCTA's anti-freeway stance for a 2- or 3-year delay in freeway construction. He thought that a freeway, with a rapid transit line in the median, might still be possible in the Wisconsin Avenue corridor recommended in 1960. [Flor, Lee, "Wisconsin Avenue Area Freeway Drive Reopens," *The Evening Star*, December 18, 1964]

With 1964 nearing an end, Airis appeared on WWDC's "Report to the People." He predicted that construction of the North-Central Freeway could begin in 19 months. He acknowledged the objections by the people living in the "line of march," but said, "I think reason will prevail." One reason was the legislation allowing the District to pay not only to acquire right-of-way but to help relocate displaced families and businesses.

Citizens criticized the width of right-of-way for freeways, but freeways had to be built not only for present needs but with room to expand to meet future traffic increases. The Mass Transportation Survey and the Year 2000 Plan, he said, recommended freeway corridors in the northwest, northeast, and north-central part of the city. "We boiled it down and we can go through one at a terrific savings to homes and businesses." With construction of the North-Central Freeway, he did see a need for additional northern freeway connections.

(Airis also predicted construction of the Potomac River Freeway and an I-266 river crossing in the Key Bridge area, despite NCPC's objections, to link with I-66. "It's unthinkable to bring all those lanes into Arlington without a connection.") ["Airis See 1967 Start on Freeway," *The Washington Post and Times Herald*, December 27, 1964]

Two days later, the D.C. Citizens Committee on the Freeway Crisis hosted over 150 Washingtonians for a rally at Plymouth Congregational Church at North Capitol Street and

Missouri Avenue. Dorothy M. Maultsy, a member of the District Democratic Central Committee, was chairman of the committee, which had been formed 2 weeks earlier to coordinate opposition to the North-Central Freeway. She told the group that the North-Central Freeway was “neither needed nor wanted by citizens of the District.” She questioned the accuracy of population projections, homes to be acquired, and other data the planners had used to support the freeway. The citizens committee had formed several fact-finding subcommittees to prepare for the next public hearing, scheduled for February 4. She circulated petitions urging “immediate construction of a rail rapid transit system for the District and adjacent areas” and opposed “any freeway in or out of the District of Columbia.

Sammie Abbott, representing the Save Takoma Park Committee, attended the meeting along with attorney James Gleason. Richard Williams represented the Northwest Committee for Transportation Planning. [“Residents Organize To Fight New Freeway,” *The Evening Star*, December 29, 1964]

George Lardner, in his column comparing protests in the affluent Wisconsin Avenue corridor and the less affluent North-Central Freeway corridor, suggested that both corridors made sense:

Both may be needed one day. Even Gen. Braddock thought the Wisconsin avenue corridor the best way to get to Rockville and that was in the French and Indian War. The North Central, on the other hand, would serve the more populous Silver Spring and Wheaton areas, among others.

Naturally no one wants a freeway to come barreling through his living room. Members of the Establishment have just as much right to object to one as the families in the path of the North Central.

Lardner, however, thought District highway officials should look critically at the decision to make the freeway ten lanes wide “precisely because they say they are going to leave Northwest Washington alone”:

The North Central should be able to stand on its own feet. But it seems unfair to ask residents along the route to make room for ten lanes in order to buy time for the Northwest. Property owners there should one day have to face up to traffic demands in their neck of the woods, too. [Lardner, George, Jr., “The Game in Upper Northwest,” *Potomac Watch*, *The Washington Post and Times Herald*, December 28, 1964]

As the year ended, John Immer, president of the D.C. Federation of Citizens Associations, wrote to Engineer Commissioner Duke on December 29. If the District did not change its plans for the North-Central Freeway, the federation would oppose the plan. First, the District should ensure housing is available for the more than 700 families the freeway would displace. Because most of the families would not be eligible for public housing, Immer proposed “that immediate plans be prepared for certain portions of the proposed freeway to be made ready for development by private developers.” In addition, the route should be rerouted to avoid schools and playgrounds, the destruction of which would obliterate the character of affected neighborhoods. Further, the proposed width of 300 feet was “unconscionable.” He wrote, “This right of way must be pared

back to realistic dimensions,” adding that a six-lane freeway “should be ample for all non-rush-hour traffic.”

The *Post* illustrated its article about Immer’s letter with a front and back view of Sammie Abbott’s homemade Christmas card, which he said he had mailed to 500 friends, local government officials, Congressmen, and city planners and architects around the country. On the front, he had drawn a depressed Santa, with the words:

It’s not a very Merry Christmas to just find out . . .  
that a ten-lane freeway will go right through our home—

On the back, he had drawn picketers, each identified by name. Their signs read:

Susan – Don’t Bury D.C. in Concrete  
Nancy – Must People Move So Cars Can Move?  
George and Malvina – Stop the Concrete Octopus/Save Takoma Park From Bulldozers  
Ruth Abbott – Don’t Use Federal Funds to Desecrate the Federal City!  
Sammie – Build Rail Rapid Transit – D.C. Needs a Subway Now!

In the drawing, Abbott was scurrying to catch up with his wife, who looks back to tell him, “Step lively.” [“Citizens Group Demands Changes Before Pledging Freeway Support,” *The Washington Post and Times Herald*, December 30, 1964]

### **“For the Foreseeable Future”**

The National Capital Transportation Act of 1960 had imposed a deadline of January 10, 1965, for NCTA to send the President “for transmittal to Congress, its recommendation as to whether any such freeway or parkway should be built” in northwest. George Lardner pointed out that, “NCTA officials would much rather say nothing at this point. They need all the support they can muster . . .” for the transit plan they wanted Congress to approve in 1965. But as NCTA Deputy Administrator Quenstedt put it, “It’s a mandate from Congress. And we’re law-abiding citizens.”

On January 8, 1965, Stolzenbach wrote to inform President Johnson that NCTA and highway officials in the District and Maryland had accepted the North-Central Freeway (I-70S) along the B&O Railroad tracks as the substitute location for the Northwest Freeway (I-95). Montgomery would have a second connection to the District via a parkway along the “east bank of the Potomac River.” He continued:

The agency has also been informed that both highway departments believe these major additions to the present highway network will be adequate for the foreseeable future without any additional freeway or parkway in Northwest Washington.

The agency concurs with the highway departments.

Stolzenbach added that officials in the District, Maryland, and Virginia were creating the 3C process required by the Federal-Aid Highway Act of 1962. This new process would be “available in the event future questions arise” over additional freeways in the area.

Quenstedt told reporters that Stolzenbach's letter on NCTA's findings was "not intended to be an affirmative endorsement of the North-Central Freeway. We simply are trying to stay out of the controversy." He did not want NCTA to get in the middle of alignment disputes, either. NCTA had recommended an alignment along the Baltimore and Ohio Railroad tracks in 1962, but he said, "We are not in a position to comment" on the Greiner report.

While waiting for the President's reaction, District and Maryland highway officials released an "information supplement" to Greiner's report on the North Central Report. The supplement concluded that if the North-Central Freeway had been open in 1962 and 1963, highway deaths in the District would have been reduced by an estimated seven while injuries would have declined by 700. "One of the most important and least considered advantages of the urban freeways is the reduction of traffic accidents, injuries, and deaths," the supplement pointed out. It explained, "On freeways, head-on collisions, opposite direction sideswipes and vehicle-pedestrian accidents have nearly been eliminated." [Asher, Robert L., "Seven Deaths Laid to Lack of NE Freeway," *The Washington Post and Times Herald*, January 11, 1965]

President Johnson forwarded Stolzenbach's views to the Congress in a brief letter on January 14:

I transmit herewith a copy of a letter dated January 8, 1965 to me for transmittal to Congress by the Administrator of the National Capital Transportation Agency in accordance with the provisions of Section 204(b)(2) of the National Capital Transportation Act of 1960.

I know the Congress will be pleased, as I am, to note the consensus of the Highway Departments and the Administrator that, with the contemplated construction of the George Washington Memorial Parkway [in Maryland] and a north central freeway, no additional highways need be constructed in this quadrant of the District for the foreseeable future.

His letter, as reporters pointed out, perpetuated the freeze on freeway construction in northwest without an end date or a date for reconsideration. It also gave new emphasis to the North Central Freeway and the parkway link along the Potomac River.

Chairman Funk told reporters:

There is a strong possibility that when the North-Central Freeway is completed there will be a substantial reduction of traffic in the Wisconsin [Avenue] corridor. But how much it will be and how it will affect the need for additional facilities we don't know.

Montgomery County is heading toward a million population, which means an increasing need for radial movement of traffic. We will have to wait and see. [Aarons, Leroy F., "Johnson Rules Out NW Area Freeway in 'Foreseeable Future,'" *The Washington Post and Times Herald*, January 15, 1965; Flor, Lee, "Johnson Favors Abandoning Wisconsin Ave. Freeway," *The Evening Star*, January 14, 1965]

The President's letter prompted reactions from groups on either side of the freeway battle. Dorothy Maultsby said she was hoping to meet with Charles Horsky about the President's

endorsement of the NCTA letter. Her group had determined that 95 percent of the residents who would be displaced by the North-Central Freeway were African-Americans. John K. “Bus” Rector, chairman of the Planning and Housing Committee of the Democratic Central Committee, also wanted to meet with Horsky to seek clarification of the President’s views. Joseph Rauh, now chairman of the central committee, questioned whether President Johnson actually endorsed the North-Central Freeway, even though “it might have seemed that way on the surface to some.”

Mayor Miller and all city council members from Takoma Park sent a telegram urging President Johnson “to have compassion upon the people of Takoma Park and to require the freeway to follow the railroad” as it crossed the State line. Otherwise, the North-Central Freeway would “convert a lovely city into a concrete jungle.” They told the President, “You have been misinformed, in that the freeway does not follow the railroad tracks but takes a quite unnecessary swath inward to fractionalize our city.” They added, “You can avoid great hardship and suffering to elderly and retired people who could never replace their homes. Thousands depend upon you for help.”

Others endorsed the President’s letter. The National Capital Downtown Committee (Downtown Progress) released a resolution saying the North-Central Freeway “is an important element of the balanced transportation system which will promote the mutual accessibility between the center of the city and the suburban areas.” The Federal City Council agreed, with both groups saying construction should not begin until “satisfactory provision” had been made for displacees. [“North Central Foes Hit LBJ Statement,” *The Washington Post and Times Herald*, January 17, 1965; “Two D.C. Groups Back North Central Freeway,” *The Sunday Star*, January 17, 1965; “Takoma Park Sends Johnson Freeway Plea,” *The Evening Star*, January 18, 1965]

The *Star*’s editors summarized President’s Johnson’s “skimpy note” as relying on a major highway along the Potomac River in Maryland. “Mr. Johnson sounds as if the George Washington Parkway construction were proceeding just fine.” The Department of the Interior’s procrastination “is disgraceful”:

No one opposes the parkway. The department simply refuses to push it. Now that the President has publicly conceded its importance, his aide in charge of such things, Charles Horsky, should begin exercising his role as expediter.

As for the North-Central Freeway, the President’s words “should give some much-needed impetus” to the project, something neither NCPC nor NCTA had done. “If the English language has any meaning, however, the President has committed them to lending a hand now.”

Further, the President’s letter “unhappily omitted” reference to the needed Potomac River bridge to connect with I-66 in Virginia. This project was outside the geographical scope of the NCTA report, but “it is very likely to be one on which the White House will have to speak the final word.”

The editors questioned whether a freeway in the Wisconsin Avenue corridor “is really dead.” The need for such a freeway would depend on whether rail transit was built, the effectiveness of the George Washington Parkway, and how the North-Central Freeway meets travel needs. “If a

northwest freeway is to be forgotten for the present, however, these alternative facilities must be built as soon as possible.” [“Decision at the Top,” *The Evening Star*, January 18, 1965]

Reaction among groups battling over the issue, in the District and Maryland, continued to reflect their point of view. Lebling of the Bethesda Chamber of Commerce said he was “sincerely disappointed” by President Johnson’s letter. The President was the “recipient of bad advice” in rejecting a freeway in the Wisconsin Avenue corridor that the Mass Transportation Survey had called for in 1959. Neither the North-Central Freeway nor the proposed Potomac River parkway would reduce congestion in Bethesda, where the business district was choked with traffic. If the Wisconsin Avenue corridor was not preserved for a freeway now, commercial development would probably make acquisition of right-of-way too expensive. Abandoning the Wisconsin Avenue corridor now would doom Bethesda’s business section as businesses, shoppers, and employers deserted the city for other commercial centers. [“Officials Hit For Dropping NW Freeway,” *The Washington Post and Times Herald*, January 21, 1965]

The Northwest Committee for Transportation Planning released a report on February 11, 1965, showing that traffic between Montgomery County and the District was declining. According to the committee’s figures, traffic had declined since December 1962 when 266,758 vehicles crossed the District line to 244,499 vehicles in December 1964. As far as the committee was concerned, the highway officials in the District and Maryland calling for the North-Central Freeway could not justify the need based on traffic projections since they were declining. [“Montgomery Traffic to D.C. Dips Steadily,” *The Washington Post and Times Herald*, February 12, 1965]

### **The Public Has a Say - Again**

District and Maryland officials concluded that their plan for a joint public hearing at Coolidge High School on February 4 was impractical. Coolidge would not be able to accommodate the expected crowd and likely picketing. School Board President Wesley S. Williams said that school officials had received “numerous letters and telephone calls indicating that extensive picketing is planned.” He added, “we have enough troubles in the schools already,” without protests against highways.

The two jurisdictions decided to hold separate public hearings. The District’s would be in the Commerce Department Auditorium, which seats about 800, at 10 a.m. on February 4. Maryland would hold its hearing a week or two later. Airis told reporters that 40 requests had already been received to be heard. “It’s a spirited project and I assume we’ll have a spirited meeting.” [“Picketing Threat Shifts Freeway Heading Plans,” *The Washington Post and Times Herald*, January 30, 1965]

By the end of January, Peter Craig had examined the District’s information supplement regarding the safety benefits of the North-Central Freeway. He concluded that the opposite was true and that the supposed reduction of seven deaths was based on statistical sleight-of-hand. While freeways themselves are safer, he said that the access roads to and from them have the city’s highest accident rates. The *Post* summarized his findings:

He compared data on traffic fatalities in three Northeast Washington police precincts—Nos 3, 12 and 14—where freeway construction has been heavy, with figures from Northwest Precinct No. 8, where very little road-building has taken place.

In the case of the Northeast precincts, the rate of traffic deaths per each 1000 population has gone up since the freeways were built, whereas the rate in No. 8 has stayed about the same, he found.

Mathew Platt, the District Highway Department's assistant chief engineer for planning, could not comment on Craig's report, which he had not seen. But Platt questioned Craig's use of resident population for comparison. "There are two populations involved—the people who live there and those who drive through. Both have to be taken into consideration." ["Safety Claim of Freeways Is Disputed," *The Washington Post and Times Herald*, February 1, 1965]

The *Star* estimated that 1,000 people showed up for the February 4 public hearing on the North-Central Freeway in the Commerce Department Auditorium:

The crowd, apparently drawn almost completely from the neighborhoods bordering the recommended freeway location, began to assemble about 9 a.m. About 100 persons started carrying picket signs in an orderly line on the sidewalk outside the building at 14<sup>th</sup> and E Streets NW.

The protesters, described as forming a "well-mannered picket line," continued throughout the day, with the opponents holding up signs such as:

- Children Can't Play on Freeways
- Stop the Concrete Octopus
- Subway Yes, Freeway No
- The Great Society—Destruction of Homes, Schools, Churches, Playgrounds
- Who Can Protect the Needs for The Year 2000
- Stop the Freeway – We Need RAPID Rail Transit

A group called the Metropolitan Citizens Council for Rapid Transit distributed handbills to those entering the auditorium or passing by. It stated that "freeway hearings must continue! The entire secret network of freeways must be brought out for public examination!"

The *Post* began its report on the hearing:

The proposed North Central Freeway was put to another test of public opinion yesterday and, as expected, it flunked.

Residents along the path of the 10-lane freeway attacked the plan "from a dozen directions" during the hearing. "In summary, they don't like it, they don't want it and they are not at all convinced that it's needed."

Director Airis opened the hearing. He said the freeway had been endorsed by the area's planning agencies as part of a comprehensive regional transportation plan. Full consideration had been

given to the “socio-economic impact upon the community.” The freeway also had been “properly coordinated with planning for mass transit and is designed to keep to a reasonable minimum any adverse impact upon the community.” In view of the huge population growth expected in the area, the freeway was needed.

He understood the concern about relocation of families and businesses the freeway would displace, but he cited the District’s new relocation assistance program that Congress had authorized. “We now have the capability to handle satisfactorily the relocation of people affected by public works projects with a minimum of disruption and inconvenience.”

Airis read a statement from General Duke, who was not present but had prepared comments at the last minute in response to the reference in the handbills to a “secret network of freeways.” The North-Central Freeway was a “key element in a general freeway plan that has been in existence and generally accepted by all transportation planners since 1959.” He added that the freeway system shown on District highway maps is “all that is planned and needed for the highway portion of the total balanced transportation system” for the Washington area.

More than 30 witnesses testified during the hearing or submitted statements.

John Rector testified that the District Democratic Central Committee opposed the freeway. With 60 percent of the downtown business area devoted to streets and parking, the freeway would take 146 acres more of District land and would displace 2,500 workers and 2,194 residents, he said. The city already had a waiting list of 5,000 families for public housing and 15,000 more will be displaced by 1967. Rector said that “thousands of people, most of whom are Negro,” will not be able to go into “Virginia and Maryland with their lack of fair housing ordinances.” Not enough housing was being built in the District for these families. They would be forced into “areas already overpopulated.”

Several other witnesses echoed those sentiments. One of them, Ronald J. Donlavey of the Brookland Area Coordinating Council said that, “For Negro families, displacement does not present simply the necessity to find a new house; it presents the prospect that an adequate house may not be available at all.”

William B. Peer of Neighbors, Inc., a northwest community group working for integration, questioned the traffic forecasts supporting the freeway. The District Highway Department had made “irresponsible statements based on wholly inappropriate comparative data” about the number of lives saved if the freeway were built. The crowd, according to the *Star*, applauded some of his statements enthusiastically, but the reaction “was not accompanied by cheers.”

Peter Craig presented statistics that he said demonstrated the highway traffic into the District was below the city’s estimates. Traffic volumes on some freeways had actually declined since completion of the Capital Beltway.

Some witnesses endorsed the freeway. Former District Commissioner Camalier of the District’s AAA said that “one of the greatest advantages of the freeway is the fact that freeways are 50 percent safer than other streets and highways. One of the most important and least-considered

advantages of urban freeways is the reduction of traffic accidents, injuries and deaths.” The crowd, according to the *Star*, “listened politely” to his testimony.

Not all pro-freeway witnesses were received politely, according to the *Post*:

Many of the listeners walked out of the auditorium in protest when Harold E. Wirth, of the Rubber and Tire Manufacturers, urged residents to put themselves in the “beneficent hands” of the Highway Department.

James F. Mollison, speaking for the Board of Trade, was jeered when he said people “must learn to live with” the Freeway. “Where do you live?” cried several in the audience.

Chairman Funk attended the public hearing but did not speak. [Flor, Lee, “North Central Freeway Hearing Draws 1,000,” *The Evening Star*, February 4, 1965; Schuette, Paul A., “Freeway Is Again Attacked By Citizens and Businesses,” *The Washington Post and Times Herald*, February 5, 1965]

The District continued the hearing on February 5, during which 24 witnesses testified before only about 50 attendees. One witness was James P. Gleason, the attorney for the Save Takoma Park Committee who on this day was representing the Metropolitan Citizens Council for Rapid Transit. He advised officials to defer the freeway until a rail rapid transit system was built and its impact on traffic could be measured. “If rapid transit is built, that’s the last we will hear of the freeway planners in Washington.” He urged President Johnson to establish a five-member commission to study how the Capital Beltway affected traffic in the city. An objective study, he said, would demonstrate that current roads could meet traffic needs until the transit system was completed.

Robert H. Bruton, research chairman for the group, added that “the historical trend in peak hour traffic . . . clearly indicates that the existing road condition in combination with a rail transit system will easily accommodate all commuter traffic in the foreseeable future.”

The Reverend J. Raymond Favret was one of three witnesses from Catholic University who presented the university’s concerns about the freeway. He recommended shifting the freeway “immediately adjacent to the railroad tracks,” the location that Greiner had called “railroad east modified”:

The study noted that the present plan was taken to avoid taking of the adjoining new industrial buildings which are mostly serviced by the railroads. The housing between Michigan Avenue and Taylor Street is much more important to the integrity of the community than these small industrial plants.

Professor Paul J. Claffey, a professor of traffic engineering, favored the Greiner alignment showing the part of the freeway elevated over the railroad tracks. The additional cost of \$27 million would be justified because the alignment would save the homes of 300 families and permit existing industries to provide a buffer between Brookland and the freeway.

The Reverend Robert G. Howes, associate professor of planning, also favored alternate alignments, such as the one where the freeway was built over the railroad. However, while rail rapid transit was needed, Reverend Howes did not doubt the need for another freeway between the Capital Beltway and the Inner Loop. He added:

We cannot continue to march forever round and round our difficulties, facing only those we can, by pure chance, simply no longer avoid. It is not helpful to suggest that until all problems are solved, we solve none.

Several groups supported the freeway, including the Citizens Traffic Board and the Joint Committee on Transportation.

Airis indicated that the District would not make any decisions on the future of the North-Central Freeway until Maryland officials completed their public hearing process. [Schuette, Paul A. "Hearing Ended on NE Freeway," *The Washington Post and Times Herald*, February 6, 1965; Flor, Lee, "C.U. Asks Changes In Freeway Route," *The Evening Star*, February 5, 1965]

### **Reviving the Rail Rapid Transit Option in 1964**

Although the House, and therefore Congress, had rejected the bobtail rail rapid transit legislation on December 9, 1963, President Johnson made clear on January 21, 1964, that he supported rail rapid transit for the District when he submitted his annual message to the Congress on the District of Columbia budget:

The Administration and the Congress have been wrestling with the transportation problems of the District for many years. While some progress has been made, I hope for further progress during the coming year.

He was encouraged by the District commissioners' acceptance of the Policy Advisory Committee's recommendations for the North Leg Freeway and the central Potomac River crossing:

Although problems of specific location and of design remain to be worked out with the help of the advisory committee, the progress which has been made permits inclusion in the budget of funds for major additional segments of the urgently needed Interstate System in the District.

As noted earlier, he endorsed the District's proposed authorization of \$35 million in additional loan authorizations and a gas tax increase.

Then he turned to rail rapid transit:

The resolution of the problems of providing a rapid rail transit system for the National Capital Region is not yet in hand. Ten years and more of study, however, have made it abundantly clear that such a system is a critical necessity if intolerable traffic congestion is to be avoided. The recent recommittal of H.R. 8929 [Chairman Widener's bobtail bill] to the House District Committee demands a redoubling of efforts to find an acceptable

program which will permit a transit development plan to proceed. I have instructed the National Capital Transportation Agency, together with other Federal agencies, to work with affected local jurisdictions to that end. I am confident that the Congress agrees on the need, and I trust that an acceptable program can be formulated at this session of the Congress.

He concluded the transportation section of his annual message:

A comprehensive transportation system must, of course, be the result of joint efforts between the District and its neighboring jurisdictions. Indeed, the Congress has conditioned continuing Federal assistance to highway development in urban areas after mid-1965 on the existence of such cooperation. Many other local problems, too, extend beyond the District's boundaries, just as many problems in the suburbs cannot be efficiently and economically solved without the full cooperation of the District. I intend to give my full support to the development of cooperative efforts to meet these regional problems and to provide for the orderly development of the National Capital Region.

Although messages of this type are prepared by staff and vetted by the Bureau of the Budget, Schrag suggested that President Johnson, who had come to Washington in 1931 as a legislative aide to Representative Richard M. Kleberg (D-Tx.), was personally interested in the subject:

President Johnson proved himself supportive. Like Kennedy, he had spent decades in Washington. He retained Horsky as his capital affairs adviser, and he was even closer to Rowe than Kennedy had been, for the Johnsons and the Rowes had been friends since 1938. [Schrag, page 59]

(NCPC Chairman Elizabeth Rowe's husband, James H. Rowe, Jr., was one of the "Brain Trust" New Dealers who came to Washington with President Franklin Roosevelt. Rowe held a variety of posts in the Roosevelt Administration during the Depression years, as well as in the Truman Administration. According to Johnson biographer Caro, James Rowe "spent more time with Johnson than any of the other rising young New Dealers." James and Elizabeth Rowe also socialized with the Johnsons. Caro wrote of the young Representative Johnson:

In his circle of young New Dealers, he was the life of every party with his practical jokes, his quick wit, his wonderful "Texas Stories" about the hellfire preachers and tough old sheriffs of the Hill Country, his vivid imitations of Washington figures, and his exuberance . . . . "At parties, he was *fun*," Elizabeth Rowe says. "That's what no one understands about Lyndon Johnson—that he was *fun*." [Caro, pages 111, 119, italics in original])

The *Star* appreciated President Johnson's support of the "critical necessity" of rail rapid transit, but added that they were "alas, only words." As the President suggested, NCTA had many things to do to recover from the defeat of the bobtail plan:

But the problem is that the agency—and therefore the rail transit program itself—is at this moment in such deep trouble that vigorous action at the White House level also is needed.

First, the White House should reorganize NCTA, beginning with replacement of Stolzenbach. “The present troubles and past failings of the NCTA are so intimately associated with Mr. Stolzenbach that it is hard to see how he can continue to be of service in this job.”

Second, the editors suggested rethinking the plan to cut NCTA’s budget in half. “Under new leadership there would be a great deal of work for the agency to perform.”

Third, the President should ensure that the right-of-way of I-66 in Arlington County is wide enough to accommodate rail rapid transit as well as the highway lanes. Congress had appropriated \$1 million for this purpose but with the failure of the bobtail plan, the Administration had frozen the funds. Meanwhile, BPR had ruled that it could not spend Federal-aid highway funds for rail rapid transit purposes:

Perhaps so. But these considerations do not alter the fact that it would be a serious mistake for this project to proceed as just another highway. The route is an entirely logical path for rail transit, and on an interim basis the additional right of way could be profitably used by express buses. Once the right of way is acquired for the highway alone, however, the opportunity to preserve this additional value at reasonable cost will be gone forever. [“More Than Words,” *The Evening Star*, January 25, 1964]

As for Stolzenbach, he was still NCTA Administrator and he was determined to restore his own and the agency’s credibility while rebuilding support for rail rapid transit.

On January 28, 1964, he addressed alumni of his alma mater, the Massachusetts Institute of Technology, at the Cosmos Club. While defending rail rapid transit, he acknowledged that the automobile had “given mankind a vast new degree of personal freedom in living.” Automobiles and buses were “bound to carry most of the all-day traffic in our metro areas.”

He rejected the idea of an all-bus service operating on exclusive bus lanes:

All I can say is that we have seen no demonstration that this is so. Nor have we found out how to distribute buses efficiently in a congested downtown without either banning all auto and truck traffic, or building a very expensive bus subway—a feat that poses an enormous ventilation problem.

We have found that the more steps you take to bring the level of express bus service up to the standards and capability of a rail rapid transit system, the more expensive it gets and the more the bus system resembles a train-subway system.

He cited the new developments that would allow rail rapid transit to “achieve better ventilation, greater acceleration and deceleration and increased efficiency of operation”:

With all these potentialities, considered along with the economics of their operation, and notwithstanding the high capital cost of the basic facility, rail rapid transit systems today are regarded by engineers engaged all over the world to build new systems as having the most suitable technology. [Eisen, Jack, "Stolzenbach Calls Buses Inadequate," *The Washington Post and Times Herald*, January 29, 1964; "Stolzenbach Defends Rail Transit Plans," *The Evening Star*, January 29, 1964]

He continued trying to reach out on February 14 during a speech to the Committee of 100 on the Federal City. He told the committee that, despite the House action on the bobtail bill, he was "not pessimistic." In response to a question about whether he would submit a new bill in 1964, he said, "I don't think any time should be lost in trying to get a decision." However, he added, "I also agree with those who feel great care and caution should be exercised in trying to get a decision when the result might be questionable."

Speaking of a balanced transportation system, he said:

Rail rapid transit is the best friend the highway ever had. Without buses, a balanced transportation system . . . cannot operate efficiently, economically or completely . . . . Rapid transit is a tremendous generator of passengers for the bus systems, delivering customers by the carload to the bus.

Having been criticized repeatedly for lack of cooperation with other agencies and governments, he urged more discussion of the shape of a balanced transportation system. He rejected the views of those who urged single-mode "cure-all," including buses, automobiles on highways, and the rail rapid transit system, that would operate at the expense of automobiles, buses, or "roller skates or space ships." Downtown did not have enough room for automobiles to handle all peak period transportation. "What NCTA has proposed is a balance. The exact balance is now up for community discussion. What can NCTA do to bring this community the benefits you want?"

(The committee adopted a Peter Craig resolution in support of the 1-cent gas tax increase for the District, but opposing the increased borrowing authority.) ["Balanced Plan Of Rails, Buses Is Urged Here," *The Evening Star*, February 14, 1964; "Rival Transit Units Agree To Confer," *The Washington Post and Times Herald*, February 15, 1964]

As part of Stolzenbach's efforts to restore confidence, he sat for a *Post* interview. He doubted that NCTA would ask Congress in 1964 to reconsider a rail rapid transit bill. He did not want to make a second try until he could be "reasonably certain" of congressional approval. The 1964 election would shorten the congressional session. He thought the fate of a District transit bill would be harmed by President Johnson's call, in his State of the Union Address on January 8, 1964, for economy in government. In his first full year as President, he pledged "a progressive administration which is efficient, and honest and frugal." His budget would "cut our deficit in half – from \$10 billion to \$4,900 million. It will be, in proportion to our national output, the smallest budget since 1951."

As noted earlier, NCTA had analyzed why Congress did not approve Chairman Whitener's bill in December 1963:

The biggest factors, Stolzenbach concluded, were the just-enunciated economy policy, confusion and dissension over the national mass transit bill, labor policy problems and the cost of the proposed system . . . .

Stolzenbach said the financing proposal was misunderstood on Capitol Hill, where critics fastened onto the \$401 million price tag rather than the \$120 million capital contribution by the Government.

NCTA was reworking the financial plan, with the possibility of asking area jurisdictions to contribute more. The willingness of the jurisdictions to increase their share would shape the proposal eventually submitted to Congress.

He also was reaching out to critics of NCTA's cooperation. Meetings had been held with Engineer Commissioner Duke, Representative Sickles, and two key members of the Virginia General Assembly: Senator Fenwick and Delegate William Winston. He also had met with labor officials, and was planning to meet with the COG and separately with Montgomery County, which had withdrawn from the council. ["Stolzenbach Doubts Wisdom of Pushing Transit Plan Now," *The Washington Post and Times Herald*, February 13, 1964]

Reacting to the interview, the *Star* characterized Stolzenbach as "throwing cold water on the likelihood of any congressional action this year," despite President Johnson's stated hope that Congress would approve a bill during the session. The editors were bothered by Stolzenbach's intent to "throw in the sponge" on the President's hope. They recognized the problems inherent in reviving the proposal, but thought House and Senate hearings "might prove helpful in reaching agreements on some of the issues." They urged Stolzenbach to proceed with a "sense of urgency." ["Premature Surrender," *The Evening Star*, February 17, 1964]

Chairman Whitener agreed with the editorial. On February 18, his House District subcommittee adopted a resolution in executive session urging NCTA "to proceed with all possible speed so that a rapid transit system can be presented to Congress at an early date." The resolution noted President Johnson's call for a redoubling of efforts to secure approval.

Talking with reporters, Chairman Whitener said he drafted the resolution, which "does not ipso facto require that the program be brought to a vote this year." However, he said the House vote in December 1963 had not "killed" the bill, but simply indicated the members "wanted us to look at it again."

The *Star*, in its article about the resolution, added that, "Mr. Stolzenbach reportedly is working with Charles Horsky, White House advisor on National Capital affairs, on drafting a revised plan for a rail transit network here." [Eisen, Jack, "Transit Bill Given Push By Whitener," *The Washington Post and Times Herald*, February 19, 1964; "Rapid Transit Action Asked By House Unit," *The Evening Star*, February 18, 1964]

In February and March 1964, Stolzenbach testified before the House and Senate Appropriations Subcommittees on the Interior and Related Agencies, the subcommittees with jurisdiction over NCTA. He discussed the possibility of increasing the local contribution to the plan under

development, but ran into criticism related to failure of the bobtail bill. Representative Winfield K. Denton (D-In.) understood the need for a transit system, but said, “I never heard of an employer [the Federal Government] having to provide a rapid transit system to get employes [sic] to work.” He continued:

On the floor, and there is no use beating around the stump, I think most everybody thought it was inappropriate for [the local area] to pay such a small sum and the Federal Government so much.

Representative Julia Butler Hansen (D-Wa.) said, “I don’t think anybody denies that a better transportation system is needed in the District of Columbia.” However, she told Stolzenbach, “there should be some equity of financing, particularly . . . in the beginning”:

I think if you are going to get anywhere with this you will have to get some willingness and legislation which will enable local governments to pay the lion’s share of this proposition.

As a practical matter, she said that Members of Congress “do not feel like taxing people in their district, many of which are in depressed areas, to pay a bill which wealthier counties of the country would not pay.” She and her colleagues were “very much surprised” by the Federal/local financing formula in the bobtail plan.

Representative Hansen also raised the need for regional support. Stolzenbach replied, “We have been accelerating our discussions with the officials of this region since the Dec. 9 debate.” She told him:

This is since Dec. 9. We talked to you at this time a year ago. You certainly kept it in a dark closet until December.

Stolzenbach assured her that more work had been done “than you may be aware of.”

He was hesitant to reveal when NCTA might release a new plan, despite repeated questions from Chairman Bible. The Senator said the subcommittee needed answers if it was going to approve NCTA’s request for \$500,000 for staff salaries. The schedule, Stolzenbach told him, depended on close coordination with and support from three key groups: leadership of the House District Committee, officials of the 12 city and county jurisdictions in the area, and the White House. Before their support could be sought, NCTA had to resolve four important problems that Lee Flor summarized:

These are the size and scope of the rail rapid transit system, the question of the balance of Federal versus local contributions, the problem of demands for protection against automation by labor unions, and the question of whether private enterprise will operate any rail transit system, Mr. Stolzenbach said.

Senator Bible asked if Stolzenbach could conceive of a solution to Washington’s traffic problem without rail rapid transit. Stolzenbach replies, “No sir, I do not.” Senator Bible replied, “I agree with you—we must have a rail rapid transit.” He hoped NCTA would be “kept alive” because “it

would be a calamity to allow the agency to expire.” He promised to help move legislation through the Senate when the time came. [Flor, Lee, “Aid of 3 Groups Seen Needed in Transit Plan,” *The Evening Star*, March 3, 1964; Flor, Lee, “Rapid Transit Backed, City Warned on Costs,” *The Evening Star*, March 11, 1964; Eisen, Jack, “Transit Plan Cost to Area To Increase,” *The Washington Post and Times Herald*, March 11, 1964]

Following leaks to reporters, NCTA prematurely disclosed its latest concept for rail rapid transit on March 19. NCTA was considering a 15-mile “backbone” network, including a major cross-town route, at a cost of \$287 million. Jack Eisen described the route for *Post* readers:

Terminals would be located . . . to provide easy access for express buses from the suburbs.

The yards and shops would be located adjacent to the Potomac Electric Power Co. plant near Benning rd. ne. east of the Anacostia River.

From there, a line would cross the river and run past the Stadium, then go via South Carolina ave. to Pennsylvania ave., pass beneath the Capitol grounds and serve downtown with a G st. subway. A short branch would serve Union Station.

Near the White House, the line would split. One spur would go up Connecticut ave. and 18<sup>th</sup> st past Dupont Circle, then—beyond Rock Creek Park—out Connecticut ave. to Van Ness st nw.

The other spur would go beneath H st through Foggy Bottom, tunnel the Potomac to Rosslyn, then swing south to the Pentagon and Pentagon City area beyond.

Eisen added:

A map displayed by Stolzenbach showed express buses feeding patrons to railheads at Benning, Rosslyn, Pentagon City, and Van Ness st., plus railroad commuter service on two Baltimore & Ohio and Pennsylvania Railroad lines to Union Station.

NCTA, Stolzenbach told reporters, had been reaching out to local communities “and we will continue touching base with them and with congressional leaders as we go along.” He could not predict when NCTA would be ready to submit a bill to Congress.

Stolzenbach thought the 15-mile system would require about \$83 million in Federal and local grants, with the remainder of the cost financed by 50-year revenue bonds to be repaid by fare revenue. Distribution of responsibility for contributing the \$83 million had not yet been worked out. He added that the full 98-mile system NCTA had originally proposed was needed, but that the new plan was a practical start. “Basically, this is expandable into the earlier recommendations.”

Because the plan was new, local officials wanted to delay commenting on it. However, Engineer Commissioner Duke said the plan “has a lot of promise” because it would “overcome a great many of the objections.” He also complimented NCTA for working out its differences with the

transit regulator, the Washington Metropolitan Area Transit Commission. He said, “they are now working together harmoniously,” as a result of recent initiatives.

O. Roy Chalk told reporters that the new plan was “merely a retread of the last \$400 million bobtailed version which was so emphatically rejected by Congress.” The area’s bus companies were working on a “vastly expanded, all-bus rapid transit system” that would be unveiled “in the very near future.” He was convinced the plan would prevent the “eventual unnecessary and wasteful expenditure of more than \$2 billion” on NCTA’s plan. [Flor, lee, “Subway Plan Reduced Again,” *The Evening Star*, March 19, 1964; Eisen, Jack, “\$300 Million D.C. Subway Is Outlined,” *The Washington Post and Times Herald*, March 19, 1964; Eisen, Jack, “Transit Chief Outlines Latest Subway Route,” *The Washington Post and Times Herald*, March 20, 1964]

While Stolzenbach began discussing NCTA’s backbone plan with local officials, the *Star* editors were not impressed. “Its latest version seems designed mainly to permit Pentagonians to ride in style to the ball park.” The NCTA plans, they said, “get more and more modest” in hopes of convincing Congress to approve. The new plan probably was not the final version. As for reaching out to local officials, “There is nothing wrong, Lord knows, with that.” After all, “the main problem in the past has been the NCTA’s refusal to talk to anyone.” Its original \$793-million plan was wrapped “in the secrecy of the Manhattan Project.” After NCTA finally unveiled the plan, “it was thoroughly clobbered.” NCTA proceeded to develop the second plan, known as the bobtail, without any outside help:

Now, it appears, the NCTA is willing to talk to everyone—in the hope of developing a solid base of community support well in advance of any proposition to Congress.

The editors saw some reason for hope in the fact that the House had approved President Johnson’s modest budget request for NCTA. “Now that the situation is looking brighter, we hope that the Senate also will vote to approve the funds the agency needs to get its job done. For Washington needs rapid transit.” [“Stadium Express,” *The Evening Star*, March 23, 1964]

While Stolzenbach and NCTA reached out to local officials and agencies, the area’s four bus companies unveiled their all-bus transit plan on May 12. Chalk’s D.C. Transit System, its Virginia subsidiary (WV&M Coach Company), AB&W Transit Company, and WMA Transit Company described their plan to three local Members of Congress: Representatives Broyhill, who had initiated the plan in February, Mathias, and Sickles.

Although bus company officials left the meeting with their maps and without briefing reporters, Representative Broyhill told them that the \$25 million plan was in the form of an X. One line would run from Greenbelt in Prince George’s County, Maryland, to Seven Corners in Fairfax County, Virginia. The other would run from Rockville in Montgomery County, Maryland, to Springfield in Fairfax, Virginia, via Shirley Highway. The lines would intersect at Maine Avenue, SW., near the Bureau of Engraving and Printing on 14<sup>th</sup> Street. The system would include a fleet of minibuses to carry passengers to downtown destinations.

Public investment would be limited to \$25 million, half of it in the form of guaranteed loans for acquisition of buses. The other half would consist of public investment needed for terminals and fringe parking lots that would be owned by the counties.

Buses would include luxury equipment, including air conditioning and reclining chairs. Standees would not be permitted. Stations would be about 2 to 3 miles apart.

The intersection of the X was near the "Portal Site," which a real estate subsidiary of Chalk's company had won a contract in 1962 to develop. The Portal Site was a 7-acre property in the District's southwest quadrant. It was bounded by Maine Avenue, 12<sup>th</sup>, and 14<sup>th</sup> Streets, overlooking the waterfront. The Redevelopment Land Agency approved the lease for Chalk's company on June 6, 1962. According to the *Star*:

The decision to lease the land to Mr. Chalk, the agency said, was based on the fact that a design for an apartment and town house development he submitted was adjudged winner of an architectural competition in which there were 17 other competitors.

At the time of the announcement of the express bus plan, Chalk had not developed the Portal Site, and his plans for it were uncertain. [Lewis, Roger J., "Chalk Lease Approved For Southwest Tract," *The Evening Star*, June 6, 1962]

Representative Broyhill suggested that the company refer to the plan as the "Brand X" system. The three congressmen, who wanted to prevent the system from being known as the O. Roy Chalk Plan, said they would confer on possible legislation. They did not intend to ask NCTA for its views because, as Representative Broyhill put it, "It's no use consulting someone who has cast a vote for one solution, a rail rapid transit system." ["3 Area Representatives Back All-Bus System," *The Evening Star*, May 12, 1964; Eisen, Jack, "Transit Firms Sketch Bus Commuter Plan," *The Washington Post and Times Herald*, May 12, 1964]

While officials were considering rapid transit for the Washington area, Congress was completing work on a bill authorizing a national transit program. Strategists in support of the local program believed that the national program had to go first, but that it might put the NCTA plan in position for a vote later in the year. Prospects also appeared good, in that case, for congressional action on a proposed regional compact the area's political subdivisions were negotiating to operate the new rail rapid system. If the national transit program bill failed, congressional action on the local bill and the compact was out of the question. No Member of Congress would even introduce the bill if the national bill failed.

The timing was critical. As the *Star* put it:

[It] is important strategically to Mr. Sickles [the Representative from Maryland who headed the commission perfecting the compact legislation] and to Mr. Stolzenbach to avoid a collision course, defeating both their efforts, between the compact and the construction authorization. [Bassett, Grace, "National Transit Bill May Spark D.C. Action," *The Sunday Star*, May 24, 1964]

## The Urban Mass Transportation Act of 1964

On April 4, 1963, the Senate approved the Urban Mass Transportation Act of 1963 by a vote of 52 to 41. It called for a \$500 million, 3-year program for mass transit grants, with \$100 million authorized in FY 1963. The Federal share of project costs would be two-thirds. An emergency program would be available to pay one-half the cost of projects to meet urgent needs where an existing facility or service would otherwise no longer be available. A Federal loan program initiated by the Housing Act of 1961 would continue.

Its sponsor, Senator Harrison A. Williams (D-NJ), had described the bill when he introduced it on January 14, 1963:

It will give municipal officials, agencies, and planners the encouragement and financial assistance needed to make mass transit feasible in our urban-suburban areas. As the history of the declining transit industry indicates, we will produce only talk until we put up the money at the Federal level for a comparatively small part of the job that must be done in so many areas of our Nation.

The bill I introduce today is sensible; it is modest; it can do the job.

And it is one of the most important pieces of unfinished business left behind by the 87<sup>th</sup> Congress. ["Mass Transportation," *Congressional Record-Senate*, January 14, 1963, pages 214-217]

Despite this promising start in the Senate, the bill ran into problems in the House, as Professor George M. Smerk summarized in his history of the Federal role in urban transit:

In the House there was trouble; southern representatives, in an effort to retaliate against the Kennedy administration's civil rights program, took on an anti-urban stance. It was felt that there was a good chance the House version of the bill would never get out of committee.

The impatient had much to be fidgety about. The House version of the bill remained in committee for more than a year, but in real fact the House Rules Committee [which held hearings in June 1963] was not responsible for the delay. The bill was held in the Rules Committee because House Speaker John McCormack [D-Ma.] felt that if the bill did come up for a vote on the floor of the House, it stood a good chance of being defeated. There were two good strategic reasons for the speaker's reluctance; one was the need, for the transit bill's sake, to wait for a propitious moment. The second was political wisdom on the part of McCormack regarding more important legislation . . . .

Following the assassination of President Kennedy, President Johnson had called for passage of the late President's stalled legislation, beginning with the civil rights legislation:

Speaker McCormack was fearful he would jeopardize the Johnson administration's reputation for legislative success by bringing the urban mass transportation bill to the floor prematurely. [Smerk, George M., *The Federal Role in Urban Mass Transportation*, Indiana University Press, 1991, pages 88-89]

The fact that the mass transit bill was still not on the White House's "must pass" list by April 1964 "set into motion an unusual train of events" that went back to 1963 when the House of Representatives voted down a bill to construct a rapid transit system in the District of Columbia. "Labor lobbyists in Washington, in a virtual explosion of short-sightedness, were persuaded to bring pressure against Congress to defeat the bill as an anti-labor measure." [Smerk, page 89]

This defeat convinced transit supporters that in 1964, they would need a coordinated lobbying effort, particularly in the House, to get the Williams bill approved. They formed the Urban Passenger Transportation Association (UPTA) to lobby on behalf of "central city interests, the transit industry, the railroads, and organized labor (which was now firmly in the camp of transit as long as there was a *quid pro quo* in the legislation that protected jobs)."

When President Johnson learned that labor was supporting this effort, he added the mass transit bill to the White House's priority list:

With the UPTA group successful in impressing the White House, the problem then became one of persuading enough congressmen to vote in favor of it to assure passage. As in all things political, success means having enough votes. The speaker had to be shown that there were sufficient Republican votes from northern urban centers to offset the predicted loss of Southern Democrats opposed to the transit bill because of their fear of more (after civil rights legislation) federal incursions into local matters.

With assurances from UPTA in early May that as many as 40 Republicans would vote for the bill, Speaker McCormack allowed the bill out of the Rules Committee, but still hesitated to schedule a floor vote:

The speaker, yearning to keep the momentum of legislative success rolling on, could hardly be blamed for his foot-dragging, because late in May the House Republican Policy Committee took a firm party stand of direct and unalterable opposition to the mass transit bill. The Republican Policy Committee rarely digs in its heels when it fears defections from G.O.P. ranks, but UPTA had been busy lining up Republican support and the transit lobbyists felt they had enough votes to get the transit bill passed.

Representative John W. Byrnes of Wisconsin headed the Republican Policy Committee, which included the House Republican Whip, five Republicans on the Rules Committee, three members at large appointed by the leader, and one member elected from each of several designated regions. On May 28, the committee objected to Democratic bills to raise the national debt limit to \$324 billion, continue excise taxes, and provide \$500 million for mass transit programs. [Walsh, Robert K., "Halleck Expects to Remain House GOP Leader," *The Evening Star*, November 17, 1964; "G.O.P. Fights New Debt Limit," *The Evening Star*, May 28, 1964]

Representative William B. Widnall, a Republican co-manager of the bill who represented a district based in Hackensack, New Jersey, finally forced Speaker McCormack to bring the bill up for a vote:

Widnall threatened to embarrass both Speaker McCormack and the White House; he promised to call a press conference to indicate that there was Republican support sufficient to pass the bill and at the same time denounce the speaker and the White House for obstruction of legislative procedures. [Smerk, pages 89-90]

On June 23, President Johnson held a press conference, during which he pressured Republicans to reduce obstacles to about 30 bills “that we think are desirable” and that “we would like to see acted upon.” He listed many of the bills, including the mass transit bill and the pending Federal-aid highway bill.

The following day, the House began debating the measure. Despite strong opposition (Representative Oliver P. Bolton (R-Oh.) called the bill “the keystone in the arch of Federal domination and control of every town in this country”), the House passed the bill 212-189 on June 25, with 39 Republicans joining 173 Democrats in support of the bill. *The New York Times* speculated on the bipartisan support:

Some observers professed to see President Johnson’s influence in the fact that 34 Southern Democrats, including seven from Texas, voted for the measure. All eight of the 10 Georgia representatives present for the vote supported the bill.

Another major factor in the measure’s support among Southern and rural members was its sponsorship in the Congressional session by Representative Albert Rains, Democrat of Alabama. His advocacy made it seem less of a “big city” proposal . . . .

Credit for assembling the bill’s majority also goes to a coalition of national organizations in the fields of transportation, housing, planning and urban affairs, which conducted a thorough campaign among House members.

President Johnson congratulated House members of both parties and hailed House approval as “a major step forward in cooperation between Federal and state governments on urban problems.” [Weaver, Warren, Jr., “\$375 Million Transit Bill Passed by House, 212-189,” *The New York Times*, June 26, 1964]

On June 30, the Senate approved the House version of the Williams bill, 47 to 36. The major change involved a reduced authorization of \$375 million over 3 years for capital grants on a short- and long-term basis. The amount in the original Williams bill had been reduced from \$500 million because the White House claimed that no more than \$375 million could be spent during the 3-year period. No State could receive more than \$47 million over the 3-year period. The long-term funds could be used for any capital project except highway construction. Short-term aid was available to keep troubled transit properties in operation while local officials planned a replacement service. The legislation continued the demonstration program initiated by the Housing Act of 1961, but expanded it to include research, development, and demonstrations initiated by the Housing and Home Finance Agency. It also continued the little-used loan program launched in 1961, but it would remain little used. [Smerk, pages 92-93]

On July 9, 1964, President Johnson approved the Urban Mass Transportation Act of 1964 (P.L. 88-365) during a signing ceremony in the Cabinet Room of the White House. Guests included Senator Williams, Representative Rains, Administrator Robert C. Weaver of the Housing and Home Finance Agency, and other Senators, Representatives, Governors, and Mayors.

President Johnson called the legislation “one of the most profoundly significant domestic measures to be enacted by the Congress during the 1960’s.” He put the measure in historical context:

Our Constitution empowered Congress to provide for post roads. Since that time, congressional support of transportation has been a major constructive influence on the progress and development of our American society and our American economy.

In the last century, such support of transcontinental railroads and canals and river navigation gave immeasurable impetus to our expansion. Now, in this century, sound congressional policies in support of both highways and airways for automobile and airplane travel has [sic] given incalculable momentum to American progress.

This new act that all of you have contributed to passing remains faithful to this tradition of vision.

Not so long ago, he pointed out, 6 out of 10 Americans lived in rural areas, but now 7 out of 10 lived in urban areas:

The change has come rapidly and has come dramatically, and today urban congestion is an unpleasant fact of everyday life for too many millions of Americans.

All of us recognize that the curses of congestion in commuting cannot be wiped away with the single stroke of a pen, or 50 pens that we have here. But we do know that this legislation that we are coming to grips with faces the realities of American life and attempts to put in motion a movement to do something about it.

It is symbolic of the challenge facing us that most Americans today travel to and from work over city street patterns that were originally laid out by the horses which pulled our grandfathers’ carriages.

We face a great task, publicly and privately, of catching up with our full potential and making life as good as it can be and making life as good as it should be for this generation of Americans.

He hoped that this “milestone measure will serve as a beneficial forerunner of many other steps forward in meeting the present challenges of metropolitan life in America.” He was, he said, “determined that we will provide the vision and the leadership necessary and that they will no longer be a stepchild and be neglected by their Government in Washington.” [Weaver, Warren, Jr., “President Signs Transit-Aid Bill,” *The New York Times*, July 10, 1964]

Professor Smerk said of the Urban Mass Transportation Act of 1964:

The 1964 Act, in any event, is the cornerstone of the federal transit program. Its aim is to provide aid for the improvement and development of mass transportation and to encourage the planning and establishment of areawide coordinated transport. Along with the planning provision of the Highway Act of 1962, the intention was to offer incentives to plan and develop a rational and integrated urban transportation system combining both the private automobile and mass transportation. [Smerk, page 91]

Even before House action on the national bill, Chairman Whitener had been optimistic about the prospects for District legislation. On May 14, the chairman addressed the Institute for Rapid Transit, a group formed in the late 1950s to represent rail commuter and rapid transit operators who felt the bus-oriented American Transit Association had not been sufficiently supportive of their interests. He thought his bobtail plan might yet pass with a different financial mix:

I do not believe it was a vote against rapid transit. Neither then nor since have I encountered more than a very few members who doubt the need for rapid transit in Washington.

To the contrary, I believe there is general agreement on the need for such a system.

Many of those who voted to send the bill back to Committee have since assured me that they believe such a system is needed and that Congress must assist in its creation.

By and large their problem . . . appears to have been with the financing formula which, many felt, placed too heavy a burden on the Federal Government and too little on the District of Columbia.

This is certainly a problem that can be solved, and I am hopeful that a revised formula, one that my colleagues will consider more equitable, can be developed at a very early date.

NCTA's subway plan, he said, had developed more public support than any other program for the city. Another source of optimism, he said, was that the controversy pitting transit against freeways was at an end. [Eisen, Jack, "Whitener Hopeful for Transit Plan," *The Washington Post and Times Herald*, May 15, 1964]

Now, passage of the national bill gave new hope to those in the Washington area hoping for a rail rapid transit system. As Professor Schrag wrote, however, patience would be required:

Encouraged, Stolzenbach was ready to go back into battle, but the White House decided to wait out the 88<sup>th</sup> congress and try again after the election . . . . A skeleton staff at NCTA designed a new transit development program to appeal to the new Congress; its official motto became "stay alive 'till '65." [Schrag, page 59]

## Problems for the South Leg

As discussed earlier, District, NPS, and BPR officials signed an agreement on December 14, 1962, on building the six-lane South Leg (I-695) of the Inner Loop system to connect the Potomac River Freeway and the Theodore Roosevelt Bridge with the Southwest Freeway. Negotiations that had begun in 1960 resulted in agreement on dividing the South Leg into three segments. For the first segment, NPS would have complete control over the 1,400-foot tunnel under the Lincoln Memorial grounds from Constitution Avenue to a mid-point between the memorial and the Tidal Basin. For this segment, plans included removing the driveway between the memorial and the Reflecting Pool as well as the temporary buildings on both sides of the pool. BPR, which usually administered road construction projects for NPS, retained approval of consultants and final approval of plans. Buses and trucks would be prohibited.

BPR would be the contracting agent for the second segment from the mid-point to the Tidal Basin to just west of 15<sup>th</sup> Street. In addition, BPR would administer construction contracts to protect the cherry trees in the Tidal Basin area.

District highway officials would be primarily responsible for the third segment. It consisted of the interchange between 14<sup>th</sup> and 15<sup>th</sup> Street to provide the connection with the Southwest Freeway.

Each party to the agreement retained veto power over the work of the others. Construction, which would begin within a year, would be completed in late 1965. The estimated cost of the South Leg was about \$18 million. As Engineer Commissioner Clarke put it, that schedule “seemed reasonable.” He added, “We really don’t expect any trouble. We all understand each other’s problems.” [Flor, Lee, “Lincoln Memorial Inner Loop Tunnel To Be Begun in ’63,” *The Evening Star*, December 14, 1962]

*Star* editors were pleased but skeptical:

In the final analysis, however, the success of the new agreement will depend upon whether each of the principals who signed it—Gen. Clarke, Parks Director Wirth, and Federal Highway Administrator Whitton—continues to work together with a reasonable amount of good faith and mutual trust. [“‘In Accord’ – Again,” *The Evening Star*, December 18, 1962]

To comply with BPR requirements, the District Commissioners scheduled a public hearing on the South Leg Freeway for February 4, 1963, in the District Building. However, on February 1, District officials postponed the hearing because of a conflict with NPS regarding the interchange at 15<sup>th</sup> Street. The dispute stemmed from the desire of NPS to close 15<sup>th</sup> Street south of Constitution Avenue, NW., to reduce, by one, the number of crossings of the National Mall. NPS wanted to eliminate a ramp from the interchange to 15<sup>th</sup> Street, a change that would require redesign of the interchange.

NPS engineers questioned traffic figures for the interchange. William M. Haussmann, NPS's regional chief of design and construction, said his office was still looking at the figures. "We haven't really dug into the figures yet. Possibly there will be no disagreement."

The public hearing, as the *Star* explained, "was required by law to give property owners their opportunity to complain about freeways" before District officials could approve "general location" for the route. Until the "general location" was approved, the District could not transfer funds to NPS, the only property owner concerned with the South Leg, for construction of its segment. ["Early Solution Seen For South Leg Freeway," *The Evening Star*, February 2, 1963; Schuette, Paul A., "South Leg Of Freeway Hits Snag," *The Washington Post and Times Herald*, February 2, 1963]

Negotiations took longer than Haussmann expected. By July 1963, NPS had proposed construction of a second tunnel along the right-of-way of Independence Avenue for the segment through the Tidal Basin area. Negotiations among NPS, the District, BPR, NCPC, the White House, and the Commission of Fine Arts had remained out of public view until Chairman Natcher asked Aitken about the South Leg during a hearing on June 11 regarding the District of Columbia Appropriations Act, 1964. As discussed earlier, Aitken referred to the December 1962 agreement as "a gentlemen's agreement" on how to proceed. Chairman Natcher asked if the cost identified the previous year for the South Leg, \$18,442,000, was still valid:

Mr. Aitken. Well, pending agreement on the final plan, it is impossible to say whether that estimate will apply or not, sir; but it looks like the estimated cost now might be in the order of \$30 to \$40 million.

Mr. Natcher. How do you account for the difference here, Mr. Aitken?

Mr. Aitken. Well, it is an extension of the concept of the project. That is, the Park Service is interested in more tunnel construction so that this freeway will not disrupt the park features in this part of the city. [District of Columbia Appropriations, 1964, Hearings before a Subcommittee of the Committee on Appropriations, U.S. House of Representatives, 88<sup>th</sup> Congress, 1<sup>st</sup> Session, on H.R. 7431, page 649]

Months of negotiations resulted in an agreement announced on August 3, 1963. The new agreement called for a 1,300-foot tunnel under the Tidal Basin just north of Kutz Bridge. Six acres of the Title Basin north of the bridge would be filled and landscaped to blend in with the rest of the park area. According to the *Post*:

Roads and Park Service officials agreed all along as to the need for a Tidal Basin tunnel to protect the scenic aspects of West Potomac Park.

Roads officials felt that a 950-foot tunnel would have been adequate, according to Presidential Adviser Charles Horsky, but saw the need for a longer tunnel last week when the Park Service set out stakes showing the comparative lengths as they would actually appear.

The Park Service felt that a shorter tunnel would mean that traffic from the surface portion of the freeway would impair the view of the Tidal Basin from 17<sup>th</sup> Street nw . . . .

A feature of the plan would be a “park road” along the banks of the Tidal Basin. This would be, for the most part, the existing road.

NPS Regional Director Jett said the NPS was “delighted” with the agreement on the length of the second tunnel segment of the South Leg.

(The Kutz Bridge was named for General Charles W. Kutz, who served three terms as Engineer Commissioner – appointed by President Woodrow Wilson for 1914-1917, 1918-1921, and by President Franklin D. Roosevelt for 1941-1945 – longer than any other Engineer Commissioner. During his third tenure, General Kutz oversaw planning and construction of the bridge to carry Independence Avenue eastbound over the northern section of the Tidal Basin. The bridge, opened in 1943, is a purely functional bridge, with little ornamentation. Vertical clearance above the water is limited; the only vehicles on the Tidal Basin are pedal-driven, two-seat boats rented by tourists during the warmer months. The northern end of the Tidal Basin is within the median between the eastbound and westbound travel lanes of Independence Avenue.

(On February 24, 1954, Engineer Commissioner Prentiss and NPS Director Wirth participated in a ceremony naming the structure for General Kutz, who had died on January 25, 1951, at the age of 80. A plaque was placed on the west end of the bridge:

KUTZ BRIDGE  
COMPLETED 1943 FOR THE  
NATIONAL CAPITAL PARKS  
BY THE DISTRICT OF COLUMBIA  
UNDER THE SUPERVISION OF  
BRIG GEN CHARLES W KUTZ  
ENGINEER COMMISSIONER  
1914-1917 -- 1918-1921 -- 1941-1945

(During the ceremony, Wirth said the bridge exemplified the role General Kutz played in the city’s development, but also the cooperation between the District and Federal agencies in the development of the city and the part played by the U.S. Army Corps of Engineers in that development. [“Gen. Kutz, Ex-Engineer Commissioner, Dies,” *The Evening Star*, January 25, 1951; “Kutz Bridge, Named For Former Officer Of D.C., Dedicated,” *The Evening Star*, February 25, 1954])

The District Commissioners announced the agreement along with plans for a public hearing on September 5 in the District Building on the South Leg and the Center Leg. [Doolittle, Jerry, “Officials Agree To Dig Tunnel At Tidal Basin,” *The Washington Post and Times Herald*, August 4, 1963; Flor, Lee, “Hearing Set on Tunnels Under Basin, Memorial,” *The Sunday Star*, August 4, 1963]

By the end of August, additional details of the plan had emerged. Given the NPS’s concern about trucks in the park area, officials had agreed to build the tunnels with only a 12½-foot clearance, less than standard for urban tunnels. Aitken told reporters, “this isn’t really much of a bone to gnaw on” since the South Leg had the same clearance where it passed under the

Theodore Roosevelt Bridge. Robert C. Horne of the NPS said the service was aware of the fire trucks and emergency vehicles that might need to get through the area, but said, “We know some military loads take more clearance, but there are a great many alternate routes such vehicles could take. We didn’t consider it a serious problem.” [Eisen, Jack, “Lincoln Shrine Tunnel Planned To Bar Trucks,” *The Washington Post and Times Herald*, August 30, 1963]

The date of the joint public hearing was shifted to September 3. As previously discussed, much of the focus was on the Center Leg. NPS Director Wirth took the lead in discussing the South Leg. He extolled the plan, with its tunnels under the Lincoln Memorial and the northern edge of the Tidal Basin. It would “accomplish the necessary traffic needs and also enhance the traffic circulation for the park user and visitor to the Nation’s Capital.” Construction of the 1,400-foot tunnel at the memorial would allow NPS to remove the present road in front of the facility. NPS planned to construct a “broad pedestrian plaza overlooking the reflecting pool.”

The plans also called for eliminating 15<sup>th</sup> Street at the Washington Monument. NPS and District highway officials were discussing how to tunnel 14<sup>th</sup> Street under the National Mall and to “dress up” the Washington Monument grounds.

With the critical focus on the Center Leg during the hearing, comments on the South Leg Freeway were generally supportive. However, Harold M. Wirth, representing the Board of Trade and the tire manufacturing association, recommended that the South Leg tunnels be built with a standard clearance of 14½-feet to ensure that military trucks would be able to use them in the event of a national emergency. [Eisen, Jack, “Width and Design of Freeway Draw Criticism at D.C. Hearing,” *The Washington and Times Herald*, September 4, 1963; “Inner Loop Plans Are Praised,” *The Washington Daily News*, September 3, 1963; “Center Leg Freeway to Evict 1,600 Persons, 105 Firms,” *The Evening Star*, September 3, 1963]

With the public hearing requirement satisfied, the District Commissioners approved the route of the South Leg Freeway on September 19. Aitken said officials were still discussing two design issues: a suitable link to the South Leg for northbound traffic on 14<sup>th</sup> Street, NW.; and a link for northbound traffic with the Rock Creek and Potomac Parkway. [“District Accepts Route for South Leg Freeway,” *The Evening Star*, September 19, 1963]

On October 23, 1964, Administrator Whitton selected Palmer and Baker, Inc., of Mobile, Alabama, to design the tunnel under the north end of the Tidal Basin. The contract, awarded for \$704,000, was expected to take about 15 months to complete. Whitton said that the location and design of the tunnel would give “every consideration . . . to the character of the area. No effort will be spared to preserve the existing amenities in Potomac Park, one of Washington’s most beautiful sections.” BPR had agreed to pay the entire cost of the \$16 million tunnel and approaches.

Meanwhile, plans for the NPS segment under the Lincoln Memorial plaza, also federally funded at 100 percent, were about 80-percent complete. The District’s 90-10 segment next to 14<sup>th</sup> Street was in the final design stage. [“Contract Let To Designer Of Tunnel,” *The Washington Post and Times Herald*, October 25, 1964]

*Star* editors appreciated the progress represented by award of the Tidal Basin tunnel contract:

These plans literally have required years of discussion. The results, however, are well worth the time – and the money – spent. Congratulations are due both the Highway Department and the Park Service, each of which, for once, has managed in this project to satisfy its own requirements without detracting from the other’s legitimate concerns. [“Under the Tidal Basin,” *The Sunday Star*, October 25, 1964]

President Johnson addressed the South Leg on February 15, 1965, in a special message to Congress on the needs of the Nation’s capital. It was a broad statement that covered many aspects of life in the District of Columbia. In speaking of the city as the capital, President Johnson said:

The District, as the Nation's Capital, must meet the special requirements imposed on the capital city of a great nation. We are committed to preserving and enhancing the great avenues, the great museums and galleries, the great sweep of the Mall.

He mentioned the initiative “to transform Pennsylvania Avenue from its present shabby state to a new dignity and grandeur.” He continued with examples of how development of highways could complement improvements to the city’s grandeur:

There are other areas where needed improvements can also be accelerated. The Washington Monument can be given the setting it deserves as soon as the development of the freeway from the Roosevelt Bridge to the 14th Street Bridge, and the 9th and 14th Street underpasses of the Mall permit the elimination of the 15th Street traffic from near the base of the Monument. The temporary buildings which huddled at its base are already gone, and the plans to improve its immediate surroundings must be pushed forward.

The Lincoln Memorial, long throttled by a circle of heavy automobile traffic, can be freed of its noose as soon as the freeway running beneath its grounds permits the area facing the reflecting pool and the Monument to be reserved for the visitor on foot. The Memorial will not achieve its proper setting, however, until the remaining obsolete and temporary buildings on Constitution Avenue are eliminated.

There are many other projects. Temporary buildings on public space throughout the monumental area must be removed. There is need to carry forward the plans to develop the potential of the Mall, so that it may be a place of life and beauty, of pleasure and relaxation. There is need for a Visitors' Center which will provide perspective and understanding regarding the Federal Government to the myriad students and tourists who come to Washington to see and learn . . . .

The great sweep of the Potomac River, Rock Creek Park, and the ring of parks where the old Civil War forts stood make the District a city in a park. In its heart the grandeur of the Mall, the many circles and squares, and the great street trees carry natural beauty to everyone.

Today there is new awareness of our urban environment. We can, if we will, make the District the symbol of the best of our aspirations. We can make it a city in which our citizens will live in comfort and safety, and with pride, and in which commerce and industry will flourish. We can make it a capital which its millions of visitors will admire. All this we must do. I am sure the Congress will join me in accepting the challenge.

By May 1965, the *Post* was predicting that the “great tunnel era” for Washington was about to get underway after years of “political and technical spadework.” Only “a few more obstacles” had to be overcome before construction would begin on the Center Leg tunnel under the Capitol and U.S. Botanic Garden grounds and the tunnels under the Lincoln Memorial grounds and the Tidal Basin. A 9<sup>th</sup> Street tunnel under the National Mall also was nearing construction:

The month of June promises to be a significant one for the District Highway Department’s underground planners. In that month, bids will be opened for the 1400-foot Lincoln Memorial tunnel; the Fine Arts Commission is scheduled to take a look at plans for the Tidal Basin structure, and the Highway Department is expected to wrap up negotiations with a developer on use of air space over the north portal of the Center Leg, connecting the Southwest Freeway and North Leg.

Issues of ventilation had to be resolved for the Center Leg tunnel. District highway officials had pushed advertisement for the construction contract to early 1966 instead of December as previously planned.

The South Leg was moving ahead:

Closest to reality of the four tunnels is the six-lane Lincoln Memorial structure, which will be built under the supervision of the National Park Service. Work could start in two months, if all goes without a hitch . . . .

The Lincoln Memorial tunnel will skirt the southeast corner of the shrine itself. Because it will be only 1400-feet long, ventilation will not be a major problem. The ventilation system will be aided by the piston action of traffic which will help air the tunnel.

The other South Leg tunnel also was progressing:

Further east at 17<sup>th</sup> Street, just north of Independence Avenue, the South Leg has been designed to dip under the Tidal Basin for 1600 feet. The Federal Government will pay the estimated \$16 million cost of the tunnel and the Bureau of Public Roads will supervise the building.

Plans to drain the Basin at that point and run the road overland were rejected, to preserve the beauty of the Basin. But the Basin will have to be drained temporarily when the trench is cut, possibly early next spring, according to Galyn Wilkins, regional director of the Roads Bureau.

The 9<sup>th</sup> Street tunnel under the Mall was in the design stage.

The *Post* summed up:

It all adds up to the busiest tunnel activity of any city in the country. It is all the more remarkable because, like most big projects in Washington, a host of agencies are involved. [Morgan, Dan, "City on Brink Of 'Tunnel Era' For Its Roads," *The Washington Post and Times Herald*, May 24, 1965]

### **The Strange "Directive"**

Within a month, a potential problem emerged in the Senate Committee on Appropriations.

On May 6, the District Subcommittee of the Senator Committee on Appropriations held a hearing where nondepartmental witnesses could comment on the District's proposed FY 1966 appropriations act. Peter S. Craig had been one of the witnesses, testifying as chairman of the roads subcommittee of the Committee of 100 on the Federal City. He requested deletion of appropriations for the District's share of five freeway projects: the Potomac River Freeway extension, the North Leg (west and center sections), the Center Leg, and the North Central-Northeast Freeway.

Based on Chairman Natcher's figures, Craig estimated that the five projects "contemplate the allocation of \$42,300,000 (10 percent in the District of Columbia appropriations and 90 percent in Federal aid), of which \$42 million would be for condemnation of property":

This \$42 million to be spent for the destruction of homes, churches, businesses and industry, would be more than the total amount of all capital outlay by the general fund and sanitary fund for schools, recreation, health, welfare, sewers, and so forth. In other words, the capital outlay budget . . . proposes to spend more for destruction of the city than for all public construction projects combined.

The five projects, he said, should be deleted for many reasons, but with only 5 minutes allotted to each witness, he would touch on only one reason, "and that is their illegality." He explained that, "Over the past several years, District highway planning has descended to a state of total anarchy." The agencies he said were responsible for planning (NCPC and NCTA) "have virtually abdicated their authority to the District of Columbia Highway Department." In the absence of home rule, the District Commissioners "act as if they don't care what their own citizens want – they have not bothered to even attend their own 'public hearings' on proposed freeways for over a year and a half."

More to the point, the freeways proposed by District highway officials "are totally beyond the limited authority given [to] the District Commissioners by Congress." Craig said that the official position was that if BPR approved a freeway "this is 'tantamount' to congressional approval and the [District] law as enacted by Congress may be ignored." This official position "has now been knocked into a cocked hat." The basis for his view was an opinion (B-156541) issued by Comptroller General of the United States Joseph Campbell on April 26, 1965, in response to an inquiry from Chairman McMillan of the House District Committee on April 13. Craig explained

that the opinion indicated that BPR approval does not constitute approval by Congress, and quoted the following passage:

Congress by including the District within the framework of the Federal-aid highway laws, may not be said to have abdicated its role in the conduct of the local aspects of the District's highway problems. Authority of the Commissioners of the District of Columbia concerning highways, streets, and bridges is contained in title 7 of the District of Columbia Code . . . . It does not seem reasonable to construe the authority granted to the Secretary of Commerce to participate with the District as an abandonment to the Secretary and the Commissioners by the Congress of its control and concern over the District highway matters.

In short, the authority granted by Congress to the District of Columbia under the Federal-aid highway program to construct Interstate freeways did not free the city from its own laws, also granted by Congress, for highway construction.

Craig summarized:

It is therefore clear, beyond any doubt, that the authority of the District Commissioners to build these freeways cannot arise from such "deals" as may be arranged between the District Highway Department and the Bureau of Public Roads. Instead, such authority, if it exists, must be found in title 7 of the District of Columbia Code.

District highway law, as enacted by Congress, authorizes the Commissioners to add new highways to the permanent system of highways only after prescribed notice, only after a public hearing, only with the approval of the National Capital Planning Commission, and only if such new highways do not exceed 160 feet in width.

The five freeway projects to which we take exception violate each of these limitations . . . . If the District Commissioners are of the opinion that any of these five projects have theoretical justification, it is incumbent upon them to subject their proposed legislation to the Senate and House District Committees and obtain the necessary legislative authority before they come to this committee asking for appropriations.

General Duke took strong exception to many aspects of Craig's testimony. In a May 10 letter to Chairman Byrd, General Duke responded. For example, he reacted to Craig's implication that the \$42 million to be spent on right-of-way acquisition for the five freeway projects could be transferred to the general fund for other uses:

Such is not the case. Ninety percent of this money is in the form of Federal-aid, and if not used for the highway purpose states, will not even be made available to the District.

General Duke also discussed the Comptroller General's letter. He would have selected a different paragraph from the letter to highlight, namely:

Of course, as a practical matter, the Congress retains its control over the District's highway program through the appropriation process. And if moneys are appropriated for

the District's share of a Federal-aid highway project, there would not be any question as to the authority for executing the project. But as we understand your inquiry, it is directed toward the rather technical question of whether sufficient authority exists to support an appropriation request in the first instance. While for the reasons stated above, we believe it would be more appropriate for the Congress to enact legislation specifically authorizing appropriations to the District for such purpose, we express no opinion as to whether a proposed appropriation therefor in the absence of specific authorizing legislation would be proper under the rules of the House of Representatives which is a matter not within our jurisdiction.

The District of Columbia, General Duke stated, did not make "deals" with BPR. All major highway projects are presented to NCPC for review and recommendation, as well as to the public in the form of hearings. "If it is the desire of the Congress that the District change the present procedures, we of course will be most happy to do so."

General Duke also responded to Craig's point about Section 7-108, the District's code on highways. "This was a matter of concern a number of years ago, and it was reviewed in detail by District officials, including members of our corporation counsel's staff." The law in question had been established by act of Congress approved on March 2, 1893. It provided "for extension of a permanent system of highways over all that portion of the District not included within the limits of the cities of Washington and Georgetown." Review of the issue showed that Congress had modified this 1893 legislation. In legislation approved in 1913 and 1924, the predecessor of NCPC had been given authority over the size and character of major thoroughfares. Later, Congress had included the District of Columbia among the States for construction of the Interstate System, subject to approved design standards that would require roads wider than 160 feet.

[District of Columbia Appropriations for 1966, Hearings before the Subcommittee of the Committee on Appropriations, United States Senate, 89<sup>th</sup> Congress, 1<sup>st</sup> Session, on H.R. 6453, 1965, pages 457-459 (Craig testimony); pages 459-467 (Craig's statement); pages 469-472 (General Duke's letter); pages 475-476 (Comptroller General's opinion); pages 476-477 (city's opinion on Section 1-108)]

(This narrative will return to the 1893 legislation at a later point.)

The issue Craig raised about the authority to approve freeway projects would affect the Senate Committee on Appropriation's report on the District of Columbia Appropriation Bill, 1966, issued June 16, 1965. It was, in many ways, a routine measure covering a wide variety of District funding needs. The bill's proposed appropriations for the Department of Highways and Traffic were identical to the amounts in the House bill for electrical improvements (\$602,000); street improvements and extensions (\$3.7 million); highway planning, programing, surveys (\$400,000); and Interstate and primary, secondary, and urban projects, including:

- North leg, west section, inner loop - \$110,000
- South Leg, inner loop freeway - \$30,000
- Center leg, inner loop - \$900,000

- Northeast, North-Central Freeway - \$520,000
- Potomac River Freeway - \$1,600,000
- North leg, central section - \$1,200,000
- Interchange C, inner loop - \$150,000

Although these amounts were routine in that they matched the House appropriations bill, the Senate Committee on Appropriations included a statement in its report that had not been in the House report:

*Highway program.*—Several members of the committee have expressed deep concern about the absence of effective legislative control over the District of Columbia highway program. The committee shares this concern. Accordingly, the committee directs that all future budget estimates for the District of Columbia highway program be presented on the basis only of prior authorization by the respective District legislative committees. [District of Columbia Appropriation Bill, 1966, Committee on Appropriations, United States Senate, 89<sup>th</sup> Congress, 1<sup>st</sup> Session, Report No. 333, June 16, 1965, pages 12, 16]

Senators Clifford Case, William Proxmire (D-Wi.), and Joseph Tydings had drafted the language.

(A statement in a committee report is not a law or even, technically, a requirement, but as a practical matter, they have an effect because if the committee insisted on following this new procedure before taking further action, the District would have to act accordingly.)

When the Senate took up H.R. 6453 on June 22, it passed 76-14. However, as the final parliamentary move was about to take place to make the vote official, Senator Bible asked the floor manager, Senator Byrd, a question about the paragraph in the committee report. As preamble, Senator Bible said that the report appropriated \$900,000 for the Center Leg and that the District had spent approximately \$28 million for the freeway to date. This was an example of the “very important” question raised by the paragraph in the committee’s report:

My query is, Does the Senate committee language require the Highway Department to come back next year for authorization to proceed with the center leg of the inner loop after \$29 million has already been expended on this project?

Senator Byrd replied that several members of the committee raised the “necessity, in their judgments, for the District Highway Department to come before the legislative committees of the Congress for authorization before the Department proceeded with work on projects in the District of Columbia.” He had been reluctant to write the language because he did not want to straitjacket the District highway officials in pursuing projects “for which funds have already been allocated and appropriated.” Given his reluctance, the subcommittee authorized him to appoint a three-person committee to draft the language.

He introduced a letter dated June 15 that he had received from Engineer Commissioner Duke about the language. General Duke said that Representative McMillan, chairman of the House District Committee, had raised a similar concern in 1964 about activities and projects that were,

at the time, authorized only by appropriation acts. On advice of the District corporation counsel, General Duke told Senator Byrd:

There is no question but that the highway program of the District of Columbia is fully authorized by existing law. This is in contrast with other programs of the District for which authorizing legislation has only recently been drafted and submitted to the Congress.

Carrying the implication of the subcommittee's paragraph to its logical conclusion, General Duke wrote that Congress would have to approve authorizing legislation separately for minor widening, curb and gutter work, improving unpaved streets, traffic controls, and other minor highway-related activities.

The District also checked with the Comptroller General of the United States, who agreed that separate authorizations were not needed. General Duke quoted the reply:

“We agree with the Commissioners that inclusion of the District of Columbia within the term ‘State’ as used in Federal-aid highway legislation imparts a clear congressional intention to authorize District participation in the program” and “if moneys are appropriated for the District share of a Federal-aid highway project, there would not be any question as to the authority for executing the project.”

General Duke added that in obligating the District to complete all Interstate highway segments by October 1, 1972, “all of the elements of the Interstate System for the District of Columbia have been approved by the Congress and at least partially funded by appropriations through fiscal year 1965.”

Senator Byrd yielded to Senator Case to explain the concern that prompted the paragraph. Senator Case said:

We are concerned about the free hand which the Highway Department of the District of Columbia has been exercising in regard to streets and highways within the District. It has seemed to us that, when they get money to spend, it constitutes a kind of legislative authorization for their activities; that this is all they require.

He and his two colleagues thought “the legislative committee in the Senate and the legislative committee in the House have this responsibility as the governing body of the District of Columbia—which, in fact they are.” He was referring to the Senate and House District Committees.

This view had been prompted by his deep concern that “this monstrous plan for highways through and over the District of Columbia” was moving forward “like a juggernaut without really any responsible control by any governing authority.” He referred to a June 18 article in the *Post* by Wolf Von Eckardt titled “Freeway Tunnel Model Unveiled.” Senator Case said of the article:

The general thrust of the article is that if we are lucky, the Highway Department may permit us to save the beautiful Tidal Basin in front of the Jefferson Memorial, because

they will do something about changing the present plan which now involves, for example, the running of a great wide roadway right over it. They may even consider a change in the plan for tunneling under the Lincoln Memorial so that the beauty of this fine edifice and national monument will not be destroyed. But, they may not.

The article, introduced into the record, discussed President Johnson's beauty initiative launched earlier in the year with the First Lady. Secretary of the Interior Stewart L. Udall had retained architect Nathaniel A. Owings of Skidmore, Owings and Merrill "to take a critical look at Park Service plans to enliven the Mall and the project to slash the city's monumental heart with the proposed southern leg of the Inner Loop Freeway." Von Eckardt described the route of the South Leg/I-695:

As presently conceived the six-lane ribbon skirts the proposed John F. Kennedy Center for the Performing Arts. It worms its way under the Lincoln Memorial, covers a part of the Tidal Basin and then sends its tentacles onto the 14<sup>th</sup> Street Bridge just to the side of the Jefferson Memorial.

Planners, he stated, "have long felt uneasy about this radical highway surgery" because they thought it might "leave serious scars on a symbolic park that is the pride of the entire Nation."

Although Owings did not expect officials to repeal the freeway, he hoped to minimize the damage. "He has reportedly succeeded in persuading the highway engineers to spare the Tidal Basin" by tunneling the freeway under "that lovely body of water and preserve its natural contours." Owings also would "eliminate the present Independence Avenue crossing, which most planners consider an eyesore." He would create a walkway around the basin and plant additional cherry trees.

In addition, Owings was considering the other end of the freeway:

He also intends to restudy thoroughly the freeway's Lincoln Memorial tunnel which under present plans creates an enormously wide, cave-like gash at its entrances. This might be even more disturbing at night than during the day, since the wide tunnel under the shrine would, of course, have to be well lighted.

Owings also hopes to find some solution to the problem of leading the freeway ramps onto the 14<sup>th</sup> Street Bridge without giving the Jefferson Memorial the appearance of a lump of sugar in a bowl of spaghetti.

(In 1963, the *Post* hired Von Eckardt, who had fled Germany as a teenager with his mother and sister in 1936, to be the newspaper's art and architecture critic.)

After summarizing the article, Senator Case concluded:

It is time that someone besides the Highway Engineers for the District of Columbia makes these decisions. Anyone who has looked—as I have done many times before—at what has happened to the small segment of the highway plan which has been completed—and it is not all completed yet—in Southwest Washington, and who has seen

the destruction wrought by the construction which has begun in other areas near the Potomac River, cannot help feeling that it is time we called a halt to it.

The legislative committees of Congress should “have responsibility for deciding whether the plans should go through or not.”

When Senator Bible repeated his question about the prior investment in the Center Leg, Senator Case replied that “just because they may have made a start on a certain program, but have not had the moneys appropriated for any other part of it, does not necessarily give them carte blanche authority to finish it as they wish.” Instead, “they should feel they are obliged to get whatever approval is required on the basis of justification for the continuation of a certain job.”

Senator Tydings added that he and his colleagues did not mean to criticize District highway officials, but felt that “somewhere in the legislative process there should be somebody which [sic] would be answerable to the people at some time for the highway program of the District of Columbia.” He and his two colleagues thought the District committees should be that place. Until the District achieved home rule, anyone who wished to criticize the highway program “should be able to go to the appropriate legislative committee.”

After the colloquy about the paragraph, the Senate completed the parliamentary procedure for passage of the bill. [District of Columbia Appropriations, 1966, *Congressional Record-Senate*, June 22, 1965, pages 14349-14352; the Von Eckardt article, “Freeway Tunnel Model Unveiled,” is on page 14352]

Because of differences between the House and Senate versions, a conference committee was designated. The committee completed work on June 30. The Conference Report listed how differences were resolved, but added:

Highway program.—The managers on the part of the House are not in agreement with the statement in the Senate report which reads as follows:

Accordingly, the committee directs that all future budget estimates for the District of Columbia highway program be presented on the basis only of prior authorization by the respective District legislative committees. [District of Columbia Appropriations, 1966, Conference Report to Accompany H.R. 6453, 89<sup>th</sup> Congress, 1<sup>st</sup> Session, Report No. 568, June 30, 1965, page 4]

The House took up the conference report on July 1. After describing other elements of the final bill, Chairman Natcher discussed the statement in the Senate report. Referring to the Interstate System, he said, “Any effort to bring important highway projects in the District to a complete halt is a serious mistake.” The conference report, therefore, “clearly shows the attitude of our committee . . . and emphatically states that we disagree with the language contained in the Senate report.” He clarified:

This statement is not to be construed to mean that the committee is opposed to proper authorization for the various projects, but we are of the opinion there is already sufficient

general authority for the highway program and we feel that future budget estimates should be submitted in accordance with current procedures.

After the floor debate covered other issues, Representative O’Konski warned his colleagues that “very shortly there is going to come before this House a \$488 million bill to start a subway system in the Nation’s Capital.” The District’s share would be \$50 million. He asked Chairman Natcher if the pending bill included the \$50 million.

Chairman Natcher replied that the bill did not. The District would have to pay the \$50 million from tax revenue, the Federal payment to the District, or other sources. He added:

I would like for the gentleman to know that here in the District of Columbia there may be a place for both a rapid transit system and the highway system that we now have underway. But our committee under no circumstances is willing to permit those advocates of a rapid transit system to stop the highway program in this city just to see that the District of Columbia gets a rapid transit system.

Representative O’Konski warned his colleagues that the subway bill that would soon be coming to the House was “just the first bite of a possible \$3 billion subway system in the Nation’s Capital to be paid for by the taxpayers all over the country.”

Without further discussion of the highway or transit issue, the House approved the bill. [District of Columbia Appropriations, 1966, *Congressional Record-House*, July 1, 1965, pages 15504-15505]

Grace Bassett’s report in the *Star* on the vote began:

The House voted today its support of the District interstate freeway system with a unanimity meant to impress pro-transit opponents of highways. The vote of confidence was taken as the House passed, without objection, a \$360 million budget for the city.

After quoting Chairman Natcher’s comment about opposing efforts to stop highways to promote the subway, she added, “Nobody took this unlikely opportunity to defend transit.” She also cited Representative O’Konski’s warning to his colleagues about the transit bill they would soon be considering. “For years,” she told readers, “O’Konski has tried to block the big transit proposal given first priority locally by the White House.” [Bassett, Grace, “D.C. Budget Voted, Freeway Program Backed in House,” *The Evening Star*, July 1, 1965]

In “New Threat to Transit,” the *Star*’s editors wrote about the Senate Appropriations Committee’s “strange ‘directive.’” Following House action on the bill, “the confusion now is greater than ever.” Whatever “this obscure language” was intended to convey, the editors agreed with Chairman Natcher’s view that District highway officials had sufficient general authority for the Interstate program. They added:

For the mischief it has caused already has spread far beyond the problem of confused highway financing. No doubt unwittingly, the authors of this silly provision are also

responsible for a distinct new threat to Washington's rail-transit bill, which is due in the House for a vote in the next two weeks.

Chairman Natcher's warning to those who would block highways to promote the subway had to be taken seriously. The editors did not believe that groups advancing the transit bill, including NCTA, were trying to kill the freeways. However, "there are also those in the community whose first concern is not with the transit program, but in stopping freeway construction at any cost." These individuals "would welcome the confusion that would be generated by another divisive highway-transit feud," just as Representative O'Konski would welcome it in his longstanding effort "to scuttle the rapid transit bill in the House." ["New Threat to Transit," *The Evening Star*, July 5, 1965]

When the Senate considered the conference report on July 13, the strange "directive" took up most of the debate. After Senator Byrd summarized the contents of the final bill, Chairman Randolph of the Subcommittee on Public Roads wanted to make clear that he agreed with the language in the conference report stating the House's objections to the disputed language. "I believe that it requires discriminatory treatment of the District of Columbia in the administration of the highway program." District officials already were required by statute to conduct public hearings and consult with NCPC, NCTA, and the Commission of Fine Arts. The Senate report language, if implemented, "would unduly burden the officials charged with the responsibility to administer this program."

Senator Randolph pointed out that Section 105 of Title 23, United States Code, provided that following apportionment of Federal-aid system funds, the States, including the District of Columbia, "shall submit to the Secretary for his approval a program or programs of proposed projects for the utilization of the funds appropriated." The Senate report language "would violate the intention of the Congress in the Federal-aid highway statutes and would create an unnecessary and burdensome requirement on the District of Columbia." He wanted a colloquy with Senator Byrd on the record to try to clarify the issue.

Senator Byrd said he agreed with Senator Randolph. When the issue had come up in committee, Senator Byrd had suggested that the issue might be better handled by an amendment to strike whatever in the House bill the three Senators who raised the issue objected to "in order that we could take the question to conference with the House and resolve it there." He pointed out to the Senators that the committee had not questioned the District Highway Department on whatever issue they objected to, as reflected in the paragraph, and that putting the language in the report was a mistake. "I believe that subsequent events have substantiated and proved my position correct at that time."

Senator Case admitted that he had been "pressed by a number of good people and concerned people" to clarify the statement in the Senate report:

My own view is that the most helpful thing that any Senator can do in this matter at this time is to bring about a thorough investigation of the question, not only of its impact upon the city of Washington, our Federal city, but upon all cities included in the interstate highway program.

That is not said lightly.

He cited a July 11 article by Von Eckardt titled “Damning the Auto Won’t Save the City.” Senator Case cited the first paragraph:

If the beauty and grandeur of the National Capital are to survive the next decade, we must take a creative new approach to the design of our proposed freeway system.

The article stated that “ramming” superhighways “through the living tissue and green lungs of the city can only lead to its Los Angelization.” However, people should understand that rapid transit was not “the exclusive road to the orderly growth, livability and continued majesty of this seat of our National Government.” Developing the necessary balanced transportation system “takes creative teamwork”:

The endless and at times almost fanatical hassles between pro- and antihighway and pro- and antirapid transit advocates have only accomplished one thing: an unconscionable delay of both programs. Good transportation has suffered as a result, and good transportation is essential to a well-functioning city.

Instead of creative design, “all we are given is two equally disastrous alternatives.” Some, including NCPC, agree with urban critic Lewis Mumford’s suggestion: “Forget the damned motor cars; design the city for friends and lovers.” Unfortunately for these critics, the automobile is here to stay. “And friends and lovers are not likely in the foreseeable future to transport themselves to their encounters by other means than wheels.”

In Washington, “the spaghetti confusion of the freeway approaches east of the 14<sup>th</sup> Street bridge is bad enough,” but it was “outclassed by the octopus ugliness of the Theodore Roosevelt Bridge and its ramps on both sides of the Potomac.” The article repeated the summary of the South Leg proposal from the earlier article.

After a lengthy discussion of urban planning, the article turned back to the South Leg, suggesting that “the sane thing to do is reconsider the whole thing.” Owings was reviewing “the first dismal proposals” but even putting the entire freeway in a tunnel “won’t be able to get all the bugs out of it.”

The article concluded with a recommendation that President Johnson appoint “a committee to review and approve all freeway plans in the interest of the whole Federal City and what it stands for.”

After inserting the article in the record, Senator Case said:

I am not satisfied with the present procedures which confront the city of Washington in the next few months with the destruction of 100 acres of Potomac Park. One hundred acres of precious parkland in the District of Columbia will be covered with concrete. That is what will happen under the present system. This is not such a great system, after all, if it results in this kind of thing. We must stop it.

At least the highway engineers were not planning to run the freeway directly under the Lincoln Memorial. “That is something wonderful, of course,” but the taking of 100 acres of Potomac parkland “is a desecration that must not be allowed to take place. Yet that is what is planned.” Although the highway engineers had agreed to put a tunnel across the Tidal Basin, the tunnel would end in “a spiral of exits and ramps, and what-not, to get to the 14<sup>th</sup> Street Bridge.”

Some victories had occurred across the city, but they were haphazard. “The only reason why Glover Park [sic] has been saved from being overrun by the highway department builders is that the majority leader objected.” Representative Mansfield had a personal interest that was “good for the community.” In Virginia, the only reason freeways had not destroyed Spout Run was that the Department of the Interior “stood against it.”

At present, “the situation is very unclear and most unsatisfactory of its results.” As for the language in the Senate report, Senator Case said:

The language is in there for the purpose of expressing the concern of the Senators responsible—and I am one—about a situation in which we are being very unwise in letting the force of great sums of Federal money press upon not only the city of Washington but also other cities, with the result that what could be an enormous blessing and a great boon to those cities in the way of transportation and for other purposes is being misused, causing problems that we shall live to regret, and the loss of strong values that we can never replace.

Senator Tydings said that the Senators who drafted the language “determined that for a number of years the legislative committee of the District of Columbia had not been passing on any of the major highway projects” in the District, and that this went back to 1956.

The language was not meant as a criticism of highway officials, but:

We did feel that, in as important a matter as the highway program in the Capital City of the United States, no administrative body should be permitted to operate in a vacuum.

Senator Patrick V. McNamara (D-Mi.), chairman of the Committee on Public Works, pointed out that “if we are going to take over the highway program to the extent it is indicated that it might be taken over, action had better be taken before it is too late.” The result would be further delay in the District’s highway program. Moreover, there was no point in having the Committee on Public Works “do much work on the highway program when someone behind us will have a veto power over it.”

Senator Tydings made clear he was not referring to the Committee on Public Works, which in his view should not tell any city what to do, but should stick to “broad, general guidelines applicable to all municipalities.” The District was different, subject as it was to the Senate and House District Committees.

Senator Bible agreed with Chairman Natcher that the District already had statutory authority to advance Interstate projects and had it since 1956. Further, District highway officials cannot act alone. They have to secure clearance from NCPC, NCTA, and the Fine Arts Commission.

What he wanted to know is whether the District had to return to the District legislative committees before securing appropriations to continue Interstate projects. Senator Byrd replied that he did not think so. However, Senator Case reiterated the point that “the legislative committees of both the Senate and the House should keep a continuous surveillance and oversight of the building of roads in the District of Columbia as if they were, in effect, the governing body of any municipality . . . .”

Senator Bible cited the Center Leg as an example of millions of dollars having been spent, but the language seemed to indicate the District, nevertheless, would have to go back to the authorizing District committees. Senator Case said that in his view, “Before the center leg is built, the committee ought to have a look at the project and approve the depth, the width, and the construction of it.”

In that case, Senator Bible asked if Senator Case denied that the District had sufficient authority under the Federal-Aid Highway Act of 1956 to build the Center Leg. In reply, Senator Case said, “The Senator is correct.”

Senator Bible asked if Senator Case thought legislation should be enacted. Senator Case replied:

I do. We should consider the desirability of what I think is the first danger, and that is the roadway to Potomac Park. We should consider how that should be built, how it should be constructed, and how it should be connected with the 14<sup>th</sup> Street Bridge. We should consider the roadway in terms of what it would do to the existing parkway and in terms of what should be exacted from the highway system in recompense for the approximately 100 acres that would be taken.

Senator Bible emphasized that he thought the 1956 Act “provides ample legislative authority for the District government to construct its Interstate highway system . . . without additional or specific project legislative authority from the District legislative committees.”

Senator Case acknowledged an honest difference of opinion, saying in support of his view:

The best proof of that is what is going to happen to the District of Columbia, to Potomac Park, 100 acres of which will be wiped away and put under concrete, unless action of this sort is taken.

Senator Bible suggested consulting the Attorney General on the question of legal authority, but Senator Case replied that if the Attorney General “tells us the law as it now stands provides that the Secretary of Commerce—and that means the Public Roads Department in this instance—has a right to take any Federal lands he desired for the Interstate System, then I think, quite clearly, the law ought to be changed.”

Senator Randolph said he shared the concern about the beauty of the District of Columbia. However, “we must be very careful not to retard the orderly building of roads in the National Capital City and its environs for we must build these roads to accommodate the increased movement of traffic, both people and products and for better safety standards as well.”

Senator Byrd re-introduced General Duke's June 15 letter about the city's authority as well as a June 28 letter in which he discussed meeting with Senator Tydings, who said the provision did not apply to elements of the freeway system already planned that had received appropriations. It applied only to future projects. Because General Duke had briefed the Senator on the existing program, "his interpretation . . . was quite encouraging to us," but perhaps city officials misunderstood him.

Senator Byrd recalled asking Administrator Whitton about the provision when he testified before the Appropriations Subcommittee on the Departments of State, Justice, and Commerce, the Judiciary, and Related Agencies. Senator Case was present. Whitton, who had not seen the paragraph, asked for time to think about the language. Senator Byrd asked him to think about how it would affect the District's ability to meet the 1972 deadline for completing the Interstate System.

Whitton submitted a statement that emphasized that Federal law gave the States, including the District, the authority to proceed to complete the Interstate System within the specified time frame. The proposed additional review "could seriously disrupt and delay not only highway planning but the total overall planning for the area." The District already was far behind the States in completing its Interstate segments. Further delays could result in lapsing of the city's Federal funds.

Senator Byrd concluded that these letters and the Whitton statement provided "ample evidence to the mistaken judgment of the Appropriations Subcommittee on the District of Columbia as it is revealed in the language which appears in the report of the committee."

If that is so, Senator Case asked, "Does the Senator approve of the proposed extension of the Interstate System as it is now contemplated through Potomac Park?" Senator Byrd replied that he felt such decisions were the responsibility of the District Highway Department. He did not want the Congress to act like a State highway agency.

Senator Case said:

If the Senator does not believe that we have a responsibility to say "yes" or "no" when park land in the District of Columbia is planned to be taken for highways, he and I have a complete disagreement. Have we such a disagreement?

Senator Byrd replied, "we absolutely do." He thought the Appropriations Committee "has the responsibility of examining projects which are brought before it."

Senator Case wondered how the chairman could say this when the committee approved appropriations for the Three Sisters Bridge even though "the location of the bridge has not even been determined as yet." He went back to his earlier point, asking Senator Byrd if "as a person, not a Member of the Senate," he approved the taking of 100 acres for the South Leg.

Senator Byrd, instead of replying directly, said that if Senator Case objected to the South Leg, he should have introduced an amendment to delete the funds from the bill instead of introducing

language in the committee report that would “cripple the highway program.” Senator Byrd was confident in the judgment of the District Highway Department and BPR.

Frustrated that Senator Byrd would not offer an opinion on the South Leg, Senator Case repeated his objections to the destruction of parkland as a result of its design. “I ask the Senator again, Does he think that is a good idea?”

Senator Byrd replied, “That is not for me to say.” It was up to District and BPR officials. “The committees in a legislative body . . . do not possess the engineering experience and know-how to make these very difficult and technical determinations.”

Senator Case said he did not “want to play games.” He said:

I take it that the Senator feels, whether he agrees with it or not—and this will remain locked within his bosom, apparently—that it is a good idea to lay the concrete proposed to be laid across the 100 acres of the Potomac Park when it is not necessary.

Senator Byrd replied that Senator Case was not directing his comments to the issue. The issue was whether the committee report “is to be permitted to straightjacket the Highway Department of the District of Columbia,” with the result that roadbuilding would be delayed and the city might lapse Federal funds.

Senator Case said that, “It is wrong to have the force of Federal money on the basis of 9-to-1 poured in upon the cities and thus push them into unwise thinking all over the country.” The plan for the South Leg through Potomac Park was “the most striking example” of the problem.

In closing the colloquy, Senator Byrd said he was in good company in his views. He hoped the process in the city would proceed as advocated by the Chairmen of the District Committee and the Public Works Committee, as well as “the chairman of the Appropriations Subcommittee on the District of Columbia in the House of Representatives.” Senator Case did not concede the point, believing that his position would “succeed on its merits.”

The Senate, after discussing other issues, approved the bill “by voice vote with only four Senators on the floor at 8 p.m.,” according to the *Post*. [District of Columbia Appropriations-Conference Report, *Congressional Record-Senate*, July 13, 1965, pages 16666-16683; Von Eckardt’s article, “Damning The Auto Won’t Save The City,” is on pages 16669-16671; Morgan, Dan, “D.C. Budget Enacted After Brisk Debate,” *The Washington Post and Times Herald*; July 14, 1965]

On July 16, 1965, President Johnson held a signing ceremony in the White House Rose Garden for the District of Columbia Appropriations Act, 1966 (P.L. 89-75). With the city’s law enforcement forces well represented, he highlighted the funds appropriated to fight crime in the city. He also signed Executive Order 11234 on “On Establishing the President Commission on Crime in the District of Columbia.” His remarks, which did not mention the highway issues that had been so contentious in the final days of congressional action, ended with:

Let me conclude now by saying this: the District of Columbia has meant much to me practically all of my adult life. As I cherish my own home country that is far away this afternoon, I love this Capital City, I love its beauty and simple dignity, and all the meaning that is present here in its past and that is present in its promise.

There are many things that I hope to accomplish during my allotted time in this office. But with all my heart, I hope that for generations to come these will be remembered as the years when Washington flowered into its finest age.

This bill that I am about to sign is only a steppingstone, and all of us know that. There is more, though, much more, that is needed. What is needed will be done generously and fully.

We can all be proud to share in this work together, and I hope that the time is not too far-distant when this little group meeting on this porch this afternoon can reassemble and take inventory, and can point with great pride to the progress that began here this afternoon with the signing of this appropriation bill.

To the Members of the Congress who labored unselfishly long and hard to bring these results about, we say thank you for your understanding, and we will try to be worthy of your confidence.

### **A New Direction for the South Leg**

Senator Bible, as a result of the discussion with Senator Case on the Senate floor, asked Attorney General Nicholas deB. Katzenbach for an opinion. The question was whether Congress, in the Federal-Aid Highway Act of 1956, had given the District overall authorization to build its Interstate System without additional authorizations by the Senate and House District or Public Works Committees. [Eastman, Sam, "Justice Ruling Is Sought On D.C. Highway Work," *The Evening Star*, July 14, 1965]

In an editorial called "Unblocking Freeways" on July 17, *Star* editors expressed disappointment that the "clean-cut vote in the Senate" had not resolved the dispute on how the District commissioners should proceed. Senator Byrd advised them to "consider the language in the Senate report nullified" when submitting their FY 1967 budget. "The Commissioners should do precisely that," the editors said.

They did not think the "unexpected twist" of Senator Bible's request to the Attorney General would do any harm, but it also was not likely to help:

For if the Justice Department should rule against the financing procedures historically followed by the Commissioners, the most surprised people in the world will be members of Congress, who themselves have sanctioned these procedures for years.

The editors quoted Senator Tydings' comment that the report language was not "in any way" an attack on the highway system. They called the Senator's assertion "absurd," especially in view of Senator Case's comments about the South Leg.

They did not doubt Senator Case's sincerity, but suggested:

Indeed, if he can find the money and the means to assure better, more unobtrusive freeway designs, perhaps through national legislation which will not discriminate against the District, he will be doing this community a great service.

However, "the poor fellow obviously has no such definite solution in mind now – other than to keep the interstate system out of cities." He had every right to question city officials testifying before the Appropriations Committee, but "has not chosen to do so." Instead, he suggested that "*someone else* in Congress ought to assume that responsibility for Washington," a suggestion that Senators Bible and Randolph rejected on behalf of the only two other Senate committees with jurisdiction on the subject:

Nor is their reaction surprising. For if any serious move were made to impose on all the cities of the Nation the kind of restriction proposed against Washington in this instance, the roof would blow off the Capitol. ["Unblocking Freeways," *The Evening Star*, July 17, 1965; italics in original]

(After Congress adjourned for the year on October 23, George Lardner looked back on the first session of the 89<sup>th</sup> Congress from the highway point of view. As for Senator Bible's request to the Attorney General for an opinion on whether the District of Columbia had sufficient authority to build Interstate freeways without clearing each expenditure with the District Committees, Lardner wrote, "Justice has said nothing doing, according to a Committee spokesman. Apparently it doesn't want to get in the middle on this one." Senator Bible said:

I want to clear the air. Unless we resolve the question of authorization, it's going to keep coming up time and again. It could haunt us until 1972. ["Lardner, George, Jr., "City's Highway Builders Slow on Draw," Potomac Watch, *The Washington Post and Times Herald*, October 28, 1965])

The NPS planned to open bids on August 18, 1965, for a contractor to build the South Leg tunnel under the Lincoln Memorial grounds. However, on July 22, NPS announced that it would postpone construction indefinitely. The postponement followed a presentation by Nathaniel Owings to Interior Department officials on July 20. He recommended a new underground route for the South Leg that would bypass the Tidal Basin to the south along the route of Ohio Drive. It would connect with the Washington Channel Bridge and the Southwest Freeway. If adopted, this route would mean that the contract for the segment under the Lincoln Memorial grounds would have to be redesigned to swing the southern end of the tube toward Ohio Drive instead of Independence Avenue. According to the *Star*, Secretary Udall and other Federal and District officials had agreed to examine the feasibility of the route.

District highway officials began a study of the cost of the alternative. In addition, General Duke planned to meet with Senator Case in view of his concerns about the South Leg. [Morgan, Dan, "Lincoln Memorial Tunnel Delayed, Plans Restudied," *The Washington Post and Times Herald*, July 23, 1965; "Inner Loop Park Routing Under Study," *The Evening Star*, July 22, 1965]

As July neared an end, General Duke said he was awaiting a general plan that Owings would submit soon. He thought that Owings was now considering a surface routing along Ohio Drive rather than a tunnel. District highway officials would develop a cost estimate. He estimated the review would delay construction by at least 6 months.

District officials announced an unexpected complication on July 28. The delay in tunnel construction under the Lincoln Memorial grounds would delay completion of the Potomac Interceptor Sewer linking Dulles International Airport with the sewage treatment plant at Blue Plains in the District's southeast quadrant near I-295 along the Potomac River close to the city's southern border with Prince George's County, Maryland. The interceptor was part of the plan to clean the polluted Potomac River. A portion of the sewer main was included in plans for the Lincoln Memorial grounds tunnel. Moreover, the Department of Sanitary Engineering had recently built a sewer link to Blue Plains along the Ohio Drive segment that was now targeted for a possible South Leg route. ["Delay on Lincoln Tunnel Perils D.C. Sewer Link," *The Evening Star*, July 29, 1965]

On July 30, the *Star* printed a letter from Senator Case responding to the editorial "Unblocking Freeways." He said that "attempts to belittle and name-calling only confuse the issue." That issue was whether the Interstate System and other federally aided highway programs "shall be allowed to destroy our great cities, including the city of Washington." The "immediate concern" was the South Leg routing through Potomac Park that would cover "100 precious acres of the park with concrete." He recalled the comment that the plan would leave the Jefferson Memorial "looking like a lump of sugar in a can of worms," without citing its source in the *Post*. He concluded: "Does The Star approve of the plans for this segment of the interstate highway system in the District?"

The editors replied in the same issue: "The Star does, in fact, favor this plan and has said so editorially." They responded point-by-point to his concerns:

- (1) The plan in question would not cover 100 precious acres of the park (West Potomac Park) with concrete." It would add only 2.5 acres of concrete to what is already there.
- (2) The freeway link proposed would not rise in a confusion of ramps to the 14<sup>th</sup> Street Bridge. It would rise to the surface east of the Tidal Basin and underpass 14<sup>th</sup> Street with no connecting ramps.
- (3) It would not leave the Jefferson Memorial "looking like a lump of sugar in a can of worms." Rather, it would eliminate one of the ramps already in the Jefferson Memorial area and would pass well to the east of the memorial.

The plan was the "product of years of give and take" among NPS, BPR, NCPC, and District highway officials.

Had the Senator asked for the editors' view on the Owings plan, "our answer would be an emphatic no." The cost of an underground route in the Ohio Drive corridor, roughly estimated at \$100 million "would never be supported by Congress." The underground plan also would conflict with the Potomac Interceptor Sewer in the same corridor. If, as rumored, Owings changed his plan to a ground-level facility in the Ohio Drive corridor, "the project will have

come full circle and be right back where it was in 1956, when early plans for the South Leg—which located it along Ohio Drive on the surface—were abandoned after strenuous objections by the Planning Commission, the Park Service and the Ohio delegation to Congress that it would have an objectionable impact on the Jefferson Memorial and would obliterate the State’s namesake, Ohio Drive.

The only effect of the Owings proposal was “to delay matters further, require more reviews of a project that already has been reviewed repeatedly and provid [sic] anti-freeway obstructionists with yet another excuse for foot-dragging.” The editors recommended shelving the Owings plan and building the South Leg as planned. [Case, Senator Clifford P, “Freeway Cuts a Swath,” “Senator Case and the Loop,” “Tunnel Plan Hazards Cited,” *The Evening Star*, July 30, 1965]

During the last week of July, Senator Case met with General Duke and city officials about freeway planning in the District and the loss of parkland. They agreed to explore the possibility of using highway funds to replace park and playground land lost to the right-of-way for new roads. The question was whether the District had the authority under current law to provide replacement land or would need new legislation to do so. [“Funds Sought To Replace Park Lands,” *The Washington Post and Times Herald*, July 30, 1965]

On August 2, Senator Case took his concerns to the Senate floor to insert prepared remarks into the record. He inserted articles from two Washington newspapers about “the destructive aspects of our federally aided highway building program in its present form.” A July 28 article in the *Washington Daily News* discussed California’s plan to build a section of U.S. 199 through the redwood trees in Jedediah Smith State Park. He also cited a July 28 article in the *Post* by George Lardner, Jr., on the theme that, “Tunnels are getting cheaper all the time.” Despite concerns by highway builders about the cost and ventilation of urban tunnels, Lardner reported on a study by George Hoffman of the Rand Corporation concluding that “cost differences between tunnels and new urban roads may be indistinguishable before the end of this century.” Although Lardner commented that it might be “too early to take advantage of the trend” in Washington, he suggested that in view of continuing protests, “it would seem just as well to dig a trench and cover it over with new buildings.”

As for cost, Senator Case also reprinted a July 10 article from *The New York Times* about a decision to build a portion of the Delaware Expressway (I-95) in Philadelphia below ground “to avoid obstructing the view of the river from the residential areas beyond it.” BPR had agreed to cover the cost on a 90-10 basis.

Senator Case said that he had been critical of plans for the South Leg that would cover “acres of precious parkland” with concrete. “Fortunately, this plan has now been put into cold storage while new proposals are studied.” However, the threat in the District to “this world-famous memorial area” was “not unique.” Congress must reconsider the national highway program. “In building roads, are we not destroying other, also important, values?” This was not an “either, or” issue. “But we must make up our minds that we want both and that we will pay for both.”

Several things could be done to “avoid blight, prevent the loss of real estate values and tax revenue and preserve or enhance the beauty and livability of our cities.” Designs and alignments

could be improved. Greater coordination between highway planners and community development officials was needed. In addition, Congress should “establish the principle that in all cases where any parkland is taken for highway use, full compensation in kind must be made.” [The Nation’s Highway Building Program, *Congressional Record-Senate*, August 2, 1965, pages 19012-19013]

By mid-August, District highway officials had developed an idea that involved modifying the Independence Avenue plan for the South Leg. Between the tunnels at the Lincoln Memorial grounds and the Tidal Basin, the freeway would be built in an open cut that would preserve scenic views in the area. After leaving the east end of the Tidal Basin tunnel, the South Leg would continue in an open cut under the 14<sup>th</sup> Street Bridge approaches to connect with the Southwest Freeway. NPS could cover the depressed freeway in part or whole for park needs.

General Duke said the plan was considerably less expensive than the Owings proposal, which at more than \$100 million was about three times the cost of the original tunnel-and-surface freeway proposal. The new District plan would add only about \$15 million to the original estimate. If adopted, the plan would avoid costly delays and prevent conflicts with the city’s sewer system that was linked to the tunnel under the Lincoln Memorial grounds. The city planned to present the plan to NPS and BPR officials who had not yet reviewed it. [“D.C. Considers Sinking Of South Freeway Leg,” *The Sunday Star*, August 15, 1965]

### **Another New Plan for the South Leg**

On August 25, the *Star* and *Post* reported that Federal and District officials were considering a compromise plan developed by the Alabama consulting firm of Palmer and Baker. As the *Post* explained, the “middle of the road” plan proposed a “beeline tunnel” that “would roughly bisect the triangular wedge bounded by Independence Avenue, the Potomac River and the 14<sup>th</sup> Street underpass.” In this new location, the South Leg would tunnel across the center of the Tidal Basin. “Its west portal would be north of the Lincoln Memorial and its east portal near the Tidal Basin at 14<sup>th</sup> Street.” It would cost about \$58 million, compared with \$34 million for the original Independence Avenue plan and over \$100 million for the Owings plan. (Palmer and Baker estimated the cost of the new plan to be \$53 million, but District highway analysts raised the cost to \$58 million.)

General Duke was “very interested” in advancing the plan as quickly as possible, in part because it would allow construction of the interceptor sewer line. He and Airis acknowledged that the one disadvantage of the plan was that it did not provide access from the South Leg to Independence Avenue. Airis said the city wanted to encourage motorists bound for the northwest quadrant to stay on local roads until points west of the 14<sup>th</sup> Street interchange, a particular problem for people on the Southwest Expressway. [Morgan, Dan, “Tunnel Compromise Proposed,” *The Washington Post and Times Herald*, August 25, 1965; Pierce, Charles D., “Compromise Proposed On Route of Tunnel,” *The Evening Star*, August 25, 1965]

During a press conference, Secretary Udall threw his support behind the new plan. “We’re going to argue very strenuously” for the plan, he said. It would “get rid of highway dominance” around the Tidal Basin and “leave a large part of our great national Mall—some of the most priceless

land in the whole country—free for future development.” Further, it was “the cheapest of all the proposals if land costs are considered” and “fits in” with Lady Bird Johnson’s beautification program for the National Mall. (Land costs were virtually impossible to calculate because all alternatives involved land owned by the Federal Government.)

Secretary Udall stated that he had changed his mind about the Owings plan. He said of the Owings plan that, “It is so much more costly we are convinced we could not hold out for it.” Moreover, the new plan “brings us . . . and the District Government much closer in agreement.” The Ohio Drive alternative was no longer under consideration.

He was optimistic about the new plan, saying the project “can go right ahead.” The Department of the Interior planned to take the proposal to NCPC and the Commission of Fine Arts, adding, “and then maybe we can get the Federal Bureau of Public Roads to go along with it.”

City officials were pleased about the agreement, but Engineer Commissioner Duke was not completely satisfied because of the lack of a link with Independence Avenue. “We want to take care of the people in Southwest Washington.” He preferred the original, two-tunnel plan, but the South Leg “is located entirely on federal property, is being financed by the federal government and is primarily a federal project.” As a result, he could live with it. “I’m not going to pick a fight with Secretary Udall.” [“Interior Would Put Tunnel Under Tidal Basin,” *The Washington Post and Times Herald*, August 29, 1965; Hornig, Roberta, “Lincoln Memorial Tunnel For Inner Loop Is Backed,” *The Evening Star*, August 29, 1965; Morgan, Dan, “Duke’s Road Plans Roughed-Up,” News Analysis, *The Washington Post and Times Herald*, September 1, 1965]

The *Star*’s editors also were pleased that Secretary Udall dismissed the Owings plan:

At his news conference the other day, the Secretary abandoned, once and for all, we hope, the silly idea of building such a tunnel along the Potomac River beneath Ohio drive. This circuitous, exorbitantly expensive route, advanced by architect Nathaniel Owings, had no merit whatever, and would never have been built.

The editors were not entirely happy with the new all-underground plan, especially compared with the prior two-tunnel plan that the editors called “the eminently sound result of years of negotiation.” Instead, Secretary Udall’s endorsement of the new plan “may needlessly prolong a controversy everyone had thought was settled.” The plan, with its absence of a link with Independence Avenue, would “require substantial changes.” It also was more expensive than the two-tunnel plan. “Where would the additional money come from?” Perhaps, the editors suggested, “Mr. Udall—and Senator Case of New Jersey, who harbors similar sentiments—might be able to arrange for some other source of funds” than revenue from the Highway Trust Fund.

Another “disturbing aspect” of Secretary Udall’s support involved readiness for construction. He had said officials “can go right ahead” but his staff “suggested that uncertainty about the routing of the connecting freeway might delay the letting of construction contracts—perhaps for a substantial time.” The editors hoped the Secretary “meant what he said” and that any uncertainty

within his own department, the source of so much delay in highway and bridge construction, “will be promptly cleared up.” [“Tunnel Trouble,” *The Evening Star*, September 1, 1965]

As the Interior Department planned a presentation to NCPC on the new plan, Secretary Udall said he would personally state the case. His appearance before NCPC would be “unprecedented” because no one could recall a Cabinet-level official appearing before the commission.

In the meantime, the plan was being revised to provide the missing link for Independence Avenue traffic via loops at 14<sup>th</sup> Street. Lee Flor explained the problem with this concept:

However, it apparently would result in some complicated changes in the 14<sup>th</sup> Street roadway, and the loops would need some additional right-of-way.

Also, traffic from Independence Avenue SW would have to make a left turn across traffic at 14<sup>th</sup> Street, and then another right turn across opposing traffic flow to reach the freeway.

From the Interior Department’s standpoint, one advantage was that the new plan “would permit the present Independence Avenue right-of-way to revert to parkland.” It would equal 9.7 acres of additional parkland:

Udall said recently that a total of 37.3 acres of Potomac Park parkland land had been paved over for approaches to the Theodore Roosevelt, Washington Channel and 14<sup>th</sup> Street bridges. Udall apparently wants to get some highway land back for park use.

The proposal was still under study and might need additional adjustments.

(Flor also reported that NPS consultant John Clarkeson had submitted a preliminary report saying the Three Sisters Bridge was not justified based on the District’s traffic projections. NPS Director George R. Hartzog, Jr., who had succeeded Wirth as NPS Director in January 1964, did not release the preliminary report, which was subject to change.) [Flor, Lee, “Udall to Tell Board Of South Leg Plan,” *The Sunday Star*, September 5, 1965]

On September 9, Secretary Udall was called to the Capitol unexpectedly and was unable to make his planned presentation to NCPC. Director Hartzog, who took his place, described the proposal and acknowledged that the earlier two-tunnel plan had been approved with White House encouragement. In comparing prices, Hartzog argued that roadbuilders should forget the idea that they did not have to pay for parkland used for highways. He explained that NPS calculated the value of parkland at \$1.74 per acre based on the cost of land purchased for the performing arts center to the north. The two-tunnel plan was projected to cost about \$40 million, but the true cost was \$53 million when the value of lost parkland was included. The Udall-approved all-tunnel concept would cost \$58 million. However, it would permit NPS to close several service highways and return them to parkland. By subtracting the value of the new parkland, Hartzog told NCPC the estimated cost would be reduced to \$41 million. (Owings also made a detailed presentation to NCPC, emphasizing the parkland gain.)

Hartzog offered a motion to endorse the tunnel concept, at NPS parkland valuation, with BPR Administrator Whitton seconding the motion. Whitton, whose agency would have to pay for the plan, was “a bit skittish” about his action, according to the *Post*:

“I’m not committing the Bureau of Public Roads on a certain right of way for a certain type of job,” he said, adding, “We would have a hard time doing this here and not having San Francisco and New York and New Orleans doing the same sort of thing.”

Commission Chairman Elizabeth Rowe replied that Washington “is the place to set precedents.”

“I think so, too,” responded Whitton. “If we can afford them.”

There have been proposals to bury freeways in all the cities mentioned by Whitton, whose agency would have a final say on their approval.

Whitton was unwilling to commit to the NPS valuation of parkland at \$1.74 million an acre, but staff would have to work out the final value.

Lardner, in his Potomac Watch column, added one point that came up during the meeting. NCPC approved the idea of building as much of the South Leg in a tunnel as possible. “It was a good move,” especially since Hartzog said he did not think working out the traffic connections would be too difficult:

But it’s difficult to understand why it’s taken so many years to get even this far. The Park Service’s solution is somewhat dimmed by the long silence that preceded its discovery. “It seems to me,” said Commission Member Paul Thiry, who shuttles from Seattle for NCPC meetings, “that this should have come up a long time ago.”

Lardner also printed a plea from Whitton. “I just hate for us to continue to try to solve pieces of this traffic problem in Washington. Let’s look at it all now.” Lardner added:

The plea got lost in the shuffle. Few even seemed to be listening.

The *Post* characterized NCPC support for the proposal as “strong—but highly tentative.” Flor said that the Udall-supported plan “was boosted today by a planning agency decision to fix a cash value for parkland taken for the highway.” [Flor, Lee, “Price to be Computed On Freeway Alternate,” *The Evening Star*, September 9, 1965; “Tunnel Wins Tentative Approval,” *The Washington Post and Times Herald*, September 10, 1965; Lardner, George, Jr., “NCPC Picks Up Right Where It Left Off,” Potomac Watch, *The Washington Post and Times Herald*, September 16, 1965]

On September 14, Secretary Udall attended a meeting of the Commission of Fine Arts to present the all-tunnel plan for the South Leg. The commission gave its “strong endorsement” to the plan, with Chairman Walton saying:

Adding nearly ten acres to the Nation's most cherished and valuable monumental park is well worth the \$18 million extra cost of the Park Service plan. It's only a small proportion of the over-all cost of the Inner Loop system.

The plan, in short, "is a great way to save park land and to preserve the appearance of this important area." [Von Eckardt, Wolf, "Fine Arts Board Backs Tunnel for Tidal Basin," *The Washington Post and Times Herald*, September 16, 1965; "Fine Arts Group Favors South Leg Tunnel Plan," *The Evening Star*, September 16, 1965]

Lardner, in his Potomac Watch column, reported that Whitton and Hartzog had been discussing District highway plans informally for several months. They had begun talking during a flight from St. Louis. Whitton said he was ready "to start trading," and Hartzog agreed with the sentiment. Back in Washington, Hartzog told his colleagues, "We haven't had a highway commissioner in years who's been willing to work with us like this." Whitton wanted to get the entire Interstate network underway, while Hartzog wanted to keep as much of it as possible off parkland. [Lardner, George, Jr., "It's Time for Decisions on Highway Program," Potomac Watch, *The Washington Post and Times Herald*, November 17, 1965]

Secretary Udall wrote to members of the Policy Advisory Committee asking them to get together to discuss issues such as the South Leg and Three Sisters Bridge. Walter I. Pozen, Assistant to the Secretary, told reporters about the motivation for the invitation:

We detect a new sense of urgency and a new sense of cooperation on some of the things that have troubled us. It will be an opportunity to see how far we can go in settling these matters.

The agenda for the meeting was uncertain but as Fine Arts Chairman Walton put it, "We only meet when something's cooking. I would bet they'll back a bridge." The Policy Advisory Committee, as noted earlier, had voted in favor of a bridge upstream, with Director Hartzog and Chairman Rowe opposing it. The *Post* explained:

The victory turned out to be only a paper triumph for bridge backers since Mrs. Rowe has since declined to put the bridge question on the Planning Commission's agenda.

In letters to committee members, Hartzog suggested meeting on September 29. [Dimond, Thomas F., "Meeting on South Leg And Bridge Is Called," *The Evening Star*, September 17, 1965; Morgan, Dan, "Udall Acts In Freeway Deadlock," *The Washington Post and Times Herald*, September 17, 1965]

*Star* editors were encouraged by the developments. Referring to Pozen's comment about "a new spirit of cooperation," the editors wrote, "We do not know what sort of cosmic rays may be responsible for this sudden flash of illumination." Whatever the cause, "it is welcome."

The meeting, the editors hoped, would help resolve the South Leg issues and the location of the new Potomac River bridge:

They are difficult chiefly because their solutions, in order to protect federal parks, require imaginative planning—and amounts of money—beyond those customarily used in road building.

Additional studies were not needed. “The technicians on the agency staffs have kicked the possibilities around long enough.” Now was the time “for decisions by the top-echelon officials with the power to make them.” The urgency of the need for solutions was not new, but with the “new spirit of cooperation,” perhaps “the differences can be resolved.” [“New Spirit?” *The Evening Star*, September 21, 1965]

The suggested meeting took place on October 14 behind closed doors, with Chairman Rowe, Director Hartzog, Administrator Whitton, Engineer Commissioner Duke, Chairman Walton, and Nathaniel Owings in attendance. After the 3-hour meeting, the participants refused to comment on the discussion or outcome.

Using his sources, Lardner reported:

The first get-together at the District Building, suggested by Secretary of the Interior Stewart L. Udall, was purely exploratory, it seems. It covered, participants say, the entire interstate program for the city in a general way. Park Service did most of the talking but no agreements were reached.

The informal committee is scheduled to get together again on Nov. 23.

Lardner commented:

But the chronic failure to make decisions that stick is starting to pinch, not only on city highway officials, but at the Planning Commission where the 1985 plan for Washington is far behind the original schedule.

If Whitton and Hartzog are ready to start trading, there's no reason why the others can't, too. Highway officials should be required to come up with imaginative designs. But at the same time they're entitled to decisions on what they propose to build. Waiting much longer is only likely to produce a last-minute spate of rush jobs that no one can admire. [Lardner, George, Jr., “It's Time for Decisions on Highway Program,” *Potomac Watch*, *The Washington Post and Times Herald*, November 17, 1965]

Director Airis was not in doubt about who was delaying resolution of the impasses across the city, particularly the Inner Loop: “professional lobbyists – from esthetes who are concerned about the visual impact of these works on the city – and from worried residents, small businessmen and homeowners who are justifiably concerned over the effect of a specific project.” In a November 16 speech to the Washington Metropolitan Highway Users Conference and afterwards in talking with reporters, he declined to identify the “professional lobbyists.” However, he singled out NCPC for “debating too long.” It had failed to consider the Potomac River crossing or the Potomac River Freeway despite his department's encouragement. The overall result was that the city had completed only 8 of its 29 miles of Interstate freeways.

His audience also was to blame because highway users had “grown complacent, old and prosperous and no longer have the stomach needed for the battle to bring about the public improvements . . . .”

If the logjam could not be broken, the city might have to address the growing congestion by “artificial restrictions” on driving between Maryland and the District. This idea was not under active consideration, but was “an eventual possibility if we don’t get the interstate system.” For example, the city might change traffic signals to increase waits by commuters, limit downtown parking, or earmark more streets for one-way or reverse-flow traffic. He was not sure about the District’s legal authority to restrict Maryland traffic, but the city would “do whatever we could legally” if it reached that point. Because the impasse mainly affected traffic from Maryland, he did not expect to try to limit traffic from Virginia. [“Airis Assails Planners on Roads Delay,” *The Evening Star*, November 17, 1965; “Highway Director Sees Possibility Of Curbs on Washington Auto Traffic,” *The Washington Post and Times Herald*, November 17, 1965]

On December 5, 1965, *The Sunday Star* carried a lengthy editorial titled “Let’s Finish These Freeways to Nowhere.” It stated:

The five federal and District officials who have the power, among them, to resolve the entire mess, have been meeting secretly for some weeks, presumably seeking a compromise. They have talked, however, long enough. What the community needs now is decisions.

After describing how the George Washington Memorial Parkway on the Maryland side ends a few hundred yards of mud from Canal Road near the Maryland-District line (“Chain Bridge is clearly visible on the right”), the editors stated:

The fact is that all over town there are roads, or little parts of roads, which lead to bottlenecks—or, like the Maryland parkway, to nowhere at all.

All the roads were intended to be part of “an efficient, modern regional freeway system, painstakingly devised by highway and city planners over many years.” Today, however, “development of that system has come to an almost complete halt”:

Yet the freeway impasse drags interminably on, embroiled in one of those senseless bureaucratic controversies endemic to the Nation’s Capital.

The Inner Loop was the “crux of the dispute.” First, it would help people get to and from their downtown destinations “quickly and easily.” Second, it would pull thousands of vehicles off local roads:

But there is also a third great purpose to the inner loop. It serves as the vital connecting link among free-moving highways throughout the metropolitan area. Without it, the north-central freeway which Maryland and the District propose to build between Silver Spring and the central city cannot possibly function. To the west, the inner loop’s north leg ties the half-built Potomac River Expressway into the total system. That expressway, in turn, will connect to the new Potomac Bridge [sic] above Rosslyn, which is so essential

to the free movement of traffic from Virginia. Beyond that point, the expressway provided the connection, ultimately, to the George Washington Parkway—assuming the parkway ever gets past Chain Bridge.

Ironically, most of the top-level officials involved in the controversy recognize the valid concept of the loop. But the trouble is that each of them has fish of his own to fry.

That was why Secretary Udall and the NPS wanted the entire South Leg buried. Meanwhile, Chairman Rowe objected “most heartily” to the North Leg “because of its disruptive impact on Northwest neighborhoods.”

Alternatives must be found, including another route for the North Leg and the funds to pay for Secretary Udall’s tunnel. But if these officials cannot find answers, “President Johnson should break the stalemate personally, with a directed solution, as Presidents more than once have been forced to do in our past highway controversies.” If Washington was to be the “model city” he wanted, “completing the freeway design is every bit as important as beautification and the rest.” Automobiles, in short, were here to stay. “If we do not take effective steps to cope with them, it will be very difficult for the city to cope with any of tomorrow’s problems.”

### **Breakthrough on the North Leg**

Those secret meetings the editors mentioned led to a breakthrough of sorts from Chairman Rowe. On December 21, Engineer Commissioner Duke and Director Airis held a press conference to announce that the District was going to study Rowe’s suggestion of tunneling a six-lane, 23-block section of the North Leg under K Street, NW. As Flor explained:

As planned so far, the North Leg freeway would run from K and 27<sup>th</sup> Streets NW. generally along a line along Florida Avenue, to connect with two other freeways north of Union Station.

The tunnel alternative would connect with Whitehurst Freeway on a direct line instead of the roundabout route through residential areas in the previous plan. The path roughly along Florida Avenue would become a wide boulevard for local traffic.

Under Rowe’s proposal, the K Street tunnel would reach as far as 3<sup>rd</sup> Street at a point where vehicles could connect with the Center Leg. It might later be extended to Union Station to link with the North-Central Freeway.

The Rowe proposal also called for construction of a wide boulevard for local traffic along Florida Avenue, NW., where the North Leg Freeway had been planned for extensive tunneling under the Policy Advisory Committee agreement.

General Duke said, “Nobody’s saying this will be the final version” of the North Leg, but it would eliminate problems that had delayed construction through northwest. It also would solve one of the problems delaying the new Potomac River crossing. Trucks using the bridge under the earlier plan would travel through residential and hotel areas adjacent to the North Leg. Under the new plan, trucks would use Whitehurst Freeway and the K Street Tunnel/North Leg.

The plan to be studied involved using cut-and-cover construction that would require complete reconstruction of K Street. Because K Street was 147 feet wide, the project would involve mainly land owned by the city.

The District planned to negotiate with several engineering firms for the study. Airis told reporters he thought the study would take about 6 weeks and could be presented to the Policy Advisory Committee during its February meeting. [Flor, Lee, "Freeway Tunnel Studied by D.C.," *The Evening Star*, December 22, 1965; Morgan, Dan, "Tunneling Freeway Under K St. Studied," *The Washington Post and Times Herald*, December 22, 1965]

The *Star* editors saw this move as a breakthrough:

At a series of secret, informal meetings during the last several months . . . the half-dozen federal and District officials with the authority to make decisions on all aspects of the freeway network have been trying to reach agreement on a single package of proposals which would permit the entire program to proceed.

The most interesting aspect of the idea was that it came from Chairman Rowe, "who previously has blocked any east-west freeway north of the shopping district" and "also has halted progress on every other crucial element of the freeway system in the western part of the city, including Maryland's George Washington Memorial Parkway and a new Potomac River bridge in the Rosslyn area."

The editors saw merit in the new idea:

It would preserve intact the essential concept of a continuous inner-loop freeway system around the downtown shopping area. Indeed, its connection with the maze of freeways in the Georgetown-Foggy Bottom area would provide a shorter, more direct route to the east than the alternative road locations, swinging northward to Florida Avenue, which city highway officials have previously supported.

Highway officials had their doubts:

To be sure, there are a number of questions as to the feasibility and cost of the K-Street project which still require answers. The inconvenience and disruption along K Street, during construction would be enormous . . . . The Highway Department contends the new proposal would be less efficient than the original route in terms of the city's total traffic-distribution plan. It is keeping its fingers crossed on this point until consultant studies now under way are finished next February.

The idea needed study, but might prove helpful "provided Mrs. Rowe and everyone else understands that it is only one part of a package of agreements which will break the whole freeway stalemate." Piecemeal solutions were not enough. "The time has come now for agreement on the entire program." ["Freeway Breakthrough," *The Evening Star*, December 24, 1965]

In the Potomac Watch column, Lardner saw the District Highway Department as “getting ready to stick out its neck—again.” Several studies were due in early 1965:

Nearing completion are studies for the East Leg of the Inner Loop by the engineering firm of DeLeuw, Cather & Co., the Central Section of the North Leg by Vogt Ivers & Associates, and, most controversial of all, what is by itself commonly called the North Leg (the North Leg, West Section really) by Edwards & Kelcey.

All should be ready by springtime.

Now, however, the District had asked Edwards and Kelcey “for a quick study” of NCPC Chairman Rowe’s K Street tunneling proposal. In line with the Policy Advisory Committee’s unanimous agreement calling for “maximum consideration to the concept of tunneling” for the North Leg, the consultant had been doing just that in the study that began in July 1964 at a cost of \$175,000. Airis indicated that the study, which was to be completed in 1965, was taking longer than expected to identify alternatives that met the tunnel requirement. Lardner wrote:

Before Mrs. Rowe’s proposal came up, Edwards & Kelcey had narrowed 20 alternates for the North Leg to two routes. Each will continue to be studied, [District planner] Grant says, as a bored tunnel, a cut-and-cover tunnel, an open-air depressed roadway over which air rights buildings could be put up—and various combinations of the three possibilities. Now Mrs. Rowe’s suggestion will be added to the study.

According to Grant, all the studies would be released around the same time; no one could say the city was holding back. District highway officials hoped the Policy Advisory Committee, at its February 1966 meeting, would decide how to proceed on at least some of the projects.

Lardner said, “It promises to be a donnybrook, but City Highway Director Thomas F. Airis has the chiding advice of New York’s Robert Moses firmly in mind”:

“Cooperation of local officials, urban, suburban and exurban, on main arteries is almost impossible to attain without prolonged controversy,” Moses reminded State highway officials, who probably need no reminding of that, at their convention this fall.

The critics win, Moses said, when they are confronted by “highway men and other transportation and traffic engineers who lack courage when they can’t depend on support, who have no thirst for martyrdom, who shun ulcers and coronaries or, to use a different metaphor, won’t stick their necks out as they await their pensions.” Lardner wrote that, “No one will be able to accuse Airis of that, especially after next year.” [Lardner, George, Jr., “Highway Dept. Sticks Neck Out Again,” Potomac Watch, *The Washington Post and Times Herald*, December 23, 1965]

### **NCTA Prepares for 1965**

With enactment of the Urban Mass Transportation Act of 1964 on July 9, 1964, Congress no longer had to consider the national program that had loomed in the background of the rail rapid transit legislation for the Washington area in 1963. With that landmark bill approved, the White

House had assured NCTA that 1965 would be the year for the Washington area's rail rapid transit bill to be submitted to Congress.

Stolzenbach, who had been trying to keep NCTA out of the freeway controversies since the House had recommitted the bobtail bill to committee in December 1963, was readying the bill with the outreach and cooperation that officials had claimed was absent in earlier years. However, as Professor Schrag discussed, Stolzenbach and NTCA were in trouble at the White House by mid-1964:

Even a neutered Stolzenbach had no place at the agency. His stock at the White House had dropped in late June 1964, when civil service inspectors found that, in addition to suffering "uncertain assignments, low productivity, depressed morale, and weak supervision," half of NCTA employees had been incorrectly graded, resulting in their being overpaid relative to counterparts elsewhere in government. Seizing the excuse to get rid of a troublemaker, the White House asked for Stolzenbach's resignation, which he submitted three weeks later, effective 15 August.

As Horsky searched for a replacement, Deputy Administrator Quenstedt declined the promotion and recommended against other NCTA officials because, he said, an outsider was needed:

After some months, Horsky began to think that it might be best to keep Stolzenbach until Congress authorized a system. [Schrag, page 60]

As a result, Stolzenbach, despite his resignation, remained NCTA Administrator well into 1965.

Labor was one of the main issues NCTA had to consider. As Jack Eisen recalled in June 1964:

During the period before the Washington Subway bill was debated by the House last December, members' offices were flooded with pleas from unions around the country to defeat the pending bill.

With relatively few members on the floor, the labor demands was defeated [sic] before the subway bill itself was rejected.

Members of the House District Committee privately have made it clear that they do not want to be involved in labor legislation that could set a national precedent.

What prompted Eisen's recollection was a statement by Walter J. Bierwagen, international vice president of the Washington-based Amalgamated Transit Union, that, "we will do everything within our power" to defeat the area's rail rapid transit bill unless it included labor safeguards. The union supported the rail system, but he said, "Plans must be made and put into effect before the problems get out of hand and solutions become more difficult—and costly."

His demands included assurance that bus drivers displaced or transferred to rapid transit operations would retain collective bargaining rights, arbitration of disputes, seniority, wages and welfare programs, and protection against job loss. All workers also must be protected if automation eliminated their jobs. Further, current pension plans must not be impaired, as some

cities were trying to do when they took over bus operations from failing private companies. [Eisen, Jack, "Labor Safeguards Seen Must in Rail Transit Bill," *The Washington Post and Times Herald*, June 2, 1964]

Area officials and groups did what they could to promote rail rapid transit. Four local organizations formed a joint committee to promote the Washington subway (Board of Trade, Board of Realtors, Downtown Progress, and Federal City Council). The committee supported completing the freeway system and the rapid transit system. Meanwhile, Representative Sickles appointed a committee of the JTC to coordinate with NCTA. He wanted to ensure that the negotiating team developing an interstate pact to operate the rail system knew of NCTA's progress in case adjustments in the pact were needed. The committee also would monitor events in Congress to see if it considered precluding a three-State operating compact. ["Business Units Fear Second Freeway War," *The Washington Post and Times Herald*, June 2, 1964; "Joint Transit Steering Group Is Appointed," *The Evening Star*, July 18, 1964]

In October, the Federal City Council announced on behalf of the four-member joint committee that completion of the Capital Beltway increased the urgency of building a rail rapid transit system in the area. The beltway would aggravate urban sprawl, but soon would become overcrowded as development exceeded facilities, including freeways. "The opportunity to create an exemplary, modern, efficient urban center for the Nation's Capital will have been lost." The committee called on NCTA to submit a bill to Congress for a \$400 million publicly owned, privately operated rail transit system. The plan, the committee suggested, would be similar to the bobtail plan, but would include a downtown subway loop. [Schuette, Paul A., "Rapid Transit Rail Urged by Policy Group," *The Washington Post and Times Herald*, October 1, 1964]

Monorail advocates had not abandoned hope of cracking the District market. In an October 6 speech to the Northern Virginia Builders Association, Representative Broyhill said he wanted NCTA to reconsider monorail as the solution to the area's rail rapid transit needs. He had been working with the American Machine and Foundry Company (AMF), which set up a shop in Alexandria, part of Representative Broyhill's district, on August 1 to promote its concepts. Representative Broyhill suggested construction of a monorail demonstration in three northern Virginia corridors to demonstrate the economic and construction speed of the technology. The three corridors were:

- Seven Corners to the Pentagon, 5.9 miles, five stations, running time of 9 minutes - \$25 million;
- Bailey's Crossroads to the Pentagon, 4.5 miles, five stations, 8 minutes, \$20.7 million;
- Springfield to the Pentagon, 9 miles, eight stations, 15 minutes, 3 seconds, \$37.6 million.

None of the routes, Representative Broyhill said, would conflict with NCTA's most recent plans for its surface-and-subway system. According to the Congressman, AMF could build up to 6 miles of suspended monorail for the cost of one subway mile.

Colonel Ben Elliott, AMF's area representative, told reporters the costs were "ballpark figures," but he added that monorail and surface rail costs were comparable. A monorail would be "more pleasing esthetically" than surface rail. He said that after Representative Broyhill had

approached AMF about its concepts, the company decided to set up shop in northern Virginia. “We recognized the importance of acquainting the various agencies in the Nation’s Capital with this approach as a solution to mass transportation problems here and throughout the country.”

A NCTA spokesman told reporters the agency would consider the AMF concept, as it had other monorail proposals, but thus far had found all of them unsuitable. Further, overhead monorail had been ruled out for downtown Washington. [“Broyhill Urges Monorail Try,” *The Washington Post and Times Herald*, October 7, 1964; Lardner, George, Jr., “Firm Sets Out to Sell Monorail Here,” *The Washington Post and Times Herald*, October 15, 1964]

Bus advocates had not given up, with BPR becoming one of the advocates. During an April 23 speech on “Transit and Federal Highways” to The Engineers Club in St. Louis, BPR Planning Director E. H. “Ted” Holmes had spelled out the agency’s ideas on adapting roads and especially freeways to encourage bus rapid transit. Holmes began by emphasizing that the title of his speech included the word “and,” not “vs.” Too often, he said, “the highway engineer or administrator is cast in the role of a competitor,” with the transit advocate not an advocate of transit, but of a “particular form of transit,” namely subways:

So right at the beginning it should be made clear that in this discussion transit will be considered in its broad and general sense. Since over three-quarters of transit patrons in the United States ride on rubber tires, not on steel rails, transit has to be for highways, not against them. And vice versa, highways have to be for transit, not against it, for the more that travelers patronize transit the easier will be the highway engineer’s job.

Highways and transit may now compete, but they have different goals:

The highway engineer in building a street or highway is providing for transportation, either public or private. To him transportation is not an end but a means—a means of serving the user and also of serving and helping shape the community.

Transit served the community as well, but if a private company provides transit, the goal also is to make a profit. For publicly owned transit service, the goal is “to come as near as possible to breaking even” from the farebox. In that respect, highways and transit compete because if good roads prompt people to leave transit for private automobiles, the loss is felt at the farebox by transit operators who have fixed costs and routes, regardless of how many people the service carries.

In discussing myths and misconceptions that distorted debates, Holmes said that freeways did not cause downtown congestion. Downtowns are, indeed, congested, but they always have been. “Chariots caused congestion on the streets of Rome.” Large cities throughout history, including in the 20<sup>th</sup> century, had experienced congestion as populations overwhelmed streets, regardless of the type of vehicles using them. On the positive side, the “freeway makes the downtown area more accessible to more people from a larger area.” In short:

Freeways will not kill the downtown area. Rather they may be the means of preserving it.

Myths aside, Holmes said the Federal Government, the Department of Commerce, and BPR are for transit. “I am for transit personally because I am a regular user, which is more than some of its strongest advocates can say.” (Holmes commuted by bus from his home at 4814 DeRussey Parkway in Chevy Chase, Maryland.) Highway engineers had been on the defensive too long because of their alleged opposition to transit:

Highway officials must, and I believe do, view transit not as a competitor but as a mode of transport complementary to private transportation. And to place it in its proper perspective it must be considered on a field of neutrality, not in a no-man’s land, if any recall that term from World War I.

Downtown was still the most important destination in a metropolitan area, and it also was the area best served by transit:

But the great mass of travel, up to 95 percent in the largest cities, is wholly outside that area [and] involves the almost countless prosaic trips from home to the store, to take the children to school, to call on friends, to go to work, or move about in earning a living.

These were the trips “that transit cannot easily serve and [that] are almost wholly dependent on the private vehicle or taxi.”

The freeway can support transit:

Only limited use is being made of the freeway as an aid to transit operation, however, in part at least because of the fact that in few cities are the freeway systems yet nearly enough complete to permit suitable experiments in their use by transit vehicles.

Freeway medians may be suitable for rail rapid transit in some locations. “But that is hardly reason for the assertion frequently heard that every freeway should provide for a rail line in its median. More often that is exactly the wrong place for a rail line.” Holmes explained that, “The most likely use of freeways by transit is by buses” and that presumably would be “in some form of express service.”

Holmes described an American Transit Association report surveying expressway bus operations, saying:

The theme of these operators’ comments . . . as well as common sense reasoning, points to effective bus operation as requiring free and rapid movement not generally possible in peak traffic on today’s freeways. And it is in the peak periods, of course, that the relief that might be afforded by greater transit usage is the most important.

The key was obvious from the name:

Full use of the bus for rapid transit means it must be just that – rapid, not stopped or moving slowly at points or times of congested traffic to which the bus itself is a contributor.

Although roads, even freeways, can be adapted to encourage bus usage, one way was especially promising:

The obvious answer is the reserved bus lane. Reserved lanes are not uncommon on city streets, but no attempts have yet been made to incorporate a reserved lane in a freeway.

It is our belief that it could be wholly practicable to provide a special freeway bus lane, but it would involve somewhat complicated layouts and undoubtedly adds to the highway cost . . . .

Many factors are involved in a decision to reserve a lane for buses, even during peak hours. The Bureau of Public Roads takes the position that such a reservation is reasonable if the usage by bus passengers exceeds the number of persons that would normally be moved in the same period in passenger cars—say, 3,000 per hour.

No matter how quick the ride on a reserved bus lane, “rapid bus transit will hardly be that unless the downtown terminal problem can be solved.” A private right-of-way in the congested area is an obvious answer for buses. Whether elevated or depressed, the right-of-way “could be in subway, as investigated and dismissed, for the present at least, in Washington.” Perhaps, however, “the answer is much simpler. Perhaps it is the downtown street system itself.” Completion of freeway networks would help by moving through traffic off local streets in congested downtowns:

In no city do we yet have a completed freeway system providing a satisfactory inner loop. Once that is achieved, as it will be in one after another of the larger urban areas, half or even two-thirds of the vehicles now on the existing streets will be diverted to the freeway. They are on the street now only because they are passing through.

By freeing downtown streets of traffic that was only passing through, the inner loop freeways around the country would allow streets to “indeed become the best possible downtown transit distributors, with traffic control adjusted to accommodate the predominant bus use.”

Enabling buses to provide rapid transit would require improvements:

To provide an effective system would be a bold step, but far less in the way of capital outlay and far more flexible in operation than any fixed rail operation, whether it be the conventional two rail system the new San Francisco subway will rely on, or the more fanciful monorail of the Sunday supplements. From the highway officials’ viewpoint the highway elements involved are practicable . . . . The transit operator would need some controlled imagination to hold up his end of the system and he might also need financial help.

Bringing about a “combination of highway design and of transit vehicle design and operation [is] the long-time aim of the Bureau of Public Roads.” Holmes concluded with a two-sentence summary:

Highway and transit officials cannot be adversaries. They must be partners.

On May 18, Acting Deputy Federal Highway Administrator Lowell K. Bridwell released a circular memorandum distributing copies of the Holmes speech to headquarters and field directors. Bridwell stated that the speech “describes the views of the Bureau of Public Roads on this subject.” He believed that BPR and State officials “will find the paper useful as background for discussions that may arise with respect to coordination of highway and transit improvement programs.” [Speech summarized in: Eisen, Jack, “Freeways With Express Bus Lanes Urged by U.S. Expert,” *The Washington Post and Times Herald*, June 4, 1964]

(Well into the 1970s, pressure increased in Congress to allow Highway Trust Fund revenue to be used for construction and operation of transit facilities, especial rail rapid transit. Throughout this period, BPR/Federal Highway Administration (FHWA) would promote bus rapid transit/exclusive bus lanes as an alternative to rail rapid transit, touting the lower cost and the absence of sufficient funds to provide rail rapid transit in every city that wanted it. For more information on the fight over diversion of highway user tax revenue to transit, see “Busting the Trust: Unravelling the Highway Trust Fund 1968-1978” on this Web site.

(Starting in 1964, BPR began working with District and Virginia highway officials on a demonstration project to add an exclusive bus lane to Shirley Highway (then a four-lane I-95). Partners included the Washington Metropolitan Area Transit Commission, the Washington Metropolitan Area Transit Authority, the Metropolitan Washington COG, the Northern Virginia Transportation Commission, the AB&W Transit Company, and the WV&M Coach Company. The first version of the exclusive lanes opened on September 22, 1969 – buses were given exclusive use of 4.5 miles of reversible express lanes on Monday through Friday mornings, initially saving an estimated 12 to 18 minutes for commuters. Exclusive evening service was not available at the start of the demonstration plan, but the service expanded as officials reconstructed Shirley Highway. The success of the lanes prompted similar lanes in other States and gave FHWA an object lesson in the advantages of bus rapid transit versus rail lines. [Erion, David F., “The Shirley Highway Story,” *Virginia Highway Bulletin*, July 1974, as available on Scott Kozal’s Web site, “Roads to the Future,” at [http://www.roadstothefuture.com/Shirley\\_Busway.html](http://www.roadstothefuture.com/Shirley_Busway.html).)

In September, Representatives Broyhill, Mathias, and Sickles prepared a joint resolution calling for “the immediate implementation of a program to improve existing transportation facilities in the Washington Metropolitan Area.” In particular, they wanted “to significantly upgrade” bus service even if the expansion was “beyond the resources of the private carriers.” The resolution called on NCTA, the Housing and Home Finance Agency, BPR, and the District commissioners to work with JTC and the bus regulator, Washington Metropolitan Area Transit Commission, to develop recommendations for enhanced bus service within 6 months.

The Representatives reasoned that “although [a rapid rail] system must be evolved, additional years will pass before it can be developed to its ultimate potential and capacity.” Representative Broyhill emphasized that, “Under no conditions should this [resolution] be used to delay rapid transit.” [Geremia, Ramon, “Congressmen Urge Better Buses While Waiting for D.C. Subway,” *The Washington Post and Times Herald*, September 4, 1964; “Area Congressmen Ask For Better Bus Service,” *The Evening Star*, September 3, 1964]

By early November, NCTA had sent its new rail rapid transit proposal to the Bureau of the Budget. In addition, NCTA sent a memorandum to other Federal officials outlining the plan's major features. The \$431 million plan involved 24.9 miles of subway and surface rail lines, mainly in the District, but linked to bus service and commuter parking garages. About half of the mileage or 13.1 miles, would be in subway format in downtown Washington. The plan provided limited service into Maryland and Virginia, but was designed to allow extensions further into the suburbs, as traffic and funding permitted, to the extent of NCTA's 1962 plan.

The downtown subway would connect the White House and Capitol Hill with five branch lines:

- One would be a subway line from the White House at Lafayette Park through northwest to the Bureau of Standards at Van Ness Street.
- The longest line would follow the Baltimore and Ohio Railroad right-of-way from Union Station to Woodside, Maryland, with stops in Takoma Park and Silver Spring, essentially the route of the proposed North-Central Freeway.
- A third line would run from the White House to the K Street, NW., corridor across Georgetown through a Potomac River tunnel to Rosslyn, Virginia, before curving south to Pentagon City.
- Another branch would run east from the Capitol to a terminal at Kenilworth Avenue and Benning Road across the Anacostia River.
- The fifth line would branch off the Van Ness Avenue line at a point north of Connecticut and Florida Avenues, NW., before ending at Georgia Avenue and Quincy Street in Columbia Heights.

The plan, as described in the staff memorandum, relied on closely knit rail and bus transit systems:

The proposed rail rapid transit system will be augmented by a comprehensive areawide network of feeder bus routes operating in coordination with the rail system under joint arrangements as to fares and transfers.

Ten of the 29 rail stations would include off-street shelters for transferring among the modes. Nine of the rail stations would provide a total of more than 12,000 all-day parking spaces.

The document stated that "the peak-hour problem in central Washington can be solved only by grade-separated rail rapid transit." It added:

Unless the proposed rail transit system is begun promptly, the effects of downtown congestion will become intolerable.

Some adjustments of bus lines would be needed:

A considerable portion of the existing service will remain unchanged, particularly in the areas not directly served by rail facilities. At the same time, the rail system will enable the bus companies to reduce the extent of their most time-consuming and costly peak hour operations in the downtown area.

Partial service on the system could begin in 1970, with the entire system to be completed by 1972:

Design of the subway in central Washington takes into account both the existing development and its potential expansion, with full regard for protection of monumental and historic places, parks and residential neighborhoods.

The fare would be 25 cents for rides within the original 10-square-mile area of the District of Columbia (i.e., including the portion returned to Virginia in 1846 through retrogression). The fare would be 35 cents for rides beginning or ending outside the 10-square mile boundary. NCTA estimated that farebox revenue would pay for all operating expenses and 65 percent of construction and equipment acquisition costs.

The Federal Government would contribute \$100 million to the cost of construction and equipment, while the District would provide \$50 million. NCTA would finance the remaining \$281 million in construction and equipment costs by the sale of federally guaranteed 50-year bonds, with farebox revenue repaying the bonds, plus \$52 million in interest, over that period. If farebox revenue fell short, the District would make up one-third of any loss the Federal Government sustained.

The *Post* listed the differences with NCTA's 1962 plan:

Chief among the ways in which the plan differs from the NCTA's original 98-mile conception is the elimination of several rail lines extending deep into the suburbs. Critics in Congress had said they doubted that so ambitious a scheme could win approval . . .

Also dropped [sic] from the original plan was the idea to provide expanded and improved commuter service on the Pennsylvania Railroad line to Bowie, Md.

A third change is to have a single branch line serve both Rosslyn and Pentagon City, instead of having a separate line to each.

Other differences are the substitution of the East Capitol st. line for one to the Anacostia-Bolling area and the extension of the Columbia Heights line from 7<sup>th</sup> st. and Columbia rd. to Georgia ave. and Quincy st.

As made available, the plan did not address the labor issues that had been one of the major reasons the bobtail plan had been recommitted in December 1963. [Clopton, Willard, "New Fast Transit Plan Is Outlined," *The Washington Post and Times Herald*, November 2, 1964; Eastman, Sam, "D.C. Prepares New Rail Plan," *The Sunday Star*, November 1, 1964]

The reaction was mixed, in part because the proposed network did not reach far enough into the suburbs. For example, Representative Mathias said:

I would be disappointed if we were not contemplating pushing the railheads out to serve the densely populated suburban areas. Whatever is done in the District has got to be done

as a foundation for a thorough and complete mass transit system serving the whole metropolitan area.

District highway planning chief Grant agreed because the District's highway plan was based on a comprehensive rail system. "I feel we will need more than the system now proposed if your highway system is to be adequate." Nevertheless, he thought the NCTA proposal "seems to be a right step providing we can work out details and coordinate our construction efforts."

Assistant Engineer Commissioner Israel thought the limited system might have an advantage because it would be financed by the District, the Federal Government, and bonds. Extending it further into Maryland and Virginia would require contributions from the States, and that could cause further delays in getting started. An early start on a limited system might spur efforts to complete negotiations on a tri-State compact and generate support for an expanded network that Maryland and Virginia would be willing to help finance.

In Virginia, Fairfax County Supervisor Frederick A. Babson, Jr. (and chairman of the new Northern Virginia Transportation Commission) agreed that it was "absolutely necessary that a beginning should be made," but he proposed that officials begin immediately to work on "plans for extending two or three of the lines into Virginia." [Clopton, Willard, "Officials Praise, Criticize Rapid Rail Proposal," *The Washington Post and Times Herald*, November 3, 1964]

Reaction was less positive at a forum on mass transit sponsored by Alexandria's Northeast Citizens Association. NCTA General Counsel Owen Malone told participants that the proposal "is a truncated system, but it's just a beginning." He added, "There's nothing wrong with what we have. We don't have enough of it."

Virginia State Senator Leroy S. Bendheim of Alexandria said the plan "doesn't do very much to solve our problems on this side of the river." Vice Mayor Nicholas A. Colasanto of Alexandria asked if the plan was designed to help suburbanites "or is it to keep parking out of Washington? I am of the opinion it is the latter."

Chairman John K. Pickens of the National Capital Regional Planning Council, complained that the plan had the same faults as a previous NCTA proposal "that failed because they didn't sit down with the bus companies and the communities to work out a balanced plan." He added that, "I don't see how the plan is co-ordinated with planning in Northern Virginia." As an example, he said the planned tunnel at Rosslyn would cause "complete confusion." In an apparent reference to the separate crossing to Pentagon City contained in NCTA's 1962 plan, he added, "I feel two crossings are essential."

According to the *Star*, "The forum became, in effect, a testimonial to bus service." Robert T. Mitchell of the Alexandria, Barcroft and Washington Transit Company said the plan would hurt bus service. The company did not oppose a downtown subway, "but prove to us you can justify the cost of coming under the river and extending it into Virginia. The people of this area should realize they've got a good transit system, and you've got to make sure you don't disturb that."

State Senator Bendheim agreed about the need for greater consultation by NCTA with bus and railroad companies to create a “more co-ordinated plan that all of us can be in complete agreement with.” He said the transit company “has been paying a lot of taxes in the city, and I intend to do everything I can for the bus company.”

General Counsel Malone, responding to the support for bus transit, said that buses cannot meet the community’s needs when population increases to 3.5 million in 1980. “Other cities the size of Washington and other world capitals have found that rail rapid transit is the answer. There’s no question of the quality of bus service” he said, but congestion was increasing and would continue to do so. [Kline, Jerry, “New Rapid Transit Plan Criticized in Alexandria,” *The Evening Star*, November 10, 1964]

Chairman McMillan was optimistic about early House action. He said:

The prompt completion of necessary legislative action and early construction of such a system is essential to the welfare of the District of Columbia and the metropolitan area. I anticipate early action on the NCTA recommendations by the House District Committee since we held extensive hearings and explored all facets of the problem in the 88<sup>th</sup> Congress. [“McMillan Sees Action On Rapid Transit Plan,” *The Sunday Star*, November 8, 1964]

NCTA informed District and Maryland officials that plans did not include building rail rapid transit in the median of the North-Central Freeway, which was being designed for that purpose. Agency officials preferred their original plan of providing two tracks in the right-of-way of the Baltimore and Ohio Railroad. In response, Grant said the North-Central Freeway would retain the widened median with reversible lanes for commuters and possibly express buses. [“Rail Transit on Freeway Opposed,” *The Washington Post and Times Herald*, November 22, 1964]

After receiving the Budget Bureau’s tentative approval, Stolzenbach sent a copy of the plan, titled *Transit Development Program, 1965*, to governing bodies and planning agencies in the area on December 2. He wrote:

The system proposed herein . . . is an essential and significant beginning toward the solution of the region’s long-range transportation problem . . . . It will take about five years to put into operation.

The system was “designed for efficient and speedy expansion into the suburbs as soon as Maryland and Virginia counties are legally and financially able to do so.”

The plan included some details not previously available. NCTA proposed to administer construction contracts until area governments reached agreement on a compact establishing a multi-jurisdictional agency to supervise construction and administer fares, schedules, financing, and additional contracts. Construction, NCTA officials suggested, would begin from the proposed main terminal at Kenilworth Avenue and Benning Road, NE., east of the Anacostia River, through downtown to at least Connecticut and Florida Avenues, NE.

However, NCTA proposed private, rather than public, operation of the system after it opened. Experience in other cities demonstrated “that a satisfactory arrangement can be worked out with a private operator that will provide efficient operation and will adequately protect the public interest in the rapid transit facilities.” Moreover, because rail workers would be employees of the private company, they would receive collective bargaining and other union rights. [“Enlarged Rapid-Transit Project For ’65 Unveiled by Stolzenbach,” *The Evening Star*, December 2, 1964; Lardner, George, Jr., “Budget Unit Backs Plan for Subway,” *The Washington Post and Times Herald*, December 2, 1964]

Recognizing that the proposal involved only the first stage of a larger plan, area officials and planners endorsed NCTA’s transit plan.

As the 89<sup>th</sup> Congress began organizing in January 1965, the Senate District Committee received two new members, both serving their first term: Senators Tydings and Robert F. Kennedy (D-NY), President Kennedy’s brother and the former Attorney General. Senator Tydings had served as U.S. Attorney in Baltimore under Attorney General Kennedy before running for the Senate and defeating Senator J. Glenn Beall. Given that service on the committee was, as the *Post* put it, “non-prestigious,” young Senators usually tried to avoid the committee. Nevertheless, Senator Kennedy volunteered for the committee and Senator Tydings, while not eager, was willing to serve.

The two “share a common interest in home rule for Washington and an improved educational program for the city’s youth.” Senator Kennedy thought the city had been ignored prior to the Kennedy Administration. “The Executive Branch thought it was the responsibility of the legislative branch and the legislative branch thought it was the responsibility of somebody else.” The new Senator had played a role in creating the post held by Charles Horsky, in part to correct that situation.

Commissioner Tobriner said, “I am highly pleased that Senator Kennedy has consented to be a member of the [District] Committee because of his long familiarity with District affairs and his constructive interest in improving the city. Sen. Tydings is also a most valuable addition to the Committee. Both he and his family have had a long association with the District and concern with its affairs.” [Schuette, Paul A., “R. Kennedy, Tydings Added to Senate’s District Committee,” *The Washington Post and Times Herald*, January 9, 1965]

### **President Johnson Jump Starts the Plans**

On November 3, 1964, President Johnson defeated the Republican candidate, Senator Barry M. Goldwater of Arizona, by a landslide in the popular vote (43.1 million to 27.1 million) and the electoral college (486 to 52). In a book about the Johnson presidency’s legislative record, Professor Julian E. Zelizer explained that the vote did more than give President Johnson a mandate:

Goldwater’s extreme right-wing candidacy, as well as the excitement over Johnson’s legislation and the positive memories in the electorate of John Kennedy, drove the size of Democratic majorities to historic levels. The composition of Congress . . . changed

dramatically. With huge majorities in the House (295-140) and the Senate (68-32), Democrats would have more seats than at any time since 1936 . . . . The conservative coalition in Congress had been reduced to its smallest size since it had formed . . . . “There were so many Democrats,” noted the young Illinois [Republican] representative Donald Rumsfeld upon surveying the landscape after Lyndon Johnson’s victory, “that they had to sit on the Republican side of the aisle.”

Johnson had had numerous successes in the more balanced 88<sup>th</sup> Congress, including the landmark Civil Rights Act of 1964 and Urban Mass Transportation Act of 1964, but the “Eighty-ninth congress was potentially more fertile ground for the broad range of controversial programs on his dream agenda.” [Zelizer, Julian E., *The Fierce Urgency of Now: Lyndon Johnson, Congress, and the Battle for the Great Society*, Penguin Press, 2015, pages 159, 164-165]

The combination of a Presidential landslide and widespread Democratic control of the new Congress gave President Johnson a legislative opportunity that few Presidents have had. He took full advantage of it domestically with a range of proposals big and small, national and local.

On January 4, 1965, in his State of the Union Address to a joint session of Congress, President Johnson outlined his vision of a Great Society. He had unveiled the concept of a Great Society in May 1964, when he outlined his first steps during a speech to the University of Michigan at Ann Arbor:

We are going to assemble the best thought and broadest knowledge from all over the world to find these answers. I intend to establish working groups to prepare a series of conferences and meetings—on the cities, on natural beauty, on the quality of education, and on other emerging challenges. From these studies, we will begin to set our course toward the Great Society

Now, in the State of the Union Address, he outlined the results of his review:

We worked for two centuries to climb this peak of prosperity. But we are only at the beginning of the road to the Great Society. Ahead now is a summit where freedom from the wants of the body can help fulfill the needs of the spirit.

We built this Nation to serve its people.

We want to grow and build and create, but we want progress to be the servant and not the master of man.

We do not intend to live in the midst of abundance, isolated from neighbors and nature, confined by blighted cities and bleak suburbs, stunted by a poverty of learning and an emptiness of leisure.

The Great Society asks not how much, but how good; not only how to create wealth but how to use it; not only how fast we are going, but where we are headed.

It proposes as the first test for a nation: the quality of its people.

This kind of society will not flower spontaneously from swelling riches and surging power.

It will not be the gift of government or the creation of presidents. It will require of every American, for many generations, both faith in the destination and the fortitude to make the journey.

And like freedom itself, it will always be challenge and not fulfillment. And tonight we accept that challenge.

The economic component of the Great Society included “Transportation for Growth”:

I will recommend heavier reliance on competition in transportation and a new policy for our merchant marine.

I will ask for funds to study high-speed rail transportation between urban centers. We will begin with test projects between Washington and Boston. On high-speed trains, passengers could travel this distance in less than 4 hours.

As the month progressed, rail rapid transit for the Washington area had been gaining momentum, but always with uncertainty about the prospects in Congress.

The highway departments in Maryland, Virginia, and the District of Columbia endorsed NCTA’s new plan. Chairman Funk said that Maryland’s planned highway network would not be enough to meet transportation needs without “an early implementation of a safe, comfortable, convenient and economical rapid transit facility in selected commuting corridors.” Virginia Highway Commissioner Douglas B. Fugate informed NCTA:

I think all of us realize the need for mass transit in the heart of the Washington Metropolitan Area, and your report appears to cover a basic system toward filling this need.

Maryland Governor Tawes and Virginia Governor Harrison endorsed the letters from their State highway officials.

Engineer Commissioner Duke said the city had provided its recommendations to the Bureau of the Budget and they must remain confidential. He said, however, that the District government “has always been in support of a balanced transportation system.”

As Lee Flor wrote:

The NCTA also has received endorsements from Arlington County, the Maryland-National Capital Park and Planning Commission, the city of Rockville, and Fairfax City. In addition, the Prince Georges County Commissioners approved the transit plan Friday . . . . Fairfax County and the National Capital Regional Planning Council are expected to approve the proposal tomorrow. [Flor, Lee, “Virginia, Maryland Endorse Rapid Rail Transit Proposal,” *The Sunday Star*, January 10, 1965]

On January 14, President Johnson's annual message to the Congress on the District of Columbia discussed the city's freeway impasse, as mentioned earlier. However, on rail rapid transit, he promised only to address the subject in a later document:

I shall shortly send to the Congress my recommendations with respect to the rapid transit program. Funds to meet the District's share of initial costs are included in the budget.

By January 24, the *Star* was reporting the White House's decision to replace Stolzenbach as NCTA Administrator. An anonymous White House official confirmed that President Johnson would accept Stolzenbach's resignation as soon as officials found a replacement:

Replacing Stolzenbach is designed to brighten chances for congressional approval of legislation authorizing a rapid rail network for the Washington area . . . . Critics have charged that Stolzenbach generated ill will toward his agency from several influential sources, including several key members of Congress.

According to critics, the agency's plans have suffered because of Stolzenbach's early recommendations for junking some highway construction projects, his feuds with some suburban planners, and because of alleged failure to coordinate planning with area officials and bus line operators.

Although supporters argued that "it was impossible to push ahead with the rail plans and at the same time make no enemies," the *Star* reported that:

The decision to replace Stolzenbach is part of an effort to erase old mistakes and create a fresh start when the new transit bill goes to Congress, the administration source said.

He pointed out, for example, that careful effort should have been made to end the rail transit-highway conflict and also to get support from area officials for the new transit plan. ["Stolzenbach Resigning As Transit Agency Chief," *The Sunday Star*, January 24, 1965]

On January 25, President Johnson submitted his annual message to Congress on the national budget. It included some references of interest to District officials. One was:

No recent step in improving the prospects for future urban development has been more significant than the enactment of the Urban Mass Transportation Act of 1964. To extend similar opportunities to the local communities of the National Capital region, I urge authorization of the special Federal assistance required to provide the nucleus of an adequate system of high-speed urban transportation for this area.

The Washington Metropolitan Area Transit Commission, the bus regulator, unanimously endorsed NCTA's proposal on January 27. The approval said the plan was "in the long-range public interest of the Washington metropolitan area," despite "some reservations as to the overall financial conclusions reached in the plan." Executive Director Ison said the decision was "an unqualified endorsement of the proposed rail system of NCTA, even though additional governmental subsidies over and above those contemplated by NCTA may be involved." He

pledged that commission staff “will cooperate and exert every influence within its capability in urging the enactment of appropriate legislation to achieve” the area’s needed rail rapid transit system. [“Rail Rapid Transit Gets Metro Backing,” *The Evening Star*, January 27, 1965]

Stolzenbach submitted NCTA’s revised transit plan to President Johnson on February 1, 1965. The transmittal letter stated:

This program would authorize a rail rapid transit system in the National Capital region essentially similar to that which the House Committee on the District of Columbia endorsed in 1963.

The revised system is capable of extension later to a system of the scope recommended by the Agency in its 1962 report. It will provide the region with greatly improved mass transit service, will be efficient and economically feasible, and would be operational in about five years.

He emphasized that appropriate State and local officials, as well as other interested organizations, had reviewed the proposal and that it had “received enthusiastic and widespread endorsement.” He concluded:

It is consistent with Congressional policy and directives outlined in the Agency’s enabling Act. I therefore recommend that it be transmitted to the Congress, together with appropriate implementing legislation which accompanies this report.

Professor Schrag described the 40-page report, *Rail Rapid Transit for the Nation’s Capital*:

Unlike the elegantly typeset and lavishly illustrated 1962 report, *Rail Rapid Transit* broadcast frugality. It appears to have been created on a typewriter, with only a few drawings thrown in. Inside, however, the plan essentially replicates the bobtail scheme defeated in 1963, extending the twenty-three miles of rapid transit to twenty-five miles, with a total price tag of \$431 million. Bonds, to be repaid out of the fare box, would cover 65 percent of that amount, leaving \$100 million in federal grants and \$50 million in D.C. grants, the same 2:1 ratio established by the Urban Mass Transportation Act of 1964. In contrast with the 1962 report, which advocated either a federal corporation or an interstate compact agency, the 1965 report proposed that a private company be found to operate rapid transit. This provision was designed to placate the labor unions; unlike a federal government [agency], a private operator faced no restrictions against binding arbitration.

Stolzenbach apparently had learned from experience, because the new report barely mentioned highways:

It notes, at the beginning, that “no highway system could be designed for the central area that would be both capable of handling all peak-hour trips and compatible with the city of Washington” and, at the end, that rapid transit “will enable the highway system to function more effectively” by diverting some drivers, but that is all. (Either of these statements would fit in well in the 1959 MTS plan.) It mentions no highways by name

and includes no highway map; an ignorant reader might not discern any controversy at all. [Schrag, pages 59-60; the report can be found in Rapid Rail Transit for the Nation's Capital, Hearings on H.R. 4822 before Subcommittee No. 5 of the Committee on the District of Columbia, U.S. House of Representatives, 89<sup>th</sup> Congress, 1<sup>st</sup> Session, February 17 and 24, March 3, 10, and 17, 1965, pages 7-36]

President Johnson transmitted the NCTA report and legislation to Congress on February 10:

The problem of mass transportation in the Washington area is critical. It is also a problem in which the Federal Government has a unique interest and responsibility. As Congress found in the National Capital Transportation Act of 1960, an improved transportation system for this area "is essential for the continued and effective performance of the functions of the Government of the United States, for the welfare of the District of Columbia, for the orderly growth and development of the National Capital region, and for the preservation of the beauty and dignity of the Nation's Capital."

There is widespread agreement that a high-speed and high-capacity rail transit system operating over separate rights-of-way through the more densely populated sections of the Washington metropolitan area provides the most promising approach to a long-range solution. Such a system will preserve the beauty, the dignity, and the historic and monumental character of our capital city. It will exercise a desirable influence on the pattern of growth of the metropolitan area. And such a system is vital if we are to achieve the goal of a balanced transportation system for the area. The highway network now proposed for the area is predicated on an adequate rail transit system.

The report and proposed bill which I am transmitting provide for a system which will furnish the Washington area greatly improved transit service and which can later be expanded to the total system eventually needed. The National Capital Transportation Act of 1960 authorized the negotiation of an interstate compact under which the District would join with Maryland and Virginia in creating an appropriate organization to develop a total system for the area. My hope remains firm that such a compact organization can be brought into being at an early date. In the meantime, however, work on the present proposals can and should go forward without delay.

The Agency estimates, based on engineering studies carried on over the past five years, that to construct and equip the system which it proposes will cost \$431 million, excluding interest costs. The proposed bill authorizes the appropriation of \$150 million – \$100 million by the Federal Government and \$50 million by the District. With these grants, system revenues will be sufficient to provide for both operating expenses and the balance of the capital costs. The grants will also supply all the funds needed for construction until near the end of fiscal year 1968. By that time I hope that there will be a suitable regional compact agency which can assume the responsibility for issuance and sale of the revenue bonds needed to meet the remainder of the cost. If such a compact agency is not timely created, I will be prepared to present alternative recommendations in time for the Congress to give full consideration to the course to be pursued.

The National Capital area should no longer be denied the forms of urban transportation which are vital to its welfare. The proposed program is an appropriate beginning – indeed, a long step toward the total transportation needs of the area. I hope that the Congress will give prompt and favorable consideration to the legislation which is needed to get the program under way.

Chairman Whitener introduced the Johnson Administration bill, the National Capital Transportation Act of 1965 (H.R. 4822), on February 10, and Chairman Bible followed on February 11 with Senator Tydings as a cosponsor. The bill authorized construction of the plan described in *Rail Rapid Transit for the Nation's Capital*.

The resulting lines and facilities “shall not be operated except under contract by private transit companies, private railroads, or other private persons.” The contracts were to be awarded “only after formal advertisement and negotiations” with interested, qualified parties “including private mass transportation companies in the National Capital region.”

The Secretary of Labor was to certify that contract terms were consistent with Section 10(c), “Labor Standards,” of the Urban Mass Transportation Act of 1964. The certification was designed “to protect the interests of employees affected by any such contract for the operation of the facilities authorized by this Act . . . .” The legislation also applied the Davis-Bacon Act’s requirement to construction workers to ensure they received the area’s prevailing wages. In addition, the legislation provided that relocation services authorized by the Act of October 6, 1964, would apply to the rail rapid transit plan for those displaced by construction.

The bill authorized \$100 million out of Federal revenues and \$50 million to finance the District’s share of construction costs. It also authorized a bond issuance of \$50 million by the District commissioners “to carry out the purposes of the National Capital Transportation Act of 1965.”

Chairman Whitener scheduled the first hearing on the bill for February 17. The Senate District Committee planned to hold off on hearings until the House District Committee completed its hearings. The idea was to find out if the House could proceed without encountering the problems that led to recommittal of the bobtail bill in December 1963.

Despite these steps, Representative Broyhill told the Northern Virginia Apartment Owners Association that he planned to introduce a bill offering a monorail system as an alternative to the NCTA plan. “I just don’t think monorail has had a fair trial,” he said. “I’m going to present it to the District Committee for its consideration . . . but it won’t be a rival to the National Capital Transportation Agency’s plan.”

When the association held a panel discussion, Representative Broyhill’s claim that monorail was about one-sixth the cost of a subway tunnel was contested. Fairfax County Supervisor Babson charged that Representative Broyhill was “comparing oranges and apples.” In downtown Washington, the monorail would have to go into a subway tunnel that would be more expensive because it would have to be designed to carry cars hanging from the ceiling. Moreover, Babson said, construction of rail lines on the ground or in open cuts would be “much cheaper” than monorail.

Representative Broyhill maintained that monorails, which would avoid the heavy costs of underpasses, overpasses, and right-of-way at grade, would be cheaper. For example, surface rail had been rejected on Columbia Pike in northern Virginia (State Route 244) because construction would be too costly. Monorail supports measuring 36 inches wide could be erected in the middle of Columbia Pike to provide fast transit service for the apartment complexes in the area. [Flor, Lee, "Broyhill Seeks Monorail System," *The Evening Star*, February 12, 1965]

On February 15, 1965, as mentioned earlier, President Johnson submitted his special message to Congress on the needs of the Nation's capital. He pointed out that the District could no longer be considered separately from the Washington metropolitan region:

Increasingly, the problems of the District blend into and become a part of regional problems. Transportation, water, air pollution, sewage and waste disposal, fire and police protection, recreation, employment, and economic development are only a partial list of matters in which neither the District nor any other part of the area can proceed behind its own jurisdictional curtains.

He said of the region's problems that:

The most critical of the regional development needs is transportation. Washington is now the only major capital in the western world lacking a rail rapid transit system. There is urgent need to begin the construction of such a system—largely within the District at the beginning, but eventually extending into the suburbs of Maryland and Virginia. I have already transmitted to the Congress proposed authorizing legislation.

The highway program in the region "must likewise not be allowed to lag." He said:

The cooperative efforts of District and Federal agencies through the Policy Advisory Committee to review some elements of the program should be continued. Construction should proceed as rapidly as funds can be made available.

### **The 1965 Interstate Cost Estimate**

On January 11, 1965, Secretary of Commerce Luther H. Hodges submitted the 1965 ICE to Congress. It was the third in the series of ICEs and the first since 1961. The ICE was intended to estimate, as of January 1, 1964, the cost of remaining mileage in each State compared with the national total to provide the apportionment factors for FYs 1967, 1968, and 1969 to ensure simultaneous completion of the freeways to full Interstate standards.

The ICE was based on estimates each State, including the District of Columbia, had submitted describing the cost of completing its remaining Interstate mileage. "These estimates, so prepared and developed under the joint effort of the Bureau of Public Roads and the State highway departments, represent the best coordinated engineering judgment in this important matter."

The 1961 ICE had projected the total cost of the 40,886-mile Interstate System to be \$41 billion, of which the 90-percent Federal share was \$37 billion. By contrast, the "1965 total estimate is \$46.8 billion, of which \$42.0 billion is the estimated Federal share." Over 50 percent of that

total had been expended. Of that \$46.8 billion total estimate, the funds (State and Federal) needed to finish the remaining mileage totaled \$20,332,134 (Federal share: 18,385,737).

The ICE report identified several reasons for the increased cost. One was the Federal-Aid Highway Amendments Act of 1963 that had changed the design year for Interstate standards from traffic needs in 1975 to traffic needs 20 years from the date of PS&E approval. This change added \$342 million to the estimated cost. The cost of preliminary engineering, right-of-way, and construction had increased from \$39,136 million in the 1961 ICE to \$44,744 million – a difference of \$5.6 billion:

This increase results from changes in unit prices between 1959 and 1963; changes in construction quantities reflecting more developed design plans, additional lanes, interchanges, etc., to accommodate the increase in traffic forecast for system segments; the increase in right-of-way values particularly in the growing urban areas; the change in design year noted above; and the increase in cost resulting from additions and adjustment to the Interstate System which have been made during the period between the 1961 estimate and the 1965 estimate.

Experience was another reason for the increased cost:

The experience gained in the construction of the system to date, the added safety features which are a part of the highway design, the advanced knowledge in pavement design practices and the most complete planning and design data available for this estimate all contribute to the increase in cost which is reported. The 1961 estimate was based on 158,449 lane-miles of highway. The 1965 estimate provides for 163,429 lane-miles.

(A lane mile is the length of a roadway multiplied by the number of lanes. Example: A 10-mile long road that has four lanes, two in each direction, contains 40 lane miles.)

In short, the Federal share of costs was \$42 billion, but Congress had authorized \$22.215 billion through FY 1966. To complete the Interstate System as designated, Congress would have to authorize \$19.785 billion. [The 1965 Interstate System Cost Estimate, Letter from Secretary of Commerce, Committee on Public Works, U.S. House of Representatives, 89<sup>th</sup> Congress, 1<sup>st</sup> Session, House Document No. 42, January 13, 1965]

The total cost of the District's 29 miles of Interstate highways, built and unbuilt, was estimated to be \$408,585,000 – an increase of about \$60 million since 1961. The 1965 ICE estimated that the remaining cost of the District's Interstate mileage was \$273,301,000.

The District's estimate took the probable rail rapid transit system into effect. The 1961 estimate had been based on the assumption that only 25 percent of downtown commuters would travel by transit, a figure that critics had questioned. For 1965, the District used NCTA projections that 60 percent of downtown commuters would use transit, with the remainder traveling on the freeway network.

District officials cited several reasons for the \$60-million increase, in addition to the general reasons that costs had increased nationwide. The estimates had been adjusted for inflation. Estimated right-of-way acquisition costs were up an average of 7.5 to 15 percent every year.

The District also had made design changes to address concerns about the proposed freeways. For example, the Center Leg Freeway had been moved to avoid impacting the Rayburn House Office Building (the change added \$15 million to the cost). The South Leg Freeway was another example. Putting the freeway in a tunnel beneath the Tidal Basin added about \$20 million to the cost. The District had concluded that the higher cost to address aesthetic concerns was justified. A BPR spokesman told reporters the District's estimated cost was "fairly stable" compared with other States. [Flor, Lee, "D.C. Freeway Cost Estimate Up \$60 Million," *The Sunday Star*, January 17, 1965]

Overall, the 1965 ICE meant that Congress would have to find additional revenue to complete the Interstate System. Administrator Whitton told reporters that current highway user tax revenue would provide all but \$3.4 billion of the total estimated cost. That was the amount Congress would have to find.

The Administration was expected to propose sources of added revenue, with truckers a likely target for increases. Senator Randolph predicted that the trucking industry faced higher taxes. "This naturally is going to make the truckers unhappy and the rails happy, but it's one of those things," he said in a speech to the Associated General Contractors of Missouri.

At the same time President Johnson was seeking new revenue for the Highway Trust Fund, he was planning to propose cuts in excise taxes, including the tax on automobiles. The idea was to bolster economic expansion by putting more money in the pockets of taxpayers. This proposal to cut Federal excise tax revenue would complicate efforts to find additional revenue for Interstate construction. Whatever sources the Administration and the House Ways and Means Committee identified, *The Wall Street Journal* predicted "a free-swinging fight on Capitol Hill this year." [Associated Press, "Tax Increase for Truckers Predicted," *The Washington Post and Times Herald*, January 16, 1965; Wentworth, Eric, "Cost of Federal Highway System Raised \$5.8 Billion," *The Wall Street Journal*, January 14, 1965]

President Johnson, in his January 25 budget message to Congress, stated:

The estimated cost of completing the Interstate Highway System – which is financed by highway user taxes—has recently been increased by \$5.8 billion. To avoid serious delay in completing the system, while remaining on a pay-as-you-go basis, I will include in my excise tax proposals specific recommendations for increasing certain highway user charges.

Lardner captured the District's problem in his Potomac Watch column of February 1, 1965. He began:

The first slip in the big interstate highway system's 1972 deadline has popped into sight. One look at the District of Columbia's creaking progress makes it easy to understand

why. Highway officials all over the country are running into holdout cities where the going is toughest.

Administrator Whitton was determined to meet the deadline in the District and elsewhere. “We’re reaching the critical point. I have said – and I’ll say again – we’ve just got to get the roads, both urban and rural, located this year. I can’t tell the states that and not mean it for the District, too.” Officials would have to sell the public on the need for the highways. “If you get too many people unwilling to go along, you just can’t build a road.”

Lardner said the District had yet to firm up the location of half its Interstate mileage (14.2 miles) to the point where detailed design or right-of-way acquisition could begin. The Three Sisters Bridge, the North-Central Freeway, and the North Leg of the Inner Loop, “remain unsettled after years of talk.” The city had “the poorest interstate record in the country when compared with the states.” Whitton agreed, but added, “The District has a greater share of the problems everyone faces” because it did not have rural mileage to increase its completion percentage as the States did.

Lardner pointed out that critics were suggesting that rail rapid transit would make the controversial freeways unnecessary, despite the fact that NCTA had “long since abandoned any such claims.” He mentioned the President’s statement in his message to Congress on the District of Columbia budget about the highway program being “urgently needed” and that it had “been coordinated with the proposed rail transit program.” Despite ongoing controversies, Lardner wrote that, “The Administration appears to have decided to end the dispute and go ahead with the roads.” Lardner did think all the routes could be fixed in 1965, but thought the Three Sisters Bridge and the North-Central Freeway “may win approval, though both could stand some changes in design.” [Lardner, George, Jr., “D.C. is Roadblock for Interstate Route,” *Potomac Watch*, *The Washington Post*, February 1, 1965]

The House and Senate Committees on Public Works took up the 1965 ICE with the focus on nationwide needs, not the District of Columbia, to approve the apportionment factors. The House committee hearings on March 23 and 24 and June 17 briefly touched on the District. When the Senate committee held hearings at the end of March on nationwide issues, the District’s challenges did come up on March 31 when General Prentiss testified on behalf of ARBA. Senator Randolph asked General Prentiss to explain his statement that highway contractors were operating below capacity at a time when many States needed to complete their programs by the target date of 1972. “There must be a bottleneck,” Senator Randolph suggested.

General Prentiss replied:

I am sure that there are problems, and I think that the District of Columbia is a fine example of one of those problems. It is not due to a lack of capacity [or] capability on the part of the highway industry to get the job done here in the District, but there is a real problem in overcoming the opposition which exists in many areas to building the highways that are so badly needed in order to serve the many.

It is the few who are objecting to the program, and in many cases it is the few who are able to hold the programs up.

He added that many States faced a similar problem of “local opposition to getting the things done, and it is the few local people who feel that they are being penalized for the benefit of the many, and they do not like it.”

Senator Randolph wondered what motorists must think when, for example, the Theodore Roosevelt Bridge opened and traffic was funneled west to the George Washington Parkway. Already, he said, three lanes of traffic were funneled into two, and now with the opening of the Theodore Roosevelt Bridge, another lane was added “and here you have a bottleneck.” He said, “There are people who ask me why do we build the bridges, we build these roads, and then we bottleneck them, and make it worse than before.”

General Prentiss said that as Engineer Commissioner at the time, he had been involved in securing approval for the bridge, but did not know all the details since then. However, he said, that when the bridge was completed, it was “opened to traffic just as soon as some exits were available on both sides . . . so that the structure would not sit there unused when some people could get some benefit out of it.” He added:

I am of the opinion that there are a considerable number of tie-ins that were not completed at the time the bridge was opened for traffic. Some of them may have to do with some of the highways leading into Washington, which are still under consideration, and the right-of-way has not been cleared as yet . . . .

The engineers that designed the bridge designed it for the ultimate traffic that it must carry. They are putting up a bridge to meet, say, the traffic requirements of 1975.

The highway program on the far side of the river has not been built to meet those same standards. But it would be very foolish on the part of the builders of the bridge to design one which had a capacity limited to the inadequate roads on the south side of the bridge.

Senator Randolph asked General Prentiss if he meant “there needs to be more effective coordination between Virginia and the District of Columbia and Maryland . . . .”

General Prentiss agreed. “And the program to distribute the traffic as it crosses needs acceleration.”

Senator Randolph said, “I agree with this statement. This is from personal observation.” [1965 Cost Estimates for Completion of Interstate and Defense Highway System, Hearing before the Subcommittee on Public Roads, Committee on Public Works, United States Senate, 89<sup>th</sup> Congress, 1<sup>st</sup> Session, March 30 and 31, 1965, pages 112-113]

On April 1, Peter Craig wrote to Senator Randolph on behalf of the Committee of One Hundred on the Federal City:

Without questioning the wisdom of the efficient completion of the Interstate System, we do question the wisdom of sanctioning, even by indirection, the disproportionate expenditure within the District of Columbia of sums three times as much per capita as are being spent elsewhere in the country.

Craig enclosed a letter he had sent to Chairman Fallon on March 24. Craig wanted to testify in support of an amendment to any resulting approval of ICE apportionment factors:

*Provided, however,* That the total cost of the Interstate System in the District of Columbia shall not exceed \$400,000,000.

Based on the 1965 ICE, the per capita expenditure of Interstate funds in the District amounted to \$682, compared with \$245 nationwide. “By any measure—population, the city’s needs, the resident’s desires—this top-heavy apportionment to the District of Columbia is grossly excessive.” The Committee of 100 thought the cost should be limited to \$400 million “and probably should be even less.”

As on previous occasions, he cited changes in the routes covered by the ICE since the first ICE in 1958/1959. Some routes had been deleted from the Interstate System or built and then deleted as in the case of the Kenilworth Freeway. The new routes added since then “have put impossible strains on the District’s highway fund and are unacceptable to Washington residents.” He listed routes with increased lanes:

- Center Leg Freeway (increased from six to eight lanes)
- Southeast Freeway (six to eight lanes)
- Anacostia Freeway (four to six lanes)
- 14<sup>th</sup> Street Bridge (eight to ten lanes)

He also listed projects added in the past 5 years:

- North Central-Northeast Freeway (10 lanes)
- Extension of Potomac River Freeway west of Key Bridge (12 lanes, including relocated Canal Road) to new bridge crossings (six lanes)
- East Leg Freeway along west bank of Anacostia River (six and eight lanes)
- South Leg Freeway (four and six lanes)

Craig added that several projects had expanded since preparation of the District’s 1965 ICE:

By the latest District of Columbia Highway Department long-range plan, the 14<sup>th</sup> Street Bridge is shown as 12 lanes (versus 10 in August 1964); the North-Central Freeway as 10 lanes (versus 8 last year).

These changes and expansions reflected “the concerns of the Committee of One Hundred on the Federal City—concerns that we feel are shared by most Washington residents.”

In an exhibit, Craig elaborated on the changes and added that the revised estimates did not include reimbursement for the use of park lands or any estimates of the number of residents or

businesses that would be displaced by the planned expansion of the Interstate program in the city. [1965 Cost Estimates for Completion of Interstate and Defense Highway System, pages 133-134, 142-143; the House Subcommittee on Roads did not include Craig's letter to Chairman Fallon in the record of its hearings]

The Senate Committee on Public Works did not address the District of Columbia in its report on Senate Joint Resolution 81 to authorize the Secretary of Commerce to apportion Interstate construction funds for FY 1967 based on the 1965 ICE. It recognized that the estimate did not reflect the final cost of completing the Interstate. For example, it was based on 1963 unit prices, a figure that could be projected to continue increasing. The estimate also did not include the cost of President Johnson's announced highway beautification program, which had not yet been submitted to Congress.

Caveats aside, the committee approved the apportionment factors based on the 1965 ICE. "Irrespective of whether the present level of authorization is maintained or is altered, an equitable distribution of authorized funds among the States requires that the recommended apportionment factors for 1965 be applied." [Cost Estimate for completion of the National System of Interstate and Defense Highways, Committee on Public Works, United States Senate, 89<sup>th</sup> Congress, 1<sup>st</sup> Session, Report No. 187, May 13, 1965]

On May 14, the Senate approved Senate Joint Resolution 81 by unanimous consent without debate. [Authorization for Secretary of Commerce to Apportion Sum Authorized for Fiscal Year Ending June 30, 1967, for the National System of Interstate and Defense Highways, *Congressional Record-Senate*, May 14, 1965, pages 10515-10516]

President Johnson submitted his wide-ranging proposals on excise tax changes on May 17. The message to Congress covered many subjects, including user fees, which he said allowed taxpayers to pay directly for the services they receive. "Users of highways come closer to reimbursing the Federal Government for its transportation investment than any other group. But inequities remain among the various classes of highway users." He recommended that Congress approve the 1965 ICE but also increase highway user excise taxes to meet the \$3 billion shortfall in anticipated revenue.

To begin, he recommended extending existing highway user taxes from their current end on September 30, 1972, to February 28, 1973. This change, he said, "will meet most of the increased costs of the Interstate System" but would not prevent a shortfall that could force States to cut back on their construction plans. Therefore, he recommended increasing user taxes on heavy trucks to yield about \$200 million a year until 1973. Changes included increasing the tax on diesel fuel from 4 cents to 7 cents a gallon, as well as increases in the truck use tax and tread rubber.

President Johnson said that the changes in truck taxes were justified by BPR's 1961 study allocating cost responsibilities among the classes of highway users. The highway cost allocation study, he said, "clearly show that heavy trucks are not paying fully for the additional cost of heavier pavement and other design features needed to carry them." Thus, his proposed changes would "achieve a fairer sharing of costs among the users of the highways." He had considered

increases in the size and weight of trucks allowed on the Interstate System, but based on cost allocation, they would lessen the fairness of the current distribution of taxes among highway users. He would recommend changes in sizes and weights “as soon as just and appropriate user charges are enacted.”

The House Ways and Means Committee, which is responsible for initiating tax legislation in the Congress, wanted to avoid bogging down the President’s overall proposal that was inevitable if the powerful trucking industry opposed the increases in truck taxation. Moreover, in the face of lobbying by truckers, some members of Congress doubted the accuracy of the 1961 cost allocation study and the 1965 ICE. The trucking industry advocated extending current highway user taxes by 9 months beyond September 1972. They also suggested that instead of eliminating the 10-percent Federal excise tax on passenger cars as President Johnson had proposed, the tax should be continued at the 1-percent level the committee had approved, but with the revenue directed to the Highway Trust Fund.

Chairman Wilbur D. Mills (D-Ar.) decided to advance a bill cutting excise taxes, while postponing action on the truck tax increases for consideration at “a later date.” Truckers were hopeful the heavy truck tax increases would be postponed indefinitely, and that was a possibility in view of all the other volatile measures in the committee’s bill that President Johnson had proposed. However, an anonymous trucking official said, “If he decides to push it, things will be different.” [Large, Arlen J., “White House Request for New Truck Taxes Appears Shelved for This Year in Congress,” *The Wall Street Journal*, July 1, 1965]

With funding issues unresolved, the House Committee on Public Works acted on Senate Joint Resolution 81 on July 26. It struck out the Senate-approved text and substituted its own bill based in part on the assumption that “the Interstate System must be continued on schedule and completed as required by law in 1972.” The committee increased the authorization for FY 1967 from \$2.9 billion to \$3 billion, but it could not approve the apportionment factors “until it is certain that the necessary means will be found to finance the additional increase in the cost of completing the system as contained in the cost estimate.” Instead, the amended resolution authorized the Secretary of Commerce to apportion funds based on the 1965 ICE, “but the Congress reserves the right to disapprove the cost estimate . . . .”

The bill also called for the Secretary of Commerce to conduct a comprehensive study of future highway needs and added a provision establishing a highway safety program. Under the safety provision BPR could not apportion Federal-aid highway funds after December 31, 1967, to any State that did not have a highway safety program approved by the Secretary to reduce traffic deaths, injuries, and property damage resulting from crashes on Federal-aid highways. This provision, creating Section 135 in Title 23, United States Code, was a response to the fact that 47,700 people lost their lives on the roads in 1964. [Interstate System Apportionment for Fiscal Year 1967, Needs Study, and Highway Safety Programs, Committee on Public Works, U.S. House of Representatives, 89<sup>th</sup> Congress, 1<sup>st</sup> Session, Report No. 681, July 26, 1965]

Despite some concerns about the safety provision, the House of Representatives approved amended Senate Joint Resolution 81 on August 2, by a vote of 313 to +11. [Interstate System Apportionment, 1967, *Congressional Record-House*, August 2, 1965, pages 18963-18968]

A conference committee resolved differences between the two resolutions on August 11. The revised resolution authorized apportionment of \$3 billion in Interstate construction funds for FY 1967 based on the 1965 ICE but subject to congressional disapproval. It included “the sense of Congress” that the Secretary of Commerce should submit a report on his estimates of future highway needs in January 1968. The resolution included new Section 135, which called on States to have a highway safety program, including an effective accident records system, measures to improve driver performance, vehicle safety, highway design, and maintenance, traffic control, and identification and correction of high accident locations. However, the funding penalty the House had imposed was eliminated. The reconciled bill did not alter the completion date of the Interstate System [Interstate System Apportionment, Conference Report to accompany S.J. Res. 81, U.S. House of Representatives, 89<sup>th</sup> Congress, 1<sup>st</sup> Session, Report No. 778, August 11, 1965]

The House and Senate approved Senate Joint Resolution 81 on August 12, both with minimal discussion and without recorded votes. [Interstate System Apportionment, *Congressional Record-House*, August 12, 1965, pages 20232-20234; National System of Interstate and Defense Highways – Conference Report, *Congressional Record-Senate*, August 12, 1965, page 20210]

While at his Texas ranch, President Johnson signed the bill on August 28 (P.L. 89-139). With his signature, he said, “we are authorizing the largest single year apportionment of [Interstate] Federal aid to the States for highways.” He praised the provisions on future needs and highway safety, but said the legislation “is but part of what is needed to insure that our highways will be able to meet the increasing demands placed upon them.” He referred to the legislation he had proposed to increase Highway Trust Fund revenue and to beautify the Nation’s roads. He intended to pursue the legislation “with all the vigor of the executive department until acted upon.” He explained why:

We are a Nation of almost 100 million drivers and 90 million vehicles. By 1970 we will be driving a trillion miles a year in America. We cannot depend on the roads of yesterday to carry the motor traffic of today and tomorrow. The life and pocketbook of every American are affected by the efficiency of our motor transportation system. The legislation now before Congress is necessary if we are to meet the new needs essential to the progress of our motor transportation system.

I appeal to all patriotic citizens interested in the improvement and continued development of our highway system to unite to the end of making that system adequate, superior in construction, and most important, attractive and beautiful.

By then, President Johnson had signed the Excise Tax Reduction Bill of 1965 (P.L. 89-44) on June 21, calling it “a bright day for all Americans.” His signature on the bill would “lift \$1¾ billion of onerous taxes from the American economy” at midnight. Excise taxes were repealed on retailers (jewelry, furs, toilet preparations, luggage, handbags, etc.), manufacturers (refrigerators, freezers, air condition units, appliances, electric light bulbs, radio and television sets, photographic equipment, business machines, pens, mechanical pencils, and lighters and matches), facilities and services (general admissions, race tracks, cabarets, club dues, communications on local and toll telephone and teletype-writer services, private communications services, telegraph service and wire and equipment services, transportation of people by air, and

safe deposit boxes), and miscellaneous taxes (bonds and stocks, playing cards, coin-operated amusement devices excluding gaming, bowling alleys, billiard and pool tables).

The 10-percent tax on the manufacturers' price of passenger automobiles was reduced to 7 percent upon enactment of the law, and gradually decreased to 1 percent on January 1, 1969. Consumers who purchased a passenger car between May 15 and the date of enactment of the law on June 21 were entitled to a refund of 3 percent of the tax prior to June 21. The 8-percent tax on the manufacturers' price for automobile parts and accessories (except truck parts) was extended to the end of the year, then repealed. The same was true of excise taxes on lubricating (6 cents a gallon) and cutting oil (3 cents a gallon). These changes did not direct any additional revenue to the Highway Trust Fund.

President Johnson said the bill "reflects the confidence of the administration and the Congress that the benefits of excise tax reductions will be passed along to the American consumer." He called it "another shining chapter in the legislative record that a great Congress is writing—a new chapter of progress in American life." [Joint Committee on Internal Revenue Taxation, *Summary of the Excise Tax Reduction Act of 1965 (H.R. 8371, 89<sup>th</sup> Congress, Public Law 89-44)*, U.S. Congress, October 9, 1965, pages 2-4]

### **North-Central Freeway Study**

In January 1965, President Johnson had ruled out freeway construction in Northwest for the foreseeable future, thereby continuing the prohibition initiated by the National Capital Transportation Act of 1960. The North-Central Freeway and the George Washington Parkway, the President indicated, should be sufficient.

The Maryland State Roads Commission held a public hearing in the Silver Spring Armory on March 9 at 10 a.m. to explain and receive comments on the North-Central Freeway. As about 700 people entered the armory, they passed a picket line. STOP THE CONCRETE OCTOPUS read one sign. Another: FREEWAY AIR COULD GAG A MAGGOT!

Chairman Funk was the first speaker. He assured the crowd that the Maryland State Roads Commission would make its recommendations "based on sound evidence and conclusive data and will not be influenced by attacks on the judge and jury." Anticipating one likely argument, he said, "No responsible transit authority claims that the transit vehicle is a total answer" to transportation problems in urban areas.

In contrast to the public hearing on the freeway 3 months earlier, the crowd did not boo or jeer him. That began with the next speaker, as Lee Flor wrote at the start of his report on the hearing:

A bitterly angry crowd—booing and jeering—disrupted the testimony of officials today at the opening of a hearing on the North Central Freeway.

The immediate cause was that Walter J. Addison of the Maryland State Roads Commission told the crowd that the 148 witnesses would be limited to 5 minutes each. The hearing, he added, would end that evening at 10 and continue on March 10.

Mildred Bozzi of 48 Underwood Street, NW., jumped up to plead about babysitting problems. “We should be able to go home to our children and not have to stay here all night.”

Sammie Abbott charged Addison’s desk as he tried to gavel the audience to quiet. “We are determined to be heard,” Abbott said banging his fist on the desk. “When my time comes, I won’t be dragged off there,” he said, referring to the podium.

From this rough start, according to the *Post*, “you might have thought you were sitting at a performance of an old-time melodrama—encouraged to hiss the villain and cheer the innocent ingénue.”

After Addison quieted the crowd, Bruce Herman of J. E. Greiner Company summarized the company’s study of the North-Central Freeway. As his presentation reached 20 minutes, the audience began complaining that he had exceeded the 5-minute limit. “Will you allow me to proceed?” he asked. The audience chanted, “No.” Mayor Miller of Takoma Park made a “point of order” about the length, prompting Addison to rescind his 5-minute rule.

Takoma Park officials spoke against the freeway “definitely and unequivocally,” in the words of City Councilman Russell B. Jones. Among those displaced by the planned route, the officials pointed out, were more than 85 elderly home owners who would have difficulty obtaining mortgages for new homes. If the freeway must be built, the city favored shifting the freeway to the Baltimore and Ohio Railroad tracks, which would be four-tenths of a mile shorter, and reduce disruptions to homes and businesses.

One Takoma Park resident, Herbert D. Smith of 11 Pine Avenue, favored the freeway. “What Takoma [sic] needs is a new freeway . . . cutting through the heart of the town to bring new life and light, commerce and industry to the community,” he said. The *Post* reported he did so “amid boos, catcalls and jeers.”

At the end of the day, attorney Gleason, speaking for the Metropolitan Citizens Council for Rapid Transit, charged that the “highway lobby” had killed the bobtail bill in 1963. Now, he charged, a “temporary honeymoon has been entered into by the National Capital Transportation Agency and freeway proponents whereby they have agreed not to oppose each other’s currently limited program.” Gleason also claimed that as many as 45 government groups had some responsibility for transportation planning in the area and many of these agencies had a conflict of interest. He charged that freeway proponents were deliberately sabotaging extension of rail rapid transit into the suburbs by claiming it could be built in the medians of freeways that citizens opposed. No wonder “there is so much confusion in objectives by official representatives.” He cited Donald Gingery of the Maryland-National Capital Park and Planning Commission who had testified in 1963 in favor of building rail rapid transit in freeway medians.

Melvin R. Harris, president of North Takoma Citizens Association, drew heavy applause when he urged escalation of the fight against freeways by tearing out the Southwest Freeway, the first in the city. He warned elected officials that voters would strike back if they did not kill the North-Central Freeway.

Roderick F. Davis, chairman of the Save Takoma Park Committee, argued that the people who lost their homes would gain nothing while real estate speculators and highway builders would make “real money.” He charged that the Mayor and City Council of Takoma Park were not representing their constituents when they recommended a study of an alternative along the railroad tracks. Residents, he said, were opposed to any freeway, regardless of location.

By day’s end, most speakers had opposed the North-Central Freeway. [Flor, Lee, “Jeers End Cutoff On Freeway Talk,” *The Evening Star*, March 9, 1965; Diggins, Peter S., “Takoma Park Shouts ‘No,’” *The Washington Post and Times Herald*, March 10, 1965; Flor, Lee, “Transit Backer Charges ‘Sabotage’ By Promoters of Freeway Proposal,” *The Evening Star*, March 10, 1965]

On March 10, the crowd of about 200, dwindling through the day, heard witnesses who were nearly unanimous in opposing the North-Central Freeway. The exception was Donald A. Melnick of 7301 Birch Avenue in Takoma Park. “I am in favor of the freeway . . . even though I have a great love for the city of Takoma Park.” He admitted “my credentials fall short in that I am not a property owner.” His testimony prompted a loud dispute with his Birch Avenue neighbors, including Sammie Abbott of 7308 Birch Avenue. “You have no right to speak,” Abbott shouted at Melnick in the vestibule of the armory as a Maryland State Trooper stood by to ensure peace.

In the armory, Addison pounded his gavel for order, according to Lee Flor. “He has as much right to speak as anybody else. Please be quiet or you’ll have to leave.” (*The Post* recorded him as saying, “Will you please sit down. It is a public hearing, and everyone is going to speak.”)

In all, about 90 witnesses testified during the 10-hour hearing. [Diggins, Peter S., “Takoma Park Shouts ‘No,’” *The Washington Post and Times Herald*, March 10, 1965; Flor, Lee, “Pro-Freeway Witness Assailed by Neighbors,” *The Evening Star*, March 11, 1965; Diggins, Peter S., “Hearing on Freeway Has Heated Moments,” *The Washington Post and Times Herald*, March 11, 1965]

The Silver Spring Armory was booked for another event on March 11, but the Maryland State Roads Commission resumed the hearing on March 12. Robert Bruton, research chairman for the Metropolitan Citizens Council for Rapid Transit, was one of the witnesses on March 12, the final day of the hearing on the North-Central Freeway. Echoing Peter Craig, he argued that computer-based projections of traffic needs in the corridor were grossly overstated. Traffic, he said, had decreased between the District and Montgomery County. He said that a 1959 traffic study predicted that about 30,000 motorists would use the corridor in 1965. Instead, the figure was now about 20,000, Bruton said. As “a logical foundation for the need for any urban freeway,” the traffic projections were not sufficient:

The historical trend in peak-hour traffic from the area that would be served by the North-Central Freeway clearly indicates that the existing roads system in combination with a rail transit system will easily accommodate all commuter traffic in the foreseeable future and that the present road system alone will be sufficient until the rail system is in operation.

The North-Central Freeway, if built, would encourage creation of a “freeway system that will create an ever-spiraling increase in traffic and create an ever-increasing ‘need’ for more freeway construction.” Moreover, the construction of the freeway would “seriously jeopardize the success of any rail transit system.”

By midnight, the parade of witnesses finally ended. With oral statements concluded, Chairman Funk said the commission would be kept open for written comments until April 11. He also planned to meet with Takoma Park officials to discuss alternative routes. [Flor, Lee, “Statistics on Need Of Freeway Are Hit,” *The Evening Star*, March 12, 1965; “Freeway Views May Be Filed Until April 11,” *The Sunday Star*, March 14, 1965]

With the 3C planning process set to take effect on July 1, 1965, Wolf Von Eckardt saw the North-Central Freeway as an example of how the process could go wrong. In 1962, he said, President Kennedy had asked for legislation prohibiting Federal-aid highway funds for projects in urban areas unless they were “consistent with comprehensive plans” and an “integral part of a soundly based, balanced transportation system.” Senator Case claimed that highway interests prompted a change in this language to the ambiguous “transportation planning process carried on cooperatively by states and local communities.” (As noted earlier, the Federal-Aid Highway Act of 1962 required “a continuing comprehensive transportation planning process carried on cooperatively by States and local communities in conformance with the objectives stated in this section.”)

This ambiguity, Von Eckardt wrote, “virtually invites the highway department to run the show, make their own projections of needs and continue to equate ‘transportation’ with speeding private cars through the city at 60 miles per hour.” The fear was that the 3C transportation planning process would become the “continuing, comprehensive freeway building” program. He added, “That is no joke.”

He pointed out that the North-Central Freeway would cost \$21 million per mile in the District, pump 11,309 more automobiles into the city every day (“each of them requiring 250 square feet of parking space”), and displace “anywhere from 2000 to 4000 people, depending on what side you’re on.” He added, “no one disputes that most of them are Negroes, who’ll have a very hard time finding decent homes.” It would “gobble up several playgrounds,” divide neighborhoods in Woodside and Takoma Park, “and destroy the historic identity of Brookland and Michigan Park as neighborhoods serving Catholic University.”

These losses might be justified if the freeway were needed, but “a large number of serious and respected experts” disputed the District Highway Department’s traffic projections. He repeated the statistics showing declining traffic between the District and Montgomery County. Community leaders pointed out that while highway officials plan the North-Central Freeway, other officials are planning a rail rapid transit system that “would carry at least three times as many people at one-third the cost.” Peter Craig had told Von Eckardt:

Even if rapid transit construction takes place, the highway people believe that the presumed demand of suburbanites to drive their own cars is so strong that, if they receive

continued coddling through more radial highways and more central city parking, rapid transit will fall of its own weight.

NCPC's procrastination in completing its Year 1985 Plan for the District was one of the reasons why objective answers were hard to come by. The delay "left a vacuum and we can't really blame the highway bulldozers for moving in."

Von Eckardt saw some hope in efforts to create the 3C planning board required by July 1, 1965. The organizing committee, chaired by Frederick A. Babson, Jr., of the Fairfax Board of Supervisors, had proposed a 17-member Transportation Planning Board (TPB) from the District, Maryland, Virginia, NCTA, the Washington Metropolitan Transit Commission, the Federal Government, and a member appointed by the President. Four members would serve in an *ex officio* capacity and not have voting rights (BPR, the Housing and Home Finance Agency, NCTA, and the Washington Metropolitan Area Transit Commission), while the presidential appointee would have the option on whether to vote.

Von Eckardt pointed out:

"Only three of the 12 [voters] represent highway departments. It sounds promising. Now it will be interesting to see what, if anything, the new body will do about the North-Central Freeway. [Von Eckardt, Wolf, "Highway Planning Brings Nation to the Crossroads," *Cityscape*, *The Washington Post and Times Herald*, March 14, 1965; Flor, Lee, "17-Man Transit Board For Region Endorsed," *The Evening Star*, March 16, 1965]

(On March 16, Chairman Funk announced that construction of the 22-mile, \$50 million segment of I-95 between the Baltimore Beltway and the Capital Beltway would begin in the summer. Completion was scheduled for 1969. The Maryland State Roads Commission had decided to increase the number of lanes to eight, instead of six, based on traffic projections.

(To reach the District's inner loop, the State planned to extend I-95 across the Capital Beltway and through Langley Park, a community established in the 1920s in Prince George's County near the border with Montgomery County. The 5.3-mile freeway extension would connect with the North-Central Freeway in the vicinity of Soldiers' Home in Washington. The State was planning the extension as a six-lane freeway, with eight as the maximum number of lanes if traffic projections warranted the increase. The extension was scheduled for completion in 1971. [Guinn, Muriel, "8-Lane Route To Baltimore Starts Soon," *The Washington Post and Times Herald*, March 17, 1965])

Chairman Funk appeared at a Takoma Park meeting on April 1 to respond to questions from "irate residents of that community," according to the *Star*. He told reporters after the meeting that he was not concerned about loud attacks on him. "I was just the symbol of the Freeway. [sic] If my name had been Jones it wouldn't have made any difference." After the meeting, he said, "they actually applauded me." He added:

I think people are beginning to feel we're honestly trying to work out a solution. We don't rip things down regardless of feelings. We have feelings, too, you know.

Takoma Park's objections had created a "serious" situation that might require additional study:

I personally feel that some additional information should be studied by the consultants. Just because we've made so many studies of this thing, it doesn't mean that we've exhausted all the possibilities.

The *Post* reported that he also said:

"Even my 80-year-old mother, who lives out in Brunswick, Md. [in Frederick County], knows about this," Funk said.

"She reads the Washington papers and watches television and when I saw her recently she said, 'Now, John, what are you doing about the people in Takoma Park?'"

On April 2, he had a breakfast meeting in Silver Spring with the District's Airis and Albert Grant. They decided to ask J. E. Greiner Company to restudy the route, especially through Takoma Park, to reduce impacts on homes and business. The railroad alignment would be examined.

Funk told reporters that while studies were important, "hearings bring to light a lot of neighborhood patterns and feelings of folks—the impact on every-day living." Airis agreed:

We're most sympathetic with folks whose area we go through. It's difficult but we try for the very least impact possible on adjoining property.

Funk cautioned that, "I don't say we're going to please everybody, but our staff is busy studying the hearing transcript, which is as big as a Sears Roebuck catalogue." ["D.C., Maryland Aides Restudy Freeway Plan," *The Washington Post and Times Herald*, April 2, 1965; Asher, Robert L., "Freeway Route To Be Redrawn," *The Washington Post and Times Herald*, April 3, 1965; "New Study Due On Freeway," *The Evening Star*, April 2, 1965]

As far as the Save Takoma Park Committee was concerned, the only good thing about the restudy plan was that it would delay the freeway a little longer. The committee's statement referred to the decision as an "admission that the \$350,000, three-year study is inadequate":

But their proposal for a new route survey evades the real issue—namely, that no study has demonstrated that this ten-lane freeway is necessary,

As responsible citizens of the greater metropolitan area, the people of Takoma Park are greatly concerned with the relocation problems caused by the freeway, especially upon District residents.

The North-Central Freeway "would open up the Pandora's box of all the other proposed freeways, including the Inner Loop." The result of all those freeways planned for the District of Columbia would be that "an additional 20,000 people would lose their homes." The committee "demands" a study of the need for the North-Central Freeway and called for hearings on areawide freeway and bridge plans. ["Unit Opposes Any Freeway In NE Area," *The Washington Post and*

*Times Herald*, April 4, 1965; “Shelve Plan Of Freeway, Group Urges,” *The Sunday Star*, April 4, 1965]

On April 10, Chairman Funk confirmed recent reports that District and Maryland highway officials would ask Greiner to study building the North-Central Freeway for most of its length above the Baltimore and Ohio Railroad. The consultant also would consider estimates for an alternative ground-level route that would avoid Takoma Park. Lee Flor pointed out:

The Baltimore & Ohio Railroad is below ground level at some places and at other points is perched on an embankment 20 feet above existing street levels, so it may be difficult to double-deck the freeway all the way over the tracks, Funk said.

Funk said he planned to fly along the railroad route in a helicopter to get a “birds-eye” view of the engineering problems that might have to be examined.

Funk and Airis had met in a “summit conference” with BPR Administrator Whitton to secure clearance for the study.

They estimated that the study would take 60 to 90 days and cost about \$35,000. [Flor, Lee, “Consultant to Study Elevated Freeway,” *The Sunday Star*, April 11, 1965]

The District commissioners approved the study on April 20. However, they also agreed on a second study that would authorize an “outstanding traffic engineer of national repute . . . to independently review and evaluate” the traffic projections that had been the source of much of the criticism of the freeway. Airis said, “We’re convinced, of course, of our statistics” but agreed to the study “just to make sure.”

The commissioners also agreed to ask NCTA to participate in and “monitor” the traffic study. Assistant Engineer Commissioner John A. Israelson argued that NCTA’s participation was needed “so the figures cannot be held suspect as highway figures or subway figures.” He acknowledged, “There seems to be a rising challenge to traffic statistics that are used to support projects, whether they are a Potomac River bridge or the North Central Freeway.”

Airis, however, had a practical attitude about the two studies:

I’m sure we never could allay the opposition entirely. We’ll always have some professional “againers”—that’s all there is to it. [Pierce, Charles D., “Elevated Freeway Study Is Ordered,” *The Evening Star*, April 20, 1965; Asher, Robert L., “Study of Elevated Route Over Tracks, Traffic Project Double-Check Set,” *The Washington Post and Times Herald*, April 21, 1965]

In mid-May, NCTA agreed to participate in the study. NCTA would be part of a joint committee overseeing the study that would include the District and Maryland highway agencies, NCTA, and the Metropolitan Area Transportation Study, which was described as “a statistical bureau financed by the District, Maryland and Virginia Highway Departments.”

Planning chief Grant, in announcing the agreement, told reporters that the consultants would be free to submit any report they think is correct. The consultants would examine the analyses that critics often cited to undermine the case for the North-Central Freeway. Lee Flor explained, “most of the citizens’ arguments were based on an analysis by Peter S. Craig, a Washington attorney who had made a part-time hobby out of analyzing district highway justifications.”

“If we’ve been wrong all along.” he said, “we’ll admit it.” [Flor, Lee, “Freeway Restudy Accord Reached,” *The Evening Star*, May 17, 1965; “Consultant to Evaluate Freeway Arguments,” *The Washington Post and Times Herald*, May 18, 1965]

On May 24, Senator Tydings took to the floor of the Senate for a colloquy with Senator Proxmire about the District’s budget. As a member of the Senate District Committee and an *ex officio* member of the District Appropriations Subcommittee, he had listened to the recently completed hearings on the District’s FY 1966 appropriations act. The District had many problems, including crime, education, recreation, and aid to dependent children, each of which he discussed.

But with all those needs, the House appropriations subcommittee had included funds in the act for acquisition of right-of-way “for highways whose plans have not been approved or integrated with the proposed new rapid transit system.” The amounts were:

- Center Leg - \$900,000
- Potomac River Freeway - \$1.6 million
- North Leg - \$1.2 million
- Northeast-North-Central Freeway - \$520,000 (right-of-way and PS&E)

He said the “Commissioner’s authority to request appropriations for these projects is unclear.” He recalled the statement in the Comptroller General’s letter to Chairman McMillan indicated it would be “more appropriate” if the District commissioners asked the two District Committees for authorization of these expenditure.

Moreover, Senator Tydings had “serious questions” about the last two projects. “The North Leg, Central section of the Inner Loop does not seem to be satisfactory in its present form.” It would destroy upper income and slum dwellings in the Dupont Circle area. “If and when the necessity for such a freeway is finally established, a tunneled highway requiring less destruction of property, should be given primary consideration.”

He had “very strong feelings” about the Northeast-North Central Freeway:

I do not believe that the need for this freeway has been sufficiently justified. Further, I do not believe that the proponents of this proposed freeway have made plans to integrate their highway plans with the proposed District rail rapid transit system. As a Senator from Maryland, I do not believe this freeway should be thrust up to the Maryland border at this time.

If it were up to him, he would withhold the funds. He did not consider it “wise policy to give the Highway Department millions of dollars to go ahead with plans for freeways which have not even been finally approved yet, or made part of an integrated transportation system, including the proposed rail rapid transit network.”

Senator Tydings acknowledged that, “I am a very new member of this body,” but added, “I have been moved to speak about the needs of the children of the District simply because those needs are so great.”

Senator Proxmire responded regarding the other issues, particularly education. Senator Tydings pointed out that the city was neglecting education and other issues, while spending funds on areas that could be cut. For example:

It is not wise policy to give the Highway Department millions of dollars to go ahead with plans for freeways which have not even been finally approved yet, or made part of an integrated transportation system, including the proposed rail rapid transit network. There are plans to connect some District highways with roads in my own State of Maryland, which roads have not been made a part of an integrated transportation system.

The remainder of the colloquy concerned the other issues. [District of Columbia Appropriations, *Congressional Record-Senate*, May 24, 1965, pages 11430-11435]

The *Star*'s editors took exception to the Senator's suggestions. It was “nothing new,” they said. “This is the tired old theme which a small but well-organized group of freeway haters in our town has been singing for years.” It was, however, disappointing to see the Senator, who obviously was trying to understand the District's problems, “suckered into camp by these forces” because their arguments were “full of holes.”

Contrary to his assertion, the freeways he cited had been agreed to years earlier, before the current transit planning. Much of the funding the District commissioners had requested for the projects comes from local gas tax revenue that District law restricted to highways; they could not be used for anything else. “The Senator should know this.” The District had asked Congress to increase the city's gas tax by a penny and its borrowing authority to meet the schedule for completing the Interstate System. The additional revenue “is desperately needed. To talk, at the same time, of removing the inadequate funds already available, is senseless.” Further, his position, if actively pursued, would revive the “destructive business of pitting the advocates of transit and of highways against one another.”

Senator Tydings' concern about the District's range of problems was meritorious. “But the proper financing procedure is to approach these needs on their merits—not to rob, in the process, other programs which are fully justified in their own right.” [“Bill of Goods,” *The Evening Star*, May 27, 1965]

Senator Tydings replied to the editorial in a letter published on June 6. The editorial had misunderstood his statement. He had suggested an increased Federal payment to the District, passage of the commissioners' requested changes in taxation, and greater use of borrowing

authority. “I did not suggest a diversion of monies from the highway fund.” He had simply suggested not appropriating funds “for those freeway projects which have not been previously authorized by Congress.”

He pointed out that his argument against the North-Central Freeway was borne out by the fact that Maryland and the District sought a new study of the freeway. As for the freeway network predating transit planning, the editorial “hits the nail on the head—I propose that the highway plans be revised in the light of new transit planning.”

With the highway fund “rapidly being exhausted,” he questioned using its revenue on projects “whose necessity has not been proven.” Delaying action would preserve the city’s core and prevent disruption of “thousands of families for whom replacement housing is simply unavailable.”

At the same time, the editorial barely mentioned his concerns about education, health, welfare, crime, and other topics. All he wanted to do was make the District “a safe, pleasant, orderly city in which to live and work.”

In an editor’s note, the *Star* noted the Senator’s clarification that he did not mean to divert highway funds to other problem areas, as was “generally interpreted” from his words on the Senate floor. “The statement, in fact, did not say that, and we welcome his assurance that he intended no such meaning.” However, the editors “disagree firmly” with his proposal to refuse to appropriate funds for “a freeway system which is clearly essential to the well-being of the Nation’s Capital, and which Congress has consistently supported with appropriations.” [“Fund for Freeways,” *The Sunday Star*, June 6, 1965]

The District selected two firms to evaluate the traffic projections used in planning the freeway network. One was Alan M. Voorhees and Associates, founded in 1961 by a transportation engineer and urban planner. For 10 years, Voorhees had been with the Automobile Safety Foundation before founding his consulting firm, which was involved in subway design around the world, including in the District. The other was Wilbur Smith and Associates.

On June 9, Chairman Funk took a helicopter ride along the Baltimore and Ohio Railroad tracks to view the possible location for the North-Central Freeway. He said of the proposed 150-foot wide freeway “floating” on pillars 50 feet off the ground, “My off-the cuff reaction is that it could be done.” The *Post* reported:

If the B&O Route is chosen, it could be made a type of “transportation corridor,” he said, with space being set aside for rail transit to complement the freeway and railroad traffic. Since much of the building around the B&O tracks is commercial or industrial, it could blend in with such a transportation corridor, Funk said.

The consulting firm of Skidmore, Owings and Merrill was drawing sketches for the elevated freeway. Meanwhile, J. E. Greiner Company was conducting its review of the proposed location of the freeway along the railroad tracks.

Funk used the word “floating” to convey the idea that the elevated freeway would rest gracefully on its pillars in a way that would blend with the nearby neighborhoods. However, according to news reports, he was greeted by a delegation of about 15 “housewives” from Takoma Park and Silver Spring who protested the freeway. At one point, as Funk and aides discussed their helicopter trip with reporters, one of the housewives approached to stand next to him with a sign that read:

Mr. Funk: get down to earth . . . We need a Subway!

Funk told reporters that no decisions would be made until at least August when he expected to receive the Greiner report. [Flor, Lee, “Freeway Over B&O Line Called Feasible by Funk,” *The Evening Star*, June 10, 1965; Barnes, Bart, “B&O Route Studied for Freeway,” *The Washington Post and Times Herald*, June 10, 1965]

### **Rapid Rail Transit Gets a Hearing – Day 1**

On February 17, 1965, Chairman Whitener opened hearings on rail rapid transit before Subcommittee No. 5 of the Committee on the District of Columbia. The hearing was called to consider the National Capital Transportation Act of 1965, H.R. 4822, a bill to authorize the prosecution of a transit development program in the National Capital region. In opening remarks, he called H.R. 4822 “one of the most important items that we will deal with in quite some time, insofar as the orderly development of the District of Columbia is concerned.” The extensive hearings in past years gave the subcommittee “a record of the community need and the information that would normally come to us” in much longer hearings. “And so, for that reason I am hoping that we can handle this matter with some dispatch,” while giving everyone a chance to express their views.”

(He pointed out that due to a death in the family, Representative Broyhill was unable to attend the hearing.) [Rapid Rail Transit for the Nation’s Capital, Hearings on H.R. 4822, before Subcommittee No. 5 of the Committee on the District of Columbia, U.S. House of Representatives, 89<sup>th</sup> Congress, 1<sup>st</sup> Session, February 17 and 24, March 3, 10, and 17, 1965, pages 1-2]

After brief statements of support from Representatives Mathias and Sickles, NCTA officials took their place at the witness table:

- Darwin Stolzenbach, Administrator
- Gerry Levenberg, Chairman, Advisory Board
- Howard W. Lyon, Director, Office of Engineering
- William I. Herman, Director, Office of Planning and Finance
- Owen J. Malone, General Counsel
- Edwin H. Seeger, NCTA’s former General Counsel, now retained as a consultant

Although Stolzenbach submitted a formal statement, he began his oral presentation by discussing how H.R. 4822 addressed the concerns that prompted the House to recommit the bobtail bill in December 1963:

Just briefly, the bill incorporates the labor protective provisions of the Urban Mass Transportation Act of 1964. It provides that the facilities authorized by this bill would be operated, under contract by private enterprise. And what is very important, the financing formula has been changed so as to provide a considerably less Federal investment in the program, and a larger local investment.

I want to add at this time an additional fact; namely, that is that the Agency and the highway departments of this area are now agreed on a comprehensive and balanced transportation plan for the region which includes the programmed highways of the highway departments and the rapid transit system. The highway departments, in fact, assume in their planning construction of a rail rapid transit system.

Stolzenbach discussed the scope of the proposed rail rapid system, as described earlier. In response to a question from Representative Harsha about financing for extensions of the system into Maryland and Virginia, Stolzenbach replied that H.S. 4822 addressed only the proposed limited network. "The extensions of this in our opinion have got to be worked out by the device of an interstate compact or by the localities in some way that we have not seen yet.

The financing plan called for \$150 million in appropriated funds split among the Federal (two-thirds) and District governments (one-third) in accordance with the formula in the Urban Mass Transportation Act of 1964. An additional \$281 million in capital funds would be raised by bonds. Counting \$52 million in interest charges, the total payout from system revenues would be \$333 million. The bonds would have to be issued before completion of construction and, therefore, would require additional security. The Federal and District governments would underwrite the \$333 million in bonds, "on a fully taxable basis, and that the ultimate responsibility for such underwriting be shared" by the Federal and District governments in the same two-thirds/one-third basis provided for in the 1964 Act.

Representative Harsha asked if the Federal Government would have to underwrite any additional financing for expansion. Stolzenbach said, "Nobody in the executive branch contemplates asking the Federal Government for any more money than the \$100 million that is proposed in this bill." He explained why he was confident of that statement. He expected the percentage of transit use compared with motor vehicles to increase from 40 percent at present to 48 percent "and still be not anywhere near as much as is experienced in the other rapid transit cities." One of the reasons NCTA felt so confident was that the plan included "certain safeguards in the financing plan." He said "the bond amortization period has been set at 41 years and could be extended to 50 years, thus reducing the yearly payments on the bonds." In addition, "a substantial cash depreciation reserve is provided for and could be used if necessary to meet debt service charges":

Now, the significance of these two factors is that if traffic does not meet expectations and if the proportion of persons using public transportation is as low as 41 or 42 percent—not the 48 percent which we have predicted—the debt service charges on the bond could still be met. This is the reason why the committee can be confident that the proposed \$100 million investment will be the Federal Government's total contribution to this system.

[Rapid Rail Transit for the Nation's Capital, Hearings on H.R. 4822, pages 40-46; the formal statement is on pages 47-58; Stolzenbach's February 1965 report to the White House, *Rail Rapid Transit for the Nation's Capital*, is reprinted on page 7-29]

After Stolzenbach completed his statement, subcommittee members began their questioning. Representative Horton of New York was concerned about safety in view of the "very high" crime rate on the New York City subway. Stolzenbach said "the policing of the subway facilities is the responsibility of the city police." In response to another question from Representative Horton, Stolzenbach said he did not have crime numbers for other systems, such as the Tokyo or Toronto subways. "I want to assure you, Mr. Horton, that we are quite concerned about the problem." He thought "it was really a little too early to go into it," but he promised to get the requested information.

Representative Horton asked about the difference in cost between the 1963 bobtail plan (\$401 million) and the current plan (\$431 million). Stolzenbach and Lyon explained that the new system was longer by about 1.5 miles and included three more stations. Lyons said:

In addition to that, we have analyzed it rather thoroughly over the past year with respect to operating procedures and we have invested some money in turnback points so as to get a more efficient operation. The trains do not have to go to the end of the line in all cases.

We have improved the operation by having all grade-separated junctions. By that I mean there is no crossing at grade of any track, when one line merges with the other. This in turn has called for a difference in the profile, if I can be explicit, which often backs up into the preceding station and requires us to have a multilevel station because the tracks cannot be quite at the same level.

Representative Horton wanted to know if there was "any prospect that the Federal Government get that \$100 million back." Stolzenbach said that "very far into the future," after the bonds are retired, Congress could possibly call for repayment from "growing revenues that could be used for that purpose."

What about monorail, Representative Horton asked. Stolzenbach said that NCTA had "not closed our eyes" to monorail or any other new technology, but had chosen "the modern version of a conventional steel wheel on steel track train." Virtually every other city in the world was using this same technology. "There is practically no doubt that at the present time this is the best technology . . . ."

Representative Horton asked if NCTA had worked out the plan with the local bus companies. Stolzenbach replied:

Mr. Horton, I must say that the situation that pertained 2 years ago still pertains. The management of the District of Columbia transit system has not indicated any willingness to sit down with us and discuss this matter at all. We have stood ready and do today at any time. [pages 59-62]

Representative Dowdy wanted a better understanding of the financing plan. NCTA's plan anticipated \$333 million in bonds. Was that in H.R. 4822? No, Stolzenbach explained, the President had said in his message that he would submit legislation in 1965 or 1966 seeking bond authority when it would be needed. Until then, the \$100 million in Federal funds and \$50 million in District funds would be sufficient to get construction started. When Stolzenbach referred to Federal Funds and District funds, Representative Dowdy offered a side comment: "actually I cannot see any difference" between them.

Representative Dowdy said he's heard "some talk" that after the bonds are retired, the District's contribution would be repaid. Stolzenbach had never heard that, "There is no authority in here for us to do that."

They discussed how fares would pay for approximately two-thirds of the cost of construction over 41 years. Representative Dowdy wondered if the legislation "might make it easier" by providing that the \$150 million should be repaid at that point. Stolzenbach said he would not object to such a provision, but added, "We just thought that was a long way off." Representative Dowdy told Stolzenbach:

It is a long way off. But in spending Federal money—in most everything around here they figure on getting their money back in 60 or 100 years and claim it a good deal. I think it would be a good deal if they get it back in 500 years. But I was wondering if that would be a good provision in the bill.

Stolzenbach replied only, "Yes, sir." [page 63]

Representative Ancher Nelsen (R-Mn.) agreed with Representative Dowdy, saying, "if the financing is as soundly planned as has been indicated, and if there is a chance that the bonds can be retired in the time allotted, then it would also perhaps enhance the prospect of the passage of the bill to indicate . . . that finally the Capital City and the Government would recover."

In view of the attitude of area bus systems, Representative Nelsen asked about the private contractor who would be brought in to operate the system. NCTA had not worked out the specifications, but Stolzenbach said the agency contemplated seeking bids and awarding the contract based on price and ability to do the best job. Could the contract be divided, so that one contractor might operate the buses while another would operate the subway? NCTA had not considered that but anyone who thinks he could manage the system would be considered. [page 64]

Representative Don Fuqua (D-Fl.) asked if expanding the system into Maryland and Virginia would "require major alternatives to the present plan?" No, Stolzenbach told him, the system was designed to be expandable. Lyon said that the proposed network included junctions at the points in the 1962 proposal that carried the lines into the adjoining States. [page 64]

In reply to a question from Representative Harsha, Stolzenbach confirmed that the operations contract would be based on negotiation regardless of bids. He also confirmed that the fare would

by 25 cents within the original 10-mile square of the District of Columbia, but would increase to 35 cents for two of the Maryland stations on the Baltimore and Ohio line.

Representative Harsha asked how many cars would be taken off the highways by the proposal. Stolzenbach said that about 14,000 cars would be replaced by transit going into downtown.

Had NCTA formally asked the area bus companies for comment on the report? Yes, Stolzenbach said, but only one, the smallest, had replied (WMA Transit Company serving passengers between the District and Prince George's County, Maryland). WMA indicated it was willing to discuss schedules. NCTA had sent the plan to O. Roy Chalk but he replied that he had written to President Johnson and that Stolzenbach should check with him to find out the answer.

[pages 65-66]

Representative George W. Grider (D-Tn.) asked about parking. What was to stop drivers who weren't using transit from occupying the free parking contemplated in the proposal. Various ways had worked in other cities to prevent that. Would the system have sufficient parking spaces? "We have put in as many as we thought the system could afford," but others could be added "if this proved desirable at a later time."

Would the contract allow the operator to increase the fare if he were not making profit at the current prices? Stolzenbach thought the system's owner, the Federal Government at this point, should determine fares. NCTA contemplated that the contract would pay the operator a "flat fee to manage the system." The Federal Government could change the fare if the fee exceeded revenue. He added that the public authority managing the system would probably make those decisions once it begins operation.

Seeger pointed out that this procedure was used for the system in Memphis and St. Louis. Representative Grider said that his experience with the Memphis system was why he raised the subject. The private operator wanted a higher fee every year:

There are, as you undoubtedly know, experts in the field who make a living from testifying in these cases. That is what concerns me. Inevitably if it is left to the operator he is going to want larger fees. If he works on a flat fee, I am concerned that he might begin to cut corners in the service. That is a problem we had better be prepared to face.

Stolzenbach assured the Congressman that "we would certainly provide service standards which we would require the operator to live up to." He also thought incentive could be written into the contract that would "give the manager some incentive to meet those standards, and to the extent that he can he may earn a slight additional fee to make it worth while for him to do so."

[pages 66-67]

Malone added that NCTA had not yet worked out the details of the contract, but officials were familiar with practices in Memphis and other areas. For the District, he said:

We do not contemplate a situation in which these facilities would be leased off – that is put under the ordinary type of control of the lessee that is associated with the lease. We contemplate an arrangement whereby the Agency would retain control of basic matters

such as I have covered here—including fares, including standards of service, including scheduling of service. [pages 67-68]

Representative O’Konski, a member of the full committee but not the subcommittee, was allowed to ask questions. “Being the culprit who is responsible for the motion to send this bill back to the committee,” he said, “I just have two questions I would like to ask.”

First, he recalled the “chaos as far as transportation was concerned” that resulted in Congress authorizing the 20-year franchise for Chalk’s D.C. Transit System, Inc. Congress made guarantees and assurances to the contractor, including a fair return on their investment, and the fact that the Federal Government would not finance any competition. His question was whether in passing H.R. 4822 and providing grants for a subway, Congress would be breaking faith with the contractor by setting up competition for the company. Stolzenbach replied:

I think the answer to that is “No,” Mr. O’Konski. This is not a system that is being set up in competition with the D.C. Transit Co. It is one that will supplement the service that he is providing under his franchise.

Representative O’Konski said that on the map displayed in the hearing room, “it looks to me like the 25 miles that you are going to build skims the cream off the milk and takes the gravy of the transportation.” How could D.C. Transit system “survive when you are going to come along and take 25 miles of gravy from them?”

Stolzenbach did not think the situation was as bad as the Congressman suggested. For example, the Connecticut Avenue line would overlap the bus service:

But what it will permit the company to do is to operate much more economically by turning back his buses from Chevy Chase Circle at our Van Ness Terminal, and in the morning rush period, where now one bus and one driver can make only one trip from Chevy Chase into downtown, that same busdriver [sic] could make three trips, round trips, between Chevy Chase Circle and Van Ness Street.

NCTA calculated that the loss of revenue would be offset by the reduction in operating costs.

Representative O’Konski’s second question actually was a request to Chairman Whitener that Chalk be invited to testify. He did not “want to be an obstructionist in this matter,” but he thought Chalk should be given an opportunity to comment:

Possibly they are for it. If they are, that will be wonderful. I don’t know what their reaction is going to be.

I strongly urge, Mr. Chairman, that they be given an opportunity to present their testimony and how this will affect them—because we are talking about balanced transportation, and if this is going to drive them out of business, you are going to have a worse situation than you have now.

[pages 68-69; Chairman Whitener ensured that the record included Public Law 84-757, approved July 24, 1956, granting the charter to D.C. Transit System, Inc., pages 70-76]

Chairman Whitener said later that, in view of the extensive prior hearings, he had hoped to limit testimony to government agencies. Others were invited to submit statements for the record. However, if the subcommittee wanted to invite Chalk, who had not attended the hearing, he would agree to do so. [Carper, Elsie, "Transit Plan Runs Into Chalk Block," *The Washington Post and Times Herald*, February 18, 1965]

The hearings would not resume until February 24.

Although Chalk was not there, George Lardner began his column on the mood at the hearing:

O. Roy Chalk's dapper shadow darkened the room, but the Capitol Hill Debut of Washington's new subway proposal still had its bright spots.

A young woman handed out orange pins reading "Support Rapid Rail for D.C." and red-and-white stickers reading "D.C. Needs a Subway."

Engineer Commissioner Duke joked with Stolzenbach about the freeways versus transit fight:

"I'm just going to go in there and tell them to torpedo the subway," Duke said outside the House District Committee's hearing room.

"Well, I'll just have to go in and say the hell with highways," Stolzenbach replied with a smile.

Both officials made clear they want to end the feud for good.

As for Stolzenbach, he had "kept himself in a cocoon since the House whomped an earlier subway proposal in 1963."

Chalk, Lardner wrote, preferred an all-bus system. "But if there is to be a subway, he wants Congress to hand it to him on a silver platter." As for whether Chalk would testify, Lardner quoted Chairman Whitener as saying:

I've no desire to cut anyone off, but I don't know whether [calling Chalk] would be helpful or not. It could be confusing.

Lardner concluded his column by warning that "NCTA officials had still better watch out if they don't want to end up in the back of the bus again." [Lardner, George, Jr., "Clouds Hover Above Hearing on Rapid Transit," Potomac Watch, *The Washington Post and Times Herald*, February 19, 1965]

As Lardner also pointed out, the White House had responded to Chalk's letter.

On February 15, Lee C. White, Associate Special Counsel to the President, had met with Chalk at the White House regarding the proposed subway system. After talking with "administration

people familiar with the proposal” and relaying “to the President some of the points which have given you concern,” White wrote to Chalk on February 18:

That there will be a subway in the Nation’s Capital is, I think, a matter no longer open for discussion. A decade of study, the 1960 act of Congress, plus the public commitments of Presidents Eisenhower and Kennedy, as well as President Johnson, indicate broad agreement that the increased population expected in the area, together with the greatly increasing traffic congestion, dictates that there be a subway system.

White acknowledged the uncertainties that the limited rail system posed for D.C. Transit System, Inc., but said that predictions “are always risky,” especially for a rail system that was at least 5 years away. The 1956 law granting the charter to the company included “explicit language . . . that D.C. Transit waives its claim for any damages for loss of franchise after 7 years.” However, White said, “there may be some rights that would be compensable after the rail system commences operation.” Therefore:

For these reasons the administration would interpose no objection to an amendment making it clear that nothing in the proposed legislation should be construed to deprive D.C. Transit of any right it may have to recover for any damages to it.

In closing, White said that “it seems only fair that there should be absolutely no question that the proposed legislation does not destroy any legal rights which the company may presently possess to recover damages.” [Rapid Rail Transit for the Nation’s Capital, Hearings on H.R. 4822, pages 239-240]

The *Star*’s editors referred to the letter’s line about there no longer being any question about a rail subway system. “It would be hard to imagine a more gratifying, or more timely, expression of administration policy on this subject.”

Unfortunately, the White House letter was not likely “to draw any applause from Mr. Chalk.” He had “been trying to scuttle the concept of a publicly constructed rail transit system from the start.” He contended, in a view that “virtually no one else” shared, that an all-bus system would be sufficient. But if the area needed rail rapid transit, he contended that the 1956 law granted him a vested right to operate it. Chalk’s views aside, White’s letter “shed some much needed light” on Chalk’s rights. The 7-year period during which Chalk’s company could claim damages for loss of franchise had expired 2 years earlier.

The editors hoped Chalk would testify to get his views “spread clearly and unequivocally on the public record” to forestall any misunderstanding when the bill reached the House floor. Chalk’s rights or role did not have to be settled now. Instead, the editors called on Congress to “quickly support” the bill. [“Transit and Mr. Chalk,” *The Evening Star*, February 20, 1965]

Separately, WMA Transit Company and the Alexandria, Barcroft and Washington Transit Company indicated they would bid for the right to operate the rail rapid transit system. Woodrow S. Miller of WMA said, “I want to have the right to bid on it as well as Chalk.” He added that WMA “paid more taxes than D.C. Transit” because of tax exemptions granted by the

1956 Act. [Flor, Lee, "Private Bus Owners Want Bids on Subway," *The Sunday Star*, February 21, 1965]

### **Rapid Rail Transit Gets a Hearing – Day 2**

As Subcommittee No. 5 prepared to hold a hearing on February 24, the morning *Post* carried a Potomac Watch column about the uncertainties regarding the financing plan. Lardner began, "Don't trade in your cars just yet. A ride on Washington's proposed subway system is still a long way off." At present, the source of the money for the plan was "not even clear." Further, "Federal officials are still fussing about how much Federal support" the plan should receive or whether the Federal Government, the District, or the compact agency should issue the bonds. As a result of the indecision," the bill was silent on how the funds would be raised beyond the \$150 million in appropriations.

Although Stolzenbach had testified that the \$333 million in bonds would be guaranteed by the Federal and District government, the White House reportedly had not "definitely committed to the bond underwriting formula." President Johnson had said he hoped the regional compact agency would be established before the \$150 million in grants ran out and could then issue the bonds.

Officials developing the compact were close to announcing "the proposed 75-page compact," but one of the negotiators, Representative Sickles of the JTC, said, "Part of our delay has been in getting a Federal consensus. But we can't solve that now." Some officials thought the Federal share in the matching ratio should be higher in view of the unique status of the Federal Government in generating traffic and congestion. In view of the uncertainty, the financing formula probably would not appear in the compact. State Senator Fenwick explained, "If we put in a financing formula and Congress didn't approve, then we'd just have to start our work all over again."

Lardner concluded his column:

Whatever happens, it seems rather startling that Federal officials should still be hemming and hawing about whether mass transit in the Washington area should get more Federal-aid than mass transit in Podunk. They ought to know the difference by now. [Lardner, George, Jr., "Subway Financing Agreement Is Elusive," Potomac Watch, *The Washington Post and Times Herald*, February 24, 1965]

Senator Tydings was the first witness when Subcommittee No. 5 began its hearing at 10:20 a.m. He offered strong support for H.R. 4822, calling it "perhaps one of the most significant measures before this Congress" as far as his constituents were concerned. Everyone, including highway officials, agreed that highways could not answer all transportation needs in the region. If it "is our desire to bring the Great Society to our doorstep, this is one place we can start. Now." [pages 97-99]

The next witness, Engineer Commissioner Duke, supported H.R. 4822 on behalf of the District commissioners. "As staunch proponents of a balanced transportation system, we urge timely and

favorable action on this bill.” The District’s highway program would “provide only the essential minimum basic framework of the total transportation requirements.” He agreed with Senator Tydings “that in an urban community such as ours, there is a limit beyond which highway construction should not proceed because of its impact on the District inhabitants generally.”

The District’s highway program, which was predicated on a balanced transportation system, had “reached that point” and he did not expect any increase in mileage, even though population and automobiles would continue to increase. “It is evident that a comprehensive mass transit system is required and every effort must be made to provide it.”

General Duke regretted that some area residents still did not believe that “at least informally, a basic coordinated transportation plan has been developed” that was generally supported by all regional officials. The President and Congress also generally supported the highway network, but there was a problem:

Having seen only highway construction to date, many people have apparently concluded that a rail transit system will never be implemented unless they block the highway program. Now is the time for Congress by prompt action on this bill to assure these well-meaning residents that their fears are unwarranted . . . .

Congress now has the opportunity to provide the leadership for such a comprehensive community attack on our transportation problems by prompt favorable action on this bill, H.R. 4722, by early favorable action on the proposed District of Columbia gas tax increase and related loan authority, and by general support of the current coordinated highway and mass transit programs.

He emphasized that the District commissioners were in agreement with the cost-sharing formula for the grants and additional borrowing authority:

In proposing that the District finance the required initial grants, the District faces on the one hand, the urgent need for a rail rapid transit system and on the other hand, limited ability to divert current revenues to this purpose. Present District tax sources are, and will continue to be, inadequate to provide large grants for this project. Accordingly, we see no means of providing the District grant other than by increasing its loan authority as proposed in H.R. 4822, and borrowing from the U.S. Treasury in the amount of the required grant and repaying the loan over a 30-year period.

He concluded:

The highway program is underway but it cannot do the job by itself. Our transportation demands require the immediate implementation of a rapid rail transit system. And now is the time to start.

After representing the District commissioners, General Duke provided a separate statement as vice chairman of the Washington Metropolitan Area Transit Commission, the area’s bus regulators. On January 26, 1965, the commission had endorsed NCTA’s 1965 transit

development program, with the caveat that it had “some reservations as to the overall financial conclusions reached in the plan.”

Since then, members had met with Stolzenbach, who assured them that the plan was not intended to interfere with the compact entered into in 1960 creating the commission to regulate bus companies. On behalf of the commission, General Duke recommended the addition of language to H.R. 4822 stating:

Nothing in this Act shall be construed as altering or amending the Washington Metropolitan Area Transit Regulation Compact.

This amendment was proposed “strictly as a safeguard and as a clarification of the intent of Congress.” It was, in addition, “completely harmless to the purpose of the proposed legislation.”

General Duke assured the subcommittee:

The Commission pledges its full cooperation with the NCTA, or its successor agency, in the coordination of bus service with the proposed rail operations. If it is subsequently determined that it is necessary to amend the [Washington Metropolitan Area Transit Commission] compact to effectuate the required coordination between rail and bus operations, appropriate amendments will have the support of our Commission.  
[pages 100-104]

Representative Horton asked for clarification of the statement that the District did not have the means of providing its \$50 million grant. General Duke replied that \$50 million was a sizable amount that would be required immediately to get construction underway. “We do not have the financial resources at the moment to collect additional taxes of this magnitude in the time frame that they would be required, except by an extension of our borrowing authority . . . .” If the final version of H.R. 4822 did not include a provision extending the District’s borrowing, “we are not quite sure how we could provide the money at this time.”

Representative Horton, recalling his discussion with Stolzenbach about crime in the subway, asked if the District agreed that the District would provide policing for the system. General Duke said the District commissioners agreed that anything that might aggravate crime in the city “should be planned for and very carefully evaluated.” In view of that discussion during the hearing, Stolzenbach and the District’s Chief of Police had met on February 19. They did not agree on a specific plan, such as how many police officers would be needed, but “all of us are generally of the opinion that this problem can be met in the time that is remaining before the problem actually is with us.” He assured Representative Horton that the District commissioners “agree with you as to the necessity for facing up to this and solving it, and at the same time we are confident it can be solved by the time it is required.”

General Duke had not stated that policing would be a city responsibility. Representative Horton asked the question directly. General Duke told him, “I hate frankly to evade your question,” but officials had not yet agreed on “any specific division of responsibility in this matter [between] the

Metropolitan Police force and the Agency that would be operating this system.” He promised he would send a letter to the subcommittee before the hearing record closed on March 1.

(On March 5, he wrote to Chairman Whitener on several matters including policing. The District commissioners agreed that the Metropolitan Police Department would assume responsibility for policing the rapid rail transit network within the District’s borders. Maryland and Virginia would have to assume responsibility for segments in their jurisdiction. The city was talking with the two States about “extraterritorial jurisdiction for Metropolitan Police into other jurisdictions,” as might be needed. The city also was talking with NCTA about the size and cost of “manpower requirements” for policing the system.) [pages 105-107; General Duke’s March 5 letter is on page 223]

Representative Roudebush asked General Duke about legislative activities in Maryland and Virginia regarding a transportation system for the District. In addition to the 1960 transit regulation compact, General Duke said that Virginia had enacted a law establishing the Northern Virginia Transportation District “to provide an organizational structure that would fit into a subsequent interstate compact” for rapid rail transit system. Maryland was considering two bills. One would establish a transportation district to correspond with the district for northern Virginia.

The other would approve the interstate compact that had not yet been announced:

The whole compact, if these plans materialize . . . would take advantage of the establishment of the corresponding organizations in Maryland and Virginia to lay the basic framework for the operation of the rail transit system that we are discussing here today.

Maryland legislators were not considering financing. Further, the compact would not address the financing, because the role of the compact agency in financing had not yet been announced. However, the compact would set up “a basic framework which would accept future financing proposals without a basic modification of the compact itself.”

Representative Roundebush wanted to know if the jurisdictions wanted Congress to proceed with H.R. 4822 without waiting for approval of the compact. Yes, General Duke replied, “it is our very strong recommendation that Congress proceed to enact H.R. 4822 into law in the environment in which we exist at the moment . . . .”

If Maryland or Virginia rejected the compact, Representative Roudebush asked, “You would be stymied to an extent, would you not?” General Duke referenced President Johnson’s statement that the compact agency would be needed when the system became operational, which was still several years in the future. If a compact had not been approved by then, President Johnson would submit legislation “with alternative recommendations.”

Representative Roudebush asked if Maryland and Virginia would be willing to participate financially. General Duke could not reply about the intent of either legislature, but in talking with State officials on the JTC, “this has been a basic assumption under which we have been discussing this compact.”

Representative Broyhill, in attendance after missing the initial hearing, interrupted to say that local jurisdictions had agreed to pay a share of NCTA's 1962 proposal and "have recognized that any extension of this system into the suburbs is going to require local financing contributions and justly so." Representative Roudebush said, "I am delighted to hear that."

Representative Sickles followed up on Representative Broyhill's comment about Virginia. "I would like to say the same for the State of Maryland." He anticipated that the State would set up a special taxing district for financing the State's share. Representative Roudebush concluded his question period by saying, "That is fine." [pages 107-109]

Representative Broyhill was the next questioner. In view of General Duke's comments about the "old fight between the so-called highway users and rapid transit advocates," Representative Broyhill asked if the District would abandon any proposed highways if H.R. 4822 were enacted. "No, sir," General Duke replied. "I cannot think of any at the moment." The city's freeway network had been designed with rail rapid transit in mind:

It is our conviction that the requirements for travel in the metropolitan area at the end of this century are so tremendous that our completely planned highway system and this rail system and the most efficiently organized bus system that can be devised, can all be brought to bear and still we will have a traffic problem.

Representative Broyhill stated that the new river crossing, which he described as "let us say a bridge upstream from the Theodore Roosevelt Bridge" because he did not want to call it the Three Sisters Bridge, could not be abandoned, "can it?" General Duke replied, "In my judgment, no, sir." Travel in the I-66 corridor "requires both elements of the transportation system." It would require "the full exploitation of the new Theodore Roosevelt Bridge, which obviously is not being exploited to its capacity today, and it will also require every particular capability of this particular rail system with which we are concerned today."

General Duke added that some people might think the corollary would be true, too, namely that if Congress did not approve the rail rapid transit system, more highways would be needed to meet demand:

I wanted to emphasize the fact that this is a very densely populated urban area and we on the Board of Commissioners, and I as Engineer Commissioner, want to acknowledge that there is this limit that Senator Tydings referred to a while ago, beyond which you should not go in building highways and freeways in an urban community.

Now, where this limit is, of course, is a somewhat arbitrary decision, but we think we have reached that limit, and I wanted to make that clear. [pages 109-110]

Representative O'Konski was concerned about price escalation. For example, he said the Jefferson Memorial was expected to cost \$3 million, but cost \$9 million. The Pentagon cost \$87 million, not \$21 million as expected at the start. The \$27 million New House Office Building ended up costing \$125 million. He added that "we have had experience in building underground railways right here in the Capitol":

It cost us \$7,700,000 to build a 300-foot underground between the Rayburn Building and the Capitol, and 5 years for the construction. This is roughly \$26,000 per foot, where the terrain is good, where all the land, right-of-way, was free, and any damage that it did, the taxpayers made up.

And here you come along with a proposal telling us that the tunnel that you are going to build is going to be larger, and with more stations, including parking lots, and you tell us you are going to build that for \$3,300 a foot, when it cost \$26,000 per foot right here in the Nation's Capitol.

Representative O'Konski stated that the cost "is going to be worse than" \$3,300 a foot.

General Duke said he did not want to evade the question, but hoped the Congressman would "forgive me for the evasion that I will have to give to the answer." NCTA had developed the engineering estimates. The Board of Commissioners had examined the estimates "in a rather general sense," not into engineering detail. Instead, the board relied on NCTA's estimate not only of construction costs but usage and revenue. "At least our Board does not have the capability at the moment to indicate that they are in error . . . ."

Representative O'Konski ended his question period with the observation that, "If I were convinced it could be built for \$431 million, I would vote for it. [pages 110-111]"

Representative Dowdy said his understanding was that the local transit company was grossing \$32 million a year and NCTA was projecting \$32 million in gross business per year. Was this \$32 million in subway revenue entirely new business or was it taken from the local transit company's revenues? General Duke did not know, but recalled that Stolzenbach had said that by realigning routes, the result would not be a significant change in the bus company's overall financial condition.

Representative Dowdy admitted he did not understand Stolzenbach's point, but thought that the only way D.C. Transit System, Inc., could continue doing \$32 million gross business per year was if the subway generated \$32 million in new gross business – "would there be a doubling of traffic?" General Duke could respond only that he could not confirm the amounts the subway was expected to generate or what the bus company's revenue per year was.

Representative Dowdy turned to the policing of the rapid rail system. Based on experience in Chicago, New York, and elsewhere, he wondered what precautions might be needed to cope with crime in the Washington area subway. General Duke could reply only in general terms:

The only feeling I have for that is that the stations will be designed particularly to eliminate the dark areas, you might say, to have them as open as possible, and as fully lighted as possible.

Stolzenbach also had indicated that closed circuit television might be included in the stations. "I am only saying in a rather general way that thinking has been directed to this problem, although the specifics on how this problem will be met have not been [made]."

Representative Dowdy tried to engage in a detailed discussion of costs and revenue, but General Duke had to say he did not have the technical knowledge “to comment wisely on the facts.”

Representative Dowdy, in trying to rationalize NCTA’s passenger numbers, pointed out the experience in Toronto, which opened its system in 1954. The first year, the system carried 320 million revenue passengers. However, that figure declined steadily until 1961 when the system carried 267 million passengers. The number increased by 1 million passengers after the system opened several extensions:

So they have had a continual falling off of passengers—revenue-paying passengers—since this thing was put into operation.

Now, at the same time that the system was experiencing this downward trend in revenue passengers, the area was experiencing a growth in population amounting to 38.4 percent. And as if it is of any benefit, it can be noted that during the same period the automobile registrations increased parallel with the population growth, around 40 percent.

As his time expired, he wished someone could explain these facts. [pages 111-117]

Representative Grider changed the subject. What would happen to the city if the rail rapid transit system were not built. General Duke replied “that the long-range future of the downtown business core in Washington will not be too bright.” Would it result in stagnation of the core of the city? “I do not think there is any question, sir, that by the end of this century grave adjustments would be made between the business community farther out from Washington and our downtown core to the disadvantage of the District of Columbia.”

Has the stagnation at the core of most large cities in the Nation been caused by inadequate transportation? General Duke said that whether it was caused by transportation or not, “this is the external manifestation of it, of course.” Congestion was caused basically by people trying to get downtown and how they got there.

If downtown stagnated, how would it affect crime? It would have “a deteriorating effect on the general environment.”

Representative Grider asked what would happen if New York City stopped the subways. General Duke replied, “I think that would be too terrible to contemplate.”

Did General Duke have “any alternative solution” to transporting people in and out of the city other than a subway? Some alternatives had been proposed, such as monorail or bus-only transit, but General Duke said, “I cannot help but feel that a reliance on such a system, any of those, would be unwise, because in the long future the requirement to transport people and goods is so staggering as to transcend the capacity of any of these modes of transportation.” [pages 118-119]

Deputy Director Staats of the Bureau of the Budget was the day’s final witness. He stated that “it is essential to have the rapid transit program for this area, because of the Federal Government’s interest and because this is essential to the preservation—I use that word advisedly—of the beauty of the Nation’s Capital.” The Federal Government was the area’s dominant employer,

with 275,000 employees living in the area, 180,000 of them living in the District. “So the Federal Government has more than the usual interest in the development of an adequate transportation system for the metropolitan area.”

His prepared statement indicated that NCTA’s financing plan was “both feasible and consistent” with the congressional mandate in the National Capital Transportation Act of 1960. Considering how to fund the project beyond the \$150 million in capital contributions would be inappropriate at this time. That amount would “enable the program to get underway immediately and will supply all the funds needed until near the end of fiscal year 1968.” By then, an interstate compact should be in place that could be vested with authority to issue bonds. If local jurisdictions did not reach agreement on an interstate compact, the Administration would submit an alternative financing plan to be administered by a corporation. But H.R. 4822, wisely, did not address these issues. The presently proposed system “can stand on its own feet financially.” As a result, Congress did not need to address financing for extensions at this time or in H.R. 4822.

Further, the Bureau of the Budget considered the provisions on a private operator and labor relations to be appropriate.

In conclusion, he stated that three successive presidential administrations believed the “region urgently requires decisive action to provide a balanced transportation system.” The highway program, financed under the Federal-aid highway program, “is moving forward and its future progress is assured.” However, the success of that program depended on the assumption that “an efficient and effective mass transportation system would come into being.” H.R. 4822 would “furnish a similar assurance that the mass transit system needed to complement the highway system will also move forward promptly.” He urged early and favorable consideration of H.R. 8422. [Rapid Rail Transit for the Nation’s Capital, Hearings on H.R. 4822, pages 127-129]

During the question period, Representative Broyhill wanted to get the Johnson Administration on record that to be “completely and ultimately workable satisfactorily, we will have to extend it further out into the suburbs, and it would be part of this overall program and would require to some extent some Federal assistance.” Staats said the system covered by H.R. 4822 “would be self-supporting; it would pay out with the \$150 million grant that is provided.” It was developed to lend itself to extensions into Maryland and Virginia. The Federal Government’s interest extends beyond the District of Columbia:

It has never been stated in terms of the District of Columbia as presently delimited. So I think in principle we recognize that the Federal Government does have an interest and responsibility outside of the District of Columbia, which should prevail, as the system is extended.

The specific financial arrangements would have to be worked out when the extensions are planned based on conditions at the time:

But we believe that the practical thing to do now is to develop this system as contemplated in this bill, and then we can work with the compact negotiators or other authorities as time goes on in developing this principle.

Representative Broyhill said he brought this up because when the program gets to suburban extensions, Members of Congress from other parts of the country “might well think this is a local matter . . . and that there is no greater Federal interest involved than there would be in some other section of the country.” Anticipating the debates, he wanted to make clear that the rail rapid transit system was for the national capital region, “and not three separate State or several separate political subdivisions or we will never solve the problem.”

Staats pointed out that the National Capital Transportation Act of 1960 had called for negotiations throughout the region to develop an interstate compact. It was a difficult process, but in the meantime, “we are developing something here which will fit in with the interstate compact organization if it comes about.”

Representative O’Konski understood that the Federal interest in H.R. 4822 stemmed from the presence of the Federal Government in the capital region. At the same time, cities around the country would like to have similar treatment:

Don’t you think a better answer would be to decentralize, particularly when we know that one bomb dropped in the Nation’s Capital will wipe out our complete Government?

For example, the U.S. Forest Service and the Bureau of Land Management owned extensive lands around the country. “What are they doing in Washington?”

Staats replied:

There are only about 10 percent of the Federal employees here . . . . There is a policy in the executive branch to locate every activity outside of Washington that is adjudged to be able to function effectively outside . . . . I would like to emphasize again that many of these operations are headquarters-type operations, they cannot be performed effectively outside.

Representative O’Konski did not know of a single city that would not welcome Federal agencies without asking the Federal Government to pay for its needs. Even with the per capita income in the Washington area, “they are asking the Federal Government to put up the formula of 2 to 1.” Staats replied that the matching ratio was the same as “we have in national legislation . . . it is exactly the same pattern.” [pages 129-134]

On February 26, Representative Sickles unveiled the draft interstate compact negotiated by the JTC for the rail rapid transit system under consideration in Congress and its extension into the suburbs. The premise was that, “the provision of transit facilities and service is primarily a function of local government.” The draft compact called for an organization called the Washington Metropolitan Transit Authority with a six-man board of directors consisting of two each from Maryland, Virginia, and the District of Columbia. This would assure the authority, which would absorb NCTA over time, was “politically responsive and publicly responsive” in running the system.

For operation of the system, the compact required the authority “to negotiate such an operating contract with all interested parties, including private transit companies now operating in the

established zone.” The Washington Metropolitan Area Transit Commission would continue to regulate bus companies in the area, but the compact authority would control rates and service for the rail and subway facilities in the area. The compact included labor protections similar to those in H.R. 4822.

Referring to President Johnson’s transmittal letter calling for an interstate compact, Representative Sickles said, “We are moving now to make the President’s hope a reality.” Legislation to approve the compact was to be introduced in the Maryland House of Delegates and would be introduced in the Virginia legislature when it convened in 1966. Upon approval by the two States and the District commissioners, the compact authority would take over for NCTA.

Representative Sickles urged Congress to approve H.R. 4822:

It would be a shame if anyone should feel we should wait to start digging until the compact is approved. There is no spirit of competition with NCTA. We are working hand-in-glove.

NCTA Deputy Administrator Quenstedt denied rumors that his agency opposed the compact idea:

[This] agency has never opposed the creation of a regional authority. We cooperated in preparation of the compact.

NCTA is very pleased to see the progress that has been made and we look forward to the day when the regional agency comes into being. It is absolutely essential to create a regional subway system and the authority provided by the compact will be the device for doing this.

State Senator Fenwick, who had been part of the negotiating team, said he was confident Virginia would approve the compact, calling it “practical and necessary.” The bobtail plan in H.R. 4822 was “totally inadequate” to meet the area’s overall needs. “However, we must get a start.”

General Duke called the compact an important “part of the major plan” for rail rapid transit that the area “so urgently needs.” He did not expect “too much difficulty” in securing approval by the District commissioners.

Gregory B. Wolfe, the White House representative on the negotiating commission, said the compact would help make the Nation’s capital “the great American city and part of the Great Society that Washington should represent in transit as well as in government.” Local action on the interstate compact would be “a test of the willingness of local governments to meet their responsibilities in handling an essentially local problem.” If local officials did not approve a compact, the alternative to a regional authority was a Federal corporation to complete the system.

In that case, suburban residents would have little voice in where the lines go or their operation. “Also, there is no assurance Congress would be willing to pay for extension of the lines beyond the District of Columbia.” [Pierce, Charles D., “Interstate Pact Sought to Spur Transit System,”

*The Evening Star*, February 26, 1965; Asher, Robert L., "Transit Agency Pact Approved," *The Washington Post and Times Herald*, February 27, 1965]

### **Rapid Rail Transit Gets a Hearing – Day 3**

When Subcommittee No. 5 resumed its hearing on March 3, Architect of the Capitol Stewart was the first witness. As a member of the Commission for the Extension of the Capitol, he was concerned that a portion of the rail rapid system would be built within the boundaries of the U.S. Capitol grounds with a subway station under the Capitol Plaza. No such construction should take place, he said, until the commission had studied and approved the location, as provided for in Section 3(b)(10) of H.R. 4822:

In view of the statutory provision and the fact that studies have been made and proposals considered for underground developments in the Capitol Grounds, it is considered only proper that any improvements, either underground or above ground, should be made only after consultation with, and approval by, this Commission.

He was concerned that as drafted, H.R. 4822 called for construction of NCTA's plan and did not permit an alternative location if the commission did not approve construction under the Capitol grounds.

Chairman Whitener pointed out that during hearings in 1963, Stewart had suggested the very language that had been included in H.R. 4822. Stewart agreed, but added that he now thought a line should be added to H.R. 4822 in case the commission did not agree with the location.

Representative Harsha raised the issue of NCTA's consultation with other agencies. "Here again this year they have not consulted with you." Stewart agreed that all he had was the map in NCTA's prospectus. "I have no details of depth, positive location as far as measurements are concerned or things like that. I have nothing more than a directional line right now on the map."

Chairman Whitener interrupted to ask if Stewart meant that NCTA had not consulted with him this year. "Did you not have a conference with them just a few days ago?" Stewart replied, "Yes, sir; day before yesterday by phone; yes, sir."

The chairman pointed out that plans for the location in the vicinity of the Capitol grounds are not definite. Under H.R. 4822, "that will be resolved later by your Commission because it has absolute authority to decide whether there shall or shall not be any part of this facility constructed within the U.S. Capitol Grounds." Stewart agreed that the chairman was correct.

Representative Harsha said his point was that Stolzenbach had testified that he consulted with all interested parties, but "I question now whether this has actually been done. Certainly the Architect . . ." Chairman Whitener interrupted to say he did not follow the point since H.R. 4822 included the very provision Stewart had requested "so it does not seem to me there is any point of discussing it at this time as to where it will be here because . . ."

Stewart, trying to back out of the dispute, tried to clarify that as a member of the commission, "I am perfectly satisfied with the bill as it is drawn now." He was simply concerned that as the

bill was worded, if the commission rejected routing under the Capitol grounds as currently indicated in the NCTA report, H.R. 4822 might not have the flexibility to allow a different location.

In the absence of further questions, Chairman Whitener thanked Stewart for his testimony without further consideration of his point. [pages 149-152]

The next witness, Chairman Rowe of NCPC, said NCPC owed Congress “a great debt of gratitude . . . for its wisdom” in setting up NCTA in 1960 before the community was ready for a rail rapid transit system. It was a pioneering effort, but “now the community has caught up, and it is marvelous to be here to support a planning program which has just about universal support.”

NCPC, which had been “unswerving in its conviction that rapid transit is essential” to the region, strongly endorsed H.R. 4822. “Good mass transportation will be essential” as employment in the area grows:

We feel that this system, with further extensions into the neighboring jurisdictions, will make a major contribution to the solution of our transportation needs and can be relied upon to provide a necessary service and still preserve the beauty and character of the city with a minimum of disruption of the homes and businesses of the people who live here.

No one had any questions for her. Chairman Whitener said, “it seems that you have been a very convincing witness.” [pages 152-154]

Chairman Babson of the Northern Virginia Transportation Commission, then still in the organizational stage, told the subcommittee:

The rail rapid transit system that would be authorized by H.R. 4822 is inadequate, particularly for northern Virginia. However, the plan represents that all-important phase of rapid transit development—a start. If we do not start, we can never finish.”

After discussing the commission’s role and the need for extensions into Virginia, Babson said:

In summary, there is a great need for rapid transit in northern Virginia. We must not delay any longer in getting started . . . . Therefore, on behalf of the estimated 643,098 residents of its transportation district, the Northern Virginia Transportation Commission endorses H.R. 4822.

Babson said that in previous hearings, a question had been raised about whether the suburban areas would be willing to pay their share for extension of the system to serve their area. The answer, he said, is yes as reflected in creation of the Northern Virginia Transportation Commission, which would participate in the interstate compact that would supersede NCTA. “I believe the affirmative answer is further amplified by the enthusiastic participation in our commission” by area cities and counties. “We are prepared and anxious to begin planning extensions of the NCTA rapid transit system into Virginia, because we are fully aware of the need for fast, high-capacity rail service, and we are already undertaking to preserve needed rights-of-way.”

Representative Harsha asked if NCTA had coordinated with the commission. When Babson said that he had “countless” talks with Quenstedt, Representative Harsha asked about NCTA’s outreach to other agencies. Babson confirmed that, “NCTA this time has really worked closely with the local jurisdiction.” Representative Harsha had no further questions.

Representative Roudebush was confused by Babson’s statement that his commission was securing right-of-way for the Virginia extension. Was he referring to the design routes of the rapid transit system? Babson clarified, “Actually the one I refer to right now is not one that NCTA had planned for an extension, although I believe personally that it is one. I am talking of the W. & O.D. right-of-way with which Mr. Broyhill is familiar, and I believe that in the future this will be needed for an extension of the NCTA system.”

Representative Sickles wanted to reemphasize that the purpose behind creation of the Northern Virginia Transportation Commission was “to provide a vehicle by which the contribution is made by Virginia.” Babson replied, “I feel that is true, Mr. Sickles.” [pages 155-159]

#### **Rapid Rail Transit Gets a Hearing – Day 4**

In early March, the *Post* and *Star* reported that O. Roy Chalk, in anticipation of his March 10 testimony before the subcommittee, was circulating a memorandum on Capitol Hill. It disputed Stolzenbach’s testimony that the rail rapid transit system would benefit D.C. Transit System economically because the company could focus on the more lucrative suburban lines.

There was a suggestion at the hearings that it might be possible to operate publicly-owned rail transit lines in the National Capital region without damaging the operation of D.C. Transit. Any such thought is unrealistic.

The damage was not simply from the loss of passengers. “The availability of a different mode of service will have far-reaching effects upon the riding habits of the entire area.”

Instead, the damage would begin as soon as H.R. 4822 was enacted because the threat of loss of passengers, even termination of the company’s charter, would cause its property to lose value and make it impossible to obtain loans for expansion:

[All] future planning will have to be suspended. Improvements and expansion of service will have to be suspended. Purchase of new equipment will be impossible. And the present equipment maintenance and replacement programs will have to be reviewed.

Congress, in approving his company’s charter, had pledged to maintain interest in the company’s and the stockholders’ interest if the company provided “a good public transportation system.” D.C. Transit System had done its part and now Congress “must keep the faith” with the company.

The memorandum recommended amending H.R. 4822 to compensate D.C. Transit System for the damages it would sustain or provide for a public takeover of his company and others in the area. If not, “utter chaos will exist in mass transportation in the National Capital Region.” Compensation should be based on the amount of revenue the companies received with the

subway in operation compared with earnings in prior years that were expected to increase 3 percent annually.

If Chalk had to sell the company, he would insist on fair market value. The memorandum estimated that the sale price would be \$63 million.

In responding to inquiries from reporters about the memorandum, Chalk denied that he wrote it. He had not authorized anyone to circulate a memorandum on Capitol Hill. It was “unauthorized,” he said, adding, “We have not as yet decided upon our position.” [Flor, Lee, “Chalk to Present Views At Rail Transit Hearing,” *The Evening Star*, March 3, 1965; Carper, Elsie, “Compensate D.C. Transit for Losses Under Subway Bill, Chalk Memo Urges,” *The Washington Post and Times Herald*, March 4, 1965]

On March 10, Chalk appeared before the subcommittee. He began with “a simple philosophy of being cooperative”:

Our first point is based upon a simple philosophy of being cooperative. We do not wish to oppose the program of the President. We do not wish to oppose the desires of the public. We do not wish to oppose the principle of establishing a subway system predicated upon sound financial precepts. We, therefore, do not wish to oppose H.R. 4822. We wish, however, to suggest several reasonable amendments.

A *Star* editorial a few days later would say of this opening that when Chalk assured the subcommittee of his “cooperative” attitude toward a rail transit system, “no one keeled over.” That was because:

For everyone knew what was coming next. Without a moment’s hesitation, Mr. Chalk ripped into virtually every feature of the administration bill which is specifically designed to achieve a rail transit system. [“Mr. Chalk on Transit,” *The Sunday Star*, March 14, 1965]

He wanted an amendment indicating that the company would not be deprived of its anticipated earnings. He said NCTA’s financial projections, including the cost of construction and likely revenue, were “grossly unrealistic and fallacious.” He did not believe the subway would relieve congestion or bring more shoppers downtown; he recommended an amendment that, if his prediction proved correct, would halt extension of the system. He also indicated that H.R. 4822 did not project “a private enterprise venture in the ordinary sense of a businessman’s concept”:

Accordingly, under H.R. 4822, the D.C. Transit System would decline to operate or bid to operate the new subway system. The NCTA plan is, pure and simple, a public ownership and public operation plan with an employment-contract management arrangement. This is of no interest to us.

In view of the company’s concerns about compensation, “we felt impelled to discuss them with the President and members of his staff at the White House.” His impression was that “the administration is sympathetic to the principles contained in our proposals and they will not object to an amendment of H.R. 4822 which adopts the principle either of the two proposals.”

Chalk made those points at the start of his 25-page presentation, and then elaborated on each one, before concluding:

D.C. Transit system is not opposed to H.R. 4822. But, to fulfill the pledge made in 1956 by Congress in D.C. Transit's franchise to the effect that "Congress would maintain a continuing interest in the welfare of the company and investors," we respectfully ask the protection of Congress in the form of an amendment to H.R. 4822 which would assure D.C. Transit of compensation for such damages as it may suffer, an assurance suggested by the President of United States. [pages 190-201]

Representative Dowdy began the questioning by following up on Chalk's comments about the projected cost of the subway. Did Chalk have something to back his judgment that it would cost four times more than the estimate instead of twice as much, as often was the case? The problem with government estimates, Chalk replied, was that often they were made by people with no practical experience. That was true of Stolzenbach and Horsky, neither of whom had any experience in construction or operation of a transit system.

Experts compared subways "to a projectile that is going up—a lot of noise is made about it before it goes up and takes off and then it peters right out." He said that "it is my considered opinion that it will not do the miracle that has been proposed. That is, as had been proposed, that there would be double the number of passengers available in the area and they would take at least half the present number of passengers available for transit in the area."

As for Stolzenbach's claim that D.C. Transit System had not been cooperative, Chalk said that Stolzenbach had come to him only after the plan was complete and presented "as a fait accompli." It was a "pure formality on his part." Chalk, had he been asked, would have shared his views on the cost of construction and operation.

Representative Dowdy also asked about Chalk's concerns about private operation of the rail rapid transit system. The difference, Chalk said, involved "NCTA's impression of private enterprise and a businessman's impression." NCTA thought that private enterprise meant that a private individual was involved. "Private enterprise is more than just employing private people to work for you." [pages 201-203]

Representative Harsha asked about Chalk's claim of potential damages. Under Section 2 of the charter dating to 1956, D.C. Transit System waived its claim for damages for loss of the franchise after 7 years. The Congressman asked Chalk to explain how the company, which had been in operation longer than 7 years, could claim damages.

Chalk said that when he was negotiating the charter, he wondered the same thing, but he was told to read on. They told him, "Mr. Chalk, if you and your company do a good job we will maintain a continuing interest in your welfare. We want you here. We would like you to do a good job. Don't worry about [the earlier clause]. This is merely a technicality which is taken care of by section 4." Section 2 must be read with Section 4.

Representative Harsha disagreed because Section 3 was so specific, but Chalk referred to Lee White's letter that had assured Chalk that "the proposed legislation does not destroy any legal rights which the company may presently possess to recover damages." Representative Harsha did not dispute that there would be damages, but he pointed out the phrase in White's letter "legal rights which the company may presently possess" that left open whether any rights remained. [pages 203-205]

Representative Harsha and Chalk were discussing provisions of Public Law 84-757, "An Act to grant a franchise to D.C. Transit System, Inc., and for other purposes," approved July 24, 1956:

- Section 2 granted the franchise for 20 years, with Congress reserving the right to repeal the franchise at any time for non-use. "In the event of cancellation of this franchise by Congress after seven years from the date this franchise takes effect for any reason other than non-use, the Corporation waives its claim for any damages for loss of franchise."
- Section 3 stated that no competitive "street railway or bus line, that is, bus or railway line for the transportation of passengers of the character which runs over a given route on a fixed schedule" was to be established in the District of Columbia "without the prior issuance of a certificate by the Public Utilities Commission (PUC) of the District of Columbia . . . to the effect that the competitive line is necessary for the convenience of the public."
- Section 4 established "a legislative policy" that to ensure the Washington area had an adequate transportation system operated as a private enterprise, D.C. Transit System, Inc., "should be afforded the opportunity of earning such return as to make the Corporation an attractive investment to private investors." Given that a return of 6½ percent net after taxes "would not be unreasonable," the PUC should facilitate that outcome "as promptly as possible and as conditions warrant not later than August 15, 1958." The section continued, "It is further declared as a matter of legislative policy that if the Corporation does provide the Washington Metropolitan Area with a good transportation system, with reasonable rates, the Congress will maintain a continuing interest in the welfare of the Corporation and its investors." [pages 70-76]

Representative Horton, after asking about passenger totals and revenue on the bus network, asked about Chalk's objection to the way H.R. 4822 contemplated private operation. If the bill were amended to permit a truly private operation, would Chalk's company submit a bid?

Chalk replied, "Not necessarily so, sir." Any company considering whether to bid would want to determine if the operation would be profitable and that would depend on other provisions of the bill and the rules and regulations. He also would be concerned about whether the bill established clear rights of the regulator and the company. "That would be a matter of negotiation." He also would be concerned about what happens to labor by the time operation would begin in 5 or 10 years ("The Lord only knows when"). He doubted Stolzenbach's low estimate of damages to current employees of D.C. Transit System. "It is my impression that back of his mind is the elimination of a lot of labor. He couldn't possibly expect to run a \$32 million enterprise [such as D.C. Transit System] with \$9 million and still maintain the jobs of my 4,000 employees, not counting me."

Had Chalk given any thought to building the subway himself? Chalk replied that he had offered to do that at one point, referring to his proposal to consider other modes, such as monorail. “I didn’t have very much of a receptive audience.” [pages 205-209]

Representative Fuqua wanted to know how Chalk thought damages should be handled and how long they should be paid. The amount, Chalk explained, should be measured in comparison with current circumstances. The payment of damages should continue for at least one renewal period under the charter.

What if future losses were a result of poor management? “That is why we would like to have things spelled out clearly.” Opinions can vary depending on whether the person making the judgment knows the subject or does not. [pages 209-210]

Representative Nelsen referred to Chalk’s comment about visiting the White House. Chalk clarified that he felt compelled to speak with the President, but had not done so. He spoke with the President’s assistants.

Chalk had referred to the labor protections in H.R. 4822, but referred to “certain limitations.” What did he have in mind? The bill did not include protections for employees who lost their jobs as a result of the transition from buses to subway. Also, the company’s contract with the labor union expired in October 1965:

How can I sit down . . . to negotiate with the president of the union as to a future contract, and I can see there is a guillotine hanging over my head and I can’t plan any more for the future? I got to figure how do I get out of this, not how can I go further.

With a pending “death sentence,” how can he negotiate potential raises? “As far as I am concerned, progress stops unless we are properly protected by this bill.”

Representative Nelsen referred to the 7-year provision in the charter and the 20-year term of the franchise. Would the bus system meet area needs indefinitely, or will there come a time when another mode, such as a subway or monorail, might be needed? Chalk replied:

It is within our long-range plans to keep abreast of the time, to have the most modern, newest type equipment that both economics and the demands of the public require.

He was meeting on the following day with engineers to discuss “atomic-powered vehicles which are not even in contemplation in this subway.”

Was he saying that rolling-stock type of transit would meet needs or that the area would never need a rail system. Chalk supported new modes of transportation, whether that meant a different type of bus, a bus powered by a different energy source, a different-powered train, a one- or two-wheel train, or a modern construction method. “In other words, our transit system operating under private enterprise should be able to keep abreast of the present and the future.” He was however, not proposing a specific alternative:

I am supporting the concept that if this is what the administration wants, if this is what the public wants, I am not opposed to it. I only say that I am not interested in operating as it presently is, and if you don't think enough of our ability to do the job today and in the future, this is your privilege, and we regret you may take over my company, pay us a fair and reasonable damage bill, what it might be, and I suppose we part good friends and that is it.

Representative Nelsen asked about the \$63 million valuation of D.C. Transit System, Inc., that he had read in the newspapers. "I am not responsible for someone else's projection. I did not propose any figure, no less \$63 million, neither more nor less."

Representative Nelsen felt Congress needed to know Chalk's estimate in view of his statement that Congress had a moral obligation. "If we have a moral obligation, what is it?" Chalk replied that first they should determine if Congress did have a moral obligation before thinking about dollars. [pages 210-212]

Representative Roudebush asked Chalk about his claim that the proposed system would not relieve congestion. Chalk based it on his experience of trying to travel in Paris, New York, and London, all of which had a subway that "does not relieve the traffic problem upstairs."

Representative Roudebush recalled a statement by Chalk that traffic was no worse in the District than in any comparable city. What cities did he mean? Chalk said that he was referring to cities across the country and the world. "Traffic problems have never been solved any place in any major city of the United States . . . or in any of the major and minor cities of the world":

Mr. Chalk. The subject of solving the traffic problem is one that no one can boast of having accomplished. No one has ever solved the traffic problem to date, whether it is in Washington or any other city of the world.

Mr. Roudebush. Mr. Chalk I asked that question because I simply agree with you.

He pointed out that he lived near Detroit "where they have a tremendous traffic problem," and added that the city of Chicago "is almost impassable at the time of discharge of employees at the end of a workday."

As an advocate of free enterprise, how would Chalk finance this bill? Chalk said he had not offered an alternative and said only that "the financial aspects of this entire project are ridiculous, preposterous, and unrealistic." The funds, he explained, were to come from the U.S. Treasury and the District, but they would all come from the U.S. Treasury. "In effect, yes, even the District funds will only bring a bigger deficit to the District and they would have to still go back under another guise to Washington. Let's face reality. This is purely coming out of Uncle Sam's pocket and every taxpayer."

Was he aware that the union had filed a letter in support of the bill. He was aware, adding, "but I don't think they are aware of the consequences to them as it is presently written."

What about Chalk's estimate that the system in the bill would cost \$2 billion, not the \$431 million that NCTA had suggested. Chalk said he based his estimate on "the historical

calculations of construction under the Government enterprises in Washington.” He thought a study should be made of the subject, and had even offered to pay for it. “I would like to reaffirm that if this—if the calculations come within 200 percent of accuracy, I reaffirm my offer to pay for that study.” [pages 213-214]

Representative Broyhill asked if Chalk meant that he would not want Stolzenbach to conduct the study. Certainly not, Chalk replied. He would want a “nationally credited firm of engineers” to conduct the study.

Commenting on Chalk’s visit to the White House, Representative Broyhill said that despite Chalk’s view that the Administration was sympathetic to his position, the truth was that the President submitted the bill that became H.R. 4822 and that Staats had expressed the Bureau of the Budget’s support for it. Representative Broyhill suggested that the subcommittee might seek a clarification from the White House.

Next, he asked about the discussion with Representative Roudebush about congestion in other cities. Chalk said he thought the subway would make congestion worse:

Every time you take your car off topside and put the passenger downside, you are encouraging two more cars to go to the empty space and that is the way it works.

Representative Broyhill said that statement was distressing to those seeking a break in congestion. Chalk said there are many steps that can be taken but:

You will never remove the problem. The problem, no matter what you do is controlled by the birth rate. Not only traffic, but people keep on increasing as years go by.

What if officials put more buses on the streets, even if they required subsidies? Chalk said the Congressman was “putting the cart before the horse.” The question was not how many vehicles were used, but whether they could move rapidly through the city. “It is the speed of the movement rather than the number of empty seats that you may have available.” Twenty buses on a street might be nice, but if they could not move, “no one is going to get in them.” Basically, if officials want to solve traffic congestion, they would have to deal with what was on the surface, not what they could put below or above it.

Representative Broyhill referred to the legislation that he had introduced in 1964, with Representatives Mathias and Sickles, to subsidize additional buses until the subway began operation. Would that be helpful? Chalk thought that might be helpful “if you put more buses on the street [and] gave them more room to move,” such as exclusive bus lanes.

But what about residential areas? Chalk called that marginal operations, from which the Congressman concluded that subsidies would be needed to make the additional service profitable to the company. Would it not encourage more people to ride the system? Chalk said:

Service, more service always attracts more passengers. This is a premise well known in transportation. The greater the availability of the service, the greater the availability of passengers.

How would H.R. 4822 affect the company's service? The company would have to seek ways to preserve capital, rates, and business, as expected by its stockholders. "We would have to reappraise all of our long-range plans and determine upon a short-range plan if it is written as it presently is." He would "take such precautions as a prudent businessman would necessarily have to take to preserve the investment."

Was a surface company working profitably in a city with a subway anywhere in the United States under separate ownership? Chalk said that a route might be profitable if the subway did not go there, but no, he had never heard of a profitable surface line that duplicated a subway line.  
[pages 214-218]

Chairman Whitener, the next questioner, referred to Chalk's repeated statements that he did not oppose the bill. What parts did he agree with? "I agree with the entire statement except insofar as those sections of the act which are not consistent with the amendments which I have suggested." He did not oppose the proposed system. "I merely am trying to improve it."

Did Chalk's repeated disparaging comments about Stolzenbach have any bearing on his views on the bill. "None whatsoever."

Chairman Whitener referred to a memorandum dated February 16, 1965, that supposedly was written by Chalk. It said, "it is our conviction—that is—it is the intention of Messrs. Horsky and Stolzebach to nationalize in a socialistic fashion transportation of our Nation's Capital contrary to the will of the Congress and the will of the President of the United States." Was that an accurate statement of Chalk's philosophy – that the chairman was a socialist?

Chalk replied that the statement referred only to Horsky and Stolzenbach, but Chairman Whitener said he was the sponsor of the President's bill. "So I suppose that President Johnson and I are now confederates of Messrs. Horsky and Stolzenbach, so just by simple—not only legal but just ordinary deduction, that sort of makes us a party of this."

Chalk stated that he did not believe in guilt by association and was not referring to the President or the chairman:

I am referring specifically to one part of this bill on which I think I have very clearly set my position. This bill is not a private enterprise bill. It is private only in the sense that it employs private individuals to do the job. Otherwise it is public ownership and private operation and this in my book is socializing the transit system.

If the government passed a bill that provided for construction of the tunnels and the tracks, but offered a franchise to your company to provide the rolling stock with a guarantee of 6½ percent profit and certain tax forgiveness, would that be private enterprise? Chalk pointed out that the government already did that with D.C. Transit System. "It builds the roads . . . and it allows the D.C. Transit System to go across them. There is no difference between building a highway on the surface or building a highway beneath the surface." He was permitted to buy his own equipment and operate it on a public road; that would be private enterprise.

In relation to White's statement about any legal rights the company may possess, Chalk had said the White House would not have any objection to his amendments on damages. Did he mean to imply that the company had a commitment to operate a bus network in perpetuity? No, he did not say that. Did not the formula for compensation imply that? Chalk said he had not advanced a formula, but merely said the company should be compensated.

Chairman Whitener tried to determine the number of people the company employed. Chalk had said 4,000, but the record indicated the company had 2,819 employees. While Chalk's concern for his employees was "commendable," the company employed 3,242 people when he took over the charter. Did that reduction result from automation and other advances in the industry? Chalk blamed the reduction on "whoever dreamed up the idea of cutting out the trolley cars in Washington":

I do believe that when we converted, as was required by Congress, from trolley cars and bus operation to all-bus operation, some of the men who were not qualified to drive a bus, some of the men who were not qualified to repair an engine did, unfortunately lose their jobs. But to place the blame on myself or my organization is very unfair.

Chairman Whitener replied, "We are not placing the blame. We are just going . . ." but Chalk interrupted to say, "It was the man who dreamed up the idea of disposing of the trolley cars."

The chairman pointed out that the man in question was a Member of Congress who put the disposal idea into Section 7 of the act approving the charter. "So you were in on the dream, I would say."

Chalk protested, "I didn't create it. I was opposed to it," but the chairman moved on.

He cited Chalk's description of the NCTA estimates of cost as "grossly unrealistic and fallacious," and his recommendation that they be subjected to "an unbiased and impartial engineering study and report on the true facts." Chairman Whitener said, "I am not sure whether you are aware of the identity of the engineers who made this study" leading to NCTA's estimates. He listed three nationally known consultant engineering firms (DeLeuw Cather of Chicago, Kaiser Engineers of Oakland, and Louis Klouder and Associates of Philadelphia) and listed their accomplishments in the transit and other areas. "Are these the engineering firms that you imply have not been of the quality that you would like to see?"

Chalk denied saying that. "I only say they were selected by Mr. Stolzenbach and are not independent in the sense that they can render an unbiased view of Mr. Stolzenbach's recommendations."

Without commenting on Chalk's reply, Chairman Whitener moved on to the operating contract. In response to a question, Chalk had said his company had submitted a bid to operate a system in Dade County, Florida. Why then, "would this be so abhorrent to you if it were not so in Dade County?" Chalk replied that the District charter was the company's main business, while Dade County would have been supplementary. The District charter provided "our major income," but

if the company wished to supplement it outside the area, it would do so. “But where it becomes our major income we are not interested.”

Chairman Whitener asked what Chalk’s position had been when the idea of a subway was under discussion during consideration of the National Capital Transportation Act of 1960. Chalk recalled pointing out that “there were alternatives to a subway and that I thought it would be wise to consider the alternatives before a final decision was made in connection with the subway.”

The chairman recalled Chalk’s statement about proceeding in stages, but only advancing one stage at a time. As a businessman, would Chalk start a new bus system with only one line? Chalk replied that what a businessman and a government would do “are two entirely different things”:

Now, if I were doing this I would be very careful before I decided how I was spending my money as a private enterprise. I would make darned sure that every contemplated future expenditure brought back dollar for dollar value. I merely say that the figures as presented by the NCTA are under a financial cloud. I would go slow before I would spend taxpayers’ money.

Would anything in H.R. 4822 prevent NCTA from doing just that? No, but the bill approved the NCTA program that “sets up a series of lines and each line starts before the previous one is completed.”

They discussed subsidies, which Chairman Whitener said included the tax and other incentives in the D.C. Transit System charter. He observed, “I believe you have had a 7-year period and about \$2.6 million in exemption from motor vehicle fuel tax.” In addition, the charter included substantial real estate tax exemptions. Chalk replied, “This was offered to us in 1956 as an inducement to take over a city that had nothing but heartache in transportation.”

Chairman Whitener said that some 55 community organizations and 20 or so individuals had submitted statements to the subcommittee in support of H.R. 4822. These groups and individuals who supported the bill presumably also supported the subsidies the bill contained. Chairman Whitener did not mean to deprecate Chalk’s private interests, but “we do have the cooperation of practically every agency including the labor organizations in the city and the only major discordant note is what I heard from you.”

Chalk replied, “I have heard no discordant notes from me. I support the bill. I merely say amend it so it does not do an injustice to me.”

Chairman Whitener turned to Chalk’s contention that a subway would not reduce the number of vehicles on the streets. Chalk said, “I cannot see where any subway system in any of the major cities of the world have affected the traffic on the streets.” The chairman asked if traffic on city streets would be about the same. Chalk thought that might be the case. If so, would that mean continued business and economic life as a result of the transit system? Probably so, Chalk replied:

There may be many reasons, sir, to build a rapid transit system other than the solution of traffic problems. Now, these I have no quarrel with. I merely say that the construction of the subway would not necessarily solve the traffic problem upstairs.

Chairman Whitener tried to convince Chalk that based on the number of passengers and a minimum fare of 25 cents, “that would seem to be a good omen for the fare box taking care of the bonds that this legislation contemplates would be issued; would it not?” Chalk said, “I think that would be most optimistic.” [pages 218-232]

After Chairman Whitener’s lengthy, detailed questioning of Chalk, Representative Sickles had a couple of questions. He had assumed prior to Chalk’s testimony that the company would be protected “if we insured that any procedure or steps that were necessary to insure that you could get in court in order to recover damages would have been satisfactory.” Was Chalk asking for some sort of formula for calculating damages to be included in the bill? Chalk replied, “If we were not receiving the net income that we are presently receiving, or have a reasonable expectation or anticipation of receiving, I feel that that should be compensatory.”

Could Chalk have conceived that a rail rapid transit system was coming to the metropolitan area “as far as the planners are concerned”? Chalk said he “could conceive that this would come and we would be properly taken care of when it would happen.” In other cities, local governments took over mass transit where it was no longer profitable for operation by a private company:

It is reasonable to anticipate that if the Government wishes to take over a private operation, if this is the tendency and it appears to be, well, then, we go along with it. I don’t necessarily enjoy the prospect of turning my business over to the Government, but if this is what the Government wants, I will go along with it. But at least if you do this to me, compensate me as they do in all other cities.

Representative Sickles said that at the start of Chalk’s statement, the impression was that he supported the subway, but then, it seems, “you would think that improving the bus system or some other system would be even more satisfactory than the subway system.” Chalk did not want to talk about alternatives “since it appears to be a foregone conclusion that this is what the public of this area wants.” He did not want to oppose the Johnson Administration. “If they in their wisdom feel that this is what they want and should have, I will not oppose it. I am for it.”

Representative Sickles pressed Chalk, as a transportation expert, for an opinion, but Chalk refused to express a view. “This has already been passed upon. The public wants it and they are entitled to have what they want.”

Could private enterprise raise the capital to do what NCTA proposed to do?

In 1960, I appeared before this very committee and I proposed that private enterprise could and would be interested in operating a new transit system and I stand by what I said in 1960, yes, the answer is yes, it is conceivable under certain conditions, not by grant, but possibly by guarantee and certain phases of it, for private enterprise to run and construct a large transit system

As an example, Chalk cited highways. The government provided the funds to build them, but private individuals bought motor vehicles to use on them.

Representative Sickles recalled Chalk's testimony about improving the bus system. Chalk said he had proposed building a vehicular tunnel, but had "discarded that thinking since it is not in accord with the administration's thinking and I will be delighted to abandon it." He could think of many other alternatives, "but there is no point in making suggestions when the subject is a closed one."

Representative Sickles observed that according to Chalk's statement, he did not think enough feeder services would be available after the subway opened to provide the company with a fair return on its costs. Would that be true even though population will continue to increase? Chalk explained:

If we have a route running down Connecticut Avenue, which we presently have, and the subway wishes to run down Connecticut Avenue, there isn't enough business for both of us. And there is no feeder line in history that operates as a feeder line and made money. You would have to go out of business or it could be run, or it should be run by whoever runs the trunkline, should run the feeder line. The feeder line by itself cannot support itself.

Chalk emphasized that all he was saying was that if the company was damaged, it should be compensated. If the company was not damaged, if it continued to be profitable, "we don't want 1 cent."

Representative Sickles was trying to pin down what damages the company would be entitled to under current law, but Chalk was unclear. The Congressman said he wondered about the wisdom of putting a damages provision in H.R. 4822 if "as a matter of law you would not be entitled to any recovery" at present. Chalk thought that including a provision for damages or condemnation proceedings was only fair. "There is no provision in this bill to protect us at all. It doesn't even recognize the fact that we are going to be hurt."

When Representative Sickles suggested that the subcommittee "make sure there is adequate procedure for you to recover these damages," Chalk said, "that is an excellent suggestion" and he would like to explore it with members of the subcommittee. "Let's talk about it." [pages 232-237]

Chairman Whitener reminded Chalk of the language in White's letter that the legislation should not "destroy any legal rights which the company may presently possess to recover damages." He then engaged in a dispute with Chalk regarding Sections 2, 3 and 4 of the legislation granting the charter to D.C. Transit System. The chairman focused on Section 2, but Chalk wanted Section 2 to be read in the context of the entire law, including Section 4. Chalk said Section 4 promised that Congress would be "very mindful of what happens to the company in the future and it had no limit on the number of years in the future." They could not reach agreement on this point, ending Chalk's testimony. [pages 237-239]

The *Star* editorial cited earlier, “Mr. Chalk on Transit,” summarized the testimony by saying that Chalk would be the foremost advocate for rail transit “if the new form of transit were wholly his show, from start to finish.” His announcement that he would not bid to operate the system was “something of a surprise,” but “if that is the way Mr. Chalk feels, so be it.” However, any decision by Chalk to reduce service “most assuredly is not Mr. Chalk’s alone to make.” That service “is a matter of concern to the public transit regulatory commission, and no doubt should be left in anyone’s mind on that point.”

As for Chalk’s concern about damages, his company currently had a virtual monopoly, and that would change with the coming of rail rapid transit. The editors did not think “that Congress should attempt now to determine, as Mr. Chalk demands, what compensation, if any, may be due D.C. Transit after the rail system becomes operative.” However, under the 1956 charter, the company waived damages for loss of franchise after 7 years, as White House counsel White had stated. “And beyond that, the fact is that no one is in a position at this point to know whether any compensable damages will occur or not.” Congress should not provide any “protection” beyond White’s assertion that nothing in the bill “should be construed to deprive D.C. Transit of any rights it may have for any damages to it.” [“Mr. Chalk on Transit,” *The Sunday Star*, March 14, 1965]

A *Post* editorial summarized Chalk’s testimony by saying he was “a man of active but gloomy imagination.” If a subway were built, “he can foresee no future for his D.C. Transit System but chaos, rapid decline and eventual ruin.” He supports H.R. 4822 in general, but “is compelled to oppose it in every particular.” Chalk still enjoyed “some of the great good will that met his arrival here nine years ago.” However, he had “dissipated much of that good will with his exaggerated claims and his excessive complaints.” He was running one of the best bus systems in the country, “and it is not his fault that buses alone can no longer meet the city’s demands.” The editorial concluded:

Congress has dealt considerately with Mr. Chalk in the past, and he has no right to ask for what amounts to a vast pension for his bus company now. [“He Asks Too Much,” *The Washington Post and Times Herald*, March 18, 1965]

At the start of the hearings, Chairman Whitener had announced that he wanted to finish on February 24 and close the hearing record on March 1. However, in view of Chalk’s maneuvers on the subject, including the memorandum circulating on Capitol Hill, the chairman had extended the hearing to hear his point of view. According to Lee Flor, Representative Multer “had been expected to give Chalk’s side of the controversy,” but he had been rescheduled and Chalk appeared instead. Chalk’s request “was unexpected.” [Flor, Lee, “Chalk to Present Views At Rail Transit Hearing,” *The Evening Star*, March 3, 1965]

On March 17, Representative Multer told the subcommittee that he thought private enterprise should be preserved to participate in this project to the fullest extent. In his view, NCTA had “not done all that should have been done to be sure that private enterprise was invited in to participate in this program to the extent that private enterprise can and is willing to participate.” He admitted that “mine is a lone voice in the wilderness in talking against a subway system for the District of Columbia.” Thus far, he said that virtually every witness supported rail rapid

transit. "Almost every witness, however, has avoided the use of the word 'subway,' as though it were a dirty word." He added, "I am inclined to suggest that it is a dirty word."

As a native of New York City, he said, "I think the subway system there is typical of what subway systems and rail systems should not be." It was experiencing maintenance problems as well as crime problems despite all the funds spent and its own police force of 1,119 officers. Crime in the District was increasing without a subway, but would increase even more with one.

He questioned NCTA's projections and estimates. He said:

It is my information—I cannot document it—that many outstanding engineering firms that could give an unbiased and proper report on this subject were consulted by this agency and told in advance what the agency wanted, and they refused to enter into such contracts with the results predetermined.

He recommended that the committee undertake a survey, complete and independent, to determine if a subway is the proper alternative, the likely cost of the recommended alternative, and the prospective cost of operation. He suggested the survey could be conducted for \$431,000 or one-tenth of 1 percent of the proposed expenditure of \$431 million:

If we want to put the Government into the building of the subway, let's do it. But let us meet the issues squarely and if that is the determination, let's do it, but make up your mind that the U.S. Government is going to pay this bill directly or indirectly, because the city of Washington will never be able to contribute its share.

No one, he said, seemed to be aware of how much disruption construction of the subway would cause. Based on living in New York City his entire life, he could assure the subcommittee that "for the next 20 years . . . your streets are going to be torn up, they are going to be impassable. You are going to drive the businessmen away from the route of the subways, and for 20 years the District will lose the revenue and the taxes in addition to having put those people out of business."

He concluded by saying "I hold no brief for any one company or companies, no matter what the newspapers may say." However, if the city was determined to build a subway "then by all means let's get the proper and true cost of this construction and the proper and true projection as to cost of operation." He urged the subcommittee to rewrite H.R. 4822 to include "a proper provision that will safeguard private enterprise and give them the opportunity to come in and participate in this program if they want to and they can." [pages 249-254]

During the question period, Representative Broyhill agreed with Representative Multer that NCTA should have considered all alternatives but "I strongly feel that they inferred that everybody wanted a subway system, and they went hellbent to justify a subway system without giving proper consideration to existing transportation, existing rail lines, and other alternatives such as monorail." He said he had been working with AMF, which had an office in his district. (Representative Multer called AMF "one of the finest companies in Brooklyn, N.Y., which contains my district.")

NCTA, Representative Broyhill said, had not given adequate consideration of “this all-weather suspended type monorail,” despite the requirement in the National Capital Transportation Act of 1960 that it consider the most advanced means of mass transportation. The system studied in 1962 for NCTA did have deficiencies, but the “truly advanced development” that AMF was developing had eliminated those problems. The company and its French associates, had invested \$20 million “in bringing this development to a point where the transportation of the future can really be ours today. And I think they should have their day in court.”

Representative Broyhill said he had decided against asking the committee to consider this alternative. He was afraid that the committee, which was considering whether to approve the NCTA bill, might not want to act on the monorail option, leading to “an inference . . . that the committee rejected a monorail system.” He was convinced that a full hearing on the subject would elicit “a great deal of support by this committee and the Congress.” He added, “And there would be no problem of right-of-way, it would cost only a fraction of the cost of a subway, and we could build it in a fraction of the time.”

Regardless of what happened with H.R. 4822, Representative Broyhill would continue to promote the monorail option, possibly for extensions of the rail rapid transit system:

I am going to urge the committee and the Agency and the surrounding communities to give strong consideration to the employment of a monorail system. I think it is inevitable, I think we are going to come to it, and when we do, we are going to look back and wonder why we didn't get to it before.

Representative Multer said that one thing had been overlooked, namely that once construction of the subway begins, “surface transportation in the District is going to begin to deteriorate.” Based on experience, he said:

Once it is completed, you can be sure that it will only be a matter of time, and a very brief time, before the District of Columbia or the Federal Government will have to take over the surface transportation system of the District, because, again drawing on experience in New York, first we took over the subways, the municipality took them over. It was only a matter of time when one transportation company after another had to be taken over by the city of New York. Private companies just could not operate in competition with the subways. They were put out of business, temporarily, because some of their routes were taken away. They just could not travel over the streets where they were building the subways, and when the subways were completed, they just could not compete.

Many people will still want to rely on surface transportation. “That is the experience all over the world where they have subways.” Surface transportation companies cannot compete:

If the subway system goes in, be prepared to have the Government take over the surface transportation and operate that too with the Government paying the deficits between cost and fare revenues.

That is also part of the cost that you should contemplate as part of the cost of operating this system and an additional cost of acquisition. [pages 256-259]

Representative Sickles said he was concerned about Representative Multer's comments impeaching the integrity of consultant findings that NCTA used to propose its system. Earlier, Chairman Whitener had listed the consultants, all of whom were highly respected.

Representative Multer said he did not intend to attack the good faith of those firms. However, consultants only do what they are paid to do. "I think they gave the Agency that which the Agency bought and paid for":

I think these engineers gave value for what they were asked to deliver. But I don't think they were asked to deliver enough.

Instead of assuming that everybody agreed that a subway was the ultimate answer, NCTA should have studied all alternatives fairly:

Then, having determined that this should be a subway, they then should have asked for a full and complete survey as to what was involved and then prepare the plans and specifications needed from which to build this subway, both as to roadbed and as to equipment. Then they should have called for the engineering studies as to the cost of that construction. I don't think you have got that. I think, despite the length of the document and the detail, this is a good guesstimate and not a fair estimate.

Chairman Whitener interrupted the dialogue to say that committee staff could provide Representative Multer with evidence that "will cover the very thing you are talking about. There is no secret about it."

Further, he had been in meetings with NCTA officials when they discussed monorail. They had concluded that a monorail was not the best alternative for a downtown system that "they think is absolutely essential to move people, and that just putting a rapid rail out on the periphery of the city would not do the job." Moreover, when he had been in Japan in late 1964, he had talked with officials there about why they chose a subway over monorail. They had installed monorail to go from downtown to the airport:

They felt that monorail had some limitations, and they thought it could do that kind of job, but it could not carry the great numbers of people that would have to be carried in a major downtown system. And that is why they ruled it out . . . .

My own feeling about the monorail is that it sounds glamorous, sounds like it can do the job, and it is much less expensive, so that you would be inclined to believe that NCTA would analyze it thoroughly. And I think they have.

He also wanted to comment on the observation that the word "subway" had been little used during the hearings. A subway could be several things, such as the subway "through which we walk from here over to the Capitol," so the term is not really definitive. In the past, Chalk and others had suggested a subway for buses. "Rapid rail we understand is steel on steel."

Representative Broyhill objected to the chairman's comment about NCTA's study of monorail. NCTA had studied monorail, "but not in sufficient detail . . . . I think that they were in error, serious error, as to their judgment." The modern system, with rubber-tired suspension, was in operation in Paris, but he admitted that Washington had a unique problem. In Washington, "we have got the Fine Arts Commission and a lot of other agencies that have a say-so in this thing, and of course, they think esthetically, that the monorail is not as attractive as some of us think." They favored underground "in order to duck that problem."

As for Japan, the monorail system considered may not be able to support the needed volumes, "but this is another example of what I consider an inadequate evaluation of currently available systems." He said that the AMF monorail could carry 50,000 passengers per hour in each direction, "and it has the flexibility for using smaller numbers of cars during off-peak hours, with a consequent saving in operation and maintenance and cost." [pages 259-263]

Chairman Whitener asked Representative Multer if he believed that despite the cost advantage of monorail, "the people of the District of Columbia would ever support or permit the erection of a monorail system which would run in front of the White House and the Capitol and all these other monuments that we have around here?" Representative Multer replied that a subway is simply a tunnel that could accompany a rail line, buses, or monorail. "A monorail is a vehicle that runs on one rail, and it can run underground as well as above ground."

Mr. Whitener. If it is not going to be run above the ground, then we get right back to our objection about engineering studies for the underground system, don't we?

Mr. Multer. I would like to make clear that mine is a minority view as to the subway.

Mr. Whitener. I would hope so.

Mr. Multer. From all I have seen, I know it is.

Recalling his trip to Tokyo with Representative Sickles on other business, Chairman Whitener said they had spoken with "the very top man in the subway system" who had said "that they had the monorail line that they have, one route, just more or less as a showpiece, and that it was impractical, that it attracted tourists more than it did regular users." Representative Sickles said that was his recollection, too. Chairman Whitener repeated the comment about the monorail not being able to carry enough passengers:

And it was for that and other reasons it was not a practical system. So I suppose that that same experience that they have had would apply whether you ran your monorail underground or on top of the ground.

Representative Multer also had been in Tokyo in September 1964, and he had looked into the rail transit system. He agreed that the monorail to the airport was mainly a tourist attraction. However, it also attracts passengers who use it as a basic utility:

And so here, too, whether you build it underground with a monorail or the two-rail track, people are going to be using it because it is a utility, it is something they need to get places, and therefore, they will use it.

Representative Broyhill pointed out that if people would not use the monorail for basic transportation service, “why would they ride the same type of vehicle sitting on two rails or underground rather than overhead?”

Representative Whitener replied:

I think the answer to that is readily seen by anyone who goes to the Tokyo subway system, because they have men employed whose sole function is to push more people onto the subway cars, they actually use their feet to push passengers onto it.

Representative Broyhill said that if the subcommittee wanted to consider how many people would use rail rapid transit, “we need to get more discussion on this monorail alternative.” The subcommittee could hear from experts who could answer every question in detail “to the satisfaction of the committee.”

Representative Multer pointed out that a monorail was built as a temporary service for the 1962 World’s Fair in Seattle, but had been retained as a utility even after the novelty of its fair-service had worn off. Today, it was still serving a useful purpose.

Representative Broyhill did not see the monorail as objectionable from an aesthetic viewpoint, even though he realized the Commission of Fine Arts and others might find it unattractive. “But we did have streetcars that ran in front of the White House and past the Capitol for years, and no one raised an objection about those. They were removed for other reasons.” But aesthetics were only one factor to be considered. Cost and efficiency must be taken into account as well.

After a brief discussion of the crime issue on buses in the District, Representative Multer concluded his testimony:

Mr. Multer. I trust we can cooperate together to try to cut down the crime rate as Mr. Whitener is trying to do.

Mr. Whitener. Mr. Multer, of course, here in the District of Columbia we have crime on the buses, unfortunately that happens here. And you would not recommend to your wife that she ride a bus late at night here in the District of Columbia unaccompanied, would you?

Mr. Multer. I agree.

Mr. Whitener. So this problem of crime on transportation facilities is a problem, and we have to face it. And it is the responsibility of all of us to do what we can to help eliminate as much of the crime as we can.

Mr. Multer. I agree, sir.

The hearing was at an end. [pages 264-270]

## **E Street Expressway**

For several years, the District had been developing the E Street Expressway as a depressed roadway along E Street between 19<sup>th</sup> and 23<sup>rd</sup> Streets, NW., as a major approach to the Theodore Roosevelt Bridge. The District and BPR would split the cost of the expressway, 50-50, under the

Federal-aid highway program because it was not part of the Inner Loop or the District's Interstate System.

The expressway's engineers, Dummel, Klepper and Kahl of Baltimore and Harrisburg had hired prominent architect Cloethiel Woodard Smith, as noted earlier, to design the project with aesthetics in mind. The design involved bridging over 23<sup>rd</sup> Street and tunneling under Virginia Avenue. The *Star*'s Robert J. Lewis described the plan:

It would rise to the surface at Twentieth Street and meet two streets flanking Rawlins Park, east of Nineteenth street. The plan requires demolition of an apartment building, just north of the State Department building on Twenty-third street and of an old auditorium at Nineteenth street, so that Rawlins Park may be extended.

The design included "special lighting and walls, landscaping and railings specially adapted . . . to the expected increasing attraction of the area for tourists and other pedestrians:

The proposal, as she outlined it, would screen the depressed section of the expressway, and a tunnel entranceway, through landscaping, and other means, including a pool, fountain and plaza at Twentieth street.

Smith presented the design to the Commission of Fine Arts on October 19, 1961. She said that highways were a "new and demanding element" that tends to destroy the quality of life in central cities:

If the surface of the city is destroyed by brutal paved and walled gashes that separate it into a series of islands, it will become only a city for vehicles and not a city for people, by destroying the elements in the city that bring people together and contribute to a rewarding urban life.

Members of the Fine Arts Commission praised Smith's design. Chairman Finley called it "very impressive," while Ralph Walker, a former president of the American Institute of Architects, called it, "very thoughtful." William Perry, a Boston architect, said the result was "a very handsome arrangement," a statement that painter Peter Hurd agreed with. "I've just got back from Los Angeles," Hurd said, "and have seen what a mess they have made of their city with their expressways out there."

In contrast with the praise for Smith's design, Chairman Finley said the Fine Arts commissioners were pleased to learn that NCPC had hesitated during a recent meeting to approve the East Leg and other segments of the Inner Loop without further study:

The Commission of Fine Arts has never approved the Inner Loop . . . which we feel will be destructive to the beauty of the city. The commission has advocated, instead, an underground rapid transit system which, if adopted, we feel would meet our traffic needs without irreparable damage to the city's appearance.

Engineer Commissioner Clarke and Director Aitken responded to the NCPC criticism, with Clarke pointing out that Smith's design for the E Street Expressway was "indicative of the kind

of treatment planned for the entire inner loop.” He rejected critics’ claim that the Inner Loop would be “an eight-lane ditch.” As with the E Street Expressway, the District had required consultants hired to design any segment of the Inner Loop to retain an architect to ensure proper consideration of aesthetics. For example, Aitken said the city planned to take the entire block from 10<sup>th</sup> to 11<sup>th</sup> Streets to provide a landscaped buffer for the East Leg Freeway. [Lewis, Robert J., “Fine Arts Unit Hits Plan for Inner Loop” (October 18, 1961) and “Arts Unit Praises Plan For E Street Roadway” (October 19, 1961), *The Evening Star*]

The *Post* and *Star* praised Smith’s design. *Post* editors called it “a marvel of ingenuity,” adding that “architecture shows us how to make a quite attractive little park out of a four-block sunken freeway.” They hoped the engineers designing the city’s other freeways would listen to her message about a rewarding urban life. “There is only barely time to heed Mrs. Smith’s warning.”

*Star* editors shared that hope. “If Mrs. Smith has successfully avoided deleterious effects of the freeway in the State Department area through the use of tunnels, specially designed walls, landscaping and plazas, it follows that these same techniques can be and should be employed in many segments of the inner loop.” Highway critics would be well advised to urge such steps, which “would be more fruitful than adamant opposition” because the Inner Loop “probably has progressed too far now to be stopped.” [“Freeways and the City,” *The Washington Post and Times Herald*, October 21, 1961; “Beautifying Freeways,” *The Sunday Star*, October 22, 1961]

All praise aside, the Commission of Fine Arts, the Committee of 100 on the Federal City, and the Committee on the National Capital of the American Institute of Architects came out later that month against not only the Inner Loop but Smith’s design for the E Street Expressway. Chairman Finley said the commission was withholding endorsement of the E Street Expressway because:

We feel a depressed roadway, such as is being planned will not only be destructive of the E Street Mall, but would direct too great a volume of traffic past the White House.

Smith’s design, he said, made the expressway more acceptable, but commissioners opposed the “depressed trench” facility:

If, after further consideration, it is determined that the freeway is still necessary in this location, then members hope the District Commissioners will consider putting the expressway underground from Twenty-third to Twentieth streets, so far as possible, and thus preserve the greater part of the area as a park.

The Committee of 100 called for “a thorough evaluation of the probable impact of the Inner Loop on the appearance of the National Capital and the lives and property of its inhabitants.”

The Northwest Committee for Transportation Planning, formed to block an expressway in the Wisconsin Avenue corridor, released a 50-page study supporting a moratorium on the four Inner Loop projects that NCPC was studying. “The Inner Loop and related street widenings and arterial freeways would not solve traffic congestion problems, but would create an even worse

strangulation of automobile traffic.” [“3 Groups Join Protest Of Inner Loop Plans,” *The Evening Star*, October 27, 1961]

In view of the objections, Aitken asked the District’s “little fine arts commission” of three architects to study the proposed E Street Expressway. He asked Washington architects Leon Chatelain and Leon Zach, and Paul Goettlemann, head of the Catholic University School of Architecture, to report back by December 12, 1961.

Their report said that Smith’s proposal was “over-designed” and needlessly expensive. They favored a more conventional design featuring greenery along sloping expanses. Aitken admitted he agreed with their conclusions, but assured reporters that he had not made any recommendations to them on this, the first review since their appointment on November 9. “These men are not rubber stamps. They’re hard, sensible, rational thinkers.” He added, “An architect can’t be unmindful of cost.”

The *Post*’s Willard Clopton described Smith as plainly “miffed” by the reaction. She said:

If they want to make a great hole in the city in the name of being a quote architectural advisory committee unquote, let them. They couldn’t be more wrong.

She would be willing to redesign the expressway, but only up to a point. “I’m not going to redesign a big cut in the city.” [Clopton, Willard, “Panel Criticizes E. St. Expressway Design,” *The Washington Post and Times Herald*, December 31, 1961]

The *Post*’s architectural critic, Frederick A. Gutheim, described Smith as “a willing pioneer” who had examined the basic elements of the E Street Expressway only “to seize upon those elements which she could control, and attempt to manipulate them into a design which would dominate the earlier fundamental engineering.” He continued:

The end result showed there were just not enough such elements, that hostility to more-than-engineering design was to be encountered all along the line, and that even the brightest designer was doomed to failure.

He understood the position the Commission of Fine Arts and others had taken:

Her major objective was to tame the wild engineering form of high speed expressway, and give them a more architectural and urban character compatible with the surrounding buildings.

But a highway is not a boudoir; and what in the end must be considered a cosmetic treatment—even if less costly because of the use of open-cut designs—cannot be considered effective.

Gutheim concluded by stating the challenge facing engineers and architects alike:

If we are to have urban expressways, they should be designed as such. They should fit into cities, not disregard them. Their design should embrace these factors, at the start, not tinkered with at the end to arrive at some sort of futile compromise.

This is a new engineering task and we are overdue in facing it. [Gutheim, Frederick A., "Need Highways Be Ugly Scars?" *The Washington Post and Times Herald*, January 11, 1962]

Smith met with Director Aitken and his architectural team on the morning of January 16, 1962, to seek a solution to design of the E Street Expressway. After the meeting, she told reporters, "The basic design is going to hold . . . . I didn't have to compromise very much." The fuss in December, she said, was a "misunderstanding," and she expressed confidence in Aitken, describing him as "one of the few good highway engineers around."

Aitken was less certain of the outcome of the meeting. "We're very close together on her basic concepts." In view of the architectural team's concern that the concrete Smith had identified might not be durable enough for Washington weather, Aitken said he would search for a more durable concrete, adding that "cost will be secondary." [Clopton, Willard, "Expressway Design Wins Vital Support," *The Washington Post and Times Herald*, January 17, 1962]

On April 18, the Fine Arts Commission "reluctantly" approved the Smith design for the E Street Expressway, but wanted the opportunity to review the materials to be used on the facility. The commissioners agreed with Smith to reject the request from American Red Cross officials to build the expressway on a bridge in front of their headquarters between 20<sup>th</sup> and 21<sup>st</sup> Streets, NW. The commissioners concluded that a structure at that location would "confuse" the design. The Committee of 100 for the Federal City remained opposed to the expressway. ["Brick Safety Strip Cut From Plan for Avenue," *The Evening Star*, April 19, 1962]

NPS Director Wirth was concerned about the traffic the expressway would deposit on E Street south of the White House. Existing E Street carried traffic in a slight curve between the White House grounds and the Ellipse, but the area to the west included the Red Cross Building, the Freer Art Gallery, and the planned performing arts center. Wirth predicted that with the opening of the Theodore Roosevelt Bridge and the expressway in 1964, Constitution Avenue, "overloaded now," would not be able to handle the traffic. Congestion on Constitution Avenue would cause motorists to switch to E Street, an outcome that would ruin "the whole complex and the Ellipse." With the Red Cross, art gallery, and performing arts center involved, "They've got themselves a real problem." As a result, a tunnel was "inevitable."

District highway officials pointed out that the E Street Expressway was designed to handle traffic for the office area west of the White House. Through traffic volumes would not be heavier, they said. As a result, they were not planning to extend the expressway south of the White House, whether in a tunnel or not. [Flor, Lee, "Tunnel Proposed At White House," *The Sunday Star*, July 22, 1962]

The District opened bids on October 13, 1962, for the first segment of the E Street Expressway. The contract involved construction of a bridge to carry 23<sup>rd</sup> Street over the new facility. The

bridge had been modified to match the aesthetic standards applied to the expressway. Smith said, “This is a very exciting project,” one of the first highway projects designed aesthetically to make an area more beautiful:

It will save a real pedestrian area, and make it very attractive. This is a historic project, and the more support the Highway Department gets, the better.

Acknowledging critics of the design, she predicted that “everyone will be happy with it” when the expressway is completed.

Blackwell Construction Corporation of Merrifield, Virginia, won the contract with a low bid of \$575,824.10. On November 9, District highway officials gave the company the order to “proceed immediately” on the contract. [“E St. Expressway Work Due to Start” (October 14, 1962) and “Work to Start Soon on E Street Expressway” (November 9, 1962), *The Evening Star*]

An exhibit on “Washington in Transition” at the Octagon Gallery by the American Institute of Architects opened on January 8, 1963. It gave Wolf Von Eckardt a chance to consider freeway and other designs for the city. “All this,” he wrote, “conveys a vivid impression of the almost frightening extent to which we will keep the bulldozers roaring and sledgehammers clanking in the years to come.” He was referring not just to freeways but to commercial buildings planned for the city. Referring to storefronts, office buildings, and hotels “now overshadowing Farragut Square, Thomas Circle and other vital downtown areas,” he wrote, “An exhibition of models and drawings for many of these slipshod designs would be far less encouraging.”

By contrast, Smith’s design for the E Street Expressway proved “that traffic needs can be turned into an aesthetic asset.” Freeway underpasses such as those built to date did not have to be “shocking gashes in the cityscape”:

Their ugliness is emphasized by forbidding, massive tube railings. The new tunnel under Washington Circle is the most recent example of how to ruin the appearance of a city.

Mrs. Smith, in contrast, has designed what amounts to a little park. Lovingly landscaped greenery will make the tunnel entrances seem almost a natural feature. Her design immeasurably enhances the front yard of the Red Cross building on 21<sup>st</sup> street. If we can’t, with the millions of dollars we spend on expressways, afford more such thoughtful treatment, we should stop talking about our aesthetic aspirations for the Nation’s Capital.

He contrasted her design with the proposal for the Georgetown waterfront that “seems to emphasize rather than diminish the visual damage done by the elevated freeway.” He predicted that “more imaginative ideas will undoubtedly come forward.” [Von Eckardt, Wolf, “Architects Sponsor Display of City’s Future Face,” *The Washington Post and Times Herald*, January 6, 1963]

In June 1963, a joint bid by Brookfield Construction Company and Baylor Construction Corporation of New York won the contract for construction of the expressway. [“Expressway Bid Received by City,” *The Washington Post and Times Herald*, June 22, 1963]

In late 1964, the *Post* described Foggy Bottom as “a maze of tunnels, bridge ramps, expressways, detours and traffic jams.” It was “a sidewalk superintendent’s dream-come-true”:

Within one square mile, the District Highway Department is carving out such massive projects as the E Street Expressway, the Inner Loop and its vast tunnel under Virginia Avenue, the Potomac River Freeway, K Street remodeling, Theodore Roosevelt Bridge ramps, and innumerable underpasses, overpasses, on-ramps and off-ramps.

If prizes were given for this sort of thing, this project would take one . . . . For the time being, the area . . . is just one big detour.

The article referred to the E Street Expressway as “a huge concrete gash between 19<sup>th</sup> and 23<sup>d</sup> Streets” that was scheduled to open in late 1965. [Dewar, Helen, “Foggy Bottom Is a Mammoth Detour,” *The Washington Post and Times Herald*, November 22, 1964]

As the opening of the E Street Expressway approached in 1965, the *Post* reported that the “glorified three-block-long trench” includes “walls decorated with a three-inch layer of reddish granite” along the tunnel segment between 21<sup>st</sup> and 22<sup>nd</sup> Streets. “It is an off-beat touch, as modern freeways go, and one of the few flourishes surviving from architect Chloethiel W. Smith’s original design for the Expressway.” She had hoped to transform an “open wound” into “a model for such projects across the country”:

But the proposals ran up against the economics of roadbuilding and, one by one, most were dropped or modified. According to a spokesman for the District Highway Department’s design division, Mrs. Smith’s landscaping and lighting ideas would have cost “about four times as much money as we had available.”

Recessed lighting in the curbing, indirect illumination by use of lights hidden in trees, and a pool, fountain, or decorative patio above the tunnel were dropped:

The city designers did adopt another of her ideas, the placement of planter boxes atop the portals at each end of the tunnels. These will be planted, and there will be “imaginative” use of trees and shrubs in beautifying the general area, the spokesman said. “We believe the result will be esthetically pleasing,” he declared.

The “regal red” granite used in the project came from Oklahoma, was cut in Vermont, and installed by Spanish stone smiths. The District’s resident engineer, Jacob LeMair, said officials had been hesitant to use the granite. “But we figured that since we’d hired Mrs. Smith to advise us, we’d better accept her recommendations in some areas anyway.” He added that except for the granite and planter boxes, the project would be a “fairly typical” specimen of an urban expressway.

As for the architect, the *Post* wrote:

Mrs. Smith, whose creations have often been beyond the ken, or at least the means, of her customers, said she hadn’t kept track of how her design had fared.

“I’ve been too busy with my other lost causes,” she said. [Clopton, Willard, “E Street ‘Ditch’ Ditches Its Flourishes,” *The Washington Post and Times Herald*, May 6, 1965]

On July 12, 1965, the E Street Expressway opened to limited traffic. The three-block long expressway, built in a trench with one block in a tunnel, cost \$4.5 million. Work remained to be completed later in the month on an additional ramp for eastbound traffic to reach Virginia Avenue, leaving only some paving to be completed in October. [Eisen, Jack, “Expressway Due To Open Monday,” *The Washington Post and Times Herald*, July 10, 1965]

### **East Leg Advances**

The District commissioners scheduled a public hearing on June 30, 1964, to consider the \$27 million, three-level interchange “C.” Originally planned in the 11<sup>th</sup> Street corridor, the interchange had been shifted along with the East Leg Freeway. The *Post* described the new interchange proposal:

The T-shaped network of roads and ramps will extend from the Southeast Freeway at 6<sup>th</sup> st. se. to a point past 19<sup>th</sup> st se., where [it] eventually will tie to the East Leg. The stem of the “T” will connect the interchange to the 11<sup>th</sup> Street Bridge and the Anacostia Freeway.

Highway officials say the new design was prepared with consideration of the sociological, economic and esthetic consequences – factors the Department was accused of ignoring two years ago.

According to Planning Chief Grant, the primary interchange lanes would parallel the curving right-of-way of the Pennsylvania Railroad from 11<sup>th</sup> to 19<sup>th</sup> Streets, SE. This alignment would reduce the number of families the interchange would displace. Still, the city estimated that 170 dwelling units would be removed. The city planned to begin construction in early 1968.

As the *Post* put it, the interchange had emerged from “a cloud of controversy,” with “a trimmer figure and a more tactful personality.” [Schuette, Paul, “Loop Interchange Flagged in 1962 Emerges with Revamped Personality,” *The Washington Post and Times Herald*, June 28, 1964]

Writing about the June 30 public hearing, the *Post* and *Star* reported a surprising change in attitude. The controversy over interchange “C,” the *Post* wrote, “appeared dead yesterday at an uneventful public hearing before the District Commissioners.” Lee Flor wrote that witnesses – only eight testified, fewer than expected – questioned details but not the basic concept of the interchange. “This appeared to be a reversal of earlier hearings when opponents of the highway program used the opportunity to launch attacks on the entire District freeway program.”

Walter Washington, executive director of the National Capital Housing Authority, testified that he was working with District highway officials “to maintain the loss of public units at an absolute minimum.” Despite his efforts, “We face a substantial loss of public housing.”

Peter Craig, representing the Committee of 100 on the Federal City, criticized the city for not providing adequate notice of the public hearing. He opposed the interchange because it was the

bottom hinge for the East Leg Freeway. Interchange approval might force construction of the freeway, he argued. He said that the East Leg and North Leg Freeways would take over 1,000 homes, displace over 3,000 people, and require about \$10 million from the District highway fund at a time when the city was facing a shortage of gas tax revenue. He recommended building the East Leg Freeway on the east side of the Anacostia River along the existing Kenilworth Expressway.

Four citizen associations based in the southeast quadrant testified that the area needed more recreational space. “Children of the area,” said Mrs. Beverly Baumgart of Circle on the Hill, “should not be deprived of what little play space they have so that someone can cut 10 minutes off his commuting time or receive his evening newspaper a few minutes earlier.” [Flor, Lee, “Witnesses Question Impact of Interchange on Housing,” *The Evening Star*, June 30, 1964; “Inner Loop Interchange Fight Dies Down,” *The Washington Post and Times Herald*, July 1, 1964]

A *Star* editorial suggested that if public hearings meant anything, the commissioners would soon approve interchange “C.” The plan, which included extending the Southeast Freeway to the western shore of the river beyond Barney Circle at 17<sup>th</sup> Street and Pennsylvania Avenue, was “clearly superior to the original proposal,” as most of the “handful of witnesses” had said at the hearing.

The only remaining question was whether NPS, which had posed “massive resistance” to the East Leg routing along the Anacostia River, was willing to go along with the new plan.

The hearing had displayed “a welcome and totally unfamiliar atmosphere of co-operation.” The animosities of past hearings, as well as the “recalcitrance of highways officials” were both gone. The editors could only hope “this healthy new climate is not a passing thing.” [“New Freeway Climate?” *The Evening Star*, July 7, 1964]

District officials were in a “simmering backstage controversy” with NCPC, as Jack Eisen put it in the *Post* on July 24, because NCPC was going beyond “general” questions to details, such as the sprinkler system for the John F. Kennedy Center for the Performing Arts. General Duke, a NCPC member, said, “We’re taking on a job that is somebody else’s to do.” Chairman Rowe, with strong support from Paul Thiry, disagreed. They often approved proposals conditionally, holding final action until NCPC could see final plans and models. Thiry said NCPC had a “moral obligation and an accountability to see what we are voting on.”

On July 24, NCPC took up interchange “C” and a 1.5-mile East Leg Freeway section to Barney Circle:

It followed such a course in acting last spring on a freeway interchange near 11<sup>th</sup> and M sts. Se. A model of that facility, Interchange C, was inspected . . . with final action put off until this morning.

NCPC members looked at the model for over an hour, suggesting possible changes. One concern was the height of the interchange structure. In eliminating the cloverleaf design of 2 years

earlier, the District had saved land but had to raise the interchange to three levels to provide the needed service. They criticized aspects of the plan, arguing that the design, coupled with the new 11<sup>th</sup> Street Bridges across the Anacostia River, was not appropriate for a “major gateway to Washington.”

Finally, NCPC conditionally approved interchange “C,” endorsing the “concept” but expressing concerns not only about the height of freeway structures, but ramp connections, landscaping, and proximity to buildings. [Eisen, Jack, “Planning Panel Quarrels On Scope of Its Advice,” *The Washington Post and Times Herald*, July 24, 1964; “Interchange For Freeway Is Approved,” *The Washington Post and Times Herald*, July 25, 1964; Lewis, Robert J., “Freeway Leg Wins Approval,” *The Evening Star*, July 24m, 1964]

The District commissioners approved construction of interchange “C” on August 4, 1964, with contracts to be advertised in November.

(By mid-1966, construction was underway on some ramps of interchange “C,” but relocation problems were delaying other parts of the project.)

Shortly after the District commissioners approved interchange “C,” the city opened the last 3 miles of the 8-mile Anacostia Freeway on the east side of the river. Without ceremony, the District opened the freeway, from Firth Sterling Avenue, SE., to Pennsylvania Avenue, SE., on August 7, 1964. The completed freeway provided a north-south bypass of downtown from the Woodrow Wilson Memorial Bridge on the Capital Beltway to the Baltimore-Washington Parkway and U.S. 50 to Annapolis.

The new freeway contained what the *Star* described as “several built-in booby traps” for commuters coming from the north:

If they are used to coming down the freeway to Pennsylvania avenue or Eleventh street S.E. to turn west to reach downtown, they are going to discover their last turnoff now will be at East Capitol street.

If they miss this turnoff, they will become “freeway captives” and will have to go on across the Woodrow Wilson bridge to Virginia [where they could turn north to reach the city on Shirley Highway].

Or they will have to turn east, get off the freeway, hunt around for a detour turnaround on the Anacostia street system, and then head back west to reach downtown.

Signs would warn motorists that their last turnoff to downtown was at East Capitol Street. [“New Anacostia Route Closes Popular Cutoffs,” *The Sunday Star*, August 2, 1964; “Anacostia Freeway Now Open All the Way,” *The Washington Post and Times Herald*, August 8, 1964]

The lack of additional exits ramps to downtown stemmed from the District’s inability to secure permission from NPS to allow connections through Anacostia Park west of the river.

## **The Tunnel in the Sky**

After traveling over the route of the North-Central Freeway in a helicopter, Chairman Funk of the Maryland State Roads Commission was convinced the freeway could be built on “stilts” over the Baltimore and Ohio Railroad tracks. The plan would reduce demolition of homes and businesses and avoid dividing communities that were not already split by the railroad.

*Post* editors congratulated District and Maryland highway officials “for a notable, if somewhat belated, display of imagination and sensitivity to the community’s interest.” It would cost more than the original plan that involved demolishing over 1,000 homes, but “there are many kinds of cost in highway construction.” Funk’s plan “represents a substantial advance in highway engineering here.”

The editors suggested, “The helicopter is becoming the symbol of a political commitment.” [“An Elevated View,” *The Washington Post and Times Herald*, June 12, 1965]

At a time when the Senate was considering the proposal to require authorizations for highway projects before appropriations, Engineer-Commissioner Duke met with Senator Tydings, one of the authors of the report language, on June 25 to discuss the District’s freeways. During the 65-minute meeting, General Duke and the Senator discussed the Inner Loop and the North-Central Freeway, with the engineer commissioner displaying photographs of construction.

The meeting concluded with Senator Tydings saying he wanted more information. They planned to travel over the area by helicopter, although the aerial view does not appear to have taken place. [“Duke Briefs Tydings on Highways,” *The Evening Star*, June 26, 1965]

On September 25, 1965, NCPC staff released a draft 1985 Comprehensive Plan for development of the District of Columbia. One premise of the plan was that the city’s population would increase from its estimated 803,000 residents in the mid-1960s. The plan set a goal of holding the city under one million residents by 1985 – to 950,000 people. Priority should be given to “improved quality of living environment rather than to accommodating a significant population increase.”

The plan relied on transportation as the backbone of its proposals to pull the city’s disparate elements into reasonable patterns. Freeways were an important element of the plan, as were extensions of rail rapid transit to create a 110-mile system. For downtown, future developments “must reflect major shifts in accessibility resulting from the new basic transportation systems under construction and scheduled for development during the next decade. Freeways, with careful design and tunneling, would protect residential areas by pulling cut-through traffic off local streets.

Planning staff recommended several of the city’s controversial freeway segments, such as the entire Inner Loop Freeway system, including the North Leg Freeway on an alignment north of downtown along a route not yet determined. Staff endorsed the North-Central Freeway, a Palisades Parkway on the north bank of the Potomac River, and a “vehicle-carrying facility” in the vicinity of Three Sisters Islands; the term implied the facility could be a bridge or tunnel.

(Chairman Rowe, who opposed the bridge, was refusing to put it on NCPC's agenda.) They also endorsed a Potomac River bridge between Bolling Air Force Base and a point south of National Airport. In short, staff endorsed the planned 29-mile Interstate System.

The draft plan described the freeway plan as "moderate," and said it was designed to ensure "the fullest possible use of transit." Rail rapid transit would include extensions, as Lee Flor summarized:

Under the staff proposals for expansion of the subway system there would be an extension toward Annapolis, following the route of the Baltimore & Ohio Railroad line from the end of the National Capital Transportation Agency line at Kenilworth Avenue and Benning Road. The extension would have an entirely new station near Sheriff Road and Minnesota Avenue NE.

There would be an entirely new branch line to serve Anacostia Center. This would come off the NCTA line at Fifth Street and Pennsylvania Avenue SE, to a station in the Naval Weapons Plant, another near Anacostia Center at Good Hope Road and Nichols Avenue, and one at Alabama and Pennsylvania Avenues.

The NCTA line, using a railroad branch north from Union Station, would be extended from its planned end at Woodside to Rockville.

Another extension would start from the NCTA Columbia Heights line and extend north along Georgia Avenue to a terminal with the other NCTA line to Rockville. New stations would be at Missouri and Georgia Avenue NE and near Georgia Avenue and Upshur Street NW.

There would be an extension out Wisconsin Avenue, with new stops at Nebraska and Western Avenues.

In northern Virginia, the Rosslyn line would be extended out toward Fairfax City. There would be another extension of the Pentagon line out along the railroad tracks to Springfield.

For downtown Washington, the plan also recommended a second rail rapid transit line south of the National Mall:

It would have three new stations, one near Independence Avenue and Third Street SW, a second near the large "Junior Pentagon" being built along Tenth Street south of Independence, and a third in the Federal Triangle, near Tenth Street and Pennsylvania Avenue NW.

As Flor pointed out, this line had been in NCTA's 1962 plan, but had been discarded in the bobtail plan.

He summarized the overall rail rapid transit plan environment by NCPC staff:

The NCPC is not giving out any official figures on costs for the transit extensions. However, the entire transit system would be around 110 miles, compared to the \$431 million, 24-mile approved system.

Based on prior information about the contents, Peter Craig denounced the highway recommendations. He charged that NCPC staff had simply adopted the traffic projections and other information provided by District highway officials, instead of developing independent forecasts and adjusting the system accordingly. NCPC staff denied his charge, telling reporters they had used their own judgments.

The draft 1985 Comprehensive Plan covered many subjects. It proposed centralization of Federal activities in the city rather than dispersing them to its suburbs. As described by Lee Flor, the draft plan called for facilities to accommodate the increased number of government workers:

Planners see the federal government requiring new buildings to accommodate about 300,000 persons. This would mean new space about equal to the amount now existing, except for tempos and other outmoded structures.

This forecast of construction needs derives from an expectation that in the next two decades 150,000 more federal workers will be employed in the metropolitan area, and that new space also will have to be provided to replace existing worn-out offices now occupied by about 50,000 employees. [sic]

Worker accommodations would be placed, according to the proposals, as follows: Within the city, 150,000; outside the city, 50,000.

Federal development within the city would accommodate 50,000 workers in the center proposed along South Capitol Street; 50,000 in clusters on the fringe of the business district, such as at 12<sup>th</sup> Street and New York Avenue NW. as well as along Pennsylvania Avenue and at other central sites, and 50,000 outside the central area but still inside the District, at subway stops and other locations.

The plan also sought strict controls on off-street parking in the downtown area. By not meeting demand for parking spaces, planners hoped to shift people out of automobiles and into rapid transit. "It would be inappropriate for the Nation's Capital to be dominated by its circulation system."

Staff Director W. C. Dutton, in transmitting the draft to the NCPC commissioners, wrote, "It is my hope that the report will stimulate widespread community discussion leading to consensus on the issues raised."

In releasing the draft for public review, Chairman Rowe said, "the Commission itself has not taken a position." She wrote:

Washington can have no ordinary plan. Although it shares the problems of many of the country's other large cities, it is unique in its functions, its site, its history and its plan.

She added that the area was fortunate to have the Federal Government overseeing development. [Flor, Lee, "Transportation Viewed as Backbone of D.C.'s Future," *The Sunday Star*, September 26, 1965; Eisen, Jack, "City Planners Push Three Sisters Span In 20-Year Program," *The Washington Post and Times Herald*, September 26, 1965]

Except for the Palisades Parkway and the Three Sisters crossing, all of the freeway plans would be east of Rock Creek Park. Director Airis endorsed the planners' freeway proposals in an interview on September 29. He said that freeways east of Rock Creek Park would be less disruptive than freeways proposed for construction west of the park.

The North-Central Freeway was the key to serving the Maryland suburbs. If built wide enough, possibly 10 lanes, it would have a chain reaction on city streets. First, it would reduce peak period traffic on arterials such as 16<sup>th</sup> Street, Wisconsin Avenue, and Connecticut Avenue. That shift also would reduce the desire of frustrated drivers to shift onto side streets in neighborhoods such as Chevy Chase, Cleveland Park, American University Park, and Brookland. "Give us the freeways," he said, "and we can start talking about improving the bus service, providing reserved lanes and all that." He added, "Now we just can't do it." [Eisen, Jack, "Road Plan See Easing Residential Street Load," *The Washington Post and Times Herald*, September 30, 1965]

Nine citizens groups from throughout the area released an analysis prepared by Peter Craig on October 9. They wrote to President Johnson and congressional and local leaders to object to a statement in the President's budget for the District of Columbia that the freeway program was based on plans for a 98-mile rail rapid transit system. The budget claimed the system would shift commuters off the freeways, a theory that made the freeway plans reasonable.

The organizations Craig represented said that the 1985 forecast by District, Maryland, and Virginia highway officials was "either a deliberate attempt to undermine the official planning goals for the Nation's capital or else is the product of gross incompetence." They called for a halt to all freeway construction until an objective reappraisal of planning assumptions behind the freeway could be conducted. ["9 Citizens Groups Ask Halt of Freeway Work," *The Sunday Star*, October 10, 1965]

On November 17, Chairman Funk unveiled a 6.3-mile, 107-foot high walled-in structure carrying the North-Central Freeway, rapid transit, and railroad tracks in Maryland. The "elevated express transport compound" would run from Rhode Island Avenue to the Capital Beltway along the Baltimore and Ohio Railroad tracks, with room on the roof for parks, heliports, and cafeterias. The transportation modes would be arranged in tiers, with the railroad on the bottom, rail rapid transit or high-speed buses next, followed by two tiers for the freeway. The structure would not require the taking of homes and, because it would be built over an existing railroad, would not disrupt the community.

Peter Krajcinovic, a 65-year old Yugoslav bridge engineer employed by the engineering firm Beam, Inc., had submitted the proposal to the Maryland State Roads Commission on his own, not under contract to the State. Funk said the engineer had developed a relatively inexpensive construction method using pre-stressed concrete and pre-stressed steel. Krajcinovic estimated

that the 6-mile structure would cost \$13.5 million a mile – less than the \$20 million a mile for the original 10-lane plan.

Funk said the plan was being “seriously considered” to solve the problems blocking construction of the North-Central Freeway. “It’s the logical solution to our difficulties if we can work out some problems at the interchanges and some problems at the interchanges and some engineering problems,” Funk said. “And right now it looks like we are going to be able to work them out.”

Funk had discussed the idea with Director Airis. District highway officials had not had a chance to review it, but he planned to send copies of the proposal to Airis for examination. [Barnes, Bart, “‘Tunnel in Sky’ Plan Seen as Solution to North Central Area,” *The Washington Post and Times Herald*, November 18, 1965; “Multilevel Freeway Above B&O Studied,” *The Evening Star*, November 18, 1965]

Officials were not certain how Takoma Park would react to construction of a 107-foot high “wall” through the city, but they did not have to wait long to find out. On November 19, the Save Takoma Park Committee called for Funk to be fired because of his “shocking disregard for citizens.” The committee said the plan would “make Washington the laughing stock of the world.” Roderick F. Davis, the committee’s head, said, “Even if we do need a freeway, we don’t need something that will make a four-story apartment building look like a match box.” Sammie Abbott said, “It’ll make the Berlin wall look like a country fence.”

Peter Craig, asked about the proposal, said the time had come “for city planners to stop planning for more cars.” Downtown already had too many.

Byron Sedgwick, who headed Montgomery County’s Planning Board, had a more positive reaction. He said, “It’s a new concept and an exciting one.” But he added, “Of course you know it’s going to be higher than an 11-story building.”

Airis, who had not been available for comment when Funk unveiled the Tunnel in the Sky, said he had spoken with Funk about it. If Maryland adopted the plan, the District would consider it. “We’re going to leave no stone unturned in our efforts to work out a freeway and rapid transit route over the B & O corridor where there will be a minimum of displacement.” [“Takoma Unit Asks Firing of Funk In Freeway Row,” *The Evening Star*, November 19, 1965; Barnes, Bart, “Arguments Flow Anew On New Freeway Plan,” *The Washington Post and Times Herald*, November 19, 1965]

Wolf Von Eckardt also did not need long to form his opinion. In “A Critique,” he said “we can’t allow a 6.3-mile long, 107-foot high Chinese wall to divide our communities.” He called it a “monster” that would “only cause exhaust problems, divide communities worse than ever and look uglier than sin.”

Officials should “bend every effort to cut this thing down to size and make it as invisible as possible.” Good creative designers would conclude:

The subway and railroad and even the freeway could, at least in substantial stretches, be tunneled or sunken. Above ground the two freeway decks won't always have to run atop each other. In stretches they could run parallel.

What we would come up with in the end are light, airy ribbons and spans, elegantly rising and falling, dipping underground and emerging and spreading and joining. It could be quite handsome.

The subway stations would provide room for Krajcinovic's cafeterias and heliports as well as "some greenery." With these adjustments, the freeway "might yet develop into something that would not just be useful but also attractive." [Von Eckardt, Wolf, A Critique, "Corridor 'Air Tunnel' Labeled Monstrous, Unnecessary Wall," *The Washington Post and Times Herald*, November 19, 1965]

On November 22, Funk said the idea also might work in Baltimore, which was experiencing the same types of problems as the District of Columbia. "I think it has a lot of potential in areas that [Baltimore] would not like to have destroyed and where the necessity for a narrow right of way is great."

Back in the District, Airis revealed that the city had hired Skidmore, Owings and Merrill to help in "the initial conceptual" stages of reviewing the tiered highway plan. The goal was to minimize "displacement of people and industries" while integrating the freeway facility into the urban landscape." [Associated Press, "Elevated Freeway Eyed As Ideal for Baltimore," *The Washington Post and Times Herald*, November 23, 1965]

The *Star's* editors had their doubts. Citing Funk's comment that the plan "might work," the editors wrote:

If he means this *specific* scheme "might work," our advice is firm: Forget it. This kind of engineering, apart from all the technical questions which spring to mind, Washington can do without.

If he meant that using air rights "might work," they said, "we're with him." They added, "Innovations in highway planning do not have to be silly to be imaginative, or to produce incalculable savings in land, in money and in avoiding community disruption." ["Highway in Orbit," *The Sunday Star*, November 28, 1965]

NCPC met in the District Building on November 30 with civic associations in the North Central section of the city to discuss the draft 1985 Comprehensive Plan. One of the most frequent questions was: "Why do we need both a freeway and a rapid transit system?" Why, they asked, did they need the "potentially disruptive" North-Central Freeway paralleling the railroad when rapid transit would "get people in and out at peak hours."

Sydnor F. Hodges, NCPC's assistant director for comprehensive planning, explained, "Vehicular traffic is inevitable. A metropolitan area needs both plans." Transit would take care of commuters during peak hours, but the highways were needed, he said, for the in-between hours.

[Murphy, Betty, "Civic Groups Voice Fears On Planning," *The Evening Star*, November 30, 1965]

The Maryland State Roads Commission's Patrick J. McCaffrey, assistant chief of the Bureau of Highway Information, replied to the *Star*'s editorial "Highway in Orbit." He appreciated the endorsement of the idea of using air rights over the railroad. "It was this principle, a vertical freeway," that Funk was endorsing in his interview. The commission had not committed to any concept for the North-Central Freeway, and would not do so until it received reports on the corridor from J. E. Greiner Company, Alan Voohees and Associates, and Wilbur Smith and Associates. The reports were due after January 1, 1966.

No one knew the results. Washington was "facing the all but unsolvable problem of finding space and corridors to place the various types of transit it needs" without disrupting the community. "Innovation is indeed needed." [McCaffrey, Patrick J., 'Highway in Orbit,' Letters to the Editor, *The Evening Star*, December 18, 1965]

Chairman Funk met with Airis on December 21 to discuss the four-level "transportation compound" idea. They conceded that citizens might be right that the four-deck stack would be an ugly "Chinese wall" that would divide the communities the Sky Tunnel passed through. Without revision, it would be unacceptable. However, they thought the stacking concept might be useful with some revisions. They were considering ways to reduce the height of the structure or build a stacked facility that would be elevated in part, at ground level in some locations, and underground in others. Along those lines, they had asked the architectural firm of Skidmore, Owings and Merrill to study the concept Von Eckhardt had proposed.

While the Funk proposal was "undergoing major surgery," as the *Post* put it, the newspaper said one thing was clear:

The original North Central Freeway proposal – a route just east of the B&O tracks that would have displaced 570 families in Washington and 720 in suburban Maryland – was shelved after citizens groups assailed it at public hearings a year ago.

Funk and Airis did not expect a decision on the revised transportation compound idea until studies were completed in 1966. [Barnes, Bart, "Highway Chiefs Take Down-to-Earth Look at 'Sky Tunnel' Plan," *The Washington Post and Times Herald*, December 22, 1965]

In George Lardner, Jr.'s first Potomac Watch column in December 1964, "Freeway Pushed on Basis It Is All Things to All Men," he had discussed the North-Central Freeway:

The mammoth expressway will have four lanes going north, four lanes going south and two lanes in the middle that will shift directions with rush-hour traffic . . . .

The consultants who recommended the route have pictured everything imaginable on it. Housing developments could stretch across the top. The two reversible center lanes could one day be set aside exclusively for rapid rail transit or express buses.

A freeway, in short, designed to be all things to all men—except to homeowners in its path.

NCTA, he noted, had rejected the center lanes for its rail rapid transit system, preferring an alignment along the Baltimore and Ohio Railroad tracks, but use by buses was possible:

To be sure, D.C. Transit's O. Roy Chalk is quite keen on them. And officials of Downtown Progress estimate that five-bus "trains" could carry as many as 27,000 passengers an hour on a single freeway lane set aside for them with stations along the route. The buses would uncouple in the suburbs to serve individual neighborhoods.

Such dreams for the future seem to assume that the motorists who use the Freeway's center strip to zip down from the Beltway will quietly fold up their Volkswagens and steal away.

Officials considered the North-Central Freeway inevitable because it was the only one planned between the District and Montgomery County, but Lardner pointed out that saying no other freeways are planned is not the same as saying "none will be sought over the next 20 years, a promise that has not and could not be made." Still, the 90-10 Interstate program was coming to an end in 1972, supposedly. "There'll be an effort to keep the interstate program or something like it going as sure as there's a highway lobby to make the try." [Lardner, George, Potomac Watch, "Freeway Pushed on Basis It Is All Things to All Men," *The Washington Post and Times Herald*, December 21, 1964]

### **Under the Potomac River Freeway**

On December 29, 1965, District highway officials announced they would use \$10,000 from the Highway Beautification Act of 1965 to hire Doxiadis Associates to plan development of the Georgetown waterfront area. The firm, which had developed the Downtown Progress plan in 1962 for the downtown core, was to plan park areas, residential and commercial buildings, pedestrian access, and recreation facilities for the area from K Street to the Potomac River between Key Bridge and Rock Creek and Potomac Parkway.

Planning chief Grant said the first stage would be to integrate existing facilities with a desirable development of the waterfront and Georgetown. The firm was to complete this work in 45 days. The next phase included providing for shops and residences under the Potomac River Freeway, which was to be built adjacent to Whitehurst Freeway, and creation of a yacht basin that would include restaurants and other facilities that would invite pedestrians to explore the area.

The Georgetown Planning Council, consisting of 35 architects, city planners, and landscapers, wanted to replace the elevated Whitehurst Freeway and the planned Potomac River Freeway with tunnels. On December 30, the council urged the District Department of Highways and Traffic to broaden the Doxiadis study to include the tunnels:

Unfortunately, the report seems to indicate that Mr. Doxiadis is not being allowed to consider the total question . . . . Our studies indicate it would not be possible to make an

elevated freeway tolerable by “decorations” or by any other superficial treatment—or by supposing the good quality land uses will be attracted to its shadows.

Council chairman and architect Walter G. Peter, Jr., noting the plan to widen Whitehurst Freeway from four lanes to eight, said that unless the city removed the freeway, “the beauty of the river and the Federal City will be marred forever.” He said the 20-year old elevated steel structure was tolerable in an industrial area, but “would be intolerable among residential uses.” In thinking about the waterfront, he said, the council had come “to the conclusion that the first and most important step to a proper solution is removal of the Whitehurst Freeway.”

At the same time, the Department of the Interior was considering whether to designate the waterfront a national historic site. Doing so would give the department a say in how the waterfront would be developed. [Dimond, Thomas, “Georgetown Waterfront Planner Hired,” *The Evening Star*, December 29, 1965; Morgan, Dan, “Doxiadis Assigned to Plan Park at Georgetown’s Shore,” *The Washington Post and Times Herald*, December 30, 1965; Lewis, Robert J., “Georgetown Unit Urges Removal of Freeway,” *The Evening Star*, December 30, 1965]

*Post* editors compared the Georgetown waterfront to “an unattractive heiress,” saying “the ugly cluttered segment of Georgetown below M Street does not lack suitors.” It “could bloom into real beauty,” but the question was “how best to transform the industrial jumble.” Based on past battles over urban renewal in the area, the editors suggested that a solution “will not come easily”:

The District Highway Department, which would like to gain acceptance for its proposed Potomac River Freeway, has commissioned Constantine Doxiadis to provide plans for a park along the river’s edge that will distract attention from the bulky scar of road across the area.

The plan from Doxiadis, who had an office in lower Georgetown, “will be welcome, for the idea of a park along the river bank is sound and should be incorporated in planning for the area, no matter who administers the facelifting.” [“On the Waterfront,” *The Washington Post and Times Herald*, December 2, 1966]

Like the *Post* editors, the *Star*’s editors were clear about the purpose of the contract. It was intended to find a way of “accommodating the Potomac River Expressway within an attractive park and recreational environment along the Georgetown Waterfront.” The editors disagreed with the Georgetown Planning Council’s idea of removing Whitehurst Freeway and the parts of the Potomac River Expressway already built, and burying any thoroughfare across Georgetown in a tunnel. “Freeways need not be buried to be attractive.” What was missing in the District’s highway planning was “imaginative, pleasing design, not merely of the roadways but of their surroundings, and the Georgetown waterfront offers an ideal challenge for a test of this theory.” As highway officials sought to navigate the many controversies over planning freeways, the editors thought:

An attractive, attainable plan for rejuvenating the Georgetown waterfront could be an enormous help in ending the controversy. ["Life on the Waterfront," *The Evening Star*, January 4, 1966]

In selecting Doxiadis Associates to conduct the study, District highway officials were gambling because the principal owner, Constantine Doxiades, had often spoken about the problems urban expressways caused. A well-known city planner from Greece, he had said in 1961 that cities would be choked to death by the new expressways. They should be built outside cities, with only short connectors to downtown. A year later, he told the Potomac Chapter of the National Association of Housing and Redevelopment Officials:

Most of the downtown committees of businessmen advocating more highways are helping to kill the downtowns. By bringing in more highways they are bringing in more cars and are making it more difficult for people to walk, with the result that more people are moving out of the city.

In September 1963, Doxiadis pointed out that London was "full of modern, high-speed vehicles. Yet they can cross London only at the speed of a horse-drawn bus." Similarly, Los Angeles "has built some splendid new thruways, but every one of them has attracted more cars and increased the traffic problem." After studying 6,000 years of city planning, "we find that man cannot live next to noise and fast speed without developing mental problems. Ten miles an hour he can live with. Modern speedways must be removed from the residential areas." ["New Roads Seen Choking U.S. Cities," *The Evening Star*, October 30, 1961; "Downtown Stores Are Cautioned On Expressways," *The Evening Star*, December 6, 1962; Pearson, Drew, "The World's No. 1 City Planner," *The Washington Merry-Go-Round*, *The Washington Post and Times Herald*, September 9, 1963]

In 1963, Doxiadis Associates, headquartered in Athens, and operating in 17 countries, opened a United States office in Georgetown along the towpath of the Chesapeake and Ohio Canal at 1058 Thomas Jefferson Street, NW. The 150-year old building had once been a Masonic temple. Doxiadis said:

We decided to purchase and remodel this structure because of its human scale and peaceful setting by the canal. Here were combined some of the elements which would make it possible to express in a most tangible way the human sort of urban life to which our firm is dedicated.

(In 1964, Chloethiel Woodard Smith and Associates moved to 1049 Thomas Jefferson Street, NW., after being evicted from the firm's Dupont Circle location that was being replaced by an office building. The Jefferson Spring Service Company occupied the ground floor of the building, which had been built in 1925. The architectural firm occupied 7,000 square feet on the second floor that had served as a beer warehouse and photography laboratory, but had lain vacant for years. [Eckardt, Wolf Von, "Architects' New Offices Enhance Towpath," *The Washington Post and Times Herald*, March 15, 1964])

As recently as December 16, 1965, Doxiadis, appearing on the NBC television program *Meet the Press*, had said of urban problems, “We should not forget that the final solution is going to be to separate completely the machine from man. These two completely different elements can not coincide in the same space.” He said the “most livable” city in the world was Venice, Italy. “It is the city which has not been invaded by high-speed machines, and thus it has kept the human scale which it had in the past. This is our task: to give human scale to our cities.” [“Expert Tells How to Save Cities,” *The Washington Post and Times Herald*, December 27, 1965]

This, then, was the man who would make recommendations to the District Department of Highways and Traffic on the future of the Georgetown waterfront.

The Georgetown Planning Council appeared before NCPC on January 7, 1966, to present its ideas for the waterfront, with the key being replacement of Whitehurst Freeway. The council’s Philip Huber, a former NCPC planner, referred to the city’s plan to widen the freeway to eight lanes. “It’s like Cyrano’s nose. It can’t be overlooked and it can’t be camouflaged.” Removing the eyesore was critical, and the best way to do so was to rebuild the freeway in a tunnel under the Potomac River. The six-lane tunnel would parallel the waterfront, go under the water at K Street and Rock Creek and Potomac Parkway, and emerge from the riverbed 1,000 feet west of Key Bridge. Doing so, Huber said, would be aesthetically pleasing and economically desirable. It might cost \$30 million, but removing the elevated freeway would allow for additional development that would repay the tunnel’s cost over a 25-year period.

Grosvenor Chapman, the council’s secretary, said that no matter how well designed, an eight-lane elevated freeway would be a blighting influence. He compared the waterfront situation “to a fully ripe melon - it is a matter which must be served or it will spoil.” [Lewis, Robert J., “Planners Ponder Proposal for Freeway Under Potomac,” *The Evening Star*, January 8, 1966; Clopton, Willard, “Tunnel Whitehurst, Georgetown Group Tells City Planners,” *The Washington Post and Times Herald*, January 8, 1966]

The Georgetown Planning Council met with Secretary Udall for over an hour on January 17, 1966. The council’s goal was to convince him that it was “now-or-never” time to declare the waterfront an historic landmark. He also was “sympathetic and very interested” in the tunnel plan. He suggested the group prepare a detailed land use plan and seek the backing of other parties. He planned to ask NPS Regional Director Jett to work with the group.

After the meeting, Chapman said the council believes the waterfront should be preserved while accommodating through traffic. “The council estimated the proposed six-lane tunnel would cost \$31.5 million, but Chapman said the city’s estimate was \$40 million for an eight-lane tunnel. Moreover, Whitehurst Freeway did not meet Interstate standards, he said. “We are flexible about the tunnel’s size.” However, widening the Whitehurst Freeway now by building a parallel structure would merely postpone the time when it would have to be rebuilt or replaced.

Chapman said, “The initial cost of the tunnel will be more than an elevated freeway, but in the long run the cheapest element is seldom the best.” He added, “Our preliminary analyses show that the additional cost of the tunnel will be largely offset by the increased value of the land, which will be recaptured and revived.” He explained that a full economic study would “reveal

that our proposal is the practical thing to do.” He hoped to have a plan ready in time to present it to the February 10 meeting of the Policy Advisory Committee. [Hailey, Jean R., “Udall Adds His Support For Georgetown Tunnel,” *The Washington Post and Times Herald*, January 18, 1966; Hornig, Roberta, “Whitehurst Tunnel Plan Stirs Udall’s Interest,” *The Evening Star*, January 18, 1966]

A day later, the Committee of 100 on the Federal City voted to support the council’s plan, but with a caveat. The committee agreed on demolishing Whitehurst Freeway, but said it supported the council’s riverbed tunnel only “if necessary.” Peter Craig advised the committee that he thought that a replacement freeway might not be needed. He pointed out that the opening of the Theodore Roosevelt Bridge had reduced traffic volumes on Key Bridge and Arlington Memorial Bridge. Retaining the elevated freeway “tended to perpetuate” its existence when it could be demolished without causing traffic problems. [Lewis, Robert J., “Fight to Raze Freeway Gains Added Impetus,” *The Evening Star*, January 19, 1966]

(The Department of the Interior approved National Historic Landmark District status for the Georgetown waterfront on May 28, 1967. That same day, the department added the historic district to the National Register of Historic Places.)

### **The Potomac Crossing**

On January 6, 1965, the *Post* published a letter from Peter Craig, listed as chairman of the Northwest Committee for Transportation Planning. His target was the District’s new Six-Year Public Works Plan. The highway component “has been increased by \$127 million in the past year,” with \$100 million of the increase “budgeted for acquisition of right-of-way to replace private property with 8, 10 and 12 lane ‘interstate’ freeways now deemed essential by the District’s highway planners for what they style a ‘balanced transportation system.’”

When Congress approved the National Capital Transportation Act of 1960, Craig wrote, “the price tag on the District’s highway program was about \$560 million, including about \$320 million of so-called ‘interstate’ freeways.” Since then, the ‘interstate’ component had grown by over \$400 million. “Where once the District’s highway planners proposed 30 lanes of ‘interstate’ freeways between Washington and Virginia or Maryland, they now have added 32 more.”

District highway officials, Craig wrote, often lamented the city’s ranking behind most States in “completing” its Interstate freeways. “The ‘lag’ is solely because new highway projects are added faster than former ones are completed.” Craig concluded his letter:

In the long run, public works must meet a public need. And the public’s reaction to the two most recent brainchilds of the highway planners—Three Sisters Bridge and the North-Central Freeway—documents that while the public accepts the need for rapid transit, it will not tolerate the doubled dosage of ‘highway improvements’ presently being concocted. [Craig, Peter S., “Double Highway Dosage,” Letters to the Editor, *The Washington Post and Times Herald*, January 6, 1965]

Although Craig focused on the District highway budget, the decision on the Potomac River crossing also affected I-66 in Virginia. Without a new bridge, I-66 traffic would have only one option for crossing the river: the six-lane Theodore Roosevelt Bridge with its restriction on truck traffic. Meanwhile, BPR and Arlington County had agreed in the fall of 1964 on a 10-lane stretch of I-66 between Dulles Access Road and Glebe Road, with the assumption that a second six-lane crossing, designated part of I-266, would be built to carry overflow traffic as well as trucks.

John E. Harwood, now the Virginia Highway Department's Chief Engineer, said, "If there is no bridge, we'll have to look at the question of highway width and design once more." [Flor, Lee, "Bridge Fuss Casts Doubt On Width of Route 66," *The Evening Star*, January 15, 1965]

The Three Sisters Bridge may have been the generic name but where it would be built was still in debate as 1965 began. Officials in Virginia and the District were considering three alternatives:

1. Between Key Bridge and Three Sisters Islands,
2. Downstream of Key Bridge, and
3. Upstream near the Georgetown Reservoir.

Construction across the islands had been abandoned.

On March 4, Harwood said that his staff preferred the location between Key Bridge and Three Sisters Islands. They preferred this alternative because it conformed best to Arlington's master plan and would serve traffic better than the other alternatives and require less taking of property. This location, which consultants estimated would cost \$9.5 million, involved tunneling through the Palisades on the Virginia side. Arlington County Manager Johnson also had endorsed the location. ["Central Crossing of Potomac Now favored by Virginia," *The Washington Post and Times Herald*, March 5, 1965]

On March 17, the District's Policy Advisory Committee voted 5 to 2 to recommend construction of a Potomac River crossing near the Georgetown Reservoir. The vote endorsed the consultant's plan 3, the farthest upstream of the firm's recommendations.

Committee members supporting plan 3 were:

- Charles M. Duke, engineer commissioner, District of Columbia
- William Walton, chairman, Commission of Fine Arts
- C. Darwin Stolzenbach, administrator, National Capital Transportation Agency
- John Kohl, assistant to the administrator, Housing and Home Finance Administration
- Joseph Barnett representing BPR

Opposing the location were:

- Mrs. Elizabeth Rowe, chairman, National Capital Planning Commission
- George B. Hartzog, Jr., director, National Park Service

General Duke said that plan 3 was best for serving traffic and offered the most promising site for an attractive bridge. As Walton put it, “A bridge can be a beautiful thing.”

According to Wolf Von Eckhardt, the committee rejected plan 1 because it would require “a spaghetti maze of ramps across the river” and plan 2 because “it would string a concrete ribbon diagonally across the Potomac.” Its length, “the Committee majority felt, would spoil the view of the river.” By contrast, plan 3 offered “an opportunity for enhancing the landscape”:

The Committee was impressed with the Highway Department’s willingness to do just that. Its chief, Thomas F. Airis, presented several sketches of possible designs. The most daring and handsome of them was a soaring arch in the middle of the river from which the bridge would hang from cables.

Even more encouraging, committee members felt, were the Highway Department’s efforts to tame the highway along the shore. Its preliminary sketches called for construction that would tuck the maze of necessary ramps under the Palisades.

The whole mess of roadways would stay below the old streetcar tracks and would not disturb the new Georgetown Day School and other buildings. This would be accomplished by means of a tunnel near MacArthur Boulevard, a sharp U turnaround for the upstream lanes and stacking some of the lanes on top of one another . . . . It does not simply cut a swath through the landscape but makes use of engineering ingenuity to cause the least possible disturbance.

Hartzog wanted to defer action for several reasons, including the possibility of studying whether to allow trucks to use the Theodore Roosevelt Bridge. He was concerned about the effect of the bridge on the Georgetown waterfront, especially with Whitehurst Freeway already in need of additional lanes. He also feared that increased traffic would eventually add pressure for a highway through Glover-Archbold Park.

As for NCPC Chairman Rowe, she doubted the need for another river crossing and, like Hartzog, recommended additional study.

The crossing would enter Arlington between Danville and Edgewood Street before connecting with I-66 at Lorcom Lane. Arlington County Board Chairman Fisher said the committee made “a very bad decision—very bad, indeed”:

I am not convinced that another crossing is needed at this time in this area. I question the way the traffic estimates were made. What we need next is a rapid transit crossing and we should digest that before we think of another bridge.

This is a case where the highway lobby with their associates in various positions of government are running roughshod over the wishes of the people most directly affected. I will continue to oppose this.

If a bridge were needed, the board favored the downstream location near Three Sisters Islands.

The Virginia State Highway Commission, in a unanimous vote, tentatively approved the plan 3 location on March 18. Commissioner Fugate told the commission that the Virginia Highway Department had favored the location crossing Three Sisters Island. It was “more in line” with what seemed to be the least objectionable crossing as far as the Arlington County Board was concerned. “However, we have been hampered by the Board[‘s] . . . objections to any bridge.” He added:

I’m reluctant to go ahead with something of such great moment to a Virginia county without letting the Board have a final say. I recommend we give tentative approval for this crossing.

Although the board was scheduled to consider the location on Saturday, March 20, the prospect for change was not good. Board Chairman Fisher said Arlington was “still very much opposed” to plan 3:

We voted unanimously against it. We think a case for another bridge crossing has not been approved [and] that Plan 3 is the most damaging to Arlington.

It cut into a very fine, well-established neighborhood and it would violate a most beautiful part of the Palisades by cutting an enormous gap right through them, filled with concrete lanes of highway.

[Pierce, Charles D., “Upstream Site Backed For Potomac Bridge,” *The Evening Star*, March 18, 1965; “Three Sisters Span ‘Tentatively’ Voted By Highway Board,” *The Washington Post and Times Herald*, March 19, 1965; Von Eckhardt, Wolf, “8-Year Battle Over Site For New Span Rages On,” News Analysis, *The Washington Post and Times Herald*, March 20, 1965]

On March 19, NPS Director Hartzog held an unusual midnight meeting to tell Fisher the NPS would reverse its position on prohibiting trucks from the Theodore Roosevelt Bridge, undercutting the argument that the additional Potomac River bridge was needed for trucks. NPS also would support plans to add a double deck to Chain Bridge and expedite construction of an additional 14<sup>th</sup> Street Bridge span and widen George Washington Memorial Parkway between Roosevelt Bridge and Arlington’s Spout Run Parkway.

As expected the board opposed plan 3, voting unanimously to:

- “Reiterate its overwhelming opposition to any new bridge at this time” because the greater need was for rail rapid transit.
- “Specifically oppose a bridge at site 3 as being one that would have the most devastating impact on Arlington County,” citing the loss of 127 homes and the cutting of a “huge gash” in the Potomac Palisades.
- “Urge that new proposals by the National Park Service be studied carefully” before further consideration of an additional crossing.

Having adopted those views, the board voted in support of a plan:

If and only if it is determined that a bridge is to be built, we urge the Virginia Highway Commission to support the bridge crossing in the general area of Plan 2 as modified by the County Manager as being the least devastating to Arlington County.

As Fisher put it:

This is a truly excruciating situation. We don't know how much voice we have in this matter, but if we don't make some choice, we may deal ourselves out of the game.

Twelve speakers addressed the board, all urging opposition to all three recommended sites. [Cheek, Leslie III, "Arlington Board Opposed To Any New Bridge Now," *The Washington Post and Times Herald*, March 21, 1965; Kelly, Brian, "Arlington Board Fighting Upstream Site for Bridge," *The Sunday Star*, March 21, 1965]

Several problems delayed further action. The Virginia State Highway Commission's "tentative" approval gave pause because the Arlington County Board was not likely to change its view to support plan 3. However, NCPC and NPS posed a more direct threat. NCPC chairman Rowe refused to put the decision on the agenda, where it likely would be approved. Instead, Rowe preferred to wait until the results of a new NPS study. NPS had selected Clarkeson Engineering Company to study whether alternatives, such as improving existing bridges, another span at 14<sup>th</sup> Street, and better approaches, would alleviate the need for the new crossing.

George Lardner referred to the Clarkeson firm as a "familiar name on several dusty District highway reports" and said that by this point, the "firm . . . now can join what ought to be called the American Association of Consultants on How to Cross the Potomac." He added:

The new study hardly promises to be a model of coordinated transportation planning but perhaps it was inevitable. It takes elaborate footwork to get a decision out of the Planning Commission nowadays.

As for General Duke, Lardner said he "seems to wince whenever he's asked about bridge building." He had the "uneasy expression of a man on the verge of discovering that he's been marching backward instead of forward." Like District highway officials, he saw the NPS study as a stalling effort. After meeting with Rowe and Hartzog, Duke said, "I have been given no indication that the bridge will come before the Planning Commission anytime within the next few months."

NPS officials hoped the study could be completed by early August. Already, District highway officials had been asked to supply data, "no doubt a painful chore."

Lardner understood that the crossing was a serious matter for those who might be displaced. However, he said that, "politically the situation right now can best be described as a farce without a finale":

Once Clarkeson makes his report, the District Highway Department will probably want to make a study of that. Each side may succeed only to the extent of killing off the other's suggestions. Not even a good five-cent ferry could weather that kind of transportation

planning. [Lardner, George, Jr., “Battle Over Bridge Keeps Duke on Go,” Potomac Watch, *The Washington Post and Times Herald*, June 4, 1965]

As it happened, NPS had not awarded the contract. In an August 22 article about “human error,” the *Post* reported that when “it was first discovered that the contract for the study had not been awarded, a Service spokesman said it was because the expert it thought best qualified to do the job was ill.” However, regional director Jett “also said that the Park Service will vigorously oppose what it regards as wanton highway construction.” The article quoted Jett as saying, “We’re park people living under a conservationist concept. If we can eliminate a highway, we will; if we can tunnel it, we will.” In view of NPS opposition, the article explained, “its reluctance to find more than one expert for the study is a part of that long-term opposition based upon conservationist ideas.” [Plate, Thomas, “You Can’t Mow Human Error,” *The Washington Post and Times Herald*, August 22, 1965]

On October 14, the Policy Advisory Committee met for 3 hours at the District Building to follow up on Secretary Udall’s suggestion for a meeting. Participants refused to comment on the discussions. [Dimond, Thomas F., “Aides Quiet On Bridge, Loop Talks,” *The Evening Star*, 1965]

As discussed earlier, some positive ideas emerged from the secret meetings that followed, but not regarding the Potomac River crossing. When 1966 began, officials had not decided whether to build the I-266 Potomac River crossing or, if so, where to put it.

### **Walter J. McCarter To The Rescue**

On May 6, 1965, the White House announced the departure of C. Darwin Stolzenbach as NCTA administrator. His successor would be Walter J. McCarter, 65 years old, who had retired as general manager of the Chicago Transit Authority a week earlier. McCarter was at his retirement home in the Virgin Islands when the White House announced his appointment.

With McCarter’s arrival, NCTA would, for the first time, have a transit professional at its head. He had headed the Chicago Transit Authority since its creation in 1965 until his retirement. He had previously managed transit systems in Cleveland and Milwaukee.

Jack Eisen described McCarter as a “gum-chewing, bristle-haired official, who is of stocky build.” He was pro-transit “without being anti-highway.” He had helped organize the Institute for Rapid Transit and still served as its unpaid president. “This group was the nucleus for lobbying efforts [on] behalf of the Administration’s mass transit bill, approved last year.” McCarter had been in Washington frequently promoting the legislation.

He thought the Federal Government had, in Eisen’s words, “made hash of urban transportation” by financing freeways alone, without the balance provided by space-saving rapid transit.” After interviewing McCarter in 1959, Eisen had called him “Chicago’s evangelist of rapid transit.” He listed some of McCarter’s accomplishments:

Among his pioneering creations as head of the Chicago Transit Authority was the Congress Street Expressway – now officially called the Eisenhower Freeway – which was

the first (and as yet the only) interstate road to incorporate both highway lanes and transit tracks.

Its creation involved some hard bargaining with highway officials because the road wiped out an obsolescent elevated line. Now the two-track line in the freeway median is capable of handling more people than the eight-lane road.

McCarter also has made certain that two other Chicago freeways save space for transit, whether rail or bus.

He also proved that feeder service, an oft-cited obstacle to rail transit, can work. As Chicago abandoned the Nation's largest streetcar system—the last line disappeared in 1958—McCarter arranged the new bus routes to feed the subway and “el” lines

The result: Half of the former streetcar riders now reach the congested Loop by train. Half as many transit vehicles congest downtown streets.

He had, in short, “welded the Windy City’s rival, sagging elevated and surface systems into a modern, integrated bus and rail rapid transit network.”

In announcing the appointment, President Johnson said, “We are fortunate in having been able to persuade Mr. McCarter to take charge of the construction of a rail rapid transit system for the Nation’s Capital.” His knowledge and experience, the President said, “will be invaluable.”

In a letter to Stolzenbach, the President accepted the resignation, which had been dated July 13, 1964, with “a real sense of regret.” He praised Stolzenbach for developing a “sound and financially feasible rail rapid transit plan.” He continued:

Your term with the agency has been a period of major progress toward the resolution of transportation problems of the National Capital region. The agency has prepared a solid foundation from which the construction and operation of a balanced transportation system can proceed.

Stolzenbach had accepted a position with a recently-formed Bethesda consulting firm, Davidson, Talbert and McLynn, Inc., as an operations research specialist on urban transportation.

McCarter flew to Friendship International Airport where he was met by NCTA officials who escorted him to Washington. His primary goal was to find a place to live; he did not want to hold a press conference until the Senate confirmed his appointment. [Eisen, Jack, “White House Shakes Up Transit Unit,” *The Washington Post and Times Herald*, May 7, 1965; Flor, Lee, “Transit Agency Chief Arrives To See Officials,” *The Evening Star*, May 7, 1965; Eisen, Jack, “McCarter: Evangelist, Practical Innovator,” *The Washington Post and Times Herald*, May 7, 1965]

During his confirmation hearing before the Senate District Committee on May 13, McCarter said he “was as reluctant as I thought I could be in good conscience,” but accepted the nomination because, “I was ham enough to think my contribution could be useful.” He added that after

President Johnson signed the Urban Mass Transportation Act of 1964, he gave McCarter one of the pens. “I want another pen—one used for signing the Washington transit bill.” He was reluctant to leave retirement, but after receiving a personal request from President Johnson, “I couldn’t take that lightly.”

Asked by Chairman Bible about his philosophy on transit planning, McCarter replied, “I came here to work, not to study.” NCTA’s current proposal “was an excellent start.” [Flor, Lee, “‘Came Here to Work,’ Transit Nominee Says,” *The Evening Star*, May 13, 1965; Lardner, George, Jr., “McCarter: I’m Ham and Fighter,” Potomac Watch, *The Washington Post and Times Herald*, May 19, 1965]

The committee approved the nomination unanimously on May 18. Following Senate confirmation, McCarter took the oath of office on May 24, before about 30 NCTA staff and guests, including Engineer Commissioner Duke and Stolzenbach. McCarter said he was a “man in a hurry” to get the system built. “I don’t know that I will succeed, but I will do my best.” He said that “the big barrier, of course, is the big barrier of most things – money.” He hoped Congress would pass President Johnson’s bill and that Washingtonians could be riding the subway by 1971. Actually, he said, “I’m hoping to move faster.” For now, he walked to his office overlooking Farragut Square from his new apartment on Thomas Circle.

Lardner said the “fast-talking transit executive” would not have to learn the lesson that Stolzenbach had learned too late:

Stolzenbach teamed up with highway critics far more devoted to fighting freeways than promoting rail transit. The headaches have been blossoming ever since. Stolzenbach tried to duck, but that didn’t help.

By contrast, McCarter understood that rail transit could not relieve traffic congestion until it’s built. He said, “The only thing I’ll fight about is to get rapid transit. And I don’t like to fight unless I have to.”

He suggested, “Talk to any highway man in Illinois about me.” One of them, Representative John S. Kluczynski, the Chicago-based chairman of the Subcommittee of Roads, knew and endorsed McCarter. He had won “the esteem and support” of freeway advocates in Chicago, especially during the discussions leading to the transit line in the median of the Eisenhower Expressway. In Representative Kluczynski’s opinion, the appointment of McCarter “bodes well” for the President’s rail plan. [Lardner, George, Jr., “McCarter: I’m Ham and Fighter,” Potomac Watch, *The Washington Post and Times Herald*, May 19, 1965; “Nominated Transit Head Wins Praise,” *The Washington Post and Times Herald*, May 14, 1965; Flor, Lee, “‘Came Here to Work,’ Transit Nominee Says,” *The Evening Star*, May 13, 1965; [“New Subway Chief, Man in a Hurry, Has Hope of Beating 1971 Schedule,” *The Washington Post and Times-Herald*, May 25, 1965]

Professor Schrag said of McCarter’s appointment:

Like Bartholomew, he was a Midwesterner [from Indiana] whose qualifications came not from Washington political experience but from professional expertise—he had a reputation as the “Dean of the Transportation World.” McCarter had just retired to the Virgin Islands, but President Johnson’s famous arm-twisting brought him back to the mainland.

As a pure transit man, McCarter was seen as less likely to go meddling into highway planning than loose-cannon Stolzenbach. One lobbyist recalled him as “a kindly old gent who sat back, pulled on his pipe, and got along with everybody.” Shortly after his appointment on 21 May, the D.C. division of the American Automobile Association, long an antagonist to Stolzenbach, welcomed the new administrator with a gift shovel for ground breaking . . . .

At the White House, Horsky noted with relief that “the appointment of McCarter to succeed Stolzenbach was well received [in the House of Representatives], and should enhance the prospects for the bill.” [Schrag, pages 60-61]

On June 1, the National Capital Democratic Club held a reception for Stolzenbach at the Sheraton Carlton, sponsored by General Duke and NCPC Chairman Rowe. Speaking before 200 guests, Horsky told Stolzenbach, “We owe a lot to you.” The rail rapid transit program had “come a long, hard way” since Stolzenbach took office in May 1961. “There were a great many ups and downs but you always kept the program going. Now you’re turning over to Walter McCarter a program that we all can happily, cheerfully endorse.”

McCarter told the guests, “I appreciate the fact that Darwin has done all the work.” McCarter had come to Washington to build a transit system, not plan one. “Darwin has laid a marvelous foundation—we’ll go on from there.”

Stolzenbach said he was particularly proud of the planning staff he had assembled. “I think it was the best in the country, and there is still a wonderful nucleus here for carrying on the program.” [Flor, Lee, “Stolzenbach Is Praised At Farewell Reception,” *The Evening Star*, June 2, 1965]

Chairman Whitener wanted his subcommittee to approve the bill on June 9. In closed session, the subcommittee rejected amendments by Representatives Multer and Dowdy intended to increase private enterprise’s role in the system. Before the subcommittee could complete work, however, the specter of O. Roy Chalk intervened.

At the start of the session, each member of the subcommittee found a letter and telegram from Chalk on his desk calling for further study in view of the selection of McCarter to head NCTA. “In light of this important change, it might be wise to consider reappraisal of the entire situation since the recommendations of the former Administrator are clouded with serious doubts.” He would, he said, “applaud” the bill if it were amended to propose full private operation of the subway, a unified bus-rail system, increasing and guaranteed profits, city financing of all subway police, and a 20-year extension of D.C. Transit System’s franchise to 1996.

The subcommittee did approve one Chalk amendment to permit continuation of bus routes that competed with subway lines. However, the subcommittee's work was interrupted when Representative O'Konski made a point of order that forced adjournment at 11 a.m, when the bell rang signaling that the House was in session an hour early. As Eisen explained, "For a committee to meet while the House is in session without specific approval is a technical violation of House rules honored often in the breach." The maneuver was seen as a favor to Chalk. [Eisen, Jack, "Subway Measure Action Delayed in House Committee," *The Washington Post and Times Herald*, June 10, 1965]

The delay was temporary. On the following day, the House District Committee voted 18 to 3 in favor of the bill. Representatives Multer and O'Konski, considered allies of Chalk, and Representative Roudebush, who opposed rapid transit anywhere, were the three opponents. They reportedly voted against the bill because of financing, private enterprise, crime, and other issues.

In a closed session, the committee rejected several Chalk private-enterprise proposals. They provided for extension of the company's franchise for 20 years with a guaranteed net operating income; required NCTA to acquire D.C. Transit System within 180 days after approval of H.R. 4822; and designated the company the sole operator of a unified transportation system for the region, including rail rapid transit.

However, Chairman Whitener's subcommittee added language guaranteeing the rights of private bus companies if the transit system was constructed. The committee also voted to delete the Administration's language calling for elimination of bus lines competing with transit lines.

The White House had taken an active role before the session, in contrast to its inaction before the 1963 vote. Administration officials called committee members to urge them to attend the closed session, a step reserved for the President's high-priority bills.

Chairman Whitener told reporters that the committee had changed its strategy on bringing the bill to the House floor. Normally, the bill would be brought up on a regularly scheduled twice-monthly "District Day," held on Mondays when most Representatives, who had little interest in District bills, were out of town. Instead, he planned to ask the Rules Committee to schedule a midweek vote for late June.

He knew the vote would not be easy. "I'm sure there will be spirited opposition and I'm hoping there will be spirited support." Representative Nelsen, the ranking Republican, agreed, but was optimistic. "Mass transit is a must for the District of Columbia . . . . I think this time we'll see a different situation than we did the last time we had a vote."

White House advisor Horsky said the committee's vote "bodes well" for success in the House, while McCarter, appearing at a AAA luncheon in the Mayflower Hotel, said, "I see absolutely no conflict" between freeways and rail rapid transit. "I do feel that people should have a choice." He cited his experience in Chicago as illustration. The *Post* summarized:

With almost no freeways in 1956, he said, 85 per cent of the 317,454 persons who were downtown at 1 p.m. on a typical afternoon got there by some form of transit, 49 per cent by rapid transit or railroad. The balance, 15 per cent, got there by automobile.

By 1963 all of Chicago's planned freeways were completed, he said, and transit's share of the 268,506 persons downtown was 89 per cent, including 71 percent by modernized rapid transit or railroad.

The same day of the committee vote, NCPC approved, 5 to 4, a \$65 million portion of the Center Leg Freeway between D, 2<sup>nd</sup>, and 3<sup>rd</sup> Streets, and New York Avenue, NW. McCarter's NCTA deputy, John Rannels, voted on the Administrator's behalf against delay as if to underscore McCarter's message to AAA.

The vote took place after what Lee Flor called "an impassioned debate between commission members. Chairman Rowe and member Thiry urged delay for at least 2 months, raising questions about whether the freeway could be tunneled or at least built a few feet below the surface. Thiry pointed out that District highway officials had provided a model to NCPC only 2 days earlier, not allowing sufficient time for study.

General Duke pointed out that the Commission of Fine Arts had approved the freeway design after extensive review. He added that the segment was part of a larger freeway that NCPC had approved numerous times.

The vote might have been different if Walter Louchheim, who was ill, had been present. He typically voted with Chairman Rowe on freeway issues. A tie vote would have delayed the decision as she wanted. [Eastman, Sam, "House Group Clears Bill on Rail Transit," *The Evening Star*, June 10, 1965; Eisen, Jack, "House Unit Approves Subway Bill," *The Washington Post and Times Herald*, June 11, 1965; Flor, Lee, "\$65 Million Freeway Leg Is Approved," *The Evening Star*, June 10, 1965

The Committee on the District of Columbia released a report on H.R. 4822 on June 21. After discussing aspects of the bill, the report concluded that:

The Committee agrees with President Johnson that the program which would be made possible by H.R. 4822 is needed and is vital to the welfare of our National Capital . . . . Your committee and the Congress have long recognized that if a modern subway rail rapid transit system is to be developed in the Nation's Capital, it is squarely up to the Federal Government to take the first step. Your committee is satisfied that the Agency's estimates concerning construction costs, traffic, revenues, and operating expenses of the proposed system have been well prepared and are reasonable . . . .

In the judgment of your committee, the time for action has arrived. There is no questioning the soundness of the investment. The rail rapid transit lines and related facilities are essential for the preservation of the beauty, dignity, and livability of the National Capital, for the welfare of the people of the District of Columbia, and for the orderly future development of the National Capital region. [Rail Rapid Transit for the

National Capital Region, Committee on the District of Columbia, U.S. House of Representatives, 89<sup>th</sup> Congress, 1<sup>st</sup> Session, Report No. 536, June 21, 1965, pages 24-25; the discussion of Chalk amendments, mentioned earlier, is on page 21; the NCTA report is reprinted as appendix A, pages 33-55]

Representatives O’Konski and Roudebush provided their minority views urging the House to reject the bill. Among other things, they said:

- Make no mistake, this poorly conceived underground boondoggle is only a foot in the door – a legislative Trojan horse . . . . The larger system will unquestionably have a price tag – including interest – in excess of \$2 billion, all of which – in the final analysis – will be paid for by the Federal Treasury – bonds, grants, and Agency propaganda notwithstanding.
- It is said that the bonded debt would be paid for out of the farebox – that the program will be self-liquidating. What incredible foolishness . . . . On the basis of current experience and trends of all subway operations in this country there is absolutely no justification for any claim that a subway here in Washington would be self-supporting; coupled with the fact that urban transit ridership generally has shrunk from 17 billion fares in 1950 to 9 billion in 1960, such a claim is ludicrous.
- Now the planners of the transit system claim that 14 subway stops will fulfill the role of 640 bus stops. Really?
- If H.R. 4822 is enacted into law in its present form, it will haunt the Congress for many years because it established unequal and preferred treatment for the District of Columbia, Maryland, and Virginia which is not available to other cities and States.
- Operating losses should be defrayed from the general tax collections of the District of Columbia and not by the Federal Government. If the operational figures as presented are sound, there can be no objection to this, and there should be no difficulty in effecting sale of the bonds.
- Business people, property owners, and tenants along the route of construction of the subway will be faced with disruption during the 5 years of subway construction and financial damage will be extensive. The history of the construction of the Dupont Circle underpass will be repeated and it is predicted that many merchants and businesses will be forced to go out of business.
- Crime in the subway has become a major problem in every subway city, for the subterranean chasms and tunnels and the underground stations provide the perfect breeding ground for crimes of the most repulsive nature—rape, robbery, mugging, and murder—which fester in darkness . . . . The cost cannot be considered a transportation but a community cost. The bill does not provide for this.
- Let no one be misled by the estimated cost of the proposed subway. History proves that no planned expenditures of a major nature in the District of Columbia are kept within bounds.
- The facts are that labor will be definitely prejudiced by this legislation and by the developments which it envisages . . . . Thus, the present labor forces will be seriously curtailed. Wherein the benefit to labor lies is a mystery.

- This bill H.R. 4822 deliberately makes no provision for private enterprise – except in its mention of a management contract. The profit incentive is completely ignored.

The two Congressmen concluded:

There will be two systems operating in the District of Columbia if H.R. 4822 is passed – surface and subway. This city does not have enough riders, nor can a sufficient number be attracted, to permit either service to operate at a profit. This is simple economics; and yet it has been completely ignored by the sponsors of this legislation.

For the foregoing reasons, we are opposed to the enactment of H.R. 4822. [pages 63-75]

(The mention of Dupont Circle, NW., referred to construction of tunnels under and around the circle. In the late 1940s, Dupont Circle was considered one of the city's worst traffic bottlenecks, partly because of streetcars interacting with motor vehicles. John DeFarrari's book on District streetcars explained:

With three major avenues (Connecticut, Massachusetts and New Hampshire) converging on two other cross streets (Nineteenth and P), Dupont Circle was a perennial traffic bottleneck. Matters were made worse by the fact that streetcar tracks ran around only the west side of the circle, resulting in northbound streetcars running disconcertingly against the flow of automobile traffic. [DeFarrari, John, *Capital Streetcars: Early Mass Transit in Washington, D.C.*, The History Press, 2015, page 174]

(The placement of the tracks only on the west side of the circle dated to the days when streetcars were powered by horses; the west-side tracks shortened the connection to the O and P Street loop to Georgetown. This arrangement was satisfactory in the era of slow-moving, horse-powered streetcars, but less effective and safe with the faster moving, electric-powered streetcars. [DeFarrari, footnote, page 222]

(To resolve the perennial traffic nightmare, the District began construction in March 1948 on a \$3.7-million underpass project to provide a tunnel under the circle for motor vehicles moving north-south and tunnels around the sides for streetcars with platforms underground for passengers entering or leaving the vehicles. A 1961 retrospective in the *Post* described the scene:

[The] work began and it was not long before the circle was a morass of mud and clay, surrounded by detours and dotted with concrete mixers, steam shovels, scaffolding and piles of assorted unattractive materials.

(Through traffic, including trucks, had to be detoured while parking was restricted; only vehicles serving residences and businesses around the circle were allowed. Pedestrians had to watch their step. Alice Roosevelt Longworth, President Theodore Roosevelt's daughter, fell and broke her arm; she called the sidewalks "Rocky Mountain goal trails."

(The 1961 *Post* retrospective explained that the 3-year project "kept the circle looking for most of that period like a drag strip for bulldozers" Throughout construction, merchants complained of lost business and residents were inconvenienced:

Hardest hit, perhaps, were those Connecticut Ave. merchants whose patrons finally wearied of trying to shop where there was only rubble, rubble everywhere and not a place to park. Many of the businessmen operated for several years on the brink of insolvency and several toppled over . . . .

Seventeen Connecticut ave. merchants filed damage suits against the District because of their loss of business during the construction period (the suits later were thrown out of court) . . . .

(The northbound streetcar tunnel opened on November 2, 1949, with the southbound tunnel following on December 14. The motor vehicle tunnel opened on May 5, 1950. According to the *Star*, the result was that Dupont Circle contained “the world’s greatest concentration of traffic lights”:

The traffic lights around the circle have given pedestrians a source for new and salty gripes against traffic authorities. Frustrated by 60 “don’t walk” and “walk” red neon signals, pedestrians say the best years of their lives will be spent in angry idleness on safety platforms, if they obey the signals. In addition to the three score pedestrian lights, there are 26 red, green and amber lights to control the flow of vehicles traffic at the circle . . . .

It is virtually impossible for a law-abiding citizen to cross any street at the circle now in one continuous movement. The best he can expect is to reach a safety island and wait for another signal to flash before continuing to the opposite curb.

(Representative O’Konski was in Congress during construction of the underpasses, having been elected to the House in 1942. At the time, he lived at 2801 Pennsylvania Avenue, SE., and would not have been affected directly by the Dupont Circle construction project. Representative Roudebush did not become a member of the House until 1961, but he and Representative O’Konski likely remembered the closing of the streetcar tunnels when the last streetcars on the Mount Pleasant line were replaced by buses in December 1961 – and the articles recalling the harmful impacts during construction. (The motor vehicle tunnels under Dupont Circle remain in use.)

(City officials considered using the streetcar underpasses around the circle for bus traffic, but a study found that because the tunnels were narrow and curved, “buses could travel through only at prohibitively slow speeds.” In addition, “the limited visibility at the entrance and exit curves would pose driving hazards for auto traffic.”

(Initially, the tunnels were used as civil defense shelters, but eventually sealed. Efforts in recent years to repurpose them have, as of this writing, been unsuccessful.

([“Dupont Circle Traffic Rerouting Plan Goes Into Effect Monday,” *The Evening Star*, March 12, 1948; “Streetcar 1550 Adds a New First As It Opens Dupont Underpass,” *The Evening Star*, November 2, 1949; “1550 Leads Way; First Southbound Car in Underpass,” *The Evening Star*, December 14, 1949; “\$4 Million Dupont Underpass Opens for Automobile

Traffic,” *The Evening Star*, May 5, 1950; Eastman, Sam, “Dupont Circle Tunnels Eyed as Blast Shelters,” *The Sunday Star*, November 16, 1961; Clopton, Willard, “Bell Tolls for Dupont Streetcar Underpass,” *The Washington Post and Times Herald*, December 10, 1961; Kelly, John, “Subterranean Homesick Blues: The Story of Dupont’s Streetcar Tunnel,” John Kelly’s Washington, *The Washington Post*, June 6, 2015])

Representative Harsha offered the separate dissenting view that, “I cannot in all conscience concur with the contention that this rapid transit proposal is either economically or practically feasible.” He was not opposed to subways, but only to the “plan conceived by Mr. Stolzenbach, who has just been replaced as Administrator of the National Capital Transportation Agency.” He questioned whether using a concept dating back to the turn of the century was “the modern solution”; the objectivity behind the plan; the cost and completion estimates calculated “to justify a preconceived course of action”; and the accuracy of the operational budget. H.R. 4822 was “only the first bit – I see no alternative but for the Federal Government to guarantee any deficit, for we are all well aware that there is no intention on the part of the users to defray any of the cost.”

The Urban Mass Transportation Act of 1964 had not singled out cities for subways:

I say if the citizens of the District want a subway so badly, why haven’t they come up with a plan to shoulder the cost just the same as the citizens of your State? All they have done and ever do is hold out their hand and ask for Uncle Sam to give them the money. Let the subway be paid for out of the general tax base of the District.

He concluded:

A close, unemotional reading of the voluminous hearings on this proposal discloses many flaws, much glossing over of questionable statistics, and a continuous almost juvenile tendency to ignore both the sickness of urban rapid transit nationwide and the incredible cost that a Federal undertaking such as this one would most assuredly entail—official assurances to the contrary. I repeat, I am forced to vigorously dissent from the majority opinion. [Rail Rapid Transit for the National Capital Region, pages 76-79]

(Representative Harsha did not say so, but he was a leader in the fight against those in the Congress who wanted to tap the Highway Trust Fund to build rail rapid transit around the country and subsidize perennially money-losing operations. For more on his role, see *Busting the Trust: Unraveling the Highway Trust Fund – 1968-1978* on this Web site.)

## **D-Day for Transit**

Because the House District Committee did not want to bring the transit bill to the floor on low-attendance Monday District Day, Chairman McMillan had to secure a resolution from the House Rules Committee. He appeared before the committee on June 23 for what the *Star* called “a one-minute hearing.” In that brief time, the Rules Committee granted his request for a 3-hour floor debate open to amendments. The House was set to consider several important bills, including housing and poverty bills, so H.R. 4822 would not reach the floor until after the July 4

recess. [Eastman, Sam, "Rail Transit Bill Sent to House Floor," *The Evening Star*, June 23, 1965; "City Subway Bill Cleared For Early House Action," *The Washington Post and Times Herald*, June 24, 1965]

*Star* editors were pleased. Although the House District Committee was often criticized, in this case "both the Whitener subcommittee and the full parent committee have done an excellent job." H.R. 4822 addressed most of the deficiencies that defeated the bobtail plan in December 1963. In addition:

Culminating several years of intensive effort, the most encouraging sort of progress has been made in developing the regional political machinery necessary to complete the system. Maryland already has approved legislation creating an interstate compact commission for this purpose. The prospects of concurrence by the Virginia General Assembly next year are bright. All this will go for naught, however, unless Congress authorizes the initial construction.

The editors were concerned by the dissenting views expressed in the committee report, which "question virtually every aspect of the proposal." The report addressed every point, but in a floor debate, "it is easier to raise doubts than to settle them." The editorial ended by saying, "we trust that the bill's sponsors are aware that the greatest threats to its passage are confusion or misunderstanding of its provisions on the House floor." ["Green Light for Transit," *The Evening Star*, June 29, 1965]

By contrast, O. Roy Chalk saw the green light as a warning to fight harder against the bill. On June 23, he published the first of several full-page ads in local newspapers. The headline:

## **Mr. Congressman: Private Enterprise Speaks**

The "Subway Bill—H.R. 4822—comes up before you for vote early next week on or about June 29. We most respectfully urge that this Bill be passed only if certain fair-play amendments protecting the rights of private enterprise are included!

The text explained that D.C. Transit System had "given the District of Columbia and its environs the best surface rapid transit system with the newest and most modern air-conditioned equipment of any municipality in the world! Under the 'continuing interest' congressional clause of its franchise, it deserves your careful consideration."

Chalk asked the Congressmen, in the spirit of fair play, to consider four "private enterprise" amendments:

These amendments will not affect the objectives of establishing a rail rapid transit system in this community. These amendments will not increase the burden of financial involvement which the presently worded bill outlines. On the contrary, inclusion of these private enterprise amendments will undoubtedly result in a more efficient and effective operation and a lower than contemplated operational and construction cost. There can be

no doubt of the axiom that private enterprise is more cost-conscious than its counterpart government operation. A dollar in the hands of private enterprise often goes ten times as far and more than a dollar in the hands of government operator.

The four amendments, reprinted in full in the ad, would:

- Require that the system “shall not be operated except as a private enterprise operation under contract involving substantial investment of capital and facilities by private transit companies, private railroads or other private persons . . . .”
- To ensure fair play for transit operators in Maryland and Virginia, the second amendment stated that if unified bus and rail operation were required, “an election should be made promptly to such effect and not later than June 30, 1967.” If the vote results in acquisition of a private company, the purchase should be “consummated within one year thereafter.”
- If subway operation deprived any common carrier of income it otherwise would have received, “such loss of revenues would be compensable.”
- To correct “the shocking and bald-faced omission” in H.R. 4822, the fourth amendment directed NCTA “to negotiate with private enterprise representatives to design, engineer, construct, equip and contract for the construction of the system of rail rapid transit lines, equipment and related facilities . . . .”

In the concluding paragraphs, Chalk stated that “it is generally conceded that we have done a good job [from] the depths of a 1956 ‘impossible debacle’ covering a span of ten years.” Now, D.C. Transit System shared everyone’s goal: “A better transit system—better service to the public—and fair play for all!” After quoting the Section 4 provision stating that “the Congress will maintain a continuing interest in the welfare of the Corporation and its investors,” Chalk concluded the ad: “We anxiously await your decision on these “private enterprise amendments.” [*The Evening Star*, June 23, 1965, section A, back page]

Chalk also placed signs on the outside of the company’s buses beneath the rear windows reading:

**“Mr. Congressman, Private Enterprise Needs Your Help.”**

The District Department of Licenses and Inspections stated that the signs violated the District Code forbidding advertising in public spaces unless it advertises the business of the owner. The department thought the remedy might be to add a line stating “D.C. Transit urges,” because it would then be a case of a private business defending itself against public agencies. [“D.C. Cites Code to Bar Transit Plugs on Buses,” *The Evening Star*, June 28, 1965]

On July 1, 1965, representatives for 35 city and county governments in the Washington area held the first meeting of the 3C coordinating council for regional transportation planning, as required by the Federal-Aid Highway Act of 1962. (Takoma Park, Maryland, was the only jurisdiction not to participate.) It fell within the Metropolitan Washington COG, which had formed in 1957 to coordinate regional cooperation. The committee elected Fairfax County Supervisor Babson as the first chairman. [Flor, Lee, “Transit Coordinators Elect Babson of Fairfax,” *The Evening Star*, July 2, 1965; Schrag, page 103]

In early July, Representative Nelsen took the unusual step of writing to all Republican Representatives urging them to support H.R. 4822. The letter acknowledged that his support “might seem inconsistent” with his opposition to the Urban Mass Transportation Act of 1964. He opposed that bill because he, like many Republicans, thought cities should meet their own responsibilities:

But as ranking minority member of the House District Committee I’m fully convinced that the circumstances are entirely different. Constitutionally, Congress is charged with the exclusive legislative control over the District. With this control goes the grave responsibility of solving – through this concisely prepared bill – the ever-growing traffic problem in this area. We cannot shirk this responsibility.

We, and our people back home, have a very special interest in Washington. We expect that our National Capital will be second to none in its vitality, beauty, dignity and manner of development. I am convinced that this program is absolutely essential, and I commend it to you.

Representative Nelsen planned to send a similar letter to House Democrats. [Eastman, Sam, “Rapid Transit Bill Pressed,” *The Sunday Star*, July 4, 1965; “Subway Bill Is Given Key GOP Boost,” *The Washington Post and Times Herald*, July 5, 1965]

During this period, House and Senate conferees were meeting to resolve differences in the District budget bill. As discussed earlier, one of the sticking points was a Senate District Committee statement that the District Committees must approve each freeway project before the Appropriations Committee would consider appropriating funds for them. Speculation was that the issue might threaten H.R. 4822 when it reached the floor. *Star* editors wrote, “Whatever this obscure language may mean, and no one seems to know,” but House District Committee leaders strongly objected to it:

For the mischief it has caused already has spread far beyond the problem of confused highway financing. No doubt unwittingly, the authors of this silly provision are also responsible for a distinct new threat to Washington’s rail-transit bill, which is due in the House for a vote within the next two weeks.

Last Thursday, for example, Mr. Natcher stated flatly that the House Appropriations Committee has no intention of permitting the transit program to proceed at the expense of halting Washington’s freeway program. And the implication of that statement was that the Senate committee restriction is evidence of an attempt by transit advocates to block freeways.

The editors were not aware of any evidence for the claim; NCTA, for example, had cast the deciding NCPC vote allowing a segment of the Center Leg Freeway to proceed:

But there are also those in the community whose first concern is not with the transit program, but in stopping freeway construction at any cost. These people welcome the confusion that would be generated by another divisive highway-transit feud. Just as it

would be welcomed, for an entirely different motive, by Representative O’Konski, who is determined to scuttle the rapid transit bill in the House.

Why the authors of the language did not foresee the result – “giving aid and comfort to both these groups” – was not important at this point. “What matters is that they repair the damage before it is too late.” [“New Threat to Transit,” *The Evening Star*, July 5, 1965]

House leaders were optimistic. Majority Leader Carl B. Albert (D-Ok.) said that based on his information, the bill should pass. Chairman Whitener, who would be the floor manager for the bill, said, “It looks good, but it’s still a fight.” The Senate District Committee planned to hold hearings on the bill within weeks of its House passage.

President Johnson gave another boost to H.R. 4822 by informing Speaker of the House McCormack that the bill was on the Administration’s list of “must” legislation. The White House congressional liaison staff was pressing hard for the bill. The *Star* reported, “Congressional staff workers said they could not recall any matching White House drive for a local bill.” [“House to Get Subway Bill Next Week,” *The Washington Post and Times Herald*, July 10, 1965; Eastman, Sam, “Rapid Transit Bill Gets a ‘Must’ Tag,” *The Sunday Star*, July 11, 1965]

On July 12, a group of businessmen published a full-page ad in the newspapers:

## **FOR A BALANCED TRANSPORTATION SYSTEM ... D.C. Needs a Rail Rapid Transit System**

The text was brief:

Dear Mr. Congressman:

You will shortly have an opportunity to vote for the Whitener-Bible Bill (H.R. 4822) which would provide Washington with a rail rapid transit system. This bill is of vital importance to the economic health of your Nation’s Capital. The businessmen of Washington strongly support this legislation for a balanced transportation system, and we appeal to you to vote for it. Your consideration and support will be very much appreciated.

Respectfully,

Nearly 80 prominent businessmen signed the letter, including Ulysses G. Augur of Washington’s popular Blackie’s House of Beef; Edward Burling, Jr., of Covington and Burling; architect Louis Justement; and national or regional officials of institutions such as Aluminum Company of America, Mayflower Hotel, The National Bank of Washington, Pepsi-Cola Bottling Company of Washington, Potomac Electric Power Company, The Riggs National Bank, Safeway Stores, Southern Railway System, United States Steel Corporation, and area department stores (Garfinckel’s, Hecht’s, Lansburgh’s, Woodward and Lothrop, and Sears, Roebuck and Company) [*The Evening Star*, July 12, 1965, page A-4]

Chalk's full-page ad appeared again on July 13 [*The Evening Star*, July, 13, 1965, B section, back page]

*Star* editors called July 15, 1965, "D-Day for Transit," as the bill neared House consideration:

The vigorous support the White House is giving Washington's revised rail transit bill is well deserved. No legislation in recent years has had more crucial, far-reaching importance to the Nation's Capital.

As for Chalk's claim that the bill was unfair to "private enterprise," the editors responded, "Nothing could be further from the truth":

The system would be designed and built by private engineering firms, under contract, with public dollars. The bill unequivocally requires that the system, under contract, be privately operated. The operating personnel would be employees [sic] of the private operator – not government workers.

Chalk could compete for contracts, if he wished, but clearly "it would not give Mr. Chalk the arm-lock on the rail system which he quite naturally desires." In 1963, he had tried to kill the whole system. Now he was trying to secure protective amendments. "Some of his demands are unnecessary. Some are simply preposterous. The House should resist them."

The editors praised "the strengthened leadership" of NCTA, as well as McCarter's recognition that freeways were needed in the area's balanced transportation system. "But he insists, and he is right, that rail transit is the only alternative to an endless proliferation of freeways which in time could become intolerable." The editorial concluded:

In moving this vital bill to the House floor, the full District Committee approved it by the overwhelming margin of 18 votes to 3. We trust that the House will grant its indorsement in as conclusive fashion, as an inducement to the Senate to complete action during this session. ["D-Day for Transit," *The Evening Star*, July 13, 1965]

On July 15, the House began considering H.R. 4822 by adopting House Rules Resolution 434 setting the terms of the debate. Chairman Whitener then introduced the bill. In addition to describing the bill, he said:

I would say, as a member of the Committee on the District of Columbia, that one of the most frustrating things I have experienced as a Member of Congress has been the problem as we legislate for the District in getting District citizens together on propositions which are before the Congress.

In this instance, however, it has been most gratifying to see such a unanimity of opinion on the part of the citizenship of this area. More than 400 official and private organizations filed statements supporting this legislation. As far as I know, only one business organization has raised a discordant note in connection with the legislation, and I am not here to criticize them because they have a right to do so. [National Capital Transportation Act of 1965, *Congressional Record-House*, July 15, 1965, page 17003]

(He did not mention O. Roy Chalk, but he was the apparent target.)

During questioning, Representative Gross asked who was going to provide the parking lot for the Pentagon City station near where he lived. Chairman Whitener replied that the parking lot was included in the estimated cost of the system:

Mr. Gross. Are the taxpayers of the country going to be saddled with a lot of expense of providing parking lots to serve the subway in Virginia?

Mr. Whitener. Of course, the gentleman knows that after the \$150 million is paid out of the District and Federal Treasuries, the fares paid into the fare boxes will pay the balance. The folks who use the system will be paying for it.

Mr. Gross. Will they pay for that the way they are paying off the stadium bonds?

Mr. Whitener. I believe they will do much better than that.

Mr. Gross. I am glad the gentleman so believes, but I am completely unconvinced that will be the case. [page 17006]

Representative Roudebush expressed his reasons for opposing H.R. 4822, promising that a motion to commit it to the House District Committee would be made later. "I intend to support such a recommittal motion. [pages 17006-17008]

Representative Multer said he would introduce what he called a "Let us face up to it" amendment:

The only way it can be done is by the U.S. Government or the Federal Treasury paying the cost of it. It cannot be done otherwise. Let us not camouflage it by saying the District of Columbia will give \$50 million of the entire sum toward the cost, because there is no such sum available to the District of Columbia unless it comes out of the U.S. Treasury.

So, let us face up to it. If this is going to be done, let us do it directly with U.S. treasury money . . . . I tell you the cheapest way to finance this, if it is going to be financed by borrowing, is let the U.S. Government do the borrowing on bonds that are sold to the public at the lowest possible interest rate you can get on those bonds when you issue them, and let them be paid by the U.S. Treasury.

He also would offer amendments to ensure precise language regarding private enterprise involvement in the project and an amendment assigning the cost of police protection to the District of Columbia. He also would introduce an amendment "to provide that anyone, man, woman, or child, business firm or corporation, that is damaged or injured by reason of the building of this subway will have a cause of action and have a right to sue the District of Columbia and be paid for whatever damages they may be able to prove in a court of law as a result of the building of this subway."

Regarding police protection, Representative Gross suggested, "Since the taxpayers of the Federal Government—your taxpayers and mine—are going to build this subway, why not put taxpayer supported marines or soldiers aboard to ride 'shotgun' on the subway cars?" Representative Multer replied, "I believe the gentleman knows the answer to that," but he added that this was a

civilian facility. Therefore, “we want a civilian and not a military police force.” [pages 17008-17009]

Representative Harsha expressed his concerns, saying “I cannot in good conscience concur with the contention that the rapid transit proposed in the present bill is either economically or practically feasible.” He could not believe that a technology dating to the turn of the century, “a plan already outmoded in many of our major cities, can offer a solution to our modern transportation needs unless there are major changes not apparent in the present plans.”

He was concerned about the financial structure of the bill “and the Federal participation which would establish an entirely new principle of Federal financing for the District of Columbia, on a project the estimates for which I question the accuracy with respect to cost, completion, equipment and operational budget.” The bill put the District “on an entirely different footing from the rest of the country in whose cities subways have been and are being built.”

Other concerns included that the bill did not provide “for the operation of the rapid transit system by what has been historically known as the free enterprise method,” that taxpayers from around the country would have to pay for extensions into Maryland and Virginia, and the cost estimate. Regarding the estimate, he cited the recent example of Dulles International Airport, “which was originally estimated to cost some \$14 million, and to date the Federal Government has spent \$120 million on this project.” He added, “Yet not one aircraft hangar has been constructed there.” [pages 17009-17011]

Representative O’Konski explained that that the question was not whether Washington needed a subway, but “who is going to pay for this thing.” The \$483 million covered in H.R. 4822, counting interest payments, was “just the first bite and the first lick . . . . Anyone who tells you otherwise is telling you a falsehood.” Eventually this bill, and its extensions would “involve the Federal Government in nothing less than a \$3 billion authorization and expenditure by the District of Columbia and the taxpayers of the United States.” He asked his colleagues to recall the old saying that, “Once you get your foot in the door you are at the point of no return.”

He asked, “Why should the people of Wisconsin, Minnesota, Illinois, Iowa, and Ohio vote today to put themselves on record as burdening and saddling the people of their States under this present program with the entire cost of the grants and the guarantee of the bonds . . . .”

As for the District paying its share, he said, “that is all poppycock because the District of Columbia does not have a dime in the Treasury. They are just going to come and ask us for more money and that means that the Federal Government is going to foot the bill entirely.” In contrast with districts around the country filled with hard-working, tax-burdened citizens, the District of Columbia was “a taxpayers’ paradise . . . a tax dodger’s paradise.” He illustrated:

The cigarette tax is 2 cents a pack in the District of Columbia. In Maryland, I believe it is 7 cents a pack. No wonder there is such a traffic jam. Everybody from Maryland is coming over to the Nation’s Capital to buy cigarettes. If we want to alleviate the traffic congestion, let us stop making the Nation’s Capital a tax dodger’s paradise.

The same was true for the gas tax, with Maryland and Virginia charging 7 cents a gallon, and the District, only 6 cents. “Yes, we would bring [the gas tax] up, but the bill has not yet passed.”

Representative Sisk asked him, “Whose fault it is that the tax has not been increased” on these or any other product in the District.” Representative O’Konski replied:

I think very largely it is the fault—or some of it is—of Congress, but some of it also goes to the door of all these millionaires who signed that ad in the Washington Post and the Washington Star, the president of Riggs Bank and all of those other people. They love this and they say it is wonderful for the city and it brings in big business. They even want the subway to bring in more business so that they can get cheaper beer and cigarettes.  
[pages 17011-17012]

The debate continued, primarily in support of the bill, before the amendment process began. The District Committee introduced several amendments, the first being to add the statement:

Nothing in this Act shall be construed as altering or amending the Washington Metropolitan Area Transit Regulation Compact.

The second was:

Nothing in this Act shall be construed to affect any right to damages which any common carrier engaged in the private transportation of persons in the National Capital region may have by virtue of Public Law 757 of the 84<sup>th</sup> Congress (70 Stat. 598) or Public Law 669 of the 86<sup>th</sup> Congress (74 Stat. 537).

The protection accorded the private bus companies under the provisions of the National Capital Transportation Act of 1960 (74 Stat. 537), and particularly under section 205(a)(2) thereof, shall not be impaired by this Act.

(Public Law 757 approved the charter for D.C. Transit System. Public Law 669 was the National Capital Transportation Act of 1960.)

The House adopted the amendments, and a couple of typographical corrections, by voice vote. On this and later amendments, action would be by voice rather than a recorded vote, except as noted.

Representative Harsha introduced an amendment that he said “assures the Congress that those persons using the transportation system will have to pay sufficient fares to retire the bonds and meet the operating expenses.” Transit backers should not object; they claimed NCTA’s estimates that everything was paid for were accurate, so there should not be any unexpected costs to be financed. “On the other hand, if their estimates are not accurate . . . great pressures will be exerted to subsidize rather than raise fares.”

Representative Gross supported the amendment. “The States of Virginia and Maryland want a free ride out of this thing, no question about that. We build the bridges across the Potomac River for them, but do not get any free bridges across the Mississippi River into Iowa.” He cited the

District of Columbia stadium overruns as an example. “I got licked, and I have no doubt that the skids are greased . . . this afternoon to put this bill through.” On the assurance of expert consultants, Congressmen asserted on the House floor that the stadium would not cost the taxpayers “a dime for that white elephant stadium.” Similar experts had put their professional reputations on the line to assert that H.R. 4822 was fully paid for:

I said at that time that I did not care if a stadium was built at every street intersection in the District of Columbia, and I do not care today if you build a subway system east, west, north, and south in the District of Columbia, but I want the taxpayers of the District of Columbia and not the taxpayers I represent to pay the bill.

If his colleagues wanted to explain to their constituents why they should build a \$3 billion subway for Washington, “then you explain it to the citizens you represent. I want no part of it.”

The House rejected the Harsha amendment.

Representative Multer introduced the Chalk amendment calling for private enterprise to construct, alter, and repair the system. The House rejected the amendment.

Representative Dowdy offered an amendment calling for lease of the tracks, saying something similar had been done with the railroads in the 19<sup>th</sup> century. “If we are going to return to this 19<sup>th</sup> century concept for the transportation of people, this would be the way to do it.” The House rejected it.

Representative Roosevelt introduced Chalk’s bus and rail unification amendment. He explained, “it seems to me that in all fairness we recognize here that we are going to do something to going businesses.” The House rejected the amendment.

Representative Multer introduced an amendment that would require each contract for operation of the rail rapid transit lines to be approved by Congress. He assured his colleagues that this was not, as they probably thought, a Chalk amendment. He thought Congress should determine what went into the contracts advertised for operation of the system. He demanded a recorded vote on the amendment. The House rejected it, 11 to 93.

Representative Multer’s next amendment made the District of Columbia responsible for any court-awarded damages in the form of injury, death, or damage to property. The House rejected the amendment.

Representative O’Konski introduced an amendment to adjust the dollar amounts in H.R. 4822 that reflected the 66 and two-thirds percent Federal share in the Urban Mass Transportation Act of 1964. In all other matters, the Federal share of District expenses was about 12 percent. “This bill sets the pattern” for increasing the Federal share in areas beyond the subway bill. His amendment reversed the percentages, reducing the Federal share to 33 and one-third percent. Congress, he conceded, had a constitutional responsibility for the welfare of the Nation’s capital. “But nobody in his right mind has ever come up with a proposal that the Federal Government’s responsibility exceeds 33½ percent.” With the Congressman requesting a recorded vote, the House rejected the amendment, 31 to 92.

Representative Multer introduced an amendment that followed up on his earlier discussion of the District's lack of funds or bond authority to pay its share. "This amendment calls for the financing of this system by the U.S. Treasury making available to the agency whatever money it may need . . . ." The House rejected the amendment. [pages 17026-17034]

With amendments concluded, Speaker McCormack said, "The question is on the engrossment and third reading of the bill." It was so ordered. Representative O'Konski introduced his amendment to recommit the bill.

The Speaker. The question is on the motion to recommit.

The question was taken; and the Speaker announced that the noes appeared to have it.

Mr. O'Konski. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were refused.

The Speaker. The question is on the passage of the bill.

The question was taken; and the speaker announced that the ayes appeared to have it.

Representative O'Konski objected that a quorum was not present. After a count, the Speaker declared, "Two hundred and nineteen Members are present, a quorum."

Mr. O'Konski. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were refused.

The bill was passed. [pages 17034-17035]

Newspaper coverage provided color to the debate not apparent on the pages of the *Congressional Record*. Jack Eisen wrote that the bill was approved "with so little opposition that its foes could not even force a roll-call vote." As the 5½ house debate was coming to a final vote:

The House chamber was nearly filled as the time approached for a vote.

O'Konski moved to send the bill back to the District Committee for amendment—which would have killed it—but only 16 of the required 50 members stood up to indicate a demand for a roll call.

When O'Konski and Representative Thomas B. Curtis (R-Mo.) sought a roll call vote on final passage, only 42 stood up.

Then McCormack gaveled the bill through to passage on a voice vote so fast that members barely had time to respond.

(Representative Curtis is not cited in the record of the debate or its conclusion. Eisen may have been referring to Representative Donald H. Rumsfeld (R-Ill.) who received permission, immediately after the bill passed, to add his remarks to the record. In the added remarks, he objected to the voice votes on the bill. "I support this legislation and wish to express my concern that this measure, as so many other important measures, was approved by a voice vote rather than a recorded vote." He believed the public's business should be conducted in public and hoped that the Joint Committee on Organization of Congress will recommend holding recorded events on important matters. [page 17035])

In the gallery, Morris Fox of D.C. Transit System watched the debate. Asked by Eisen for comment, “Fox frowned and replied ‘No!’” NCTA’s McCarter also watched the debate. He said, “I’m very happy that we’ve taken the first step.” Deputy Quenstedt said, “I’m just overwhelmed.” [Eisen, Jack, “House Votes D.C. Area Subway Bill,” *The Washington Post and Times Herald*, July 16, 1965]

In the *Star*, Sam Eastman reported that the measure passed “late yesterday afternoon with an impressive display of strength,” citing particularly the failure to muster enough votes for a recorded vote.

Eastman reported that staff members of the Senate District Committee indicated that hearings on the bill would start on the following Tuesday, July 20. Senator Bible, the chairman, said:

This is a great day for Washington, and it will be greater the first day the subway cars roll down the track.

After many years of hard work in planning this effort, it is gratifying to me to see the first real signs of accomplishment. Now the job lies with the Senate . . . . [Eastman, Sam, “House Votes D.C. Transit Bill,” *The Evening Star*, July 16, 1965]

In the *Post*, Dan Morgan reported:

How did transit backers salvage victory from the shambles of the 1963 defeat of a similar measure?

Much of the credit goes to two men, Lawrence J. Hogan, the lawyer and public relations man who helped start the Joint Committee on Transportation; and Lawrence Henderson, who had helped steer the 1964 national transit measure through Congress.

If there was a starting point for last week’s victory, it might well have been the day in 1963 when Hogan took his friend, G. Yates Cook, vice president of the Federal City Council, to lunch.

The freeway advocates, including tire companies, the asphalt and roads construction industry, the bus lines, the trucking firms and the automobile associations, were at the throats of the subway advocates then.

“We decided that while they were fighting, Washington was suffering. Something was needed to calm the troubled waters,” Hogan said.

Hogan and Yates put together the framework for the joint committee and enlisted the Federal Council, the Washington Board of Trade, Downtown Progress, and the Washington Board of Realtors to participate. Their campaign included sending “canned” editorials for newspapers around the country to print to attract the attention of Members of Congress.

When Congress killed the bill in December 1963, the committee regrouped, hiring Henderson to help with congressional liaison. He “polled every Congressman to learn his position on the bill,

then ‘assigned’ a leading area businessman to work on every doubtful one.” He also arranged letter writing campaigns by civic groups. NCTA Deputy Administrator Quenstedt and Cody Pfanstiehl, NCTA’s director of public relations and community services, addressed area groups to ease resentment about the agency. In the end, these and other efforts helped build the widespread support that Chairman Whitener had commented on:

O. Roy Chalk, the influential head of D.C. Transit, remained pitted against the bill until the vote. But by that time, as a transit supporter put it, “he was just a voice crying in the wilderness.” [Morgan, Dan, “Intensive Lobby Pushed Subway,” *The Washington Post and Times Herald*, July 18, 1965]

According to Professor Schrag:

Congressional confidence in McCarter was crucial, for in July the stripped-down bill again went before the House. Whitener helped the agency tailor its plan to Congress’s frugal mood; later, after passage, he admitted that “legislative tactics,” more than transit engineering, had determined the shape of the proposed system. Responding to the critics of 1963, the new bill proposed a system that cost less, relied on a higher proportion of D.C. rather than federal funds, and specified private operation to preserve the rights of both labor and the existing bus companies.

Thanks to such adjustments, the agency found more friends and fewer opponents. O. Roy Chalk, head of the bus company, still ranted against a “socialist” subway, but the AFL-CIO, which had helped sink the 1963 bill, now endorsed the new version. The Federal City Council, relieved by Stolzenbach’s departure, mobilized its members – bankers, stockbrokers, university presidents, and an archbishop or two. Each visited four or five congressmen, quietly counting votes. Meanwhile, Whitener wrote to every member of the House not on the District Committee. Some were skeptical, but they replied that Whitener’s endorsement was sufficient reason to back the bill. Even then, Whitener feared the bill could not pass a roll-call vote. Eventually, he persuaded enough congressmen who opposed the bill but liked him to remain in the House cloakroom, and the bill passed the House on a voice vote. [Schrag, pages 62-63]

The bill that passed the House authorized funds that would require separate congressional action to appropriate the funds. Until then, the funds would not be available to NCTA. Eisen told *Post* readers:

Washingtonians can now look forward to their first subway ride as early as the middle of 1970, but a bumpy stretch of legislative track must be crossed before that schedule can be met . . . .

Once the bill is enacted, the White House must ask for money. And Congress must provide it.

Rep. Winfield K. Denton (D-Ind.), who heads the Appropriations subcommittee that passes upon NCTA fund requests, is a critic of the Washington subway proposal. During Thursday's debate he expressed worry that it would lose money.

And Representative William H. Natcher (D-Ky.), who heads the District Appropriations Subcommittee, has expressed misgivings about the subway. He wants to be positive it will not interfere with freeway construction.

If Congress approved the funds by Labor Day, NCTA could meet its timetable for opening the first segment:

Howard W. Lyon, NCTA's engineering chief, said the first six months would be taken up in preparing standards, design criteria and specifications and making more detailed site and soil studies.

By next spring the first contracts would be let to consulting engineering firms for preparing designs. The first construction contracts would be let in mid-1967.

Three years later, in mid-1970, the first line—from Benning Road and Kenilworth Avenue ne. to Northwest Washington, either out Connecticut Avenue or through Columbia Heights—would be running. This would serve D.C. Stadium, the Capitol, the downtown shopping area, Farragut Square and Dupont Circle.

The other lines, to the Pentagon, Silver Spring and Northwest Washington, would be running by January, 1972. [Eisen, Jack, "1<sup>st</sup> Stretch of Subway May Open in Five Years," *The Washington Post and Times Herald*, July 17, 1965]

*Post* editors thought the vote was "an outstanding demonstration of responsible government of the city." The city was "greatly indebted" to Chairman Whitener for "the skill and perseverance" he devoted to the bill. The editors also praised Representative McMillan and Nelsen, as well as "three suburban Congressmen, Mr. Broyhill, Mr. Mathias, and Mr. Sickles, who otherwise do not frequently agree." The Johnson Administration deserved credit for its "steady and characteristically forceful help." In addition "the highly effective work of lobbying and community organization carried on by Washington citizens, especially the joint committee, "was incalculably important to the bill's success." As the editors stated:

The Washington subway bill embodies the common concern for a Capital increasingly incapable of handling the volumes of traffic funneled into it . . . . If a subway proves that it can move people around this metropolis more efficiently, more comfortably and more rapidly than surface transport, then the Washington system will give hope to every afflicted city in the country. ["Votes for the Subway," *The Washington Post and Times Herald*, July 17, 1965]

*Star* editors were, of course, delighted. As others had pointed out, the "handful of members" who tried to water down or kill the bill, "were defeated on every test, so sharply that at the end they could not even gather the slight support needed for a roll-call vote . . . ."

The editors credited the White House, which “threw its full weight behind the bill – with the ball carried this time by professionals, not the White House amateurs who so often manage District legislation.” The strengthened NCTA leadership helped, the bill “was vastly improved, and Chairman Whitener “did an excellent job.” Just as important, if not more so, was that “the idea has finally taken hold that rail transit is not a dream, but an urgent necessity for the well-being of the Federal City and the great metropolitan community surrounding it.”

The editors made the significance of the event clearer:

It is hard to exaggerate the benefits which may spring from the House vote on Washington’s rail transit bill. The subway system, when it is built, will make this city an infinitely more accessible and useful place.

Much remained to be done before then:

But the most important hurdle was cleared yesterday in the House of Representatives. It was indeed, as Senator Bible commented later, “a great day for Washington.” [“A Great Day for Washington,” *The Evening Star*, July 16, 1965]

## **Senate Review**

The assumption had always been that if the National Capital Transportation Act of 1965 passed the House, it would find easy going in the Senate. Now that the House had approved the bill, Senate Bible opened a hearing on July 20 to consider H.R. 4822 and its Senate counterpart, S. 1117, introduced by Senator Tydings. The chairman expressed personal satisfaction in opening the hearing:

Washington, D.C., has no greater need today than an efficient, balanced transportation system to meet its main purpose – service to the public.

Mass transportation in the Nation’s Capital has held the attention of the Senate during the last four administrations. The problem is a visible one each day and each of us – oftentimes unfortunately – is a part of that problem . . . . Now I believe that we have a piece of legislation that hopefully the Congress can approve and that will be beneficial to all of us moving from place to place in the Washington area . . . .

There is no other feasible answer to this problem that has been suggested than to accompany the construction of planned highways with the construction of a rapid transit system. This is what Congress intended when it passed legislation 4½ years ago authorizing preparation of a rapid transit plan.

What Congress does – and I hope it will be done this year – will determine the Capital area’s transportation and traffic pattern for the next 75 years or more. Highways and rapid transit – we need them both and need them badly and I am hopeful that a cooperative attitude toward a common goal will prevail. [Rail Rapid Transit for the National Capital Region, Hearings before the Committee on the District of Columbia, United States Senate, 89<sup>th</sup> Congress, 1<sup>st</sup> Session, July 20, 21, and 23, 1965, pages 1-2]

He introduced Chairman Whitener, who hoped the Senate would join the House in approving the bill:

I think that the legislation has the greatest amount of support of any that I have seen during my service here as a member of the Committee on the District of Columbia in the House of Representatives. We have had the unstinting support of the business community, labor groups, the civic organizations, and practically all of the people of the community.

He also cited the support of President Johnson, the Bureau of the Budget, the District of Columbia government, and NCTA:

I think that those of us who have a strong interest in this community have an opportunity now to move forward and to make a real contribution to it. [page 3]

Elmer Staats was the first witness. He said, "The need for the system . . . is no longer open to serious question." He supported NCTA's cost estimate, calling it "both feasible and consistent with the mandate of Congress in the 1960 act." Consideration of future financing beyond the system authorized in the bill was "inappropriate." The funds in the bill would provide all that is needed through FY 1968. "The more important thing, however, is that during that time work can continue on an interstate compact which both the Congress and the administration believe to be the best organizational solution to the mass transit problems of this region." The compact authority would have the "authority to issue and sell the revenue bonds needed to meet the remainder of the costs." If the compact is not approved, a government corporation could be created, but the best alternative is the compact authority.

Aside from financing, the bureau had studied the provisions in the bill regarding private operation and labor standards. Staats said, "we consider them appropriate." He said the bureau also accepted the amendments approved during the House debate, namely those introduced by the District committee.

He concluded:

Mr. Chairman, may I repeat the view expressed by three administrations: The National Capital Region urgently requires decisive action to provide a balanced transportation system. The highway program, financed by Federal aid grants, is moving forward, and its future progress is assured.

That program has been planned on the assumption that an efficient and effective mass transportation system would come into being.

Senator Bible asked if the White House was satisfied with the provision calling for operation by private parties under contract. Staats pointed out that it was not a unique arrangement, citing Memphis and Philadelphia as having "essentially the same system." The mechanisms in the bill were, in the view of the Administration after much debate, "the appropriate way of operating a mass transit system in the District of Columbia." This was the only subject during the question period. [pages 35-39]

The NCTA team took the witness stand, lead by Administrator McCarter, and accompanied by Acting General Counsel Owen J. Malone; Acting Chief Engineer Howard Lyon; William Herman, Acting Director of Planning and Advances; and consultant Edwin H. Seeger, the former General Counsel. McCarter's lengthy statement was placed in the record. [pages 40-58]

After the statement was in the record, McCarter said that through the leadership of Senator Bible and Chairman McMillan, "we are now at the point where we can at least take a big step forward in the solution of our Capital's transportation crisis," which was visible "every morning and evening when the city streets are swamped with traffic." It grew worse every year "and will continue to do so unless we are able to develop an underground transit system free from surface traffic congestion."

After discussing the routes in the proposed system, McCarter continued:

So we expect to have a . . . system unified with the bus operations, with the automobile, both by parking and by what I have paraphrased "kiss and ride," where people are delivered by some member of the family and by people who walk to the station, so that combination must be a unique system.

He added that he was surprised to discover that an almost equal number of men drive their working wives to stations as women who drive their husbands.

The cost estimate had been compared with the experience in Toronto and estimates in San Francisco, as well as his experience in Chicago. "I think it is a conservative estimate, one prepared with a view to assuring as much as possible that the Agency could live with it."

In reply to a question about tunnel construction, Lyon explained that NCTA planned for 13 miles of subway:

- 5.52 miles in earth or alluvial tunnels, "driven in a circular section under ground with the aid of a shield and perhaps the aid of a mechanical miner so there is no disturbance of the surface,
- 0.71 mile of mixed-faced tunnel "which means the section is partly rock and partly alluvial materials,"
- 2.46 miles in rock tunnel, and
- 4.45 miles in cut-and-cover construction by "digging a trench to open up the surface, constructing the facility in the form of a concrete box, decking over the street temporarily while this construction proceeds underneath, removing the decking, backfilling, and restoring the street surface."

The tunnels would have a 16-foot diameter and a height of 16 feet.

As for cost, McCarter said, "65½ percent of the cost would be liquidated by the riders of the system, 23 percent by the Federal Government and 11½ percent by the District of Columbia." The repayment period was 41 to 50 years.

In view of the concern about crime, McCarter said he believed “a subway can be one of the safest places in the city if it is properly designed”:

Robberies, vandalism, hoodlumism, youngsters getting overexuberant, that sort of thing . . . can be controlled first by extremely well-lighted equipment and stations, and by extremely quick communications.

He had visited or had photographs of stations in a number of cities, and had met with the Commission of Fine Arts on the subject.

Senator Robert Kennedy asked if McCarter agreed with the plan for private operation of the system. McCarter said, “I believe in the efficiency of private management.” Senator Kennedy asked if it would be appropriate to “give greater franchise participation in this system.” McCarter thought at the time, the present arrangement was “completely adequate,” but they did not know what the future would be. “We don’t know the nature of the revenue bonds yet, [so] I don’t think we should tie our hands at this time.”

Would not making operations available as a private franchise, based on low bid, make it “even more successful?” McCarter agreed that a negotiated low bid would work if the private operator were “dedicated to making this operation a success”:

Senator Kennedy. Would you be opposed to having it on a low-bid franchise basis as we run it here?

Mr. McCarter. I am not sure. It depends on whether the low bidder would qualify.

Senator Kennedy. If he qualified?

Mr. McCarter. No, I would not be opposed to it then.

The Senator wondered if the situation of private operation was analogous to building roads that would then be made available to a bus company. McCarter replied that aside from the significant Federal and District contribution, revenue bonds were to be sold to investors who would want to know the operating conditions. “You can’t say now that it is going to be a franchise,” as was the case with bus operations in the city. In the end, it might be by franchise, instead of by contract, “but we will have to see what the best thing to do at that time is.” Trying to make the decision now could cause “great difficulty with your revenue bonds.”

Citing the language in the bill about operation under contract, Senator Kennedy asked if that did not eliminate the possibility of a franchise. McCarter told him, “You can’t grant a franchise for a system that is entirely publicly owned.” The question, instead, was how much responsibility will be given to the contractor. “The one thing to try to avoid is to turn over the entire system financed with public money to a private operator.”

Senator Kennedy. You are opposed to turning the system over to a private operator?

Mr. McCarter. Except under a contract. We must see that this system repays most of the investment, that the car riders pay their share of the operation. This is the first charge against the system. We would have to be sure in any kind of contract that we had that this objective is met.

Senator Kennedy asked if the present bus system would be integrated with the rail rapid transit system. McCarter said that from the riders' standpoint, the two must be integrated.

Asked how rail rapid transit would affect the bus system, McCarter told Senator Kennedy that the bus system would improve by eliminating "the most expensive part of their operation, the long-haul riders." It could continue "very much as it is now," and might even pick up some riders who currently use only their automobiles, but will instead use a combination of buses and rapid transit. No arrangement had been made, but "just in the nature of the thing I think [the bus system] must continue service." McCarter added that in Chicago, bus and rail transit were needed and "there was not one bus line discontinued because of rapid transit, for they served a different purpose."

Did McCarter contemplate acquiring D.C. Transit System? "We do not." Senator Kennedy indicated that the National Capital Transit Act of 1960 specifically prohibited acquisition, but added that Congress granted the 20-year franchise for the bus system in 1956, without expecting a rail rapid transit system to be built. Now that it is to be constructed "during the middle of that franchise," what kind of protection does the bus company receive? Malone explained that in 1955, Congress provided funds to NCPC for the Mass Transportation Survey.:

I think it can be said that at the time the 1956 [charter] legislation was enacted this mode of transportation was already on the scene. So far as the immediate operation of the bus system is concerned there is nothing to indicate any impact for a number of years . . . .

We can look forward to another 5 to 7 years of prosperity for the bus companies with every prospect that that prosperity will continue.

Senator Kennedy was not satisfied. "I think probably we need something more than the fact that there has been a different result or a certain particular result in Chicago." The situation in Washington, he suggested, "may be entirely different." He thought the "transit system" should submit a report to the committee for consideration. [pages 58-80]

Other witnesses included representatives of the Federal City Council who supported the bill.

O. Roy Chalk, who owned a New York newspaper, sat at the press table during the hearing. When Senator Kennedy asked if the city contemplated acquiring D.C. Transit System, Chalk "reacted as though this was all news to him," George Lardner wrote. Softly, Chalk said, "He asked a direct question; he got a direct answer. Now we know: we'll either have to compete or go out of business." Lardner characterized Chalk's comment by saying, "His pessimism seemed about as overdrawn as his suggestion that D.C. Transit has been chewing its nails up to now over the danger of a Government take-over." H.R. 4822 flatly prohibited acquisition:

But Chalk refuses to accept the suggestion that D.C. Transit and the subway can live together on any terms but his. If the Government won't give him a franchise to run the subway for a guaranteed percentage of the profits, Chalk wants the Government to buy D.C. Transit. Chalk got D.C. Transit nine years ago for a cash outlay of \$500,000 as part of an intricate financing arrangement. Rep. Basil Whitener (D-N.C.) said on the floor of

the House last week there were indications Chalk might want the Government to pay as much as \$63 million to buy it from him.

NCTA testified that with the two systems running, the buses could make a profit. “But second place for D.C. Transit, even a money-making second place, is a prospect Chalk apparently doesn’t want to consider.” As a result, “The Senate represents his last chance to get what was never promised.”

After the hearing, Senator Kennedy told reporters he was not taking a position on whether a franchise should be considered. Lardner concluded that “if yesterday’s hearing was any guide, the subway bill still has some rough riding ahead.” [Lardner, George, Jr., “The Senate, a Subway and O. Roy Chalk,” Potomac Watch, *The Washington Post and Times Herald*, July 21, 1965]

On July 21, Senator Brewster of Maryland appeared before the committee. He had been “most gratified” by House passage of H.R. 4822 because the region needed rail rapid transit. Unfortunately, “it will be another 7 years before it can become fully operational,” during which population will grow and the number of motor vehicles will further strain the area’s already crowded streets:

We know from experience that highways alone cannot meet our growing urban transportation needs. They can only make an effective contribution to transportation if supplemented by a mass transit system capable of handling large numbers of commuter passengers.

Maryland and Virginia officials had partly solved “one aspect of the commuter’s problem” by building “a magnificent circumferential highway entirely around the District.” It carried people “easily around the District, but the congestion on the radials coming into the District from the beltway is . . . tremendously difficult and . . . cannot possibly satisfy the needs of this community . . . .” A balanced transportation program encompassing automobiles, modern highways, a bus system, and rail rapid transit is needed.

The current plan in H.R. 4822 was “both modest and realistic,” the product of “careful study” by NCTA. It would benefit residents of the area, tourists visiting Washington, and “will contribute immeasurably to the beautification of our Capital City.” Approval by the Senate would “serve as a green light to National Capital area planners who have hesitated to base future plans on a tentative transportation system still in the need of congressional action.” He was confident the committee would “report a sound rapid transit bill to the Senate. You may be sure that it will have my wholehearted support.” [pages 87-89]

Senator Tydings, a member of the panel, moved to the witness table. He was proud to be a cosponsor of S. 1117. “I am impatient, as are the people I represent, to get on with the job just as soon as possible.” Officials and the public alike were drawing one conclusion from years of experience, namely that “there is a limit to the amount of land, the amount of money, and the amount of human relocation we can afford to pay for highways in cities—particularly in this city.” Washington was growing too fast for ‘any single kind of transportation facility to keep up

with our needs.” The area needed “every practical kind of transportation we can afford . . . in efficient balance so they can work together . . . and thus multiply their effectiveness.”

The area had highways and more were planned, but there were limits to what they could do:

I can say from my personal experience that the people of this region have been asking for a rapid rail system for years. Their unanimity on this subject is one of the great and encouraging areas of agreement in the National Capital region. I know of no other regional problem on which there is such strong and widespread agreement as to a solution.

He wanted a dependable system that would allow people to move around “no matter how long the bus delays caused by traffic jams”:

I mean the freedom for the suburban housewife who can have the use of the family automobile for her family responsibilities, for her daytime shopping, secure in the knowledge that her husband has speedy and efficient transportation.

I mean the ability to live where you want to live and work where you want to work, throughout the region.

I mean the saving of many hours each week for thousands of commuters – hours better spent with families than spent alone in an automobile . . . .

I mean making it possible for the youngster too young to drive to go downtown to the theater or the cultural centers, or for the elderly too old to drive to visit friends in the suburbs, or the handicapped to travel by public transportation without having to climb on and off – and we must make this rapid rail system in the Capital of the Nation accessible to those handicapped people, thus making it even more useful and pleasant for all.

In view of the discussion of private sector operation versus a franchise, Senator Tydings said:

I am unalterably opposed in the committee or on the floor, and in any other place, to any amendment which would give a windfall franchise to any operator at the taxpayer’s expense. I am unalterably opposed to giving to a private operator the profits of this rapid rail transit system which should be used to pay off the bondholders and for the benefit of the taxpayers.

I am going to resist any amendment in this committee and on the floor, just as the committee did in the House. [pages 89-91]

With Senator Tydings returning to his seat on the panel, Representative Nelsen took his place at the witness table. He talked about how the House District Committee had overcome the considerable opposition to the bill in 1963 by satisfying labor and business concerns. There was no question about the need:

Those of us who drive to town and listen to the radio, to Marie in the traffic helicopter telling us how traffic is backed up on Shirley Highway and other main arteries into the city, try to avoid congestion. We hear these reports every morning and anticipate that, in the future, conditions will be much worse.

(Representative Nelsen was referring to WWDC's Marie E. McDonald, who told listeners about traffic conditions as she observed the roads from a helicopter. She began her traffic updates in February 1965, reportedly the first woman to serve in that capacity. She and her pilot died when their helicopter crashed on September 1, 1966. [Adams, Michael, "Traffic Reporter, Pilot Killed in Copter Crash," *The Evening Star*, September 2, 1966; "Texas Rites Set Tomorrow For Marie E. McDonald, 29," *The Evening Star*, September 3, 1966])

He and his colleagues in the House District Committee were concerned about whether, as often happened with government projects, the cost estimates would be exceeded once construction began. They had checked the data on financial planning. They found that proper engineering had not been compromised to keep estimates low. They found that farebox estimates were accurately figured. "I think the bill is a good bill and I recommend it for passage." He added that the bill had passed the House by voice vote, "which indicates to me the opposition of a little over a year ago has melted because of the provisions we put in the bill to meet the objections that were previously there." [pages 92-93]

Representative Multer appeared next in support of the amendments that the House had rejected. He acknowledged that labor was satisfied that its interests were protected in H.R. 4822. As for the private enterprise features, "the rating of the bill would probably convince you private enterprise is being protected, too." He interrupted the statement because Senator Tydings had to leave the panel to take a telephone call; he wanted the Senator to hear this part of the statement. He moved on:

I don't believe there has been any bill in the 10 terms I served here that has had such an overwhelming demand by a majority of your colleagues in both Houses as well as by a majority of the people in the community, and I sought both in the House and here now to try to improve this bill and make it do the job that should be done.

He discussed each of the amendments, beginning with the amendment on payment of damages to property owners by construction or operation of the rail rapid transit system. The House amendment called for the District to be responsible, but he had amended it to reference Maryland and Virginia for their segments of the network. "I don't understand how anybody can oppose that kind of provision being admitted in the bill." In response to a question from Senator Bible, Representative Multer acknowledged that the House rejected the amendment. However, he did not think the House fully considered the implications of the amendment:

The . . . rush and turmoil of the District bill being the last bill of the week, many of the Members being anxious to get away, it was obvious to me they wanted to pass this bill and go to something else and that is what happened.

With Senator Tydings not yet back, Representative Multer skipped to his third amendment, the one he called the “face up to it” amendment. It called for the U.S. Treasury to issue all the bonds. The District, he pointed out, runs a deficit every year and “must come to us and beg for the money from the U.S. Treasury.” It will never be able to pay its share for the system. “I say the best way to do this, and the least expensive way to do it, is to finance this cost directly by loans from the U.S. Treasury.” Put aside, he said, “this camouflage of a guaranteed bond sold to the public to be paid by the fare box.” When deficits occurred, the District was going to ask the U.S. Treasury for help. “If they are not going to be paid, let’s do it the cheapest and most direct way with direct financing at the lowest possible cost and with the provision as provided in this amendment that the principle and interest shall be paid back in a period of 30 years . . . .”

Senator Tydings, back at his seat, said that States or municipalities usually issued bonds for transportation. “What you suggest is a novel idea.” Representative Multer said it was traditional “on the national level. On municipal levels it is usually not done.” Moreover, the District was a different case because it depended on the U.S. Treasury to make up its deficits each year. As a result, “we might as well do it on the lowest cost directly.”

Now he came to the amendment he was about to discuss when Senator Tydings had to leave the panel briefly. The system would not be operational for at least 5 to 7 years. However, H.R. 4822 committed the system to operation by private enterprise. It did not leave open the possibility that NCTA or the regional compact might conclude that a franchise might be the better option. “We don’t know what the system will be in the next 5 years, or what will be the best type of operation at that time.” His amendment calling for congressional approval of contracts addressed this problem:

In other words, when we are ready to operate this system, I don’t mean today, in a week or in a month, but when it begins to look as though it will soon be ready, then the Agency should negotiate a contract. They should say this is what we want and this is the way we want it done. Then they should determine whether it is to be private management or leased on a franchise.

At this time, neither he nor anyone else knew what would the best method would be, and yet H.R. 4822 dictated the method.

Senator Tydings asked if the amendment superseded the management type of operation in the bill. Representative Multer replied that under his amendment, either private management or a franchise would be possible. All his amendment did was provide that after NCTA or the interstate compact decided which is best, let Congress approve it. “Call in your private enterprise to bid on it, and come before the Congress and say this is what we would like to do.”

Senator Tydings was concerned that Congress would be giving responsibility to an authority to build the transit system, but retaining the authority to determine how it would operate. Representative Multer asked, “Do you think this is the time for giving a management contract, or a franchise today that will be effective 7 years from now?” Senator Tydings returned to the “heart of the question,” namely whether “you are going to give the authority where you put the responsibility.”

Representative Multer suggested that the panel ask Administrator McCarter if he would prefer to enter into a contract now based on bids from private enterprise or make a judgment closer to when the system was ready to go into operation. "I am sure he will be the first to tell you he will not sit down now and make a franchise or management contract or any other kind to operate this." He would undoubtedly want to talk with experts as construction progresses before making a decision.

Senator Bible assured the Congressman that the Senate District Committee would explore the matter before completing work on this bill. [pages 94-102]

The next witnesses, a panel of District officials, testified in support of the bill. Commissioner Tobriner, in a brief statement, concluded, "We are thoroughly convinced that the establishment of this system is in the best interests of the Federal Government, of the District of Columbia, and of the entire Washington metropolitan area."

The primary witness, Engineer Commissioner Duke, said, "As staunch advocates of a balanced transportation system for the National Capital region, we urge timely and favorable action on this bill." The District's current highway plan was based on the development of rail rapid transit. The highway system was as extensive as it would ever be "regardless of the outcome of this proposed legislation."

He was concerned that "many people have apparently concluded that a rail transit system will never be implemented unless they block the highway program." To refute this idea, now was "the time for Congress to take prompt action on this bill to assure these residents that their fears are entirely unwarranted":

Congress now has the opportunity to provide the leadership for such a comprehensive community attack on our transportation problems by prompt favorable action on this bill, by early favorable action on the proposed District of Columbia gas tax increase and related loan authority, and by general support of the current coordinated highway and mass transit programs.

An initial system as proposed in H.R. 4822 "seems to be the most appropriate beginning of a comprehensive transit system" in view of the District's resources:

In proposing that the District finance the required initial grants, the District faces on the one hand, the urgent need for a rail rapid transit system and on the other hand, limited ability to divert current revenues to the purpose. Present District tax sources are, and will continue to be, inadequate to provide the District grant other than by increasing its loan authority as proposed in H.R. 4822, and borrowing from the U.S. Treasury in the amount of the required grant and repaying the loan over a 30-year period.

He concluded:

The highway program is underway, but it cannot do the job by itself. Our transportation demands require the immediate implementation of a rapid rail transit system. And now is the time to start. [pages 103-107]

The next witness, O. Roy Chalk, took his seat at the witness table but said “I completed my statement at 4:30 this morning and they are still typing it this morning.” He asked the committee to delay his testimony until the following day. In the interest of fairness, Senator Bible agreed to do so. [page 109]

On July 23, Senators Bible and Tydings were joined on the panel by Senators Morse and Peter H. Dominick (R-Co.). Chalk began by asking that the record contain a copy of the 1956 law approving his company’s charter. He pointed out Section 4 calling on Congress to “maintain a continuing interest in the welfare of the Corporation and its investors.”

Senator Morse, one of the principle authors of the legislation, interrupted to recall the circumstances of that legislation that Senator Bible would recall because he also was on the committee at the time. In 1956, the District’s transit system “could best be described as in a state of either collapse or chaos.” Witnesses testified at the time about other municipalities that were taking over failing private transit companies and continuing transit as a public service, but Senator Morse “was one of those who made perfectly clear at the time that that would be the last thing that I wanted to see adopted by way of a transit system in the District of Columbia”:

In order to encourage private ownership of the transportation system in the Nation’s Capital, the provision of the franchise which you have just read was put into the law because there was a great deal of doubt as to whether or not we could get a company to come into Washington, D.C., and take over the transportation system under the situation that existed at the time without including the language that you have just put into the hearing record.

These discussions, Senator Morse pointed out, took place before Chalk was involved. As the proposal “started to crystallize it was then, as I recall, that Mr. Chalk appeared on the scene.”

Chalk resumed his statement, explaining how he had complied with Section 7 on conversion of the city’s street railway operations to bus operation. He also cited Section 3 prohibiting a competitive “street railway or bus line” for transporting passengers without prior issuance of a certificate by the Public Utilities Commission “to the effect that the competitive line is necessary for the convenience of the public.” Chalk added that, to the best of his knowledge, no such certificate had been issued.

He also cited Section 2 of the law calling for a 20-year franchise, but with Congress reserving the right to repeal it at any time “for its non-use.” Section 2 provided that if Congress cancels the franchise after 7 years “for any reason other than non-use, the Corporation waives its claim for any damages for loss of franchise.” He added that a provision of the conference report on the bill addressed this section:

This subsection is not intended to preclude the corporation’s property from being valued as that of a going concern in the determination of any damages resulting from a cancellation of the franchise for any reason other than nonuse.

He asked that the complete conference report be included in the hearing record. [pages 120-132]

Senator Morse asked if Chalk meant that he would not have the right to file damage claims unless Congress canceled his franchise. Chalk replied that he was not making that argument. “I am merely indicating that it was the intent of Congress to protect the rights of the D.C. Transit System.” He also cited Counselor White’s letter of February 18, 1965, to add, “and the apparent intention of the White House at this time to call attention to our legal rights.”

Chalk then recounted the company’s success in meeting the requirements of the charter. It completed conversion of the trolley car system 2 years ahead of schedule to establish an all-bus system. “In doing so, the company destroyed a streetcar system valued in excess of \$45 million.”

Senator Morse interrupted again. That may have been the value of the system, but he wanted to know what the net cost to the company was. Chalk said he was referring to “the reproduction value of such a system today,” and only brought it up to say, “We kept our part of the bargain.”

In fact, he recently had been in Barcelona, Spain:

My chest swelled with pride as I saw these very beautiful trolley cars which I had sold to the city of Barcelona—I think at about \$2,500 apiece—all over the city of Barcelona. They looked beautiful and the people appeared to be very happy using them. I had a slight pang in looking at it.

Chalk said that he paid \$13,540,000 for the franchise and had invested an additional \$35 million “for new vehicles, equipment, and maintenance facilities.” Visitors from around the world came to see his profitable system in operation.

Senator Bible agreed that it was a good system but wished Chalk could do something about the exhaust fumes from the buses. As a motorist, Senator Bible did not like to be stuck behind the buses for that reason. They agreed the problem was with the manufacturers, but Chalk said, “within a year we believe we will have available and in transportation the first of an atomic-source-powered, battery-operated bus, and we believe that when this type of power is introduced into automotive equipment the problem of the fumes will have disappeared.”

(In March 1966, Chalk indicated that his research branch was designing an atomic powered bus. Within “a year or 18 months,” he said, an experimental model would be used on District streets. Nothing appears to have come of this effort. The plan was never implemented, although an atomic-powered bus was the vehicle in the 1976 movie comedy, *The Big Bus*, a parody of disaster films. [Stacks, John, “Chalk Proposes Subsidy, Fare Cut in Slow Hours,” *The Evening Star*, March 3, 1966])

Returning to his statement, Chalk pointed out that the company had “kept its pledge to congress to keep the city free from economic warfare and labor strife.” That was in contrast to the previous 10 years when Capital Transit Company’s labor troubles “brought confusion and consternation to the public.” He added that D.C. Transit System was the only transit system in the United States “which has arrested and reversed the trend of declining patronage from the general public in the use of mass transit facilities.”

For all that the company had done to provide quality transit, it now faced “an ominous situation and we depend upon the integrity of Congress with whom we contracted in 1956, to redeem its pledge to us, ‘to maintain a continuing interest in the welfare of our company’ and its thousands of investors.” He did not want to be an obstructionist. He wanted the bill to pass, but he asked that Congress do so “in such manner as will afford us this and yet not harm the objectives of the bill.”

The bill called for private managerial service, but that was not private enterprise, which required private investment – “the true test of private enterprise”:

There appears to be no intent to grant a franchise to the most qualified bidder as was done in the award of Congress to D.C. Transit in 1956. There appears to be a mistaken presumption underlying the plan of the NCTA that Government operation is more efficient and more profitable than a true private enterprise operation . . . .

It seems to us that Congress – not the NCTA – should make the decision and final choice as to whether the subway shall be operated under a franchise-investment plan, under a management-employment, or under any other form of operational agreement.

It seems to us that if Congress, in its wisdom, decides to award a franchise to a qualified private enterprise operator, for which there is ample precedent, its authority should not be usurped by the NCTA.

He urged an amendment giving Congress that right.

He cited some of the advantages of a franchise, such as requiring the franchise holder to buy all the rolling stock and maintenance facilities, which could be a big savings to the U.S. Treasury. The franchise holder also could be obligated to assume payment of interest and principal on all outstanding bonds.

Chalk’s next point referred to the dialogue between Senator Kennedy and McCarter on the first day of the hearings. “In effect, the NCTA has ruled out, as a matter of policy, the unification of the bus system with the subway system.” McCarter said NCTA “had no need to acquire the D.C. Transit bus system.” Based on this “clear enunciation,” the two systems would have no choice “but to become competitive, each seeking its maximum share of the total transit market.” NCTA’s revenues could occur only by taking them away from the bus operators in the area:

It must resolve itself into a competitive battle for survival. There is not sufficient business to sustain two systems and one or the other, most likely both, will suffer financial hardship. On the subject of financial hardship, however, the edge is all the way with the Government.

It obviously becomes an unfair competitive situation when a private company must compete with a Government-operated facility.

The U.S. Government can afford to lose money without danger of bankruptcy while the private operator under such circumstances must face destruction.

Senator Morse said he did not understand why they had to be competitive since one would operate on roads above ground while the other operated below ground. Chalk referred to McCarter's statement that the bus and rail lines did not have to be unified:

If they are not unified, the inescapable conclusion is that they must be competitive. If they are competitive, someone is going to get hurt.

Perhaps, he said, he had "made my point too clear and it sounds too warlike." But as a private enterprise, "I must bend every way possible to get the last bit of business available in a true private enterprise competitive sense." If the two systems were combined in a franchise, that would be a different situation. "But here I am merely saying if we are competitive, as Mr. McCarter has said, as indicated by implication, of course someone is going to get hurt."

The subway, as a public enterprise, could call on the U.S. Treasury to make up deficits, but companies did not have that advantage. For that reason, an "equalization factor is necessary." The company might be guaranteed a fair return on the system. If Congress contemplated a balanced transportation system, "both systems, one beneath the surface and one on the surface, should be comparable quality and comparable treatment."

He introduced testimony that McCarter had presented during consideration of the Urban Mass Transportation Act in 1962. [pages 144-152]

Chalk pointed out where McCarter stated:

The reason why there is a serious lack of rail rapid transit today, and the reason why existing rapid transit systems cannot expand to meet even today's needs is obvious. Rapid transit systems are costly to construct, and costly to maintain and operate. Major improvements and extensions cannot possibly be financed out of the fare box alone at reasonable rates of fare.

I might digress to say that no rapid transit system can survive alone . . . . By itself, rapid transit is not self-supporting. In all the cities of the United States that now have rapid transit, the rapid part of the transit system is supported by profitable bus operations, or by a public subsidy of one kind or another.

Chalk pointed out the significance of these words:

I am presently in favor of the bill without any questions whatsoever. But I am pointing up the importance of the bus system and its relationship to a unified type of operation which seems to be in doubt under Mr. McCarter's statement.

Chalk also quoted the 1962 testimony on the national bill where Representative Multer questioned McCarter about rapid transit in Washington. McCarter stated that "in my opinion when it becomes a system there is going to have to be a very close coordination with the private system":

I would say that this system could be leased to either Mr. Chalk or the District could buy it, pay Mr. Chalk for his properties what they are worth, and consolidate them. It could be leased on a basis of a last charge on earnings, or it could be leased on the basis of percentage of net. The local community can determine . . . .

In short, in 1962, “Mr. McCarter was completely in accord with my views. There seem to be some differences today and I trust that these differences can be ironed out.”

When Senator Bible said he did not see “anything particularly inconsistent” in what McCarter said in 1962 and 1965, Chalk replied:

These then, Mr. Chairman, are the issues. First, the responsibility of Congress to redeem its pledges to the D.C. Transit System under the act of 1956 by maintaining a continuing interest in its welfare. Second, by retaining for itself, the Congress of the United States, the right to determine the eventual operator of the subway system and whether or not it shall be by franchise investment, management-employment contract or by any other form of operational agreement acceptable to Congress.

Third, justice requires an equalization factor as between the subway system and the surface system to avoid unfair competitive practices to the detriment of private invested capital as well as to the detriment of the Government’s investment in the subway.

The equalization factor, formula or statement of policy should apply equally in matters involving operations as well as in matters involving capital outlay.

In all other respects, we defer to the desires of the administration and the will of Congress.

Senator Bible wanted to know if D.C. Transit System was “adequately protected” under H.R. 4822. The House believed that the bill contained adequate protections. Because Chalk did not agree, Senator Bible asked what type of protection would be adequate. He referred to Chalk’s second point that Congress should make the decision on operations. “Did not the House of Representatives meet that issue in their bill,” by explicitly stating that it “shall not be operated except under contract by private transit companies, private railroads, or other private persons”?

No, Chalk replied. “They did not make it clear which type of management was most desirable. They have left it entirely up to the NCTA,” which “has already made it clear that it favors the employment type of management, and, therefore, we are not protected.” He was simply saying that NCTA should not be the final arbiter. “I say Congress in its wisdom should make the decision.”

Senator Bible pointed out that in the quoted phrase, Congress had made the decision that operation by private enterprise was preferable. It left to NCTA only the selection of the private enterprise firm that would win the contract to operate the system.

Chalk replied that he would not have brought the subject up if NCTA had not made clear that it favored operation in a way that he did not believe was true private enterprise. He explained the difference:

NCTA merely wishes to employ a group of men, management consultants, or whoever they might be, who have no risk involved, who have no investment involved, possibly furniture and fixtures, but who have no risk of their own, no inducement or incentive for the highest degree of efficiency and tight economic controls.

Their job is merely to run the business as efficiently as possible as a good Government employee would do but he has not the incentive of a private enterprise investment. When a man invests or a group of men invest millions of dollars under the American system of private enterprise they are going to try to protect their investment.

This is the very foundation of the American capitalist system; we have to protect our capital, and we will operate efficiently in order to do so. Now we take the view that we can do a better job. A dollar, as I said before, in the hands of a private enterpriser, is a long way further than a dollar in the hands of Government officials.

Senator Bible commented that nothing in H.R. 4822 prevented Chalk from bidding to operate the system. Chalk said that if the rail rapid system took in \$20-30 million a year, the operator's payment would be about \$100,000. "I am not so sure that I am interested in even devoting my energies or the energies of my company and staff to earning a hundred thousand dollars a year. It is that simple . . . . If this is to be divided among thousands of investors and stockholders [it] is just not worth while to my stockholders"

Senator Tydings asked why, in view of the investment of \$150 million by the U.S. Treasury and the District of Columbia, "you or anyone else [should] be permitted to come in [for what] would amount to a windfall, since you only intend to put up a small percentage of the contribution which the people of the District of Columbia and the United States are making." Chalk said, as he had previously, that "a road is a road whether it is on the surface or beneath the surface." It serves people either way:

It is a Government function to build a road on the top or beneath the surface of the streets and therefore this in itself is the justification. The city and the Government built a highway on which my bus runs. I have never then undertaken to pay the cost of that highway and I should never be asked to undertake the cost of building that tunnel underneath the highway.

Senator Tydings questioned the logic of that answer. Would it not be more logical, he asked, for the system to retain any profit from operation instead of "allowing an operator to make a windfall profit from a small investment in rolling stock, at the public expense?" Chalk said the presumption behind that question was wrong since he and McCarter were in agreement that it "is impossible to run such a system at a profit other than deficit financing." If someone could be found who could operate a subway at a profit and pay off the bonded indebtedness, as might be possible with a franchise, "I would say that you owe it to yourself to give him the job."

With a private enterprise operator, Senator Tydings suggested, the deficit to be reimbursed would be less than if a franchise operated the system. Chalk disagreed on the fundamentals:

I believe that private enterprise values a dollar – now this is no disrespect to Government officials – but the man whose shoe is tight, the man whom it hurts, he is the first to react where a man [who] is uninjured to any extent other than his conscience he does not react to situations as quickly as a man who is hurt.

This is our capitalist form of government, sir. So that a man in private enterprise will do a better job, with due respect to all Government officials.

Senator Tydings said the operator under H.R. 4822 is private enterprise just as a franchise operator would be. Chalk explained, “They are employees” of NCTA. Risk is the test and the private enterprise employees have no financial risk under their contract. “The moment they obtain employment and are paid without an investment, other than their abilities of course, it is an employment contract,” not capitalist private enterprise.

Senator Tydings changed topics to cover the responsibility of Congress to have a “continuing interest” in the welfare of the company and its stockholders. Had not Congress exempted the company from payment of gross receipts tax? Chalk replied that the exemption was in the 1956 Act and, in return, D.C. Transit System had kept its promise to provide a good bus system.

Further, was not the company exempt from the fuel tax, whereas Capital Transit Company did not have that advantage of tax savings? Chalk replied, “Nor did you get the service which you are getting today. You get what you pay for, sir.”

Chalk added that he was not complaining about the lack of “continuing interest” over the past 9 years. “I have no complaint . . . . I am merely talking about the next 11 years” of his charter.

Senator Morse’s question time interrupted Senator Tydings’ period. First, Senator Morse wanted to clear up the “reports, innuendos that I understand are in wide circulation” that he was in Chalk’s pocket. “I just want the hearing record to show that nobody has ever gotten me into a pocket or gotten a rope around my neck or even been able to direct my course of action.” He had no preconceived notions. He would consider all the information gathered before deciding on the merits. He was “an impartial legislative juror in the case.”

He and Chalk engaged in an exchange of hypothetical possibilities of Chalk operating both systems, drawing the conclusion that a conflict of interest would exist between his responsibilities to the stockholders of his bus company and his work as an employee of NCTA.

Continuing the dialogue with Senator Dominick, Chalk indicated he was reluctant to be put in the hypothetical situation Senator More had posed:

I have a duty to my stockholders and I have a duty as a citizen. I would be placed in a bad position. I would rather compete as Macy does against Gimbels and be divorced from the operation, a clear competition. Or I would rather be one altogether, one company, with an element of profit with my investment.

If I would invest \$25 or \$50 million in the subway, then I have a stake, then I have to protect that investment for the benefit of my stockholders. Likewise I have to protect it for the benefit of the bus system.

He again cited McCarter's 1962 testimony that rapid transit companies were never self-supporting, but had to be "supported by profitable bus operators or by public subsidy or one kind or another."

As Chalk's testimony neared an end, Senator Bible asked if he understood that Chalk did object to a rapid transit system. Chalk replied:

Not at all. It is my feeling that it is the prerogative of the U.S. Government to build a battleship and have it sunk if it wants to.

This is the right of government. There is justice in building a battleship and having it sunk if necessary because in the world competitive situation prestige sometimes is more important than money.

With no further questions for Chalk, Senator Bible ended the hearing, which lasted a little over 2 hours. [pages 111-170]

On August 2, Administrator McCarter submitted a nine-page letter to Senator Bible responding to testimony that occurred after the NCTA panel appeared before the Senate District Committee.

McCarter began by explaining why NCTA opposed Representative Multer's amendments, all of which, McCarter reminded the chairman, the House had rejected overwhelmingly. The first was the amendment requiring the financing to take place entirely through U.S. Treasury bonds. This amendment was in "direct conflict" with the National Capital Transportation Act of 1960, which called on NCTA to develop a plan that "shall provide for the equitable sharing of any remaining costs among the Federal, State, and local governments." The Multer amendment would not only contradict that explicit provision, but the Urban Mass Transportation Act of 1964, "which requires local financial contributions as a condition of Federal assistance."

NCTA also objected to the damages amendment, which "is unnecessary and would serve only to breed confusion." As a Federal agency, NCTA was subject to the same laws relating to claims and damages as other Federal agencies. "The laws concerning claims against the Government are well established, and there has been no showing that any greater or lesser requirements should be imposed on NCTA." Moreover, the amendment "would expose the Federal Government to an unknown amount of pecuniary liability arising out of actions to which it is not a party and which it would not be allowed to defend." In short, the Federal Government would be "a collection agency for other people's judgments."

The third Multer amendment required NCTA to secure congressional approval for the contract on operation of rail facilities. H.R. 4822 and S. 1117 were clear that Congress wanted NCTA to secure a firm to operate the system under contract. "In addition, in obtaining the services of an operator contractor, NCTA would be subject to the Federal statutes, regulations, and policies

governing Government contracts and procurement. The proposed amendment is thus unnecessary.”

McCarter also objected to the amendment because “it would constitute an exception to the usual and ordinary practice of the Congress which is to vest the executive branch with the authority to contract for services needed by the Government.” Further, the amendment covered only operations, but not design, construction, or other contracts “and there would appear to be no greater reason for the Congress revising the operations contract than these other contracts which will involve far greater expenditures.”

McCarter also wanted to address three issues that Chalk had raised on the final day of hearings. First, Chalk favored a franchise to operate the rail rapid transit system. The House and Senate bills called for operation under contract by private transit companies, private railroads, or other private persons.” Given the public investment of \$431 million, the risks were to be borne by the public, “and any plan for operation of the system must recognize that fact.” Under the companion bills, “any revenues of the system beyond those needed to meet operating costs must be dedicated to the retirement of the revenue bonds.” The franchise-investment system that Chalk advocated would be more costly than the method contained in the bills. “D.C. Transit concluded as much when it expressed doubt as to whether it would find a contractual approach to operation financially attractive.” Whether the government paid for rolling stock through bonds or a franchise acquired them, funds would be borrowed from private investors and repaid through the farebox. Thus, the advantage of the franchise providing the rolling stock was nonexistent.

Whichever method of operation was employed, capital outlay would be the same, as would system revenues and the cost of operations:

The principal difference will be in the financial consideration paid the operator for running the system. Under S. 1117 and H.R. 4822 the contractor would be compensated in accordance with the fair market value of the services required by the operating agreement with the Government. According to its statement, D.C. Transit would probably regard this as inadequate, and, under a franchise, would require a greater return.

As for unification of bus and rail facilities, the National Capital Transportation Act of 1960 contained a provision, added at the request of the bus companies, forbidding acquisition of the companies. “The Agency sees no need for the kind of ‘unification’ envisaged by the company.”

NCTA agreed with Chalk about the “very great need for coordination of bus and rail services but believes that the legal framework for such coordination exists right now in the processes of the Washington Metropolitan Area Transit Commission (WMATC) . . . . The present bill provides that the powers of that Commission are to remain unchanged.”

NCTA always recognized the need for a strong bus network. “The proposed rail system has been carefully planned to integrate with the existing bus routes,” with convenient bus transfer facilities at outlying stations and where bus routes intersect rail lines at stations. Through coordination, travel times can be reduced, large numbers of passengers will be attracted to bus and rail services, and the bus companies can eliminate many of their costly downtown lines.

“The legal processes of WMATC . . . assure that the private companies will not be at the mercy of NCTA’s view as to what is an appropriate division of transit-rail fares.” WMATC is required to set fares that ensure D.C. Transit System will have revenue to meet operating costs, interest, and a reasonable profit:

This fact, coupled with the company’s own forecast of a continued bus market producing some \$30 million in annual bus revenues, makes it clear that the protections the company requests are wholly unnecessary.

In sum:

Thus, the present bill and earlier legislation (1) assure private operation of a publicly financed and publicly owned rail system under contract by the best professional transit executive team that is available; (2) preserve existing rights of existing bus companies; (3) prevent NCTA from acquiring any private bus company in whole or in part; and (4) prevent NCTA from operating or making agreements for the operation of bus service competitive with private transit companies.

An appendix addressed Chalk’s use of quotes from McCarter’s 1962 testimony on a national program. NCTA’s position was not inconsistent with that testimony:

The present program calls for \$150 million in direct Federal and District of Columbia grants, and also calls upon the Federal and District of Columbia governments to make their credit available to support transit bonds.

There has never been any question that the Washington system needs this kind of direct public support. The 1962 statement referred to the fact that rapid transit systems cannot support all of their capital requirements.

Also, the 1962 statement referred primarily to older existing rapid transit system – not entirely new systems. The new system proposed for Washington will be a much more economical operation, and as stated by the Administrator before the committee, it can reasonably be expected to repay two-thirds of its capital costs.

Chalk also referred to a part of the 1962 testimony indicating that the rail system would have to be coordinated with local bus operations, and that acquisition of the bus companies was one way to achieve this. In that testimony, the appendix stated, McCarter was referring to NCTA’s 1962 plan for the Washington area that had not yet been made public at the time of the testimony:

He stated that Washington’s system would have to be coordinated closely with the existing bus operations. He also stated that among the ways to get proper coordination would be (1) to buy Mr. Chalk’s company and consolidate it with the rail system, and (2) to lease the rail system to Mr. Chalk. He also pointed out that Congress and the community would have to decide how to handle the problem.

McCarter had not said that either option was necessary for coordination, only that they were possible approaches. “That testimony did not advocate either.” Purchase of the bus company

was one way to achieve coordination, but the question was whether “such a step is necessary or desirable – especially where the bus companies involved are prosperous and have every reasonable prospect of continued prosperity.” However, coordination can be achieved by agreement and through WMATC’s regulatory commission without purchase. [pages 265-273]

### **To the Senate Floor**

The Senate District Committee, in executive session, approved H.R. 4822 unanimously on August 18, unchanged from the House version – even retaining the bill number. Announcing the vote, Senator Bible said, “I am very hopeful we can secure very fast action by the Senate and the bill will soon be . . . on its way to the President.” (One member of the committee, Senator Winston L. Prouty (R-Vt.) was absent but said later he would have voted in favor of the bill.) [Eisen, Jack, “Subway Bill Cleared by Senate Unit,” *The Washington Post and Times Herald*, August 19, 1965]

On August 23, the Senate District Committee issued a report on the bill. The report discussed the need for rail rapid transit:

There is universal agreement that it is impossible to meet the region’s growing transportation demands by means of highways alone. Recognizing this, the plans of the highway departments of the region are predicated on the development of an improved system of public mass transportation—one that will be attractive to the public. The highway departments recognize that the people of the National Capital region must be provided a real choice between using public transportation, or using their private automobiles, for trips between their homes and their places of employment.

Such a choice does not exist today in any meaningful sense. Due to downtown congestion, traffic intersections, and the number of stops that must be made to pick up and discharge passengers, the existing bus service is far slower than the private automobile. As a result, public transportation patronage has shown no significant growth in Washington for several years despite a steady growth in the population, and in spite of efforts to make bus service more attractive. Today, approximately 40 percent of morning peak hour trips to downtown Washington are made by public transportation. In contrast, in cities such as New York, Chicago, Philadelphia, and Boston, where there are comprehensive rail rapid transit, commuter railroad, and bus systems, between 70 and 90 percent of peak hour trips are made by public transportation. The conclusion is inescapable that if Washington is to achieve a higher percentage of public transit patronage – as it must do if the public pressures on the street and highway system are to be relieved – nothing short of a high capacity, high performance, rail rapid transit system operating in subways and on other exclusive rights-of-way can do the job. [Rail Rapid Transit For The National Capital Region, Report to Accompany H.R. 4822, Committee on the District of Columbia, United States Senate, 89<sup>th</sup> Congress, 1<sup>st</sup> Session, Report No. 637, August 23, 1965, page 9]

After discussing the provisions of H.R. 4822 and details of the planned system, the report addressed bus transportation. The plan “contemplates the continuation of areawide bus

transportation service, and that with the steady growth of population and employment in the region, bus services will have to be expanded to serve a constantly increasing transit market.” NCTA’s system “has been carefully planned to integrate with existing bus routes.” Close and effective coordination between NCTA and the bus companies was essential. NCTA would be expected “to do all in its power to coordinate its service with those of the private bus companies and to cooperate with the management of the private companies.”

H.R. 4822 did not alter the regulatory powers of the Washington Metropolitan Area Transit Commission:

In particular, that Commission will continue to have exclusive power to determine the bus portion of joint bus-rail fares so that the private companies shall earn a reasonable rate of return, and to establish fares for bus services that feed the rail system. Under the compact, it will be the commission’s duty to see to it that such fares are designed to meet bus operating costs, interest payment, and to provide the companies a reasonable profit.

The committee recognized that “the bus companies are the victims of the very traffic congestion they seek to relieve” because delays caused by congestion make buses a less attractive option. Moreover, gross revenue may be reduced “somewhat” by the advent of rail rapid transit. However, NCTA traffic projections indicated that the loss of passengers on lines that would be served by the new rail lines did not mean the companies would “suffer a proportionate decrease in net income.” These new rail lines “would relieve the bus operators of much of their high-cost operations, and permit a more efficient utilization of their equipment and personnel elsewhere.”

That said, the committee recognized that “final judgments . . . cannot be made at this time.” These companies, with their substantial private investment and “initiative and imagination,” had done everything they could “to provide the region with good bus transit services at reasonable fares”:

Accordingly, this committee intends to maintain a continuing interest, not only in the matters of coordination of bus and rail services, but also in the welfare of the investors of the existing private transit companies, should additional legislation be deemed appropriate in the years ahead. It is the committee’s intention that this interest necessarily include continuing concern for the investment rights of private stockholders because they are the foundation of the private enterprise system. [pages 16-19]

The report also discussed the conventional steel-wheel, steel-rail rapid transit train chosen for the system. NCTA had considered alternative systems, including “numerous types of ‘monorails,’ more exotic concepts such as ground-effect machines, and a number of proprietary proposals.” In the end, NCTA concluded that the conventional technology “is not merely the best that is available now or in the foreseeable future, it is the only technology that has been thoroughly tested by experience, and assures the high standards of performance, economy, and public acceptability required to meet today’s urban mass transit problem.” Experience in recent years in other cities will allow NCTA to benefit from “the newest developments in the art” for the Washington area. The committee, therefore, was convinced that the conventional option

“provides the best available technology and offers the best promise of preserving and protecting the beauty and dignity of the Nation’s Capital.” [page 20]

The report concluded:

In the judgment of your committee, the time for action has arrived. There is no questioning the soundness of the investment. The rail rapid transit lines and related facilities are essential to the preservation of the beauty, dignity, and livability of the National Capital, to the welfare of the people of the District of Columbia, and to the orderly future development of the National Capital region.

Your committee recommends H.R. 4822 to the Senate as soundly conceived, urgently needed legislation, and urges its adoption. [page 21]

Following committee approval, McCarter confirmed that if the Senate approves the bill, riders could be boarding cars in 1971. The first line would run between downtown and Benning Road across the Anacostia River. This line would be first because NCTA planned to put its car yard and maintenance garages at Benning Road where they would be less disruptive near the existing railroad yards and industrial area. NCTA had begun drilling to examine soil conditions, but people would soon see many more drillings after enactment of the bill. If all went well, groundbreaking could be held in February 1967. [Flor, Lee, “1971 Is Subway Target If Senate Passes Bill,” *The Sunday Star*, August 22, 1965]

On August 25, the Senate took up H.R. 4822 shortly after the noon start of business. Jack Eisen described what happened:

No sooner was the daily prayer concluded at noon than Chairman Alan Bible (D-Nev.) of the Senate District Committee moved that three city bills on the routine Senate calendar – one of them the subway measure – be called up.

The subway bill was approved by voice vote, with a brief statement by Bible and an even briefer one by Senate Majority Leader Mike Mansfield (D-Mont.). It was all over by 12:02 p.m.

Grace Bassett described the approval in the *Star*:

Action came immediately after the Senate met at noon . . . . The Senate accepted the House bill, without amendment.

That was the unanimous recommendation of the Senate District Committee, Chairman Alan Bible, D-Nev., told his colleagues. “The District of Columbia has no greater need today than a rapid rail system,” Bible said. “This issue has been the subject of study, restudy and study again. Now is the time for action,” Bible concluded.

Majority Leader Mike Mansfield, one of the few senators on the floor for the vote, said he was glad that Bible had stressed the bipartisan unanimity with the views of his District Committee on transit.

The move for immediate passage was cleared with the House leadership, as well as with the minority and majority leaders in the Senate, according to Mansfield

Eisen said the speedy approval “seemed anti-climactic” after 10 years “of talk, studies, politicking and controversy and a shattering House defeat in 1963.”

Because the Senate District Committee had decided to bring the bill to the floor as H.R. 4822, not S. 1117, Senator Bible was deprived of technical authorship of the landmark bill. Credit would go to Chairman Whitener. However, the committee had a reason for leaving H.R. 4822 untouched:

Backers of the system feared that any Senate amendment or action that might require House concurrence might delay or cripple the transit program by forcing another round of controversy.

With Senate approval, the bill could be sent without delay to President Johnson for approval.

His approval did not mean work would begin. Although H.R. 4822 authorized funds, they could not become available to NCTA without an appropriation act. The expectation was that President Johnson’s request for a supplemental appropriation bill would ask for \$15 million to begin detailed engineering work. Approval, however, was not assured as Senators Brewster and Case made clear in a statement to reporters. The appropriation was crucial, but they warned that the funding request was “a potential target – and a large target – for those who would seek to undermine the program by denying it necessary funds.”

The Senators did not specify who might block the funds, but the few suspects included O. Roy Chalk and a few Members of Congress who opposed the plan.

Another potential problem was the battle underway in the House over the Johnson Administration’s home rule bill for the District of Columbia. The Senate had passed the bill, but House District Committee Chairman McMillan was threatening to hold up all other District legislation to block the plan. [Eisen, Jack, “Subway in D.C. Voted, Bill Sent To White House,” *The Washington Post and Times Herald*, August 26, 1965; Bassett, Grace, “District Subway Plan Sent to White House,” *The Evening Star*, August 25, 1965; the record of the Senate passage is distorted by material added after the fact but can be found at: Rail Rapid Transit for the National Capital Region, *Congressional Record-Senate*, August 25, 1965, pages 21650-21657]

*Star* and *Post* editors were delighted by congressional action approving the bill. The *Star* recalled that the concept had “first earnestly” been advanced in the Mass Transportation Survey of 1959, but “suffered one frustration after another.” However, “with the Senate’s swift approval yesterday, Congress has at last given substance to the dream.” The significance of the event could “hardly be exaggerated.” As the region spread into the Maryland and Virginia countryside,

“stresses and strains [had] already changed the face of Washington in a dozen ways,” none more than the need for better transportation:

The District’s relatively modest freeway system is an absolute necessity if the central city is to retain its vitality. But an endless proliferation of highways would destroy many of the very values which must be saved. The vital role of rapid transit, sufficiently attractive to woo commuters away from their autos in large numbers, is to fill this gap.

The Senate District Committee deserved credit for the decision to refrain from amending H.R. 4822 “and to express its views and safeguards in its official report.” That was “most probably the key to its passage” in the Senate with “lightning-like” speed.

Much work remained to be done, and the result would be a system that barely reached beyond the District border. “For the moment, however, it is quite enough for anyone that a start finally has been made possible. With its voice vote of approval, the Senate marked a milestone in the life of the city. [“The Transit Milestone,” *The Evening Star*, August 26, 1965]

*Post* editors also cited the “years of planning, strife and disappointment” that finally had come to an end following the Senate’s swift approval of the bill. “Under the leadership of Chairman Alan Bible the Senate District of Columbia Committee closed ranks splendidly to give the bill a unanimity of support that reflected the feeling of the District’s residents and business community.” Supporters, however, “must not yet pause for celebration.” The urgently needed appropriation funds “could easily be lost in the backwaters of House subcommittees where several powerful opponents of the subway still lurk.” Nevertheless:

Under the most fortuitous circumstances Washington will now have an operating subway before the early 1970s. There should be no further delay. [“Subway at Last,” *The Washington Post and Times Herald*, August 28, 1965]

A *Post* article began, “Some said it would never happen, but it did.” After describing the long history of “work, marked by controversies and personality clashes and frustrating setbacks,” the article discussed the planned system. “It isn’t something out of Buck Rogers,” a space adventure comic strip that took place in the future, nor did it “resemble the stop-and-go streetcar system on which Washington commuters depended for six decades.” NCTA engineers planned to design “sleek, smooth, quiet trains” consisting of up to eight cars capable of speeds as high as 70 miles an hour between outlying stations. The trains would not “mix with any other form of traffic”:

The trains will be operated by a single crewman – a motorman – but the system will be automated as to speed, safety and the rate of acceleration and deceleration.

The cars would be 75 feet long and have 85 seats, with a maximum capacity of 126 riders. The four doors on each side of the cars would allow for “speedy loading and unloading.” In addition, “Standing loads are foreseen only for one or two stations out of the downtown area.” The system, according to estimates, would carry 50,000 riders each peak period by 1980 in the downtown area. “It could handle about twice that number without putting a strain on the G Street subway.”

Headway between trains could be as little as 1½ minutes in the G Street corridor, every 3 minutes on the Silver Spring and D.C. Stadium lines feeding the east end of the G Street tube, and 6 minutes on the Columbia Heights and Connecticut-Van Ness Street spurs.

The *Post* reported that about two-thirds of the system's 13 miles would be "built by boring a tunnel, a technique that does not even break the street surface except at stations":

The balance would be cut-and-cover, a method that involves cutting the surface and planking it over. This entails some traffic disruption . . . . The longest section of cut-and-cover would be on Connecticut Avenue nw. Other sections would be near D.C. Stadium, along the Baltimore & Ohio Railroad right of way to Silver Spring and near the Pentagon – none of them substantially disruptive.

Engineer Director Lyons said the completion schedule was uncertain. It depended on financing and decisions on traffic and service. "He insisted that a 1970 completion date for the first line is not unduly optimistic." ["Slick, Smooth, Quiet Subway Envisioned – It Took 10 Years of Plans, Frustrations," *The Washington Post and Times Herald*, August 26, 1965]

On September 9, 1965, President Johnson welcomed about 200 guests to the Rose Garden as he prepared to sign the National Capital Transportation Act of 1965. Before signing the legislation, he addressed the crowd, beginning:

Over the years, I have found two distinct schools of thought around Washington in regard to Senators. One holds that Senators should be treated like people. The other school is somewhat more revolutionary and holds that people should be treated like Senators.

The bill I am about to sign today represents a victory for the second school of thought.

So, henceforward, the people—including the House Members – will have what only Senators have enjoyed until now: high-speed subways to take them to and from their work.

(He was referring to the subway connecting the new and old Senate Office Buildings to the Capitol, the only subway in the city at the time.)

The bill meant "justice and progress at long last for the residents of our great National Capital." More people, he said, enter and leave downtown Washington on an average weekday than visit Manhattan Island. "Unless we want to pave the Potomac with bridges, there is little more that we can do to ease the congestion until we have properly balanced our transportation system. And that is what this bill permits us to do." The area's highway system had been "planned on the assumption that it would be balanced by a rapid rail system."

He congratulated Congress "on following through to make this balance feasible." More was needed. "Our goal must be to make the suburbs of Maryland and Virginia a part of this system." He observed that Maryland's legislature had approved the interstate compact and that Virginia was likely to do so in 1966.

Turning to a national perspective, President Johnson said the country had 75 million automobiles, with that number expected to exceed 106 million by 1980. By 1975, total vehicle miles traveled would increase by more than 64 percent:

Our great interstate highway program is meeting the needs for intercity and cross-country travel in this highly mobile Nation of ours. But we must not forget that of the 150 million automobile trips made each day in our metropolitan areas—10 percent of them are for distances of less than 5 miles.

Our most acute transportation problem – one that costs us billions of dollars each year now – is that of local traffic. In a day when our astronauts can circle the globe in less time than many Americans spend driving to and from work, our challenge is real, and it is serious, and it is urgent.

The bill would “help us fulfill our goal of making the District of Columbia the model city for the Nation that Washington ought to be.” He concluded:

As one who still remembers the years of fighting the traffic in Rock Creek Park . . . I am personally pleased to be able to sign this very important and this very long-needed piece of legislation.

He handed the first pen he used to Chairman Whitener. He also handed pens to Senator Bible Maryland Governor Tawes, and Mary Hepburn, president of the Montgomery County Council, among others.

The National Capital Transportation Act of 1965 was law (P.L. 89-173).

By the time Congress convened 90 minutes later, the White House had submitted a request for appropriations totaling \$9,179,000 for NCTA to pay for engineering and design contracts, right-of-way, incidental construction, and to additional staff. Of this amount, \$6.7 million was an appropriation for NCTA. The balance of \$3 million would be loaned to the District, then transferred to NCTA as the city’s share of the initial costs. [Eisen, Jack, “Johnson Signs Bill for Subway, Asks \$9 Million as Starter,” *The Washington Post and Times Herald*, September 9, 1965; Flor, Lee, “Johnson Signs Transit Bill,” *The Evening Star*, September 8, 1965]

In the House, the Appropriations Committee reduced the amount to \$6.2 million as part of the \$4.2-billion supplemental appropriations bill. During floor debate on October 14, Representative Glenn R. Davis (R-Wi.), a member of the committee, introduced an amendment to cut the amount to \$750,000 in engineering funds that would be enough only for soil borings. He argued that NCTA should complete the soil surveys before Congress appropriated additional funds:

I think the wise thing to do and it will not result in any unreasonable or unfair delay in the construction of this project, is to get the complete information with respect to the soil conditions where this subway is to be built . . . . Then we will have a much better idea as to whether we are talking about \$431 million or \$750 million in order to build a subway here in the District of Columbia.

Congress, he said, did not “have sufficient information in order to provide the initial construction funds which will irrevocably commit us to the construction of a subway.”

Chairman Natcher defended the original amount. In the face of several years of controversy about highways and rapid transit, he had always argued for a balanced system. The amount in the bill was less than the White House had requested, but the committee reduced the amount to what the members considered adequate for the balance of FY 1966. He had his doubt that the system could be completed for \$431 million or in 7 years or that the bonds would be retired out of the farebox. However, the Davis amendment “would simply slow down and bring to a halt the beginning of the rapid transit system for the city of Washington. This must not be done.” The House had approved the system, and Chairman Natcher urged the House to reject the Davis amendment.

Also urging rejection were Representatives Denton (“All things considered, I think this appropriation is at a reasonable level to accomplish the necessary planning”) and Nelsen (“We believe we have done everything we need to do to see to it that our dollars are wisely spent and that our Nation’s capital will be given a transit system that we believe they will need in the future”). The House rejected the amendment, 20 to 76. [Supplemental Appropriation Bill, 1966, *Congressional Record-House*, October 14, 1965, pages 26989-26991]

In conference, the House and Senate agreed to the House-approved amount of \$6.2 million. Without ceremony, President Johnson signed the supplemental appropriations act, which included this amount for rail rapid transit, on October 31, 1965 (P.L. 89-309).

### **District Home Rule**

The issue of home rule was far more controversial in October 1965 than the National Capital Transportation Act of 1965 or the appropriation needed to begin work on the rail transit system. With strong backing from President Johnson, including a “must pass” designation, the Senate had approved a bill in July 1965 giving the District of Columbia the right to hold elections for a Mayor, a 19-member City Council, a school board, and a nonvoting member of the House.

Chairman McMillan strongly opposed home rule and had blocked previous Senate-approved bills by holding them in the District Committee. Professor Tom Lewis, in his 2015 history of Washington, D.C., said of the chairman:

Between 1948 and 1966, from the 78<sup>th</sup> to 89<sup>th</sup> Congress, the Senate passed six home-rule bills only to watch them die on the desk of Democratic Representative John Lanneau McMillan of South Carolina. Whenever the Democrats controlled Congress, “Johnny Mac,” as he was known to his constituents in Florence, South Carolina, chaired the House District of Columbia Committee. He called Washington “the last plantation.” Like Senator [Theodore G.] Bilbo [“a white supremacist from Mississippi”] before him, racist but absent of bluster, McMillan thought himself mayor of the District, and acted accordingly. He cut the welfare budget to the bone, passed legislation favorable to Washington’s white business establishment and the Board of Trade, and, whenever a bill was introduced to give autonomy or home rule to Washington, made certain it died in

committee before holding hearings. Home rule would never pass while Johnny Mac was in control . . . .

McMillan and his fellow southerners might have lost on civil rights in 1964 and on voting rights in 1965, but they still could deny Washingtonians full citizenship and the right to elect voting representatives to Congress. Over the years they had thwarted nine home-rule bills . . . . [Lewis, Tom, *Washington: A History of Our National City*, Basic Books, 2015, pages 390-391, 419]

In a letter to all House members on August 17, 1965, Chairman McMillan argued, first, that the Constitution gave Congress authority over the District:

Thus the people of the states, in the exercise of their sovereign power under a free representative government, established the District as their national capital for their own benefit, reserving to themselves continuing control through their representatives in Congress.

A constitutional amendment, not a law, would be needed to change control over District affairs.

Second, he argued that District residents were not interested in home rule:

Contrary to the appearances of great interest in home rule proposals, so far as residents of the District of Columbia are concerned, the House District Committee has not received 50 letters during the past year urging adoption of such legislation. [Eastman, Sam, "McMillan Attacks Home Rule Drive," *The Evening Star*. August 17, 1965]

Supporters of home rule in the House, encouraged by the White House, decided to get around Chairman McMillan this time by securing signatures from other Representatives on a discharge petition. If successful, the petition would force the bill to bypass the District Committee and secure House consideration of the bill against the will of House leadership. Collection of the 218 signatures needed was completed on September 3.

The Washington Board of Trade made its views clear in a full-page newspaper advertisement. The White House-approved bill would "jeopardize the paramount Federal interest in our Nation's Capital." It would result "in Federal-local conflicts regarding the administration of National Capital affairs." Further, the bill "DOES NOT contain an effective, workable Federal payment formula. In removing this existing formula, sponsors of the bill placed political expediency ahead of the long-range interests of the City of Washington." The result was a "fiscal 'half-a-loaf' of local self-government." It would cause "fiscal chaos" for the city because "'half-a-loaf' is the worst possible legislative diet." ["An Open Letter to the United States House of Representatives," *The Evening Star*, September 26, 1965, B-Back Page, emphasis in original]

On September 30, the House rejected home rule and approved instead a bill introduced by Representative Sisk of California by a vote of 283 to 117. It called for an election within 100 days of the bill's enactment to let voters decide if they wanted home rule. If so, voters would select a 15-member charter board. The board would draft a self-government charter and submit it

to voters within 8½ months after the initial referendum. If voters supported the charter, Congress would consider whether to approve it.

Given the challenge of blending the House and Senate bills in a conference committee, House Majority Leader Albert told reporters, “Home rule is a dead duck this session.” [Eastman, Sam, “Congress Dims ’65 Prospects For Home Rule,” *The Evening Star*, September 30, 1965]

Professor Lewis described defeat of the White House-approved bill as unsurprising in view of Chairman McMillan’s views, but this time, the defeat was especially bitter:

This time, though, it was because of sabotage. [As] the bill neared a vote in the Congress, Washington’s Board of Trade sent a mass mailing to almost every newspaper across the country, which declared that many Washingtonians, including an overwhelming majority of local and professional business leaders, opposed the legislation. The ruse worked. Constituents swamped their representatives with letters protesting the bill, and newspapers wrote editorials in opposition. [Lewis, page 401]

With the first session of the 89<sup>th</sup> Congress having ended, Senator Bible flew from his home in Reno, Nevada, on November 30 to meet with Representative Sisk to decide how to proceed on home rule. Charles Horsky interrupted his vacation in Montana to attend the meeting on behalf of President Johnson, who had continued pushing for home rule. During the 5-hour meeting, they agreed to use the Sisk charter bill, with some changes, as the vehicle for securing home rule in 1966.

Senator Bible said the Senate could not accept the Sisk bill in its present form but might do so with several amendments that he, Representative Sisk, and Horsky agreed on. They were concerned about a constitutional issue, namely whether a locally elected board could decide how to run the city even though the Constitution had empowered Congress to “legislate exclusively.” From this concern, Senator Bible and Representative Fisk agreed on five amendments:

1. The board should consist of a mix of elected and appointed members, with the President, Speaker of the House, the president of the Senate (Vice President Hubert H. Humphrey at the time), and the District commissioners making some of the appointments.
2. Allow the President and Congress to modify the charter. Representative Sisk thought that letting the President modify the charter “might raise some hackles” in the House, unless the House had the same authority.
3. The charter board would deal not only with the form of government, but with its relationships with Congress. The Senate bill called for an annual payment to the city, fixed by formula, in lieu of taxes on Federal land and property; this commitment was one of the primary reasons for the bill’s defeat in the House. Representative Sisk said, “The House never will accept the automatic federal payment.”
4. Ensure that Congress votes on the charter before local residents do. This would ensure that Congress had a say in the charter before it was presented to the public for an up-or-down vote.
5. Advance \$500,000 from the U.S. Treasury to pay for the charter board’s activities.

Senator Bible and Representative Sisk could not guarantee their colleagues would go along with the final bill. “The truth of the matter,” Representative Sisk said, “is that it’s a rather touch-and-go proposition . . . whether they’re in favor of any home rule. The question is, ‘will they accept any change?’” Nevertheless, the best route to home rule was for the Senate to amend and approve the Sisk bill, then have the House approve it, too.

If the amended Sisk bill became law, it called for actions that would take at least 210 days before a charter went to Congress. The earliest the city could gain home rule under the new charter would be 1967.

Horsky, who said he would report developments to President Johnson, was “encouraged” by developments. “Senator Bible and Congressman Sisk . . . both want a home rule bill.”

Senator Bible said he was satisfied with the results of the meeting. His decision to pursue an amended Sisk bill reflected his judgment that the House could not be persuaded to pass his Senate bill. However, he said, if President Johnson indicated he was committed to the Senate bill and would use all the power he could command to get it through the House, the Senator would do an about-face in support of those efforts. [Bassett, Grace, “Charter Bill Drive Set for D.C. Home Rule,” *The Evening Star*, December 1, 1965; Eisen, Jack, “Bible, Sisk Agree on Home Rule,” *The Washington Post and Times Herald*, December 1, 1965; Bassett, Grace, “Home Rule Route Mapped,” *The Evening Star*, December 2, 1965]

Although the Bible-Sisk agreement offered a path forward, many home rule advocates were unhappy. Joseph L. Rauh, Jr., chairman of the District Democratic Central Committee, had urged Senator Bible to try to secure approval of the Administration bill. Rauh also had asked Horsky to promote the idea during the strategy meeting. “Senator Bible has now rejected our entreaties and abandoned his own bill.” Regarding Horsky’s position, Rauh said, “If Mr. Horsky’s statement that he is ‘encouraged’ by the compromise means that the administration also has abandoned its bill, one must realistically admit that chances of enacting a bill without help from its sponsors are not good.”

Rauh and other advocates recommended that the Senate go to conference with the House to reconcile the Bible and Sisk bills or attach the Bible bill to another, must-pass bill. Rauh added:

There is no reason to believe a charter group could write a better bill than the one that passed the Senate . . . [and] the only reason for writing a new bill would be to delay or defeat home rule.

Rauh and others planned steps to promote their preferred bill, including protests and lobbying President Johnson and Senator Bible, but Congress adjourned on October 23. No further consideration of home rule or charter would occur until the second session of the 89<sup>th</sup> Congress convened on January 10, 1966. [Carper, Elsie, “Boosters Glum on Sisk-Bible Home Rule Plan,” *The Washington Post and Times Herald*, December 2, 1965; Bassett, Grace, “Home Rule Route Mapped,” *The Evening Star*, December 2, 1965]

As a *Star* editorial titled “Unrest in the Ranks” put it on December 3, “Where all this may lead is hard to say.”

### **Chalk and the Fare Increase**

Throughout debate since the 1959 Mass Transportation Survey about the rail rapid transit system, O. Roy Chalk had refused to cooperate with NCTA. He had tried to gain control of the system. But now, with President Johnson having approved legislation to get the system underway, Chalk reversed positions.

Late in October, he met with McCarter. According to a NCTA spokesman, Chalk said he had opposed the proposal, lost the fight, and now would “fight to make it the best subway in the world.” He added that he had no personal animosity against McCarter. Chalk also initiated cooperation with NCTA on a comprehensive traffic analysis, agreeing that his company’s experts would serve on a technical advisory committee.

Chalk went public on November 2 in a speech to the Montgomery County Chamber of Commerce at the Indian Spring Country Club. He said, “it is my duty to see that the rapid transit system is a great success.” He added, “It is my intention to cooperate in every way” to make it “the best subway-bus system in the world for Washington.”

Chalk acknowledged that he had “ignored” NCTA under Stolzenbach until President Johnson appointed McCarter, “the new and able Administrator” of the agency. He explained his attitude by saying he was never lukewarm. “I am either enthusiastically for it . . . or I am quite the other way, determined to oppose it.” Now, he had “already so advised” McCarter of D.C. Transit System’s cooperation. [Eisen, Jack, “Chalk Vows Cooperation On Subway,” *The Washington Post and Times Herald*, November 3, 1965; Flor, Lee, “Chalk Pledges Subway Help, End of Feud,” *The Evening Star*, November 3, 1965]

While working with NCTA, Chalk was fighting a battle over the fare for using his buses. In June, he had reached agreement with Local 689 of the Amalgamated Association of Street Electric Railway and Motor Coach Employees on a 1-year contract, instead of the usual 3-year contract. It provided for a 15-cent-an-hour wage increase in four steps and improvements in the pension program. The contract gave pension increases to retirees, while offering early retirement for workers whose age and years of service totaled 85. On June 18, workers ratified the contract. [“D.C. Transit Employes Ratify Pact,” *The Sunday Star*, June 20, 1965]

Chalk, according to union president George W. Apperson was interested in an early settlement “so he could get this under his belt so he could apply for a new fare increase.” At the time, commuters paid 85 cents for four tokens, or roughly \$2.13 a week for 10 rides. These prices had gone into effect on April 14, 1963.

Chalk claimed the company was entitled to a 6.5-percent return on its farebox income, but had received only a 3.6-percent return over the previous year. Moreover, the company had lost \$25,127 during the first six months of 1965, with Chalk saying in a statement that the loss amounted to a “decline in net income of 115 percent” compared with the first 6 months of 1964:

We can foresee continued high labor costs and depreciation charges for the second half of this year. In summary, although revenue passengers and revenues for six months are running approximately 1.5 percent ahead of last year, operating costs have increased 2.5 percent over last year. [Flor, Lee, "D.C. Transit Is Expected to Ask Fare Rise," *The Sunday Star*, August 29, 1965]

D.C. Transit System filed an application with the Washington Metropolitan Area Transit Commission to increase the 25-cent fare to 30 cents and the cost of four tokens to \$1. The company, which wanted the increases to become effective on October 17, said that current fares had not resulted in "just or reasonable returns." With increased wages, salaries, and benefits for union and non-union employees, operating costs would increase an estimated \$2 million. If the current fare schedule remained in place, D.C. Transit System would lose more than \$580,000 in 1966. With the proposed fare increases, the company would have a return of 5.58 percent. ["D.C. Transit Asks For 30-Cent Fare," *The Sunday Star*, September 19, 1965]

On October 8, the commission suspended imposition of the new fare for 90 days or until it completed public hearings on the request. It directed the company to provide a copy of its request and documentation to individuals and organizations who formally indicated objections to the increase. At that point, objections had been filed by three citizens, the civil rights group Student Non-Violent Coordinating Committee (SNCC), and Local 74 of the Building Laborers Union.

The commission also ordered that D.C. Transit System was entitled to another year of exemption from the District's real estate taxes, a move that would save the company \$139,376. Under the 1956 charter, the taxes were to be suspended if the company did not have a 6.5 percent profit. [Flor, Lee, "D.C. Transit Fare Boost Blocked, Hearing Slated," *The Evening Star*, October 8, 1965]

Lee Flor told *Star* readers that the commission's decision on the company's request might be affected by a "little-noticed decision by the U.S. Court of Appeals" in April 1965. After the commission approved a fare increase in April 1963, two transit riders, represented by attorney Leonard N. Bebchick, went to court. The court found that Congress kept the bus rates high to allow Chalk to repay the mortgage used to acquire the franchise. Ten years later, "the gamble on traffic levels after the resumption of operations was won":

We think the time has come for the commission to make a careful review and analysis of the earnings experience of [the company] from its inception [in 1956] and of what that experience has meant . . . .

The 1963 fare increase was the first time the commission had been asked to review a change; previous fare requests had been considered by the commission's predecessor, the District's Public Service Commission. The court found that the commission should have considered how much profit the company was entitled to receive. Flor wrote:

The transit commission is concerned, because the court scolded the agency for its reasoning, judgment, and even for the language used when it tried to explain its decision in 1963 to raise transit fares.

The court, Flor continued, “ordered the transit commission to review its thinking and come up with a clearly defined set of reasons for either increasing the company’s fares or keeping them at the same level.” Critics of the new fare increase were likely to raise the court ruling as one basis for their objections. [Flor, Lee, “Bus Fare Hearing to Begin Tomorrow, With New Rules.” *The Sunday Star*, November 7, 1965]

On November 8, the commission opened a public hearing in the hearing room at the Interstate Commerce Commission. Engineer Commissioner Duke, newly elected chairman, was the major hearing officer. Almost immediately a dispute arose between D.C. Transit System and civil rights groups such as SNCC and Americans for Democratic Action (ADA) that had brought about 100 associates to the hearing.

These organizations and other civil rights groups had held a rally the day before to plan their protest against the fare increase. They discussed a bus boycott modeled on the successful boycott in Montgomery, Alabama, in 1955-1956. Roena Rand of the Congress of Racial Equality (CORE) said, “if the people of Montgomery could do it, there’s no reason why we can’t.” Julius W. Hobson of Associated Community Teams suggested putting private cars on bus lines to get boycotters to and from work.

At the rally, the Reverend Philip R. Newell of the New York Avenue Presbyterian Church urged Chalk to “go out and seek his profit elsewhere if he’s not interested in offering public service to this community.” SNCC counsel William L. Higgs said the company was returning a 25-30 percent profit. He argued “this is an unbelievable amount of money to be making, particularly at the expense of poor people who have to ride their buses.” The Reverend William Wendt of the University Neighborhood Council said:

The real issue behind this is segregation. All they want is more white people to ride those buses.

Other speakers at the rally included SNCC national Director John R. Lewis and Washington Director Marion Barry, Jr., and Executive Secretary Edward Hailes of the local chapter of the National Association for the Advancement of Colored People.

At the public hearing, D.C. Transit System’s attorney, Harvey Spear, objected to the appearance of the civil rights groups and Leonard Bebhick who was representing the Democratic Central Committee and the D.C. Federation of Civic Associations:

D.C. Transit’s record on civil rights is as high as any firm in the nation. We don’t want that spoiled by any implication that any single group would be discriminated against by this fare increase.

He argued that these groups were the same ones fighting for District home rule. Now, they wanted to use the hearing as a “political football” in support of their cause. He said he also

would research whether the tax-exempt status of some of the groups would prohibit them from protesting the increase.

General Duke deferred a decision, saying the groups could participate in the hearing. The commission would decide later whether their participation was appropriate. [Flor, Lee, "Bus Fare Hearings Open With a Fight," *The Evening Star*, November 8, 1965]

While the commission concluded several days and night of hearings, the civil rights groups planned a 1-day bus boycott. It took place on Monday, January 24, 1966, focused on the nine-bus routes along Benning Road, NE., but leaders encouraged boycotts of other lines. SNCC's Marion Barry, Jr., told reporters the boycott was 90 percent effective along Benning Road, and about 40-45 percent effective on other lines. SNCC claimed that about 130,000 people stayed off the buses, traveling to and from work in carpools, cars operated by volunteers, some private buses, and by hitchhiking. ["Buses Hit by Fare Boycott, Benning Rd. Effect Held 90%." *The Evening Star*, January 24, 1966; Corrigan, Richard, "SNCC Claims Bus Boycott Was a 90 Per Cent Success," *The Washington Post and Times Herald*, January 25, 1966; "Bus Rider Loss 130,000, Boycott Leaders Say," *The Evening Star*, January 25, 1966]

On January 26, 1966, the three-member commission unanimously rejected D.C. Transit System's rate increase request. The only concession to the company was that it could increase the fare for its money-losing downtown F Street minibuses from a nickel to a dime.

The commission praised the company's good bus service and observed that "uncontradicted testimony establishes that D.C. Transit is performing service at the lowest basic fares of any comparable private bus operation in the United States." The upward trend in ridership was one reason the company could expect to make more money during the coming year. The commission also suggested that the company could bolster its cash position by skipping its annual \$500,000 cash dividends, offering a stock dividend instead to increase investors' equity. (The parent firm of D.C. Transit System, Inc., of the District of Columbia was D.C. Transit System, Inc., of Delaware. Trans Caribbean Airways was the majority stockholder of the Delaware corporation. Chalk was the majority stockholder of the airways corporation.)

In addition, the commission ordered several bookkeeping changes that, coupled with fare income from increased numbers of passengers would produce a net income of \$2 million or 6.03 percent of gross operating incoming. Reckoned on the depreciated value of the company's properties, the return would be 7.4 percent. To achieve these goals, the commission directed the company to take \$1.3 million from a Riders' Fund, a reserve established in 1963 after the court determined that the company had received an unfairly high fare increase 2 years earlier. The fund would now be used to "reimburse" riders by paying for retaining the present fare. Another \$800,000 of the fund would be used toward depreciation reserves. The Riders' Fund would be exhausted in a year, when labor and cost-of-living adjustments were expected to rise again.

Delmer Isom, the commission's executive director, emphasized that the timing of the decision had nothing to do with the bus boycott 2 days earlier. Any reading of the complex, 44-page order would show that it was released when it was ready, not hastily assembled 2 days after the boycott.

Appeals of the decision were likely, but Chalk, from his office in New York, said, “We have not as yet had the opportunity of studying the opinion and we have no comment at this time.” [Eisen, Jack, “Transit Board Rejects Higher Bus Fares Plea,” *The Washington Post and Times Herald*, January 27, 1966; Flor, Lee, “Court Appeal Expected In Ban on Fare Boost,” *The Evening Star*, January 27, 1966].

### **The D.C. Revenue Act**

At the start of 1965, the *Star* expected several transit and highway issues to dominate the news during the year. “The leading issue” was whether Congress would approve legislation authorizing rail rapid transit system for the Washington area, an issue that was resolved when President Johnson signed the National Capital Transportation Act of 1965.

The region also faced pressure to complete work on the 3C charter for transportation planning by the deadline of July 1, 1965, imposed by the Federal-Aid Highway Act of 1965. The region met the deadline, as described earlier.

Another major issue left over from 1964 was the proposal authorizing the city to issue bonds to raise \$35 million in local money to match Federal-aid highway funds and increase the gas tax by a penny to retire the bonds. The *Star* stated that “without the additional borrowing power, the District’s freeway program is absolutely doomed, District officials say.” In 1964, the House District Committee had stopped the bill after holding hearings in May:

Because citizen groups may want to carry their fight against a proposed North-Central Freeway to Congress, this measure may be extremely controversial. Groups opposing the Three Sisters Island Bridge and any new attempt to build a freeway near Wisconsin Avenue NW also may show up to oppose the pending proposal.

District officials would ask the 89<sup>th</sup> Congress for the funds. [“Rapid Transportation Plan Remains A Major Issue,” *The Evening Star*, January 4, 1965]

Lee Flor wrote:

The Washington business community is entering 1965 with the future of its downtown center literally hanging on the fate of two proposals for transportation. Both proposals, one for a \$500 million system of freeways and the other for a \$431-million rail rapid transit system, are in trouble.

According to NCTA’s financial forecasts in 1963, the difference was that if transportation improvements were completed, downtown sales would total about \$817 million by 1980; if not, sales would be around \$567 million. Projecting the results to 2000, the difference was \$947 million compared with \$691.

To fight for both systems, the Metropolitan Washington Board of Trade, the Washington Board of Realtors, the Federal City Council, and Downtown Progress had formed the Joint Committee on Transportation. The committee’s support helped secure enactment of the transit legislation. However, the freeway system also was important:

With the bond issue, the District has a fighting chance to complete its inner loop freeway system. Without it, it has no chance at all. Congress rejected this proposal last year, but the business community is going to try to get it through once more. [Flor, Lee, "Downtown Fate Rests on Two Transit Plans," *The Sunday Star*, January 10, 1965]

President Johnson, a day after his inauguration following his landslide election victory, had referred to the issue in his annual message on the District budget.

The highway program, which is also urgently needed, will be delayed for lack of funds in fiscal year 1966 unless the resources of the highway fund are increased. I am, therefore, again recommending an increase of \$35 million in the loan authorization for the highway program and an increase of 1 cent in the gasoline tax. The new District gasoline tax rate of 7 cents will correspond with the rates in Maryland and Virginia and will yield an additional \$2 million annually, a sum sufficient to retire the \$35 million loan in 30 years. This tax and borrowing program continues the sound policy of financing the street and highway system by taxes based upon use.

Securing the revenue for the District was a two-step process. First, Congress would have to approve, and the President sign, authorizing legislation cleared by the House and Senate District Committees. Second, Congress would have to approve, and the President sign, a District appropriations bill making the funds available for use.

On March 18, the House Appropriations Committee approved a budget that sliced \$31 million from the District's FY 1966 budget, with more than half the cut coming from the school budget. This action reflected District Subcommittee Chairman Natcher's longstanding concern that District officials submitted unbalanced or deficit budgets in expectation of congressional actions on authorizations that ultimately did not take place, such as the failure of the revenue bill in 1964. Chairman Natcher was not willing to appropriate in expectation of an authorization. "Our Committee must present a balanced budget," he said.

He cut the appropriation for District schools, but the committee report made clear that the appropriators, and more specifically Chairman Natcher, wanted the District to advance the city's Interstate freeways. In the *Star*, Grace Bassett wrote:

Rep. William Natcher, D-Ky., made it clear that neither time nor area transit proposals must prevent completion by 1972 of District highways financed 90 percent by the federal government . . . . The intensity of his commitment to the interstate program was reflected in the language of the full committee report, including all interstate projects that can be financed within current gas tax and federal loan revenues . . . . Repeatedly at hearings, Natcher chastised highway construction delays in the face of rising construction costs.

The House committee recommended spending \$4.8 million for seven Interstate projects, and ordered District highway officials to "move" \$1.4 million previously appropriated for a Potomac River bridge and freeway and the northwest link of the Inner Loop.

To accomplish these goals, the report demanded that the city exhaust its borrowing authority for matching funds:

The \$3.9 million in federal loans for interstate roads cleared by the committee exhausts the \$50.2 million of federal loans authorized by Congress for this purpose. Local taxpayers are repaying previous highway loans at the rate of \$2 million annually, including interest. [Bassett, Grace, "House Unit Demands D.C. Speed Road Construction," *The Evening Star*, March 18, 1965]

In early April, Chairman McMillan introduced legislation authorizing the penny increase in the gas tax and \$35 million in additional borrowing authority to keep the city's highway construction program on schedule. The bill also contained other city tax changes to balance the budget, particularly for schools, as submitted by the White House in January. ["McMillan Introduces 2 D.C. Tax-Rise Bills," *The Evening Star*, April 7, 1965; "D.C. Tax Bill Offered, Half That Asked by Johnson," *The Washington Post and Times Herald*, April 8, 1965]

On May 6, Engineer Commissioner Duke appeared before the District subcommittee headed by Representative Thomas H. Abernethy (D-Ms.) that was considering the highway revenue provisions. General Duke disclosed that the total cost of the city's Interstate freeway network, built and unbuilt, had increased by \$100 million to \$600 million. The remaining segments would cost \$360 million, with the District's share being \$36 million based on the 90-10 Federal-State matching ratio. The additional revenue was needed if the city was to finish the Interstate network by the October 1972 end of the Interstate construction program.

General Duke told the subcommittee that the increased cost reflected the rising cost of right-of-way acquisition, the increased price index for construction, and expanded use of tunnels and other impact mitigation features. "Recent experience indicates that right-of-way costs, particularly in highly developed areas of the District, have been increasing between 7 and 13 per cent per year," he told the subcommittee during the 1-hour hearing. [Eastman, Sam, "New Road Costs Rise \$100 Million," *The Evening Star*, May 6, 1965; Clopton, Willard, "Duke Endorses Rise In D.C. Gasoline Tax," *The Washington Post and Times Herald*, May 7, 1965]

Overall, the District's Interstate and other highway projects would cost about \$527 million over the next 6 years, with the District's share totaling \$183 million. Based on current authorized sources, the city would earn about \$117 million during that period. The city needed an additional \$66 million to meet the 90-10 or 50-50 matching shares on Federal-aid projects and the cost of improvements developed with only District funds.

The Abernethy subcommittee approved the bill on July 14 containing the highway revenue increases and other changes. ["Tax Rise Bill For D.C. Gets House Backing," *The Evening Star*, July 14, 1965; "House Group Approves Income, Gas Tax Rises," *The Washington Post and Times Herald*, July 15, 1965]

For several months, Chairman McMillan held the bill while he battled home rule. After the House approved the Sisk charter bill, the House District Committee approved the revenue bill on October 8, leaving time for House consideration on the session's last Monday District Day of the

year. Representative William L. Dawson (D-Il.) had tried to kill the \$35 million in additional loan authority, but the committee defeated his motion by a 16 to 4 vote.

The committee report described the freeways as “urgently needed” and confirmed its “support of a balanced transportation system for the Nation’s Capital.” However, the committee was concerned about community dislocations:

The committee strongly urges that maximum effort be made to minimize the hardship of families displaced by highway construction. The Central Relocation Service must redouble their efforts to help displaced families. District officials must encourage the development of housing units for lower and middle-income families. Full authority must be exercised to alleviate the current crisis situation that exists with respect to housing in the District.

The location and design of future highways must minimize the impact on homes and residential communities wherever possible. Imagination and innovation must be the watchwords of the highway planner. Maximum use of tunneling and utilization of air space above highways for playgrounds and schools should be encouraged if feasible.

A poorly planned freeway can be a terribly disruptive factor in a local community. Use of existing rights-of-way, location of routes beside and over railroad tracks and along natural boundaries, such as rivers must be given first priority by highway planners. Construction of freeways or highways in industrial or commercial areas, particularly those past their economic prime, should be actively considered as an alternative to locations in residential areas.

Full consideration must be given to alternative routes which would minimize the impact of construction on residential communities. Federal officials are urged to cooperate fully with District officials and, to the extent possible, make federally-owned land available if it is not in use.

In a reflection of Peter Craig’s success in creating doubts about the factual basis for the program, the report also said:

Finally, in view of these deep concerns of your committee and other related issues which bulked large in committee hearings, there are indications of a real need for restudy and reevaluation of the highway program of the District of Columbia. Your committee has found that projects for highway needs for 1965 developed in the Mass Transportation Study of 1959 substantially exceeded actual traffic counts. Similarly, the projections of the National Capital Transportation Agency surpasses [sic] actual experience.

Analysis of traffic counts of crossing [sic] to and from the District of Columbia in recent years shows a declining ratio between population growth and daily trips. The forecasts and projections presented by highway officials cannot be reconciled reasonably with other information available to your committee. The projections and forecasts of future needs made by highway officials show trends contrary to actual experience and do not seem to

justify some of the proposed program. Accordingly, a careful, objective review and reappraisal is desirable.

Such restudy should result in a highway system abundantly adequate for the needs of the Capital City and at the same time preserve as much as possible of the original character and beauty of the city with a minimum of inconvenience and dislocation of its citizens and businesses.

Representative Dawson joined Representatives Charles C. Diggs, Jr. (D-Mi.), and J. Oliva Huot (D-NH), and Multer in offering a minority response in the committee report. They argued that Congress had not specifically approved many of the freeway projects. The freeways consumed valuable land area. The program was over-expanded and lacked planning justification. The additional borrowing would impact a “fiscally irresponsible” burden of \$2 million in debt service on Washingtonians. They added that “virtually all elements of the community” opposed the projects.

On October 11, District Day, the revenue bill reached the House floor where it “sailed through without debate or objection,” according to the *Star*. George Lardner, in the *Post*, referred to the “strongly worded 15-page minority report condemning the additional borrowing authority” and suggested it might lead one to expect a bit of debate on the House floor:

There was nothing of the sort. Nobody squawked. Passage by non-voice vote took less than a minute. Eight minutes after it started, District Day was over—with seven bills passed and not a word said about the merits or demerits of any of them.

Finally, House Majority Leader Carl Albert (D-Okla.) took a look around and decided it was time to get a quorum on the floor. The House had some important things to discuss.

[Eastman, Sam, “House Unit OKs Roads Bill,” *The Evening Star*, October 8, 1965; Eastman, Sam, “House Clears D.C. Funds Bill,” *The Evening Star*, October 11, 1965; Clopton, Willard, “Road Program Clears House, Senate-Bound,” *The Washington Post and Times Herald*, October 12, 1965; Lardner, George, Jr., “No-Quorum House, Without Debate, passes 7 City Bills in 8 Minutes,” Potomac Watch, *The Washington Post and Times Herald*, October 13, 1965; Providing Additional Revenue for the District of Columbia, *Congressional Record-House*, October 11, 1965, pages 26489-26495]

With Congress moving to adjourn the session in a week and a half, the prospects for rushing the bill through the Senate were not good. In addition, Senators Case and Tydings of the Senate District Committee were urging a go-slow approach to freeway building while other elements of the bill, such as the section on income taxes, had their critics. [Eastman, Sam, “Revenue Bill Imperiled on Two Points,” *The Sunday Star*, October 17, 1965]

In hopes of completing the legislation before adjournment, Senator Bible held hearings on the bill for October 20-21. Commissioner Tobriner and General Duke urged passage of the bill, but Senator Bible wondered about the urgency of completing action during the current session:

You say you have to have it now. You've got to have it without amendment. Yet the number of witnesses seeking to testify indicates that everybody in the city is far from agreed on the need.

He asked, "Can't it wait until January?"

Tobriner replied that "to be perfectly candid, the District is not going to fall apart if we don't get the money. Anybody with common sense would have to say that. But our services in the city will be impaired," he added, referring to the entire revenue bill, not just the highway portion.

General Duke argued that the District would be unable to seek Federal-aid highway funds without the loan authorization. Questioned by Senator Bible, General Duke conceded that District officials could work on the assumption that the authority would eventually be provided.

Senators Dominick, Morse, and Tydings questioned General Duke and Director Airis on the impacts of freeways on the city and displaced residents. Senator Morse was not reassured when Tobriner stated that under the new District housing law, the city must certify that housing is available at comparable rents before construction can begin on acquired property. Senator Morse asked, "But is the housing here? Will you be moving people from one slum to a worse slum?" He argued that the city and Congress must provide financial assistance to house displaced families. Tobriner told him, "We'd be happy to see it."

An unexpected problem arose because of a seemingly obscure provision that Chairman McMillan put into the House bill that benefitted only one District resident, former GSA Administrator Jess Larson. The provision related to tax relief for the sale of stock in the liquidation of a West Coast transport company. Senator Bible admitted, "Frankly, I don't know what it does." Tobriner said he was willing to accept the provision "as a matter of expediency" because of the importance of the rest of the bill to the city. Other provisions of the bill also raised concerns from members of the committee. [Bassett, Grace, "D.C. Revenue Bill Runs Into Trouble," *The Evening Star*, October 20, 1965; Carper, Elsie, "D.C. Revenue Bill Falsters In Senate Unit," *The Washington Post and Times Herald*, October 21, 1965]

By the end of 2 days of hearings, the bill was essentially dead until 1966. Senator Bible publicly blamed the failure on "adjournment fever," but many provisions of the bill had come under scrutiny, especially during the second day of hearings when citizens and civic groups testified. According to the *Star*:

On the highway issue, residents insisted at Senate hearings that freeways must not be allowed to displace poor people from homes unless new housing [at] comparable rents can be located for the displacees . . . .

One major argument of articulate, well-organized freeway opponents was that the inner loop never had been authorized as a whole by Congress. Instead, Congress voted money, segment by segment.

Bible recognized that Congress had failed to answer the question – "Is there or is there not authority to build the inner loop?"

Senator Bible attempted to call a meeting of the Senate District Committee on October 22. “We’ve got to clear the air.” He told reporters. “My legislative committee is going to face up to the problem: Is there authority for these freeways or isn’t there?” However, he could find only one other member, and canceled the meeting.

When the first session of the 89<sup>th</sup> Congress ended on October 23, the revenue bill was alive, but would have to be considered in the second session that would open on January 10, 1966.

As George Lardner began his Potomac Watch column:

City officials slipped on a king-sized banana peel when they trotted before the Senate District Committee the other day. They tried to get rush approval of a key tax-raising bill before Congress adjourned. And they fell flat on their faces.

They might have had better luck if they had “worked a bit harder at conveying a sense of urgency about the bread-and-butter legislation to pay for programs they think are needed.” For example, Senator Dominick “wondered what the city needed the money for” in view of the fact that Washington’s overall population had been more or less stable for several years. He even questioned why the city needed more money for schools, suggesting that “the public schools might not really be overcrowded.” Tobriner’s response was that the school-age population was growing faster than the overall population and that many students were taught in the basements of schools built in the late 19<sup>th</sup> century:

But Tobriner’s monotone answer [was] largely in generalities. He used the word, “urgency,” several times in his prepared statement, but he didn’t convey the idea.

The only statements in support of the income tax measure were “unread statements dropped into the record”:

The hearing room was full of familiar faces and organizations, such as the Democratic Central Committee – old standbys who show up time and again to testify about the city’s needs at hearings on crime, welfare programs and city appropriations. But when it came to hearings on a money-raising bill to help pay for the programs all they could do was complain about the city’s highway plans.

All things considered, Lardner wrote, “the postponement until next session was inevitable.” [Lardner, George, Jr., “City’s Laggard Tax Raising Plea Lost by Pallid Lack of Urgency,” Potomac Watch, *The Washington Post and Times Herald*, October 26, 1965]

On October 26, the *Star* reported that Chairman McMillan had appointed a special subcommittee to study revenue-raising measures for the District of Columbia. Representative Whitener was chairman of the special subcommittee, which included Democratic Representatives Dowdy and Fuqua and Republicans Harsha and Roudebush. The article did not state when Chairman McMillan appointed the subcommittee, but he appeared to do so after the House District Committee approved the revenue bill without several of the revenue ideas the city and President Johnson had recommended. In addition to studying revenue options, the subcommittee would consider the possibility of bringing the city’s income tax brackets in line with Federal brackets.

["McMillan Names Unit to Study D.C. Fund-Raising Bills," *The Evening Star*, October 26, 1965]

**D.C. Freeway Revolt and the Coming of Metro**  
**Part 4**  
**Battling the Revolt**

**Table of Contents**

Unfinished Business.....	3
President Johnson Intervenes.....	7
Revisiting Home Rule.....	9
Revenue Bill.....	14
Interstate Compact.....	15
North-Central Freeway.....	19
The Arthur D. Little Report.....	21
Reaction to the Little Report.....	25
The Doxiadis Plan for the Georgetown Waterfront.....	30
Policy Advisory Committee Acts.....	36
About Tunnels.....	40
Locating the North-Central Freeway.....	42
Federal City Council Report.....	44
Home Rule Strategy.....	47
NCTA’s Executive Committee.....	52
“Time to Stop This Foolishness”.....	56
Jockeying for Position.....	60
Breakthrough Agreement on Freeways.....	65
The Money Problem.....	75
The Compact – Extending the Promise.....	78
Breaking the Auto Jam.....	80
The Home Rule Rider.....	82
Shifting the North-Central Freeway.....	87
Advancing the Compact – Senate.....	88
The Revenue Impasse.....	92
NCPC Acts.....	96
Federal-Aid Highway Act of 1966.....	101
The New Challenge to the Three Sisters Bridge.....	105
The Interstate Compact.....	106
Finishing the FY 1967 Appropriations Act.....	111
Advancing North-Central Freeway.....	113
Changes in Leadership.....	120
The U.S. Department of Transportation.....	122
Washington’s Ponte Vecchio Bridge.....	126
The Furor of the Past – at an End.....	129
Reconsidering Three Sisters.....	132
Three Sisters Tunnel.....	137
“Feasible and Prudent”.....	141
District Reorganization.....	145
Congress Considers D.C. Reorganization.....	150

Addressing the North Central Freeway.....	159
The Year 1985 Comprehensive Plan .....	164
Freeway Conflicts .....	170
Secretary Boyd’s Perspective.....	176
Reorganizing the District .....	190
Three Sisters Bridge Inches Forward.....	195
Advancing Rail Rapid Transit .....	199
Meet General Jackson Graham .....	203
Deleting the Columbia Heights Spur .....	205
Creating a System .....	210
Making Connections .....	218
The Court Rulings.....	223
Secretary Boyd’s Position .....	227
Major Highway Problems in D.C. ....	238
Awaiting a Mandate .....	265
The Mandate .....	267
The First Budget.....	270
Secretary Boyd’s Response.....	274
New Year, Old Battles – 1968 .....	276
Secretary Boyd on Political Clout.....	279
The GW Link .....	282
Work Group Reports.....	283
The 1968 Interstate Cost Estimate .....	285

## **D.C. Freeway Revolt and the Coming of Metro**

### **Part 4**

### **Battling the Revolt**

#### **Unfinished Business**

In 1965, officials made progress in addressing the area's transportation problems. They secured funding to begin the rail rapid transit system the area needed. However, they would have to go back to Congress in 1966 for more money for the system and approval of the interstate compact authority to take over the program from NCTA. Moreover, the freeway network was stymied by citizen opposition, official obstacles, and the lack of District matching funds to complete the Interstate routes before the 90-10 construction program ended in 1972.

As for the rail rapid transit system, it had enjoyed some success in 1965, but as 1966 began, its future had many question marks. George Lardner, in his final month writing the Potomac Watch column, had this to say:

If the city and the suburbs can't unite on a program for a metropolitan rapid transit system, it's doubtful they can ever get together on anything.

In 1965, "everybody on the civic mailing lists and his brother were cited in support of Washington's subway bill."

Now comes "the tedious question of who's going to be in charge of the show." The District Democratic Central Committee had come out "with a blast against 'the current proposal for an interstate compact.'" The committee was demanding that the District have majority control of the 25-mile system, which was to be built mainly in the District of Columbia. As constituted in the draft, the interstate authority would include two members each from the Northern Virginia Transit Commission, Maryland's new Suburban Transit Commission, and the District Commissioners. The committee argued that the city could "be outvoted on every significant issue affecting the future of the system, including such essential matters as the location of routes and the setting of fares and schedules."

The Joint Transportation Commission, key activists for the system, was working to "help keep it from rolling onto the wrong track." It was working to secure the compact and extend the system into the suburbs:

But the fussing over how to do it is just getting started. Unless the Joint Commission can head it off long enough to get the interstate authority into business, development of a regional system could suffer a serious setback.

Jerome Alper, the commission's counsel, addressed the Democratic Central Committee's objection by pointing out that on issues such as fares and service, the interstate authority would have to approve decisions by a majority vote that includes at least one member from each jurisdiction:

A financing plan and a development plan, which would include the “service expected” and “probable fares,” could be put through by unanimous vote of all members from only two jurisdictions, but this was done, Alper says, simply “to assure that no single jurisdiction, seeking preferential treatment, could use its veto in such a manner as to paralyze the Authority.”

Even in that case, the decision would not impose “any obligation or commitment upon the dissenting jurisdiction” or the Federal Government. Congress would still have to approve the decision:

If anything, the compact seems to bend over backward to preserve local autonomy.

But none of this seems to satisfy the Central Committee. It apparently wants the city to run the whole show simply because the city is going to get rapid transit first. The suburbs are going to have to pay for what they get and probably for some of what the city gets, too.

Polly Shackleton, speaking for the committee, said the compact, which the General Assembly of Maryland had approved, should be changed to give the city “more protection”:

“It’s really suburban versus center city interests that I think are at stake here,” she says.

The interests of both are at stake. They won’t be served by pitting them against each other. [Lardner, George, Jr., “Democratic Group Throwing Rocks,” Potomac Watch, *The Washington Post and Times Herald*, January 5, 1966]

In the city, Director Airis and Planning Director Grant were trying to face reality, including efforts to discourage people from using the new freeways during peak periods. Lardner talked with highway officials about operational issues, including a new technique called ramp metering:

“We’re building a minimum system,” says city Highway Planning Director Albert A. Grant. “It’ll have a certain capacity and we might say that’s all the capacity we’re going to provide, that’s all the cars that are going to come in on the freeway system . . . .”

The key to the setup, the highway director says, would be a traffic control headquarters, “including some computerization of the street lights on the main arteries of the city and feeders to the freeways.”

Red lights would stop traffic moving along on-ramps until traffic would allow merging onto the freeway. The problem was ensuring motorists would obey the stop:

“Of course,” Airis says, “we might have trouble with people who wouldn’t pay any attention to the lights. If a light lasts too long now, drivers will wait just so long and then go ahead anyway. They’ll figure the light is broken or that they’ve just been sitting too long whether it’s broken down or not.”

But, says Grant, there could be signs telling drivers the lights are intentionally long—and automatic cameras to snap the photos of cars that insist on breaking the rules.

“We’re checking the other cities to see what they’re doing along this line,” Airis said. “And we’re checking with the hardware manufacturers of signal equipment to see what they expect to come up with over the next 20 years.”

Drivers blocked from the freeway would be channeled by the same lights onto alternate routes and regular streets taking them in the same general direction.

One concern was that freeway opponents would interpret these techniques as a way to “prove” the city needed more freeways. Airis and Grant discounted that possibility:

The result, they say, will be to promote more subway construction, provision of exclusive bus lanes and other methods of avoiding an endless program of highway construction.

At the same time, the highway officials feel that such controls would only produce “chaos” if they were attempted now without building the basic freeway system. To dump all “essential movements” over the next 20 years, including tourists, onto city streets, Grant feels, would foul up the economy.

Lardner thought that seeing highway officials thinking of ways to operate the freeways more efficiently was “a good sign”:

But the controls will have to be esoteric stuff.

It could prove difficult to figure out whether to block off traffic in suburbia from getting onto the freeways because they’ve started to get crowded along the downtown stretches. And if highway officials don’t do that, they will, instead, have to block off city drivers at interchanges closer in? Even a computer might have trouble deciding. [Lardner, George, Jr., “Esoteric Highway Controls to Be Needed Here,” *Potomac Watch*, *The Washington Post and Times Herald*, January 3, 1966]

(Although ramp metering had been installed on Chicago’s Eisenhower Expressway in 1963, the concept was still fairly new in the mid-1960s. According to an FHWA study:

The first metered ramp, as we know it today, was installed in Chicago on the Eisenhower Expressway in 1963. This first application, however, was preceded by successful tests of the effectiveness of metering traffic entering New York tunnels and ramp closure studies in Detroit. It is interesting to note that the initial Chicago study featured a police officer, stationed on the entrance ramp, who stopped traffic and released vehicles one at a time at a rate determined from a pilot detection program. [Piotrowicz, Gary, and Robinson, James, *Ramp Metering Status in North America – 1995 update*, DOT-T-95-17, FHWA, June 1995, pages 2-3])

(Although the District of Columbia did not employ ramp metering, motorists today can encounter meters on suburban freeways.)

Even if the opposition to the District's Interstate network could be overcome, the city would make little progress without enactment of a revenue bill providing additional loan authority and a penny increase in the gas tax. The legislation depended on action by Senator Bible's District Committee, but the committee's Senator Tydings had a different priority. Critics, as he knew, had asked why the city was trying to speed motorists into the downtown and government core where parking was limited. On January 6, even before the start of the second session of the 89<sup>th</sup> Congress, he opened hearings on easing downtown parking problems. He was thinking about asking Senator Bible to hold off on the revenue bill, which might be a good vehicle for any bill resulting from the hearings.

Opening the hearings, Senator Tydings said he wanted to "determine whether the creation of a balanced transportation system in the Washington metropolitan area requires action by the Congress and the District of Columbia to insure that there are an adequate number of properly located parking facilities to meet the requirements of the rapidly growing number of visitors and residents in the Nation's Capital." He also wanted to know how to control parking "so as to insure that parking is a functioning part of a balanced transportation system." [Eastman, Sam, "Parking Needs Spotlights As Tydings Opens Hearings," *The Evening Star*, January 6, 1966; Eisen, Jack, "Senate Group Is Told Of City's Parking Lag," *The Washington Post and Times Herald*, January 7, 1966]

Contemplating the hearings, Lardner referred to a study by Alan M. Voorhees and Associates that "found that the major motive of Washington area drivers who use fringe parking lots was not to avoid downtown congestion but to avoid downtown parking costs." The District, Lardner wrote, had been trying to do something about parking since the early 1940s. In 1942, Congress gave the city a municipal parking agency "but it didn't show much gumption for getting into the downtown garage business." When it tried to do so in the late 1950s, Representative Broyhill ("the friendly suburbanite") and Chairman McMillan "teamed up in 1961 to put a rider on a city revenue bill that emasculated the parking agency."

The District commissioners had been promoting a weak parking bill, but without success. The Tydings hearings "can only be helpful." Lardner added, "The private parking lobby has had its way too long." As for linking a parking measure to the revenue bill, "it's not so easy to get excited about the Senator's strategy":

The idea seems to be to get the highway lobby working for the package since the revenue bill contains roadbuilding provisions needed to keep the city's freeway program going.

Of course, Senator Tydings had "been rather critical" of the District's Interstate plans:

Some suspect he'd just as soon see the roadbuilding sections of the revenue bill scuttled if he can't get the parking authority too.

It was a dangerous strategy because the House District Committee had "shown itself much more interested in protecting private parking interests than in giving the city the money it needs." As a result:

Perhaps a parking rider is worth a try, but tacking it onto the revenue bill seems like hitching a Mack truck onto a Volkswagen going uphill. [Lardner, George, Jr., "Temporary Parking Lots No Solution To One of Our City's Key Problems," Potomac Watch, *The Washington Post and Times Herald*, January 10, 1966]

On January 14, Senator Tydings introduced his bill to establish a public parking board that would have the authority to buy and condemn land; operate, lease, or sell parking lots; and coordinate automobile parking in the city with bus, subway, and highway transportation programs throughout the region. Grace Bassett, referring to the District commissioners' bill, said the Tydings bill "was one quarter as long, and far more sweeping in the powers that would be given public officials over parking rates and lot use and expansion."

In doing so, Senator Tydings emphasized that, "The overriding philosophy of my bill is that parking is an integral part of a balanced transportation system." He added that he was "leaning strongly" toward adding his bill as a rider to the revenue bill pending in the committee. He argued that the bill would stand a better chance with his rider attached. However, as Bassett pointed out, Senator Bible was "generally opposed to riders." She added that on the same day as release of the Tydings bill, Senator Bible had "reasserted his interest in moving the loan and tax proposals through Congress soon." [Bassett, Grace, "Tydings Bill Would Put D.C. in Parking Business," *The Evening Star*, January 14, 1966; Carper, Elsie, "Parking Board Given Condemnation, Rate Powers in New Bill," *The Washington Post and Times Herald*, January 15, 1966]

On February 18, Senator Bible was ready to release his revenue bill containing the highway revenue measures to provide the city's matching funds. It also would raise taxes on beer, alcohol, telephone services, and tobacco products. In addition, it addressed the Federal payment to the District in lieu of taxes on Federal property, raising the limit from \$50 million to \$61.7 million for FY 1967. [Bassett, Grace, "5 District Tax Boosts Sought by Sen. Bible," *The Evening Star*, February 18, 1966; "Bill Readied Asking New City Taxes," *The Washington Post and Times Herald*, February 18, 1966]

By then, President Johnson had introduced a new element in the District's freeway battles.

### **President Johnson Intervenes**

With Congress having authorized and appropriated funds for rail rapid transit, President Johnson intervened on January 14, 1966, to jump start the highway component of the area's balanced transportation network.

He wrote to Engineer Commissioner Duke, beginning with the observation that, "Controversy continues to surround the plans for the interstate freeway system within the District of Columbia." Citing objections in Congress and "strong public resistance to some of the plans," he said that full support "requires every reasonable assurance that the plans have met the tests of the most careful and objective scrutiny, made in the light of the most recent data and circumstances."

President Johnson urged the Policy Advisory Committee, which General Duke still chaired, to “consider the desirability of a review of the freeway plans by a disinterested consultant with a high capability in systems analysis and operational research.” The consultant should examine the methodology and assumptions on which the highway network was based, as well as determining “the extent to which present data and other developmental information tend to validate the underlying forecasts.”

The goal was to assure the Federal Government and District residents “that whatever system may finally be built is based not only on the best techniques of highway planning, but also on a full appreciation of all significant needs and values.” He added that if General Duke agreed to initiate the independent review, it should be completed by April 1, 1966. “Review by that date would not delay the highway program . . . .”

President Johnson’s letter remained secret until January 25 when his annual message to Congress on the District of Columbia budget discussed “the dimensions and locations of the interstate freeway system within the District.” Concerns “should be promptly resolved”:

The magnitude of these projects, however, makes it important that both the Federal Government and the Washington community have full assurance that there will be no needless expenditures of moneys or dislocations of persons and businesses.

Some steps were already being taken. In an apparent reference to the K Street tunnel, he said “the Policy Advisory Committee was considering relocation of a portion of the Inner Loop Freeway.” He added:

I am requesting the Policy Advisory Committee to consider whether it should secure, in conjunction with the National Capital Planning Commission’s work on the 1985 comprehensive plan, a review of present highway plans. This review would examine not only methodology but also the basic assumptions regarding dislocation of families and businesses, real costs, Federal needs, and other community values on the basis of the most recent data available.

He asked for the study to be completed by April 1, 1966:

The Commissioners have advised me that the status of the most controversial items – the north leg of the inner loop and the northcentral [sic] freeway – is such that in the next few months there would be no major expenditures on these projects in any event except for planning.

He concluded his section on the highway program by saying he was “encouraged by the close cooperation which has been evident among the Federal and District agencies with responsibilities for developing the District’s transportation system.” He added, “Continued cooperation will insure a coordinated and efficient transportation network—one which will best serve the needs of the Nation’s capital.”

In releasing the text of the President’s January 14 letter, General Duke informed reporters that the Policy Advisory Committee had met on January 21 to discuss the full-scale review. Members

decided to employ management experts who had not been involved in freeway studies. To maintain objectivity, NCPC would develop the scope of work and advise the committee on consultant selection. In addition, NCPC and the Bureau of the Budget would assume staff responsibility for the study. General Duke confirmed President Johnson's statement that no major decisions on the highway and bridge controversies were planned before April 1.

The *Post* said the Policy Advisory Committee "has ordered a hard-nosed, McNamara-style analysis of road building plans for the Capital." Secretary of Defense Robert S. McNamara had brought the concept of "systems analysis" from his work at the Ford Motor Company to the Defense Department. Systems analysis involved breaking a complex problem down to its components, each of which can then be studied and resolved.

General Duke was confident the study would show that planning for the freeway system had been based on correct assumptions about population growth, projected traffic volumes, and potential impacts. "If we find we have overlooked anything," he told reporters, "we will revise our plans accordingly." [Flor, Lee, "D.C. Highway Review To Question Freeways," *The Evening Star*, January 25, 1966; Morgan, Dan, "Road Building Plans Under New Analysis," *The Washington Post and Times Herald*, January 26, 1966]

The Policy Advisory Committee selected Arthur D. Little, Inc., of Cambridge, Massachusetts, to conduct the freeway study. The company, in a January 30 advertisement seeking a secretary for its Washington office at 1735 I Street, NW., described itself as "the country's largest and oldest private consulting research firm." (The secretary had to be "an excellent typist" who could take shorthand at a minimum of "120 wpm.") ["D.C. Hires Firm to Study Road Plans," *The Evening Star*, January 27, 1966]

### **Revisiting Home Rule**

In the second session of the 89<sup>th</sup> Congress, the home rule initiative was pending. Back home in Florence, South Carolina, Chairman McMillan of the House District Committee told a reporter from United Press International (UPI) that home rule didn't have a chance. He debunked one common explanation for his opposition:

He said he opposes home rule not because of a large number of Negroes in Washington but "because the city was created to be governed by Congress."

He also thinks that there is a liberal sprinkling of "communist sympathizers" behind the drive for self-government, UPI said.

"Don't get me wrong," McMillan was quoted as saying. "There's a lot of good people in it, but a lot of people would just like to take the Nation's Capital over. Some of these are known to be communist sympathizers."

Joseph Rauh, chairman of the District Democratic Party and ADA vice chairman, held a press conference on January 4 to unveil the strategy for securing home rule in the District. The preferred option was to attach the Senate-approved home rule bill as a rider to a bill approved by a committee whose chairman was favorable to home rule. He cited possibilities such as

Chairman Adam Clayton Powell (D-NY) of the Committee on Education and Labor and Chairman Dawson of the Committee on Government Operations.

The other option was to send the Bible and Sisk bills to a House-Senate conference to reconcile differences. This option would work if Speaker McCormack, instead of Chairman McMillan, picked the House conferees. The House could then vote on a modified Senate bill. Rauh said the difference in the House vote was 24 members, but 4 had already said they would vote for the Senate bill. Pro-home rule forces had to change only 20 votes and, with “an all-out effort” by President Johnson, “we can make it.” [“‘Red Sympathizers’ Support Home Rule, McMillan Asserts,” *The Washington Post and Times Herald*, January 5, 1966; J. P. Leifermann of UPI conducted the McMillan interview]

Still, Senator Bible believed the Sisk charter bill was the “best hope.” He rejected the Rauh option of attaching the Senate bill as rider to a House bill. “Home rule must stand or fall on its own, he said. “I do not favor attaching home rule to any other legislation.” The suggestion for a conference committee with House participants appointed by House leadership would involve breaking tradition. Grace Bassett reported:

There have been some informal indications that McCormack would be willing to do that if he were actively encouraged by President Johnson.

The President has remained aloof from the controversy this year. Last session, the White House engineered a massive lobbying effort to wrest the mayor bill from the House committee by petition. But on the floor, the House voted a substitute charter-board bill sponsored by Rep. B. F. Sisk, D-Cal.

According to Majority Leader Albert, the votes were simply not there for the Senate bill. [Bassett, Grace, “Charter Bill Called D.C.’s Best Hope,” *The Evening Star*, January 11, 1966]

One target for home rule supporters was the Board of Trade. On January 11, the D.C. Coalition of Conscience met for an hour with F. Elwood Davis, the board’s president, and William Press, its executive vice president, regarding the board’s letter to newspapers around the country claiming Washingtonians “are opposed to pending home rule legislation.”

After the meeting, the coalition issued a statement accusing the board of a “stepped up campaign” that involved misrepresenting the city’s attitude toward self rule:

It is now time to say that the most potent opposition to effective Home Rule is not so much ‘up on the hill’ as it is in a relatively small group of men related to the Board of Trade and purporting to speak for the entire business community who do not want to relinquish the inordinate power they have long exercised over the affairs of the city.

The board’s claim was “an unjustifiable and irresponsible defiance of the public interest.”

In a telephone interview, Press denied a stepped up campaign. “It’s a perfectly normal thing if you’re attempting to influence Congress to use all the facilities out in the states.” As for whether

Washingtonians opposed home rule, he said, “This is our opinion.” Although the board opposed President Johnson’s bill, it favored voting representation in Congress for the city.

Press said the board agreed to give the coalition a list of the newspapers that had received its letter. The Reverend Walter E. Fauntroy, chairman of the coalition, said the group would send a rebuttal to all the newspapers. He added, “There’s a distinct possibility of direct action. There is the possibility of demonstrations with a big D.” [Lotito, Ernest A., “Trade Board Is Hit By Rights Group on Home Rule Action,” *The Washington Post and Times Herald*, January 12, 1966]

President Johnson, in his State of the Union message on January 12, referred to several pending District issues. He asked the House of Representatives to “complete action on three programs already passed by the Senate – the Teacher Corps, rent assistance and home rule.” He did not elaborate. During a press conference the next day, a reporter asked President Johnson about home rule:

Q. Mr. President, last night in your message you urged the House to act on a number of Senate-passed bills; one was home rule for the District of Columbia. I wonder if you are supporting the Senate version of this home rule bill, or if you would be for a compromise?

THE PRESIDENT. I am supporting the Senate version, as I did when I recommended it to the Congress. It's a matter for the Congress to work out, but my position is abundantly clear. I favor the Senate bill. I did when it was before the Senate. I did when it was defeated in the House.

He did not discuss the issue involving the Bible bill versus the Sisk charter bill. His suggestion that Congress would have to work it out prompted the *Post* headline: “President Won’t Press Home Rule.” [*The Washington Post and Times Herald*, January 14, 1966]

Clergy on behalf of the Coalition of Conscience picketed the Board of Trade on January 17 in protest of its letter to newspapers. The Reverend Fauntroy told reporters, “We disbelieve that the majority of Washington civic, professional, and business leaders don’t want home rule.” He said “an overwhelming number” of those organizations supported it. The coalition planned a week of events to dramatize the support for home rule.

The *Post* reported:

Inside the building, Board employees grinned at the pickets through the plate glass front door with its sign: “Member Of The Active Force Behind Our City’s Progress.”

Two well-dressed men left the building, smiled tolerantly at the pickets and then stepped into the warmth of a chauffeur-driven Lincoln, registered to the Riggs National Bank.

Davis issued a statement:

We don't think this activity is constructive, particularly when directed at this organization that has been a leading and effective influence in the development of Washington . . . .  
[Landau, Jack C, "Trade Board Home Rule Views Hit," *The Washington Post and Times Herald*, January 18, 1966]

In the Senate, Chairman Bible appointed Senators Kennedy and Prouty to work with him to confer with the White House and House leadership to secure home rule approval. Senator Bible preferred the Senate bill, but thought it might have to be revised to secure House approval. Perhaps the provision on the Federal payment in lieu of taxes on government property would have to be dropped or elected officials would have to be nonpartisan. He had "a built-in feeling that we may have to use the framework of the Sisk bill, but nothing would make me happier than to see a modified Senate bill. This would be 'Home Rule Now!'"

At the same time, he said, some District Committee members, including Senator Morse, "feel very firmly that we should stay very close to the Senate bill." ["Senate Group Is Named To Push for Home Rule," *The Washington Post and Times Herald*, January 26, 1966]

By the end of January, the D.C. Democratic Party had distributed pamphlets to constituents of 41 Democratic members of the House of Representatives who had voted for the Sisk bill. The pamphlets asked, "Did you know your Congressman voted 'No' to democracy in the Nation's Capital?"

At least one of the targeted Democrats was, according to Elsie Carper, "plenty mad" at the "blunderbuss campaign." Representative Hugh L. Carey (D-NY), who had a liberal voting record, had supported tactics to pass the home rule bill, even signing the discharge petition. However, when the House voted the home rule bill down, he voted for the Sisk bill. Referring to the "crack-pot pamphlet," he said, "I can't figure out how they think they are going to help home rule by getting me defeated and by electing some conservative Republican who is an enemy of home rule."

Despite his annoyance, Representative Carey still favored home rule. He said, "Home rule, yes, but Rauh rule, no!" [Carper, Elsie, "Democrats Here Irk Rep. Carey," *The Washington Post and Times Herald*, January 31, 1966]

Representative Sisk was not impressed by efforts to promote the Senate home rule bill. Senate District Committee members were "whistling in the dark" if they thought the House would approve local self-government. He said:

I think the House has gone as far as it will go. In fact, enthusiasm is not nearly as good as it was last fall. We hit the high water mark in basic support then. It's substantially less now.

Given the uncertainties of a conference committee on the Bible and Sisk bills, he urged the Senate to accept the Sisk bill. It was the "best and quickest possible way for the District to get a measure of self government – I wish they'd agree to go ahead." [Elder, Shirley, "Pass My Bill or Give Up, Sisk Says of Home Rule," *The Evening Star*, February 1, 1966]

Rauh and other home rule supporters opposed the Sisk bill because of the uncertainties involved in securing approval of the charter. If the District charter made it through the District Committee, headed by opponent Chairman McMillan, and the Rules Committee, headed by opponent Chairman Smith of Virginia, its fate on the House floor was uncertain.

Therefore, Rauh sent a memorandum to Speaker McCormack and House and Senate home rule supporters to explain how the Senate bill could be given a second chance in the House. First, the Senate would amend the bill to meet objections raised in the House. The problem was getting the new bill to the House floor in view of the fact that the House had already rejected the Senate bill in its original form. Bringing the new bill to the floor would be unprecedented unless the chairman of the committee with jurisdiction brought it up. Because that chairman was Representative McMillan, such a scenario was unlikely. Elsie Carper summarized Rauh's recommendation:

Rauh said that McCormack can call on any House member who signed the discharge petition to offer the motion. Or, Rauh said, the motion could be made by House Majority Leader, Carl Albert (D-Okla.).

“When the House goes to the trouble to discharge a bill, it should be easier – not harder – for that bill to wind its way through the legislative process,” the memorandum argued.

“The House always has prided itself on having enough flexibility in its rules so that any new situation can be dealt with effectively,” it continued.

“The present Speaker has never been at a loss to meet fairly and adequately the exigencies that arise. He, like many of his predecessors, has fashioned rules to meet realities and has never allowed the machinery of the House to stop because a situation was unprecedented.

This memorandum goes on to declare “what a tragedy it would be if home rule fails because of tortured application of parliamentary procedure.”

Supporters envisioned dropping the Federal payment provision, which had raised objections on the House floor. They would substitute a provision calling on the Federal Government to assume a percentage of the city budget or to make a payment equal to a specified percentage of the city's income from taxpayers. [Carper, Elsie, “Rauh Asks House Speaker to Give Home Rule a Parliamentary Break,” *The Washington Post and Times Herald*, February 3, 1966]

On March 5, the Free D.C. Movement called for a boycott of businesses in northeast Washington unless they displayed “Free D.C.” stickers in their windows. To obtain an orange-and-black sticker, a business had to pledge to support home rule by picketing and sending telegrams. In prior canvassing, about 175 of 300 businesses had signed the pledge. On a loudspeaker on a car driving along H Street, NE., spokesman Marion Barry told shoppers:

Shop only where you see the “Free D.C.” sticker. Anyone with no sticker is your enemy.

By the end of the campaign, most businesses displayed the sticker. The Free D.C. Movement staged a 1-hour “victory march” along H Street. Barry told reporters that fewer than 25 businesses refused to post the sticker. The *Post* reported:

But a survey by The Washington Post yesterday indicated merchants who did put up the signs gained no business and those who did not suffered little or no retaliation from shoppers.

When Barry targeted an 11-block section of 14<sup>th</sup> Street, NW., for the next boycott, the NAACP declined to go along in an area the *Post* described as “areas of predominantly Negro population with some degree of racial tension” where businesses were “heavily dependent on Negro patronage.” A spokesman said the NAACP did not realize the tactic would become movement policy. Barry dismissed the NAACP’s decision because the organization contributed neither money nor people to support the movement.

As far as Representative Sisk was concerned, the boycott strategy jeopardized passage even of his charter bill. At this point, he said, the home rule bill was “as dead as a dodo bird” in the 89<sup>th</sup> Congress. [Clopton, Willard, and Aarons, Leroy F. “Home Rulers Start Boycott At 100 Stores,” *The Washington Post and Times Herald*, March 6, 1966; Clopton, Willard, and Carmody, John, “Free D.C.’ers End Drive In Northeast,” *The Washington Post and Times Herald*, March 13, 1966]

## **Revenue Bill**

How the Little study would affect consideration of the revenue bill was an unknown. In early January, the Senate District Committee released the hearing record on the revenue bill. It contained a letter from General Duke addressing Representative Dawson’s objections. Replying to the Congressman’s statement that “virtually all elements” opposed the Interstate network. General Duke said that one man, whom he did not name, prepared virtually all the “factual” arguments for those fighting the freeways. The man was “a Washington lawyer working for the Southern Railway, who has been actively opposing the Department of Highways and Traffic of the District for at least five years as a ‘hobby’ . . . .” He was referring to Peter S. Craig.

General Duke argued that an “objective evaluation” of anti-highway testimony led to the single, unnamed source. His report involved “selected statistics” to take advantage of short-term changes in traffic patterns to disprove the need for the freeways in years to come. He ignored professional planning and long-range needs. Moreover, the individual never had “presented credentials indicating any educational background, formal training or experience in traffic forecasting.”

The Engineer Commissioner also responded to Representative Dawson’s other points. The legislative authority for the District’s Interstate plan was in the Federal-Aid Highway Acts. Highways took up only 21.5 percent of city land, but if the city abandoned freeways, it would experience harmful congestion. The plan, far from lacking planning justification, was an “orderly, logical” development. As for the burden on taxpayers from the \$2 million in debt

service, the penny increase in the gas tax would pay for the debt. [“Commissioner Scores Gadfly on Freeways,” *The Evening Star*, January 5, 1966]

By February, Senator Bible was trying to decide on the best way to secure a revenue bill and home rule. President Johnson’s message on the District budget had addressed the Federal payment:

The Federal payment, which is now authorized at \$50 million, should be authorized at a substantially higher level by approval of the formula contained in H.R. 6889, and appropriations should be increased accordingly. That formula provides a fair, equitable, and flexible measure of the amount of Federal support that should be provided the District government.

Senator Bible said, “I’ve decided that the federal payment [provision] has got to come out of the home rule bill.” He was leaning toward including the payment provision in the revenue bill, but that controversial tax provision would delay the bill. The President’s call for a study of the District’s whole Interstate program was another problem. The House of Representatives might act on the city’s budget before the report was completed. “I recognize the problem,” Senator Bible said. “Without the revenue authorization, there may be no money in the House budget to build freeways.” He added, “We’ll move as quickly as we can. But it is just too early to gauge how quickly that can be.” [Bassett, Grace, “President’s Fiscal Plan Perils D.C. Freeways,” *The Evening Star*, February 1, 1966]

### **Interstate Compact**

On February 4, Governor Miles E. Godwin, Jr., of Virginia signed legislation approving the interstate compact to create an authority to plan, develop, and finance the area’s rail rapid transit system. At the ceremony, State Senator Fenwick, who had steered the legislation through the General Assembly, said, “This probably is the most important piece of legislation for Northern Virginia ever to be enacted.”

With Maryland and Virginia having approved the compact, District approval was the final step. That, however, would have to come from Congress, and that could be affected by objections within the Washington area.

On January 18, the Committee of 100 on the Federal City had heard from Peter Craig, who opposed the compact as presently drawn. The compact was “totally unworkable and would be disastrous” for the system because it called for overrepresentation of the suburbs on the board of the transit authority. Craig also objected to inclusion of two District commissioners on the board. They were “not qualified by their method of selection, by their legal planning responsibilities or by their day-to-day duties to serve as adequate substitutes for the National Capital Planning Commission and the NCTA.”

At the next meeting of the Committee of 100, Craig planned to ask the members to approve a resolution he had drafted opposing the compact. It stated that the compact was not “feasible for area cooperation and sound planning.” Representatives of the District and the Federal

Government should constitute a majority of the board because 80 percent of mass-transit revenue would be generated in the District, where most of the usage would take place.

(Craig also spoke in support of the Georgetown Planning Council's proposal to demolish the Whitehurst Freeway, although he doubted the council's plan to build a replacement tunnel in the bed of the Potomac River was necessary:

He said opening of the Theodore Roosevelt Bridge downstream from Georgetown had reduced Key Bridge and Memorial Bridge traffic and the existence of the Whitehurst Freeway "tended to perpetuate" the [proposed] span between Georgetown and Rosslyn.

(The Committee of 100 voted in support of demolition of the freeway, but said the committee would support replacing it with a tunnel in the river only "if necessary.") ["Committee of 100 to Join Foes of Transit Compact," *The Washington Post and Times Herald*, January 19, 1966; Lewis, Robert J., "Fight to Raze Freeway Gains Added Impetus," *The Evening Star*, January 19, 1966]

Other opponents, such as the Democratic Central Committee in the District, appeared to complicate passage. The Joint Transportation Commission had reached out to the committee to discuss its objections. ["Godwin Signs Area Transit Compact Act," *The Evening Star*, February 4, 1966; "Transit Compact Clears Final Hurdle in Virginia," *The Washington Post and Times Herald*, February 5, 1966; "Transit Pact Being Readied For Congress," *The Sunday Star*, February 6, 1966]

*Star* editors agreed with Senator Fenwick. They said he "did not exaggerate" because "in terms of the physical, economic and social development of Northern Virginia, not to mention the cohesion of the metropolitan community as a whole, surely no other single element of regional progress ranks in importance with this project." They hoped Congress would give its "consent" without delay. ["Virginia for Transit," *The Evening Star*, February 12, 1966]

On February 14, President Johnson sent a letter to Congress transmitting NCTA's first annual report. In 1965, rail rapid transit made "significant advances" toward addressing the area's transportation problems. After Congress authorized funding, NCTA "began the necessary work still remaining before actual construction can begin."

Much work, he said, remained to be done. In particular, the system will not achieve "maximum usefulness" until it is extended into Maryland and Virginia:

The interstate compact among Maryland, Virginia and the District of Columbia will be promptly presented to Congress for its consent, in order that the interstate authority may develop plans for a full regional system and a financial plan for its construction. Arrangements must be perfected to transfer the responsibility for the system in an orderly and proper way from the Agency to the interstate authority. These tasks are not easy, and it will require diligent effort on the part of many people and agencies to master the problems that remain.

The White House was giving “the fullest and most diligent consideration” to the problems. He concluded that “none of them will be allowed to stand in the way of an uninterrupted schedule of construction.”

The following day, the District commissioners voted their “vigorous support” for the compact. They did so informally because in the absence of home rule, their concurrence was “legally superfluous,” as the *Post* put it. General Duke said the compact “clearly is of the utmost importance.” He added that rail rapid transit and “the planned highway network [were] essential to the total well-being of this region.”

According to Polly Shackleton, however, the District Democratic Central Committee “still views the compact as unacceptable.” She and Chairman Rauh denied that efforts to change the committee’s views were underway. [“D.C. Commissioners Back Transit Compact,” *The Washington Post and Times Herald*, February 16, 1966;]

*Post* and *Star* editors were happy about the progress on the compact, but puzzled by the Democratic Central Committee’s opposition. According to the *Post*, the committee had been “playing an elaborate spoiling game with the compact” that reflected “such deep distrust of the suburbs that it would prefer to sacrifice years of other people’s work, rather than enter into mutual agreements.” The editors were not astonished by this wrongheaded position: “the Democratic Central Committee has regularly been wrong on transportation policy over the past five years.”

The *Star* referred to the committee’s “absurd antagonism toward the compact proposal.” The argument, “reduced to its simplest and silliest terms,” was that the committee would oppose any compact agreement if it gave the District, Maryland, and Virginia equal voices. “The fact is, of course, that anything short of equal participation would result in no compact at all – and no regional system.” The committee, in battling the District’s freeways, “at least paid lip service to the concept of regional rail transit.” In view of their “weird posture” on the compact, the editors wondered if the committee had “become so accustomed to a distorted view of the freeway program that no other element of the transportation picture comes through in clear focus, either.” [“Subway Logic,” *The Washington Post and Times Herald*, February 16, 1966; “One Sour Note,” *The Evening Star*, February 18, 1966]

The committee took strong exception to both editorials, resulting in letters to the editors. To the *Post*’s statement that the committee had “been wrong on transportation policy” for years, the letter signed by Rauh, Shackleton, and Dr. Jackson said the committee “vigorously opposed several highway projects because they involved wholesale destruction of homes, schools, playgrounds, churches and other community facilities.” They had been particularly concerned about uprooted families in view “of a critical shortage of low and middle-income housing here.” They also were concerned about spending millions of dollars for highways “in light of cut backs, because of lack of funds, for much needed schools and health and recreational facilities.”

In 1962, the letter stated, the committee had testified in opposition to the accelerated Interstate program, pointing out that the proposed East Leg and Northeast Freeways “would displace 10,000 people from their homes without any provision whatsoever for their relocation.” In part

because of these efforts, the East Leg Freeway was rerouted, interchange “C” was reduced in size, and other projects “have undergone complete restudy to minimize their damage.” They had testified in support of building freeways underground:

We were gratified when President Kennedy in 1963 ordered a restudy of the social, economic and esthetic impact of the North Leg, Potomac Freeway, Three Sisters Interstate route, and more recently by President Johnson’s request for another look at the traffic assumptions on which the Highway Department has based its program.

And we are particularly pleased to note that serious consideration is now being given Mrs. Rowe’s proposal to completely reroute the North Leg along K Street, thus saving thousands of homes that were doomed under the original plan.

The committee was in the lead on blocking the bus fare increase requested by Chalk, but disappointed that the decision implied the next fare increase request would be approved. “Therefore we are making an appeal to WMATC and, if necessary, to the court.”

The committee was one of the strongest supporters of rail rapid transit and believes in the need for an interstate compact authority:

In our view the presently proposed compact can lead only to delays in getting the subway built. Because of the urgency to get it under way we have suggested that an interim corporation be set up which can act until a suitable compact can be negotiated.

The letter concluded:

The Central Committee is proud of this record. We believe that the people of the District whom we represent will continue to support our efforts. [“Democrats on Transportation,” *The Washington Post and Times Herald*, February 24, 1966]

The committee’s letter to the *Star* addressed the editors’ reference to the committee’s “distorted view of the freeway program.” The letter, again jointly signed, repeated the objections cited in the *Post* letter. [“Transportation Policy,” *The Evening Star*, March 7, 1966]

Chairman Whitener introduced another concern in early March when he said he would not necessarily back the interstate compact that Maryland, Virginia, and the District of Columbia had approved. “I want to study the alternatives. My interest is in getting holes dug and the trains running as quickly as possible.” Extending NCTA’s life might be the fastest way to get construction underway. “Also, I want to guarantee that the costs of expansion are paid by the suburbs.” [Elder, Shirley, “Whitener Won’t Back Area Transit Compact,” *The Sunday Star*, March 6, 1966]

As NCTA moved forward, it was attempting to comply with conditions the House Appropriations Committee had placed in its report on the District Appropriations Act before the committee would appropriate construction funds:

1. Results of an independent traffic survey be in;
2. Plans for issuance of bonds to finance the system be specific;
3. Stations in Maryland and Virginia be specifically located; and
4. Joint fares be arranged with local bus companies.

When McCarter appeared before the Senate appropriations subcommittee in March, he sought \$25 million for construction items, but not actual construction that was, at least in the House Appropriations Committee's view, contingent on satisfying the four conditions. He explained that \$12 million would allow NCTA to buy slabs of concrete and metal for tunnel liners. NCTA would use the rest of the funds to pay for materials.

As for the four conditions, McCarter said NCTA had contracted with Alan Voorhees and Associates to conduct and analyze the traffic survey. The interstate compact authority, if approved by Congress, would issue the bonds. If Congress did not approve the compact, the President would propose a public corporation to issue the bonds. McCarter would have to work with Maryland and Virginia officials on station locations because they, not NCTA, were planning stations. He was optimistic, saying, "Our working relations are excellent." NCTA could not arrange joint fares with the private bus companies until the traffic study was completed in July. Regarding the four points, McCarter said "we are alert to the problems and will be bending effort to produce sound, workable solutions."

Grace Bassett's account of McCarter's request concluded:

The House Appropriations Committee, in closed hearings earlier this year on the same budget, reportedly was dubious that the NCTA could spend in one year nearly so much money as McCarter was asking. [Bassett, Grace, "Millions Asked for Subway," *The Evening Star*, March 14, 1966]

### **North-Central Freeway**

The freeway network was in doubt, as well. Supporters were trying to reduce the widespread criticism that was hampering their efforts. On January 1, 1966, Chairman-Director Funk said Maryland was considering reducing the North-Central Freeway to eight lanes. According to the *Star*:

Funk also said in a report on progress of the District-Maryland study of the freeway that a 107-foot high "tunnel-in-the-sky" proposal for the freeway was never intended seriously.

. . . . Two months ago a freeway restudy ordered on the double-decking proposal flamed into public view again because of reports that the state roads commission was considering building a 107-foot high "tunnel-in-the-sky." However, Funk said yesterday that there was never "any question of a 107-foot-high structure."

"That was a figment of somebody's imagination," Funk said.

The North-Central Freeway, as planned, was to have four lanes in each direction plus two reversible lanes for peak period traffic. The "third route to Baltimore," I-95, was to be built west

of U.S. 1 and connect with the North-Central Freeway around Fort Totten Park. Maryland had decided to build the route with eight lanes, instead of six as previously planned. “This means that the traffic coming to the beltway and trying to go downtown will be heavier than expected.”

The District and Maryland were awaiting the results of the study being conducted by Alan Voorhees and Associates on traffic volumes in the corridor:

Funk said the traffic survey was made because so many citizens’ groups claimed that the count of commuters showed that fewer people used the North-Central Freeway corridor. The building of a large freeway would “induce” traffic which otherwise might avoid the freeway, Funk said.

Funk said the restudy and enlargement of the third route to Baltimore “raised questions about whether we should induce traffic to it.”

He planned to meet with District officials to discuss double-decking a smaller North-Central Freeway over the Baltimore and Ohio Railroad. [“Cut to 8 Lanes Considered For North-Central Freeway,” *The Sunday Star*, January 2, 1966]

On January 15, the Lamond-Riggs Citizens Association, based in northeast Washington, picketed the District Building in opposition to the North-Central Freeway and called for the resignation of Director Airis and Planning Chief Grant as well as the transfer of General Duke. In a petition handed out during the protest, the association charged that Airis and Grant “are motivated only by [a] desire to squander Federal highway funds in D.C. regardless of need, and to falsify facts and figures to deceive and confuse members of Congress and other interested parties as to the need for such freeways.” As for General Duke, he had “indicated repeatedly that he is in complete sympathy with and dominated by the highway lobby and the D.C. Highway Department.”

Thomas K. Chamberlain, the association’s president, told the protesters that the freeway controversy “should have been a closed issue years ago.”

Picketers, including 10 children, held signs declaring:

- Stop the Concrete Octopus
- We want Shady Streets, Not Shady Deals
- People Yes, Freeways No!
- D.C. Needs Homes, Not Roads
- Freeway Air Could Gag a Maggot

[“Oust Duke, 2 Road Aides, Freeway Foes Demand,” *The Washington Post and Times Herald*, January 16, 1966; “District Building Pickets Rap ‘Concrete Octopus,’” *The Sunday Star*, 1966]

In February, the Maryland State Roads Commission issued its revised 6-year program. It included a 10-lane, 4-mile North-Central Freeway from the District line to the Capital Beltway in Montgomery County. The estimated cost was \$16.4 million, including \$2.6 million for right-of-way.

The delay in routing the freeway prompted the *Post* to ask, “What ever happened to the North Central Freeway?” The location was, Bart Barnes reported, still under study. “There is no firm indication when a final decision on a proposed route for the expressway will be reached.” Airis told Barnes the decision should be “reasonably soon.” District and Maryland officials had the studies, but they were working on a plan that combined minimum displacement with maximum beauty. Funk said the railroad tracks remained the leading contender, but engineers had not committed to any route as yet. “He said engineers are still studying the possibility of elevating the freeway in some areas, stacking it in layers in others, and depressing it in still other areas.” [Rowland, James B., “Maryland Planning Beltway-D.C. Link,” *The Evening Star*, February 10, 1964; Barnes, Bart, “Northern Freeway Still Hazy,” *The Washington Post and Times Herald*, February 20, 1966]

### **The Arthur D. Little Report**

On March 22, 1966, Arthur D. Little, Inc., released its \$60,000 report, *Transportation Planning in the District of Columbia 1955 to 1965: A Review and Critique*. As Professor Schrag explained, the report was “a blistering critique of highway planning.” [Schrag, page 122]

The blistering began in the preface:

The history of transportation planning in the Washington Metropolitan Area has not been salutary. It is marred by inter-agency conflict and a lack of coordinated effort and direction. Also, careful study of the planning work of the past ten years discloses only the most superficial attempt at area-wide comprehensive planning for long-range goals; and only a perfunctory reference, in one policy statement, to the possible use of the transportation plan – an instrument of salient effectiveness – to achieve those goals. Nowhere in our examination of the plans and reports prepared during the period from 1955 to 1965 were we able to find clear, definitive statements relating the role of transportation planning to programs for area development.

Transportation planning “had been carried out in a fragmented manner.” Planners were concerned about movement of people and goods into and out of the District, but the Little team could not find “sufficiently demonstrable proof of their concern with transportation planning as a device for directing area development to conformance with a plan or statement of policy objectives.” The planners were right to consider ways to accommodate the automobile, “but it need not destroy the essential fabric of the city in doing so.”

The report called for a moratorium on freeway construction, saying the program was based on inadequate data. The city should stop planning a system and instead plan one link at a time consistent with a master plan that could be revised as needed:

If the incremental approach is adopted in place of entire systems, the community will gain the time necessary to reevaluate its transportation needs in light of technical and methodological criticism raised herein and mesh those needs with over-all regional planning goals.

The report explained how it reached its conclusions:

Practitioners in the field of urban design are finding – on a world-wide basis – that the gravitational pull of cities is creating, in a very real sense, physical problems of a dimension that places in jeopardy the essential elements in the concept of a designed environment. Most of the major problems – pollution, transportation, housing, water, etc. – result from a past failure to recognize that all land cannot be considered suitable for urban development. Urban land is now a scarce resource and becoming increasingly so. Americans must allocate that resource over the future with greater wisdom than ever before.

Pressure from automobile traffic in many cities “resulted in building expressways and freeways that experience has proved to be palliative devices at best.” More than any construction, highway and rail lines contribute “to land-use relationships and to social and economic interaction within the urban region. The singularity of their impact as spatial determinants cannot be overstated.”

The Little firm was not contracted to study alternatives, in a few short months, or to present plans. However, the contract implied some attempt to recommend how to resolve the present impasse. The recommendations rested on several major concerns, beginning with:

- (1) Washington’s transportation planning has had the very valuable feature of considering both transit and freeways together.

NCTA was to be applauded for its foresight, but “an unclear definition of community goals and the role transportation is to play in arriving at those goals, made the choice of analytical methods extremely difficult and, at times, faulty.” Studies were based on present behavior, “but, even more disastrously, by behavior in 1955.” Forecasts of traffic based on experience were not qualified “in any reasonable way”:

Important changes in the economy and social composition of the Washington area which would influence transportation were not investigated. For example, gross studies were done of locational changes by economic establishments without attempting to understand the basis for those changes.

Recommendations “seemed to have little to do with the analytical methods employed, regardless of whether those methods were found to be adequate.” The Interstate network was “largely fixed in its present form by studies which often followed, rather than preceded, decisions made on particular facilities.” Given the advances in transportation planning for urban areas over the past 5-7 years, road segments could be tested with transit segments to provide “a reasonable degree of certainty that major errors will not be made. Such tests were not conducted.”

Little found it hard to conclude that data and information in published and unpublished reports would have resulted in the overall pattern of the proposed freeway system. “Therefore, our conclusion is that the present freeway plan has not been proved to be the most appropriate for the area.” The fact that very few alternative plans, if any, had been seriously evaluated underscored this conclusion.

- (2) What is said here of the inadequacies of the studies and the resulting recommendations for freeway proposals applies, in general, to the transit proposals which have been adopted.

As a result, Little considered the transit proposal, too, but in less detail.

- (3) We seriously doubt that any but the most current and on-going transportation planning program could successfully meet the explicit concerns contained in the list of criteria supplied by the Steering Committee of the Policy Advisory Committee.

Little emphasized that while its report was critical, similar criticisms could be made “of transportation planning efforts in many other large urban areas of the United States.” However, in view of President Johnson’s desire that Washington should be a model for the country, “we doubt that there are sufficient and reasonable bases for many of the transportation proposals that have been made for the Washington Metropolitan Area.

- (4) Of major concern in the current Washington situation is the role of the Bureau of Public Roads.

Little commended BPR for its contribution to American transportation and its success in implementing the Federal-Aid Highway Act of 1956. The problems BPR was experiencing in urban areas around the country illustrated a need to reevaluate its standards and substitute “a new approach to costs and benefits that allows for non-quantifiable costs such as aesthetics.” The Washington region could be a demonstration area for this new approach for high density communities.

The 90-10 matching share of the Interstate program was “contributing to acceptance, on the part of local communities, of unbalanced transportation systems: the imbalance being in favor of the automobile.” Resistance to BPR’s standards (“viewed by many as a ukase”) was increasing sharply in urban areas, as illustrated by the impasse in the District of Columbia.

BPR’s “cost/benefit formula is inconsistent and incompatible with urban transportation needs; that by limiting alternatives it places undue constraints on the community’s choice of options.” Further, “There is evidence also that a rising level of aesthetic awareness, together with a rising demand that urban amenities be preserved, make the Bureau’s present schedule for completing the Interstate System unrealistic.”

- (5) Although our investigation indicates serious methodological and technical deficiencies in the system as planned, it does not necessarily follow that each link in the proposed system be considered a weak investment.

Little recommended a “link-by-link evaluation on a ‘low risk-high risk’ comparative basis and that priorities be established in accordance with criteria designed to assure ‘least risk’ commitment.” In short, such an approach was preferable to “making the massive, irrevocable commitments called for in accepting the proposed ‘system’ in toto.” Using an incremental approach, “the community will gain the time necessary to reevaluate its transportation needs in light of technical and methodological criticism raised herein and mesh those needs with over-all regional planning goals.”

The Policy Advisory Committee should keep in mind “the inherent diseconomies in the incremental approach to transportation system planning.” The incremental approach was not necessarily the only or best way to create a balanced transportation system, but “the special and unique role of Washington” meant that the incremental approach was necessary. In weighing cost-benefit aspects of the transportation network, the advisory committee should consider “the non-quantifiable variables that go into the transportation equation.” The resulting statistical uncertainties were less important than policy and goal uncertainties. “Therefore, the appreciation of non-quantifiable variables such as aesthetics, image, style and character must be reflected in policies rather than numbers.”

The Little report contained recommendations for several parties involved in the impasse, beginning with the Policy Advisory Committee. It should urge its member organizations to develop policy guidelines for all agencies concerned with transportation. The criteria should be based on projected space needs and employment patterns of the Federal Government in the area; housing needs and inventory; transportation plans related to the city’s ability to relocate displaced, low-income families; coordination with community renewal programs, land-use plans, and urban renewal; interagency cooperation and policy guidance; and aesthetic values.

The report urged BPR to request authorization for a “Special District for Transportation Planning Purposes” spanning the National Capital Region; revise its cost-benefit formula for the Interstate System to accommodate non-quantifiable variables such as aesthetics; revise its standards for urban areas; and request authorization to revise its compliance dates and requirements as they apply to metropolitan areas. In addition, BPR and the District should “delay action on all proposals for extending the District’s freeway network until the highway plan has been re-examined.”

The report urged the District commissioners to accept the incremental approach to transportation planning in place of the “total system” concept. They also should join with State and Federal agencies to establish a Regional Transportation Planning Agency that would have veto power over all transportation proposals affecting the National Capital Region. [*Transportation Planning in the District of Columbia 1955 to 1965: A Review and Critique*, Arthur D. Little, Inc., March 22, 1966, pages iii-xv/xvi, underlining in original]

H. C. Broley, Little’s project director for the report, summed it up. “The present situation strikes me as six traffic solutions in search of a plan.”

## Reaction to the Little Report

The report had been kept secret until it was delivered to the Policy Advisory Committee on March 23. Newspapers reported initial reactions:

- General Duke: “I’m in a state of shock.” The consultants “reached very damaging conclusions without recourse to facts.”
- NCPC Chairman Rowe: “I think it’s just fine. It’s looking at the city in toto, not just transportation.”
- Director Airis: It is a “cursory and superficial report, which betrays a prejudice on the part of its authors which is decidedly anti-freeway . . . . The American people have a love affair going on with the automobile and that’s the reality we must deal with.”
- Senator Case: The Little report was “heartening news to those who are concerned, as I am, with preserving and enhancing the livability of our Nation’s Capital.” He urged the Policy Advisory Committee to “heed this warning of its consultants, the city and its people . . . .” Arthur D. Little, Inc., apparently shared with him “the growing belief that the freeway program is working at cross purposes with other vital programs for the improvement of the quality of life in Washington.”
- William Walton, chairman of the Commission of Fine Arts: The report was “amateurish, in a strained way” and “very naïve.”

Professor Schrag discussed General Duke’s shocked reaction to the report. He had chosen Arthur D. Little, Inc., “seemingly confident that the consultant would ratify the highway program. But the report exploded in his hands.” Little had read not only official reports “but Craig’s studies as well.” Duke “apparently destroyed most copies, but the damage had already been done.” [Schrag, page 122]

Jack Eisen reported that Horsky, who had written President Johnson’s January 14 letter to General Duke, was one of the select Washingtonians interviewed for the report:

Following his interview, reports began circulating that Horsky had recommended against building any radial freeways within the Capital Beltway, a position close to that later advocated by the consultants.

Horsky told a newsman this report was “a damnable lie” and was based on a fragment of what he actually said. What he told Little’s people, Horsky said, was that many Washingtonians hold such a view while others hold a contrary view.

Broley confirmed Horsky’s account, but Eisen added:

Although one of Horsky’s original assignments when he was appointed by President Kennedy was resolution of the freeway issue, highway officials came to regard him as anti-highway and became reluctant to work with him.

General Duke, Eisen wrote, was perhaps “the man most frustrated by the rekindled controversy”:

Duke, a flexible man usually willing to seek compromise solutions, inherited a freeway restudy ordered by Mr. Kennedy and now faces a new crisis because of another restudy ordered by Mr. Johnson.

Friends say he is understandably concerned over the effect of the unresolved dispute on his future Army career.

General Duke's 3-year tour as Engineer Commissioner was likely to end in 1966. "Highway officials also foresee that the new Engineer Commissioner's arrival is sure to bring a period of hesitancy and lost momentum."

Officials feared the Little report would further stall congressional action on the revenue bill. If so, Chairman Natcher might refuse to appropriate funds beyond those legally accounted for. Pro-transit observers were afraid the report would reopen the freeway versus subway dispute that NCTA, and especially its new Administrator, had done so much to put behind them. An anonymous official who was not a member of the Policy Advisory Committee said. "It's my guess that if PAC adopts the Little recommendations, there won't be one damn nickel appropriated for the subway."

The Policy Advisory Committee planned to meet on March 28 to discuss the report with staff of Arthur D. Little, Inc., before preparing a response to the White House by April 1.

After the initial shock, District highway officials began picking the report apart. For example, the report said the District had not considered open space and park possibilities in designing the Center Leg Freeway between D Street, SW., and New York Avenue, NW. General Duke pointed out that the freeway would be built beneath ground level and that his staff had negotiated extensively with other agencies and received congressional approval for the freeway. After the Commission of Fine Arts considered but recommended against parks along the freeway, the District changed its plans. Chairman Walton said he could have corrected the error, and had offered to be interviewed, but Broley never called:

"If he had, he would have learned that the Commission of Fine Arts held perhaps 15 meetings with the Highway Department. We corrected their designs down to the last stone facings.

"Broley claimed they didn't know that. It's no wonder. They didn't come to see us."

Another inaccuracy was the report's recommendation that the District continue its plan to demolish the Whitehurst Freeway. The District had no such plans.

[Eisen, Jack, "Halt All D.C. Freeway Programs, Build on Small Scale, Study Asks," *The Washington Post and Times Herald*, March 24, 1966; Flor, Lee, "Consultants Blast D.C. Freeway Plan," *The Evening Star*, March 24, 1966; Eisen, Jack, "Road Dispute Imperils City Revenue Bill," *The Washington Post and Times Herald*, March 25, 1966; Flor, Lee, "D.C. Officials Fire Back At Attack on Freeways," *The Evening Star*, March 25, 1966; Eisen, Jack, "Highway-Subway Plans Imperiled By Consultant's Anti-Freeway Report," *The Washington Post and Times Herald*, March 27, 1966]

As might be expected, highway critics were pleased by the Little report. The Metropolitan Citizens Council for Rapid Transit, a coalition of seven citizen groups, hailed the report:

A path has potentially been opened to development of a rational, truly balanced transportation system adequate for the needs of Washington and its environs without engulfing the city, driving out its people, or smothering its beauty and national character with costly and irrevocable concrete.

The council hoped the Little report would halt explosive freeway growth, but recognized that “freeway-oriented special interests” were “already threatening civic blackmail, with more or less open threats to wreck the rapid transit program if denied unlimited freeway sprawl.”

The Save Takoma Park Committee saw the report in the context of citizen testimony advocating deferral of freeway expansion until the rail rapid transit system was in operation. Transit was, the committee said, the indispensable factor in a balanced transportation system. [“7-Group Citizens Unit Hails Report Rapping Freeway Plan,” *The Evening Star*, March 28, 1966]

The only positive thing the *Star* could say about the report was that the consultant had only 7 weeks to perform a complex review. Otherwise, a *Star* editorial said the report “surely deserves to rest in a niche of its own—preferably one marked ‘Filed and Forgotten.’” The “murky and superficial document” had not “resolved anything, but instead has added to the dissension.”

After a brief study, Little had “concluded that virtually all of the engineering, social and economic premises of Washington’s freeway planning during the past 10 years have been either fallacious or inadequate—and in the process made the same sort of blanket indictment against the planning basis for Washington’s urgently needed rail transit system.” No further construction should be started, according to Little, “until new, more effective techniques of planning, design and social adjustment are developed.”

The editors criticized the crux of the report, namely its suggestion to stop freeway construction as part of a total system and instead build one link at a time to reduce the chance of error. The problem with this thinking was that freeways “operate as a system or not at all.”

Further, the editorial observed that the report’s “basic philosophy seems to be that freeways are bad because they bring cars into cities—and that if it weren’t for the freeways the cars would go away.” Given the sprawling nature of modern urban areas, the *Star* said that if the region is to function “in any true sense as metropolitan communities, freeways are an essential part of the skeletal system”:

The second point is simply that automobiles, no matter how hard the pill is for some people to swallow, are here to stay. Transit, if it is attractive enough, will bear its share of the burden. But increasing numbers of others will drive, and if they don’t drive on freeways they will drive on congested business and residential streets, destroying the very values that the anti-freeway people are trying to protect.

If President Johnson abandoned his long support of the District's freeway program and endorsed the Little report, "the consequences for Washington would be severe." The timing could not have been worse, since Federal and District officials "were at last on the verge of resolving their differences on the basic elements of a freeway system for the city." Understandably, the Policy Advisory Committee would discuss the study. "After that discussion, however, the most sensible disposition of the report is for the PAC to file it—for good." ["Make No Little Plans for Washington," *The Evening Star*, March 27, 1966]

Gib Crockett, the *Star's* longtime editorial cartoonist (1933-1975), illustrated the report by depicting an elevated freeway coming to an abrupt end as a motorist drives through barriers and plunges to the ground. The caption: "Arthur D. Little, Inc., solves the freeway problem."

*The Washington Post* called the report a "broadside" in the "curious local tradition" of issuing reports every 2 or 3 years, "each of them roundly attacking its predecessors." The report did not point to any "specific mistakes" in the planning of the freeways or rail network, but "merely observes that all of these decisions are based on questionable data." True, those reports were based on "an imperfect view of the future," but that was "a defect that cannot be eliminated." The suggested moratorium while further study is undertaken was "a formula for delay." With area officials hammering out resolutions of their disputes, the Little report would "serve only those who want to stop the freeways altogether, and those who do not want to start building the subway." The *Post* editorial concluded:

Large transportation plans need to be constantly questioned and constantly reviewed; but to pause now for years of bickering over planning theory would be undiluted irresponsibility. ["Still Another Report," *The Washington Post*, March 26, 1966]

The *Post's* local columnist, Bill Gold, said the idea of halting the freeway program to "take a fresh look at the whole problem" might be called "a Capital idea." He extrapolated the Little idea by suggesting:

What we ought to do now, obviously, is suspend all activity until we can hold a plebiscite to select a panel that will appoint a commission authorized to hire a new team of experts to restudy the feasibility of compiling an index of all the committees that have in the past inventoried and catalogued the various studies aimed at finding out what happened to all the policies that were scrapped when new policies were decided on by somebody else. Once that's out of the way, I think we could go full steam ahead with preliminary plans for a new study of why nothing can be done right now. [Gold, Bill, "This Is Washington," *The District Line, The Washington Post and Times Herald*, March 25, 1966]

The Policy Advisory Committee met in General Duke's office on March 28 with the 12-member team from Arthur D. Little, Inc., that prepared the report. In this public session, Broley read a statement about press coverage of the report and individual criticism of it:

Much of it seems to imply that ADL may be biased against highways . . . . This is not true . . . . In the past . . . we recommended highway construction in support of area development, having given full attention to economic and social impact . . . .

Most of the press interpretation of the report have failed to make clear the terms of reference for our study . . . . [We] were asked to review past and current transportation studies. The criteria – economic, social and technical – on which reasonableness were to be evaluated were specified for us by the District of Columbia. There were 14 such criteria described in precise terms, and these were not dreamed up by us as seems to be implied [by the press].

The company's goal was to review the freeway program based on transportation planning over the past 10 years. The firm concluded that the program was based on outdated and inadequate data and methods, Broley said. He also said he regretted not interviewing William Walton.

Professor Leon Moses of Northwestern University, a member of the team, said that one area where data was entirely absent was the location of Federal employment centers. BPR Administrator Whitton replied that he favored good planning. At some point, though, an operating highway agency must tell planners "to stop planning and let us start building."

Lee Flor described General Duke's questioning of the Little representatives as a "cross-examination." They admitted they knew about plans to build the Center Leg Freeway in a tunnel across the National Mall at the foot of Capitol Hill when they criticized the plan for not considering aesthetics. General Duke also wondered why the report indicated that plans to tunnel the South Leg Freeway had been approved when they had not been. The District had agreed to tunnel only two segments of it. He asked why the consultants ignored what was approved for the two freeways. Flor reported:

The consultant's reply was vague. During the intense dispute, one of the consultants freely admitted there was a large semantics gap between the consultants and the critics. In other words, language used to describe freeways and language in the consultant's report had different meaning, depending on the previous opinions and conclusions of the members of the advisory committee.

General Duke also criticized the report's finding that only two possible transportation systems had been checked via computer. He said that more than 100 systems had been analyzed by computer since 1959.

After the public meeting, the Policy Advisory Committee decided in a closed session to defer action on the report for a couple days before deciding what to tell President Johnson. General Duke announced that the proposed moratorium was "impractical." Committee members were trying to "blend" some of the report's other recommendations into plans for the Interstate freeway network. He acknowledged that "quite a gray area" exists.

Some members were trying to find a way to keep the freeway program going, which implied they had already rejected the idea of a moratorium. Flor's assessment was that Chairman Rowe of

NCPC and Director Hartzog of NPS approved the report. “Three members are outspokenly critical of the report . . . . Two members are obviously trying to make some sort of compromise.” [Flor, Lee, “Policy Unit Rejects Freeway Halt Plea,” *The Evening Star*, March 29, 1966; Eisen, Jack, “City Rejects Moratorium On Freeway,” *The Washington Post and Times Herald*, March 29, 1966]

### **The Doxiadis Plan for the Georgetown Waterfront**

Long before creation of the Nation’s capital, Georgetown was a thriving port community. Writing in 2014, historian Camden Schwantes summarized the early history:

There was already a tobacco trade and warehouses along the river in what became the town of George [King George II]. Founded in 1751, the small port town’s original boundaries only extended north from the river a few blocks to Gay Street, now S Street NW. In fact, one of the original boundary stones [of the District of Columbia] can still be found in the backyard of the Laird-Dunlop House, on N Street NW. The western and eastern boundaries have remained static. The heights, where the university stands, marks the western edge, and in the east, Georgetown is bounded by Rock Creek . . . .

When the government was looking for a new place to settle after the Revolutionary War, Georgetown was an ideal place to begin. It had an established community, complete with taverns and boardinghouses for the commissioners to stay in as the district plans were laid out.

As the Potomac River silted over in the 19<sup>th</sup> century, trade that depended on navigation gradually disappeared. During the early years of the Nation’s capital, Georgetown was a separate town within the city unit. In 1871, as discussed earlier, Congress converted the capital consisting of three separate units (Washington County, Georgetown, and Washington City, which contained the government buildings) into a territory similar to the territories of the West with a presidentially appointed Governor and a nonvoting delegate to Congress, only to change it in 1874 to governance by a three-man board of commissioners that was still in effect in the mid-1960s:

Since 1871, the city of Georgetown has been, politically speaking, nothing more than a neighborhood. [Today], Georgetown remains seemingly a separate town from Washington. [Schwantes, Camden, *Georgetown*, Images of America, Arcadia Publishing, 2014, pages 7-8]

In March 1965, the *Post*’s architecture critic, Wolf Von Eckardt, described the historic Georgetown waterfront, which he defined as “the area south of M Street and between Rock Creek Park and Key Bridge, an area no larger than the grounds of Georgetown University or Fort McNair”:

At precisely the point where the Potomac River bends southward and broadens to afford a majestic view of the National Capital, we have managed to dump an ugly industrial mess, elevated freeway and sewage plans.

The area was being rebuilt by urban renewal and private initiative:

In these three years, private initiative has, to be sure, tastefully remodeled some of the dilapidated structures in this area. But most of the remnants of Georgetown's port day – some lovely old row houses and, of course, the picturesque Chesapeake & Ohio Canal towpath – are still overwhelmed by a medley of industrial plants, vacant lots and junk yards. Uncertainty about bridges and highways and a temporary slackening of the market for office space has inhibited drastic change.

The critical question involved the Potomac River Freeway paired with Whitehurst Freeway to provide an Interstate corridor for Maryland-Washington traffic. Whatever its value to the transportation system (a point in dispute), whether the freeway was built and the Whitehurst Freeway retained would be keys to the future of the historic Georgetown waterfront:

But change is bound to come, and come fast. The question is only whether it will be planned or unplanned. Unplanned change is easy to foresee. The Whitehurst Freeway is about to be doubled [if the Potomac River Freeway were to be elevated] and so will the blight beneath it. Some of the industry is still healthy but none is really happy. There is no place to expand and prosper. It is increasingly inaccessible and the markets are moving further and further away. Yet only the power of eminent domain and Federal relocation funds are likely to move it for decades.

Von Eckardt thought it “unlikely that the existing residential and other worthy buildings below M Street can long survive economic pressure. [Von Eckardt, Wolf, “Georgetown's View of the Potomac Is an Industrial Mess,” *Cityscape*, *The Washington Post and Times Herald*, March 28, 1965]

To address the controversy surrounding freeway plans for the Georgetown waterfront, the District Highway Department had contracted with Constantine Doxiadis for \$10,000 in December 1965 to recommend a solution. The plan was to include park areas, residential and commercial buildings, pedestrian access, and recreation facilities for the area from K Street to the Potomac River between Key Bridge and Rock Creek and Potomac Parkway. The plans were to be blended with the planned Potomac River Freeway to be built adjacent to the elevated Whitehurst Freeway.

As mentioned earlier, Doxiadis was one an internationally renowned city planner, but not a freeway admirer. He gave a hint of his ideas in a *Post* article published on October 3, 1965. Given the inevitable increase in the population of the Washington metropolitan area, he saw two options for accommodating this growth:

We can turn downtown Washington, which was conceived by L'Enfant for 200,000 inhabitants, into the center of this new 15 million metropolis. But that would kill it.

Or, with proper action, we can remodel Washington to serve 2½ million people efficiently and create new nearby centers for 2½ million each until we accommodate the total population we need.

The restructuring of the first option would take 10 to 20 years, during which millions more would arrive to live in the area:

That means more pressures, more economic investment, more cars. So we will have to have another urban renewal scheme to demolish what we did during the first 10 years and again change the structure of the inner city. This would mean we move in a vicious circle. This should not continue.

Around the world, city problems were compounded by the networks built to service them:

The networks are the newest element in the city. The modern city is out of control because a haphazard pattern of highway, railway, airfield, water supply, sewerage and drainage, electric, gas and telecommunication networks preceded city expansion out into the countryside.

In the absence of a unified plan for this expansion, “the essential networks commit us to a confused pattern”:

We start building houses only when there is a road, and we follow the road. Since there is no money to build another road which would be better for the houses, we build along an existing one which was conceived not to serve the new houses but to supply an industrial plant. And because there is a water main, we find it cheaper to connect a new housing project to it instead of going another way which would be better from every point of view.

In short, “We build first and think later.” In planning the new centers of his second option, planners must “determine what functions the new centers should have.” Each new center must have the same facilities as the old city center – “movies, shops, repairmen,” but must be linked with speed in mind:

The interconnections between the centers should be one-way, high-speed tunnels. I believe modern technology would easily allow us 200 mph. But even with present-day cars, we could have 100 mph speeds. If the centers were 20 miles apart, it would take only 12 minutes to get from one to another.

Later, with progressing technology, we will drive our vehicles to the tunnel entrance where a radar system will take over and speed them along on strips while the driver reads his newspaper. Such devices are already in the experimental stage. We also know that railroad systems are experimenting with speeds of hundreds of mph . . . .

Such fast interconnections would be essential because if the travel time – not necessarily the distance – between centers were too great, Washington could not function properly as the central city. My concern would be to serve the traditional function of the Federal City first. But the peripheral centers should be strong enough to thrive, or people would crowd back into Washington again.

In planning the peripheral centers “we can learn from our past mistakes.” We should touch nature as little as possible. We don’t want to change the city features that have served people well. We do not want to create “isolated or segregated groups”:

The only new element, then, is the transportation network, which is breaking down and must be radically changed. Up to the 18<sup>th</sup> century, it was meant only for man: streets and cross streets defined every block in the city. Then came the automobile – and chaos. Cars have to stop at every corner for traffic lights. You cross the city 9 mph, the speed of buggies of 100 years ago.

The fact is that the faster our means of transportation the longer it takes man to move from the outskirts of the city to the center. It took ten minutes in the 18<sup>th</sup> century, 20 minutes in the 19<sup>th</sup> century, and now it takes more than 40 minutes.

Thus, faster vehicles provide less service than the slower vehicles of the past:

We must conceive of a technological system that makes use of the faster vehicles. First, let’s take all traffic from the surface of the earth and put it under the skin, as nature does with our veins and arteries. The machine that moves fast cannot be in the same space as the man who walks.

We are beginning to understand this and separate freeways, permitting no access to them. But we have to develop a whole new system for motor traffic, and that system has gradually to go underground. This may seem expensive, but in the long run it would be economical. We now lose more than 50 per cent of the surface of cities to transportation and other networks. If they went underground, our cities could be much more compact. Furthermore, we would get rid of traffic noises and much air pollution.

On the surface, people could walk and children could run amid improved landscaping.

The new centers could determine many aspects of their lives, but the government “must create the big framework within which committees can make their own decisions”:

This will take planning, and what we do now is not planning. What we do is 10 per cent planning and 90 per cent solving existing problems and adjudicating conflicts between various interests.

Thus, the framework would be carefully planned, “but first we should be sure that highways go between communities and not within communities.” [Doxiadis, Constantine A., “How a City Can Grow Without Growing Pains,” *The Washington Post and Times Herald*, October 3, 1965]

On March 16, 1966, Doxiadis Associates unveiled its plan for the Georgetown waterfront. Doxiadis called the mile-long waterfront “a little treasure” that he would preserve in layers. The surface layer would include terraces, small buildings, restaurants and shops, exhibitions, art galleries, recreation, and parks. What he called an urban park would attract tourists and area residents without burdening the remainder of Georgetown. The existing waterfront – including the smelly Milton Hopfenmaier Rendering Company at 330 K Street and a vacant power plant

used by Capital Transit during the streetcar era – generated little economic benefit, but the urban park would yield high returns. Further, as Von Eckardt put it, “In addition it would attract some of the taverns and other Georgetown attractions which now often bother the town’s residents.”

He did not propose housing, which he said would be inconsistent with the history of the waterfront. He preferred the “small town” idea. If housing were included, he predicted that a few families would be able to live there, while pressure would grow for high-rise buildings that would, in his view, be disastrous.

Below the top level would be a second layer of parking for “thousands of cars.” The lowest level would serve transportation systems, including freeways. The Doxiadis plan suggested that the four-lane, two-way Whitehurst Freeway should remain in service “for many years,” but would be demolished when it had completed its economic life. The four-lane Pacific River Freeway would be on that lower level where room would be available to add lanes when the Whitehurst Freeway was finally demolished.

(Almost immediately, discussions of the Doxiadis plan indicated it included the demolition of the elevated freeway as part of the waterfront layers, leaving out the detail that the plan proposed to tear the freeway down only after “many years” when it had used up its economic value.)

In sum, Doxiadis said, “My study shows where we can go from where we are today to this ideal gradually, in phases.”

General Duke said the plan was a “bold, practical and imaginative long-range solution.” He added that “Doxiadis has offered superb reasons for his proposal,” but General Duke stressed that it was a long-range proposal because it “would obviously cost a lot of money.” As for the result, “It remains to be seen what we do with it.” [Hornig, Roberta, “Doxiadis Plan Unveiled for Georgetown,” *The Evening Star*, March 16, 1966; Von Eckardt, Wolf, “Park Urged for Georgetown Shore,” *The Washington Post and Times Herald*, March 17, 1966]

The Georgetown Planning Council, consisting of architects, city planners, and landscape architects residing in Georgetown, liked the part of the Doxiadis plan that called for tearing down the Whitehurst Freeway. However, with the backing of citizens’ groups, the council disagreed with his vision of the future waterfront as an urban park. The council advocated replacing the elevated freeway with a six-lane freeway in a tube under the river, an option the District Highway Department had rejected, and designation of the area as a National Historic Site. It also favored “a pleasant hilltown” of squares, plazas, and a waterfront promenade. [“Georgetowners Propose Residential Waterfront,” *The Washington Post and Times Herald*, March 19, 1966]

For Von Eckardt, the Doxiadis plan added to the expert voices whose “accumulative weight should now sink the Whitehurst Freeway out of sight.” Removal of “this blight” would be a significant first step in fulfilling “President Johnson’s promise of 14 months ago ‘to make the Potomac a model of beauty and recreation for the entire country.’”

The industry in the waterfront area, according to a 6-year old study, could survive relocation:

But there is no esthetic or economic gain in redeveloping the area if one-tenth of its 97 acres is covered by an elevated structure which, inevitably, turns all the rest into the kind of dismal slum New York's Third Avenue used to be before the El was torn down some decades ago.

In a May 1962 waterfront proposal, architect Chloethiel Smith had proposed to depress the freeway, but "nothing came of it." Now three expert groups were in agreement that the waterfront "must be freed of the ugly, elevated freeway." First, the Little report urged consideration of removing the Whitehurst Freeway. Second, the Georgetown Planning Council had proposed putting all freeway traffic through the area in an underground tube in the river off the waterfront. Third, Doxiades proposed a four-lane Potomac River Freeway in a tunnel under the waterfront "and then putting the present elevated freeway underground":

If expertise has meaning, this ought to clinch it at last. There is certain to be a good deal more hassling and argument over the freeway program. The fight has, in fact, already begun.

But tearing down the freeway had to be "an essential part" of the President's plan to provide "the city with efficient transportation without threatening its beauty, livability and orderly development." [Von Eckardt, Wolf, "Freeway Must Go, 3 Experts Agree," *Potomac Watch*, *The Washington Post and Times Herald*, March 27, 1966]

*Star* editors were encouraged by the Doxiadis plan. "Most important of all, perhaps, Mr. Doxiadis accepts the fact that the Potomac freeway is necessary, and nowhere does he suggest that its completion now, in whatever form, need preclude the sort of waterfront he envisions for the distant future." Whether his views would resolve the controversy over the freeways remained to be seen. "But it is just possible that they might." If a tunnel freeway were economically feasible, "that might at least be considered":

The more pressing need now, however, is that the inter-agency freeway committee created by the President should arrive at a firm conclusion once and for all on the basic form of the entire central-city freeway system – of which the Potomac section is only a part – as a single package. Mr. Johnson said early this year that he expected such a decision within a few months. He is still waiting for it, along with everybody else. ["River Freeway," *The Evening Star*, March 19, 1966]

The *Post's* editorial board also liked the Doxiadis plan, including its concept of a waterfront area "alive" with activities and large-scale parking off K Street:

The central concept is, of course, the tunnel. The Doxiadis study was commissioned by the Highway Department. Highway men, citing construction costs, have traditionally advocated surface or elevated roads. But additional monetary cost can be balanced by the demands of an urban society for parks and open space, for a city increasingly congenial to the needs of those who live in it. There is a great deal of flexibility in the Doxiadis tunnel: it could begin at several different points, it is designed for eight lanes but could be expanded at some later date, it could be built without disrupting traffic along the

present freeway. Those pushing frantically for completion of the Federal Highway System by the 1972 deadline will undoubtedly see in this concept a Pandora's box.

The editors did not want to argue about rival plans for the surface of the renewed Georgetown waterfront. They recognized that the questions about the freeway-in-a-tunnel remained to be decided, but "if the tunnel concept should be accepted, it would be a great victory for those who would revitalize the city. The skirmish over what exactly should be built above the tunnel is a separate question." ["A Tunnel for Georgetown?" *The Washington Post and Times Herald*, March 27, 1966]

(Doxiadis Associates' *A Georgetown Waterfront Study* was one of Doxiadis's last major consulting jobs in the Washington area. On June 28, 1975, he died in Athens after a long illness. He was 62 years old.)

### **Policy Advisory Committee Acts**

On March 31, the Policy Advisory Committee unanimously approved a statement on the District's freeway plans. Based on the Little report, the committee had carefully reviewed the city's freeway program "and is of the opinion that certain projects which have been approved and on which construction is either underway or imminent should proceed." The projects included the Center Leg under the Mall and north to New York Avenue; the Southeast Freeway and interchange "C" to Barney Circle; and the South Leg, which should include the maximum amount of tunneling permitted by traffic needs "to preserve the parks and monumental area through which this freeway must pass."

Consideration should continue for other projects. Extension of the Center Leg from Massachusetts Avenue to New York Avenue "should be reviewed to insure compatibility with the proposed K Street alternate and to permit flexibility in subsequent decisions pertaining to the North Central Freeway." The statement said, "final design of additional freeways in the eastern portion of the District must depend on further study, including consideration of connecting with Kenilworth Avenue [Expressway]" instead of building other connections to serve traffic from the north and east.

In November 1963, the committee had recommended maximum use of tunneling for the North Leg Freeway. Now it said the recommendation "has resulted in an attractive plan to construct this segment of freeway entirely in a tunnel under K Street, N.W.," as an alternative for the North Leg. The tunnel would run between Rock Creek Park and the Center Leg Freeway near Second Street, NW. The committee intended to study this proposal before making further recommendations.

The committee's statement continued:

It now appears that the Potomac River Freeway from Rock Creek Park along the Georgetown Waterfront should be tunneled to the maximum extent permitted by traffic service requirements and fund availability; however, the final design of this freeway will depend upon further study of the most practical way to connect Route 66 and the

Palisades Parkway to downtown Washington. This study will include the possibility of utilizing Jefferson Davis Highway in this connection.

The I-266 Three Sisters Bridge could be dropped if another way emerged as the most practical way to carry traffic between I-66 and downtown Washington. The study would consider using Jefferson Davis Highway as a link to the 14<sup>th</sup> Street Bridge complex. Another variable in design of the Potomac River Freeway was its connection with the Palisades Parkway, which was planned to link with the George Washington Memorial Parkway along the Potomac River in Montgomery County.

The committee rejected Little's idea of discarding the freeway system in favor of link-by-link action, but argued that the freeway system can remain flexible as the system is built. Flexibility "will permit the utilization of more current statistical data, future modifications in freeway design criteria and the National Capital Planning Commission's latest land-use plan for the District." The report added that, "In these plans, even greater emphasis must be placed on the protection of the homes and businesses of the District's residents."

The Policy Advisory Committee remained committed to a balanced transportation plan for the area that included a rapid transit plan and to the idea that "future transportation planning be thoroughly integrated with land-use planning on a metropolitan basis." The committee was confident that the freeway system "can be developed and constructed to meet transportation requirements with proper consideration of neighborhood values" as well as community values and proper aesthetic qualities:

The Committee feels that adherence to principles enunciated above will result in a freeway system which, when integrated with other components of the transportation network, will provide essential transportation services and also protect neighborhood values that are so important to the community.

Commissioner Tobriner transmitted the Policy Advisory Committee's statement to President Johnson on March 31. The District's Board of Commissioners, Tobriner wrote, "endorses the statement of the Policy Advisory Committee":

As you will note, the Committee advises that certain freeway projects, for which construction is either underway or imminent, should proceed without delay, and that future project plans be reviewed with increased emphasis on the reduction of the impact of such construction on our communities. The Commissioners strongly support actions to reduce such community impact in the District of Columbia, even though the obvious measures that are contemplated by the Committee will undoubtedly result in increased construction costs. [Major Highway Problems in D.C., Hearings Before the Subcommittee on Roads, Committee on Public Works, U.S. House of Representatives, 90<sup>th</sup> Congress, 1<sup>st</sup> Session, December 5 and 6, 1967, Report 90-19, pages 109-110; Flor, Lee, "Advisory Group Compromises on Freeways for D.C.," *The Evening Star*, April 1, 1966]

President Johnson replied on April 1. After acknowledging Tobriner's letter, the President said:

The Committee's decision to seek the aid of a consultant, and its unanimous statement following the consultant's report, are reassuring to me and will be reassuring to the Congress and the citizens of the District of Columbia. This review demonstrates that freeways, which the District must have, can and will be located and constructed in ways that reflect all significant community needs and values. I hope that the necessary funds will speedily be made available.

The *Post's* Jack Eisen pointed out that the committee's statement, Tobriner's letter, and the President's reply "ignored a consultant's controversial call for a moratorium on Washington construction together with changes in national urban freeway regulations." Eisen also translated the committee's statement for readers:

[The President] accepted an advisory panel's report, which disclosed that some parts of the network – notably the Three Sisters Bridge and two sections of the Inner Loop Freeway – may be scuttled if other ways can be found to handle the traffic . . . .

Among alternatives still under study is a crosstown tunnel beneath K Street nw. as a partial substitute for the North Leg of the Inner Loop. The North Leg itself would become a surface boulevard.

Three Sisters could be dropped, PAC said, if a way were found to bring surplus Interstate 66 traffic from Arlington into downtown Washington. PAC has revived the idea, first proposed by the National Capital Transportation Agency in 1962, of carrying the traffic along Jefferson Davis Highway, past the Pentagon, and feeding it into the 14<sup>th</sup> Street bridges.

NCPC Chairman Rowe issued a statement praising the Little report as "a notable contribution to the beauty of Washington and the rights of its people. It makes clear that past highway planning has not given sufficient attention to social and esthetic values." She observed that the committee had endorsed mainly projects that were under construction or nearly underway while not endorsing the two most controversial links, the North Central Freeway and the Three Sisters Bridge. She added:

I am pleased by the PAC report of the planning commission's solution of tunneling K Street for the north leg; the new study of the Jefferson Davis Highway and the Kenilworth Expressway; and the tunneling of the south leg of the Georgetown waterfront section.

The committee's findings "make evident the impact of the Little report on highway thinking." She favored "a new look at the total highway plan," adding, "We must fit transportation into our city – not our city into a freeway plan." [Eisen, Jack, "President Approves Proposals for Network of Freeways Here," *The Washington Post*, April 2, 1966; Flor, Lee, "Advisory Group Compromises on Freeways for D.C.," *The Evening Star*, April 1, 1966]

After learning of the President's letter, about 70 protesters picketed the District Building in support of the Little report and to ask President Johnson to accept its recommendations. Mrs.

Robert H. Bruton of the Save Takoma Park Committee, speaking on behalf of several citizen committees, said the Policy Advisory Committee's report was "a study in ambiguity":

We respectfully urge that the White House, reconsidering the excellent and comprehensive report from the Little company, take a vigorous position to implement its recommendations, in the interest of conserving and enhancing our National Capital and our great cities throughout the nation.

She added that General Duke's reaction to the study was "clearly an attempt to force supporters of the long-awaited rail transit system to accept an unwanted and destructive freeway complex at great expense to the city and its real needs for better housing and better schools." ["Pickets Urge Adoption of 'Little' Road Report," *The Evening Star*, April 2, 1966]

In an interpretive piece, Lee Flor wrote of the Little report, "All in all, the result adds up to a severe setback to the freeway program previously planned for the District." Critics will find support for whatever their concern may be. NCPC will go over "every freeway project in every little detail." The Commission of Fine Arts and park agencies will use the recommendations "to design what it feels are more esthetically-pleasing freeways and to save parklands." The recommendations on housing "will add support to citizens' groups fighting freeways." Moreover, the report "also wiped out the previous status of several freeways and bridges."

Flor offered Whitehurst Freeway as an example of the consequences. The elevated four-lane freeway was supposed to be part of the Potomac River Freeway, carrying four westbound lanes paired with four new eastbound lanes along the river. However, now that the Policy Advisory Committee was recommending building the freeway at least partly in a tunnel, Chairman Rowe may use the plan to bargain for tunneling the freeway in exchange for tearing down the Whitehurst Freeway:

For project after project, the language of the final recommendations by the seven members of the policy advisory committee have either vague statements or critical terms which mean a setback for the freeway program.

President Johnson's language was subject to interpretation, too. He did refer to the freeways "the District must have," which the city took as support, but added that the freeways "can and will be located and constructed in ways that reflect all significant community needs and values." Flor explained:

This [is] being interpreted by freeway opponents as a slap at previous freeway planning, and as a sort of "hunting license" to bag more freeways.

Flor added:

The next immediate round in the continuing battle over freeways will be with the Bureau of Public Roads, which already has said it will not finance extensive tunneling for roads. [Flor, Lee, "Freeway Study Adds New Fuel to Disputes," *The Sunday Star*, April 3, 1966]

On April 10, *The Sunday Star* carried an editorial titled “Mr. Johnson and the Freeway Impasse” that began:

It is hard to believe that President Johnson really understands what is being done, in his name, to Washington’s chances of dealing with its future traffic problems. The President loves this city, and wants to do right by it. But someone has sold him an awful bill of goods as to the real meaning of the current freeway controversy, and the threat that has been posed to the District’s last chance of acquiring the sort of freeway system the city desperately needs.

The net effect of the Little report, which the President had requested, “was to delay, rather than to expedite” the program. The reason the District was unable to continue work on the freeway network was “perfectly plain:

The decisionmaking machinery in Washington planning does not rest solely with city authorities, as elsewhere. And freeway opponents within this group—led by Elizabeth Rowe of the Planning Commission—have used this unwieldy machinery to delay decisions.

Even when Congress authorizes and appropriates funds to match Interstate construction funds on a 90-10 basis, the District cannot use the funds and was in danger of losing them after 1972:

The opponents of the program are of course completely aware of this dilemma. They know full well that it is impractical to build the major portions of the freeway system until a firm decision is reached on the system as a whole. In stalling that decision, they have been fighting a highly successful war of attrition. And if they are permitted to keep the issues at a point of impasse much longer, they will surely win the war.

The editorial added that only one person can cause the stalling to stop, and that is President Johnson. He should direct the District commissioner to build the system “and direct Federal agencies in language they can understand to cooperate fully in getting the job done.”

### **About Tunnels**

A week later, the tunnel issue was in the news again. On April 11, Senator Case wrote to urge General Duke to put the entire South Leg Freeway underground “so that the entire open-space setting for the Lincoln and Jefferson Memorials will be preserved without further erosion of our precious and limited parkland.” He dismissed the cost issue:

Whatever additional cost is involved in building a fully tunneled highway must be accepted as the necessary price to be paid for insuring that this park is preserved for future generations.

The *Post* observed that as the ranking Republican on the Senate District Appropriations subcommittee, Senator Case “has long maintained that no further funds should be appropriated for highway construction until Congress reviews and authorizes individual projects,” a view that city officials disputed. The dispute was a “major factor in holding up the Senate District

Committee's consideration of legislation allowing the city to borrow \$35 million for the highway fund and to increase gasoline taxes one cent a gallon." [Carper, Elsie, "Sen. Case Urges Tunnel For Leg of Inner Loop," *The Washington Post and Times Herald*, April 13, 1966]

In an unusual move, Joseph Barnett, BPR's chief of the Office of Engineering and Operations, disagreed with the Senator, in public, the day newspapers reported on his letter. Barnett, an alternate member of NCPC, said in a speech to the National Highway Users Conference:

I sometimes wonder for whom parks, parkways and highways are provided. Parks are not developed for landscape architects or for the exclusive use of a few people living near them, or even for the heads of park departments—and after reading this morning's paper, perhaps I should say "Not for U.S. Senators, either."

Tunnels, he pointed out, are more expensive than ground-level highways, and should be used "only where it is extremely difficult or physically impossible to do otherwise." As examples, he cited under rivers, through mountains, and other special situations. Eisen reported:

Barnett said he recognizes the problem of family and business displacement caused by urban freeway projects, and said this can be overcome by buildings constructed on "air rights" over surface freeways and enclosed beneath elevated roads.

"The locations of many arterial highways are through blighted areas where it is . . . a community benefit to clear out existing buildings," Barnett said.

"A desirable solution is to plan the highway with sufficient right of way to replace the substandard buildings with more desirable living quarters . . . [and] by reserving some of the new units for tenants" who are displaced. With careful planning, Barnett said, there can be a direct transfer from one dwelling to another.

In addition to depriving motorists of the sights along the highway, tunnel fumes were dangerous for their health. [Eisen, Jack, "Avoid City Tunnels, Advises Road Chief," *The Washington Post and Times Herald*, April 14, 1966]

On April 18, Senator Case went to the Senate floor to criticize Barnett, saying that "a Federal roads official publicly attacked the tunneling concept." Senator Case speculated:

Apparently he believes that parks are for one thing only – providing more space for highways. The whole range of needs of the urban human being are of no account; the only thing that matters is that the motorist's view be unobstructed. But what sort of a view of anything does the motorist get while traveling the superhighway at 60 or 70 miles an hour?

The official's statement brought to mind the old saying that war is too important to be left to the generals. "Equally," he said, "highway building is too important to be left totally to the highway builders." He did not question their expertise in building roads. "But I do challenge any assumption that they should have the final say as to where a highway ought to be placed, or how it should be designed":

I believe the final determination is a matter for those officials in each community who carry overall responsibility for maintaining its viability and livability. The best highway does not always run from point to point by the shortest distance.

Highway officials were “ignoring the chorus of protest” in cities around the country “over the destructive impact of superhighways on their communities, on their parks, and on historical sites.” Highways were a necessity, but they should be located and designed “so that they do not destroy the livability and individuality of our cities.”

These concerns were especially important in Washington. To retain historical resources and maintain the livability and charm of the city, “extra pains must be taken to make certain in our highway building—and in all other public projects—we give attention to the full range of community needs, both tangible and intangible.” Highway tunnels “should be viewed as an opportunity—not as an obstacle.”

Administrator Whitton, Senator Case said, understood what his associate perhaps did not. Whitton had approved tunneling of the South Leg, and had recently signed a joint statement that found a plan to construct another highway in a tunnel along K Street, NW., to be “attractive.”

Parks were for everyone, as the Federal official had stated. “But they will not exist for anyone if we permit them to be overrun by modern, multilane superhighways.”

He planned to introduce a bill that would require that parkland taken for highways or other non-park purposes, be replaced “acre for acre, or, if you will, foot by foot” in equivalent park land elsewhere.

He concluded by pointing out that the First Lady, Lady Bird Johnson, was pressing a beautification plan. At this time, “it is clear from the statement that spurred my remarks and from the threat of highway construction in the midst of the world-famous cherry blossoms, that some Federal officials still have not gotten the message.” [Protection of Parkland, *Congressional Record-Senate*, April 18, 1966, pages 8222-8223; “Case Bill Would Ensure Parkland Replacement,” *The Washington Post and Times Herald*, April 19, 1966]

### **Locating the North-Central Freeway**

On April 14, the Maryland State Roads Commission formally rejected plans for an elevated North-Central Freeway above the Baltimore and Ohio Railroad tracks in Maryland. In a letter to Director Airis, Chairman Funk said that rejection of the elevated freeway did not mean the State had settled on a route for the freeway.

The State rejected the elevated freeway based on “esthetics and socio-economic” factors. The *Post* explained:

Esthetically, Funk said, the Roads Commission had been thinking of a raised freeway that would offer motorists panoramic views on approaching the Capital and possible views of many “historic and distinctive structures.”

Aerial photographs, however, proved there wouldn't be any such views, the Commission's aide said.

In addition, Funk wrote, "Costs favor a low level concept."

Funk expected to decide on the route around July 1 after State officials had a chance to review the consultant report expected in about a week.

Sources told the *Post* that highway planners appeared to favor a route as close to the railroad tracks as possible:

This would avoid the "ten-lane swath of concrete" through residential Takoma Park that drew so much fire in the first freeway proposal and could keep displacement to a minimum." [Barnes, Bart, "Md. Rejects El Freeway Above B&O," *The Washington Post and Times Herald*, April 15, 1966]

As an alternative, the Land Committee of the Metropolitan Washington COG and the National Capital Regional Highway Planning Council suggested on April 14 that COG consider routing the freeway through Rock Creek Park. As Jack Eisen reminded readers, the idea of routing I-70S through the park had been proposed about 13 years earlier:

Despite endorsement by the Maryland-National Capital Park and Planning Commission and others, the Park route ran into stiff opposition, from residents, conservationists and the National Park Service.

It quickly died, and attention turned to routes along the Potomac Palisades and through the so-called "Wisconsin Avenue corridor," both of which also were stifled. Consideration is now centering on a North Central Freeway from Silver Spring.

Revival of the idea began at a hearing of the Montgomery County Planning Board on December 6, 1965. Thomas Wilson, representing 18 citizen associations in Bethesda, suggested running a four-lane road from the Capital Beltway near Kensington Parkway and paralleling Jones Mill Road to the west edge of the park:

As he proposed it, the route would stay to the west until Tilden Street, where it would jump to the east and join the existing Rock Creek and Potomac Parkway south of the Zoo.

Everett Jones, who was on the planning board and the regional council, thought the idea promising. He proposed it in a February letter to the council. According to Eisen, the idea was "incorporated in a joint statement that now goes to NCPC. There the reaction is likely to be frigid." While agreeing to send the statement to NCPC, the COG "pointedly disavowed the whole idea." [Eisen, Jack, "Rock Creek Freeway Proposal Is Revived," *The Washington Post and Times Herald*, April 15, 1966]

## Federal City Council Report

On April 20, Stephen Ailes, president of the Federal City Council, sent a report to President Johnson on *Freeways in the National Capital Region*, covering the period from 1946 to 1966:

It is our hope that this material will be useful to you in your efforts to improve the quality of life for the residents of the nation's capital and to provide a federal city worthy of national pride and international admiration.

The preface stated that the council "has been unswerving in its support of a balanced transportation system incorporating to full advantage both fixed-wheel and free-wheel modes of transportation." It also supported comprehensive planning of transportation throughout the Washington region.

Population, tourism, Federal employment in the city, and automobile and truck registration were all going to increase, regardless of what happens with transportation:

Regional growth is a fact. The variable is the shape and character of that growth. Whether it takes the form of orderly regional development or unruly urban sprawl depends in large measure on conditions at the heart of the region . . . .

The Nation's Capital presently is laboring with inadequate facilities for transportation. This inadequacy is reflected in a general reduction of the importance of the city's core area as the major concentration of commercial enterprise.

The key was a balanced transportation system serving the core:

It is the Federal City Council's position that the health and vitality of the city and the stability of the region can best be served by implementing at the earliest practicable date a system of transportation that affords the widest possible freedom of movement for people and goods. Such a system must include modern rail rapid transit and efficient freeways and parkways . . . .

After careful examination of the facts, the Federal City Council is convinced that a freeway system with an inner loop and connecting radials must be built. It must be built with continued proper regard to considerations of aesthetics, relocation, optimum land use, and service – but it must be built. The inevitable result of a failure to do so would be further diminution of the accessibility and viability of the center city and the flight of job-producing, tax-generating enterprises from the heart of Washington. [*Freeways in the National Capital Region*, Federal City Council, April 1966, page iv; the report is reproduced in *Major Highway Problems in D.C.*, pages 49-111]

The report described the history of freeway decisionmaking in the District of Columbia, including "25 major studies during the past 20 years involving freeway system planning . . . and numerous other studies corollary to the major studies." Eight studies were underway at the time of the report:

Consequently, planning for the freeway system in the District of Columbia has become fragmented and uncertain. Individuals and groups – both official and unofficial – have been able to inject confusion into the freeway planning picture. That confusion has increased the difficulty of securing firm planning decisions. The absence of such firm planning decisions has created a condition under which not a single freeway project can now be advanced to the final design stage. [page 1]

The history of the District's freeway and parkway program was "a record of deteriorated decision-making with regard to the planning of transportation in the Nation's Capital." That history was "an indictment of the city's planning process which has allowed confusion, frustration and indecision to prevail where order, reason and vision are required." What was clear was that "extraneous considerations" had been substituted for "sound planning principles."

The Little report had "made a difficult situation worse," while the Policy Advisory Committee's March 31 statement "approved no new projects and failed to produce a firm decision on the fundamental issue of whether a freeway system involving an inner loop with radials to the beltway should be built within the time frame of the federal interstate highway program":

There are certain individuals – some of them in key positions – who apparently believe the correct approach is to build no roads at all – to disregard Washington's transportation needs in the forlorn, nostalgic hope that doing so will somehow reincarnate the Washington of 50 years ago. Unfortunately, their solution is being foisted upon the Nation's Capital by default.

The council rejected "the apparent policy of answering questions with more questions and of substituting delay for decision-making." [pages 35, 40]

The council recommended "securing of necessary planning decisions by October 1, 1966." In the absence of final, lasting decisions, "no meaningful progress can be made":

The historical account of freeway planning indecision to date indicates that nothing short of personal intervention by the President of the United States will break the logjam of fixed positions held by his appointees and employees.

Furthermore, history also indicates that Presidential action be clear, concise and direct. The Presidential letter of June 1, 1963, directed the Board of Commissioners to "enlist the cooperation" of other federal agencies, to "conclude as promptly as possible" the proposed re-examination of certain elements of the program, and to "go forward as scheduled" with the remainder of the system. None of these Presidential directions has been accomplished.

The council urged the President to issue a policy directive to all elements of the Executive Branch stating his desire to complete the District's road program and directing members of the Executive Branch to cooperate fully in that effort. "THE DIRECTIVE SHOULD LEAVE NO DOUBT THAT OBSTRUCTION AND DELAY BY MEMBERS OF THE EXECUTIVE BRANCH WILL NOT BE TOLERATED." [page 48]

The report concluded:

The freeway and parkway network for the District of Columbia has been studied, restudied, planned and replanned but it has not been implemented. Until it is, the concept of balanced transportation cannot become a reality. And it is within the sturdy framework of such a balanced transportation system that the future urban greatness of the federal city must be formed.

If Washington had no other reason to aspire to urban greatness, its federal purpose alone should be enough to arouse the desire for civic fulfillment. But the greatness of this community lies not in a static federal reservation dotted with monuments and isolated from its urban environs. Its greatness lies in its role as a city – livable, beautiful, functional, inspiring – a place where the human purpose as well as the federal purpose may be consummated.

SUCH GREATNESS REQUIRES PLANNING. IT ALSO REQUIRES ACTION.  
[page 49, all capitals in original]

(The report was prepared by Lloyd Rivard of the Automotive Safety Foundation, who would become chief of planning for the District highway department and later an engineer-consultant for the House Public Works Committee.

(That same year, the Federal City Council created Citizens for Better Regional Transportation to promote passage of the initial Metro bond issuance.)

At a press conference on release the report, Ailes said, “We presumably have a decision to go ahead [with the freeway program] but it is being taken away” by overlapping planning agencies. “We should not let it be shot down on a lot of individual projects.” Decisions were being made “by default” as planning organizations stall and procrastinate to delay the freeway system until it died.

The report did not identify the individuals or organizations responsible for the delay, but Flor told readers, “it is apparent the study is referring to the National Capital Planning Commission and the National Park Service,” both of which had “virtual veto powers over any freeway program.” Regarding the section of the report referring to “certain individuals” who were nostalgic for Washington of 50 years ago, reporters asked Ailes which individuals the report meant and whether President Johnson was getting good advice. He declined to name them and sidestepped the question on advice. However, Flor told readers:

Presidential advisor Charles Horsky, the principal author of the most recent attempt to arbitrate the freeway controversy, is caught in the crossfire because the report implies that he has been unsuccessful in negotiating any solutions.

Flor explained that NCPC had supported the freeway layout of loops and arterials in the 1950s, but the new appointees by the Kennedy and Johnson Administrations constituted a majority that “basically opposed” freeway construction. As an example, Flor cited NCPC’s 5 to 4 vote to approve the Center Leg Freeway across the National Mall that would have been blocked if one

opponent had not been out sick on the day of the vote. [Flor, Lee, "Johnson Gets Freeway Plea From Federal City Council," *The Sunday Star*, April 24, 1966]

BPR Administrator Whitton praised the report's emphasis on the need for a "basic, long-term commitment to freeway planning." He said, "I do not favor the incremental basis. It's just a stalling method. You end up on a river bank with no way to get across." He favored the Federal-Aid Highway Act of 1962's call for "a comprehensive, continuing, cooperative planning process, meaning that as conditions change, you adjust accordingly," but always with the long-term commitment in mind.

Director Airis also praised the report. "Exhaustive planning," he said, led him to the conclusion that "failure to build the freeway portion of the balanced transportation system would lead to eventual disintegration of the inner city." He added that "the Council, better than any other group, is qualified to speak on these economic aspects."

Chairman Walton of the Commission of Fine Arts called the report "very fine" because:

They have put their finger on the basic problem – we have the automobile and we have to make arrangements for it . . . . I am happy they are pressing for a White House decision.

NCPC Chairman Rowe restated her opposition to freeway expansion even before reading the report:

The freeway plans have been questioned by every citizens group, including the Democratic Central Committee, and have been supported by no citizens organization. I question whether freeways can build more houses.

She added that the people of Washington almost unanimously agreed with her position on freeways. She pointed out that when NCPC included the basic freeway plan in its draft Year 1985 Plan, citizen groups fiercely criticized the plan. "There isn't a single citizen's association or civic association which supports it."

Mrs. Shackleton agreed that most city residents opposed the plan. She added, "Our position has always been clear – we've been very concerned over relocation."

Whitton urged that freeway construction in the city should be "immediately resumed." He told Lee Flor that he was "opposed to simply driving a highway through a city without looking to right or left." He said, "A lot of things have to be considered, but some day you have to stop planning and start building – you can't go on planning forever." ["Resumption of Freeway Plan Urged," *The Washington Post and Times Herald*, April 25, 1966; Flor, Lee, "Head Planner Sees Freeways Opposed," *The Evening Star*, April 25, 1966]

### **Home Rule Strategy**

Roy Wilkins, NAACP's national director, thought that Washingtonians were too apathetic to secure home rule. To do so, he said, people would "have to do some hard work and study . . . to devise plans and stick to them."

For that reason, he agreed with the decision of the District's NAACP chapter to reject Free D.C. Movement's strategy of staging boycotts of businesses that did not display one of its stickers. He did not agree with the idea that "if you make a corner merchant sign up, it will bring about home rule. Home rule is made in Congress, which is made up of people from Iowa, Michigan, Oklahoma, Texas and Mississippi." Getting home rule meant that people "will have to do some hard work and study . . . to devise plans and stick to them." He said that local NAACP chapters from around the country had written to their congressional representatives in support of home rule. ["Wilkins Calls District Citizens Too Apathetic About Home Rule," *The Washington Post and Times Herald*, March 14, 1966]

William Raspberry, a black reporter who was one of several *Post* staff writers continuing the Potomac Watch column, explained on March 22 that the goal of the boycott strategy was to show that the Washington Board of Trade, which claimed a lack of interest in home rule, did not represent most businesses in the District:

Based on these premises, the Movement was conceived as a means for bringing pressure on the Board of Trade both to force it to reverse its stand in opposition to home rule and to provide a means by which individual merchants could show their independence of the Board.

Movement leaders had planned to do this by circulating petitions supporting home rule, asking downtown merchants to use their influence with key Congressmen to urge passage of meaningful home rule legislation and requesting financial contributions from the merchants.

Debate over the contributions (Was it blackmail or wasn't it?) quickly obscured discussion of whether the Movement's tactics were in keeping with its goal.

With downtown businesses accusing the organization of extortion, Free D.C. Movement revised its policy to make it "ridiculously easy for a merchant to obtain a 'good buy' sticker. All he has to do is say he favors the right to vote." Raspberry observed that the easier the Movement made it for merchants to get the stickers, "the more meaningless the stickers will be." Further, the organization shifted its focus on influential downtown business leaders to focus on "the city's most vulnerable merchants – those in predominantly Negro areas." They had little, if any, influence on Board of Trade policy, or Members of Congress whose primary loyalty was to the people back home who voted for them.

Free D.C. Movement was planning to generate support around the country, but to date, "little has been done to organize such a nationwide campaign." Movement leaders were "too busy fighting the charges of 'extortion' and refurbishing their image." [Raspberry, William, "Tactics Meant Failure For Free DC Movement," Potomac Watch, *The Washington Post and Times Herald*, March 22, 1966]

On April 5, the Senate voted to ask the House to go to conference on the Bible-Sisk bills. Despite the significant differences between the two bills, Senator Bible told his colleagues that "reasonable and responsible men with conscientious differences of opinion have traditionally

worked out legislative differences by the conference route.” He admitted he was “an eternal optimist,” but hoped the conferees could “sit down around the conference table at an early date.”

The Senate appointed all seven members of the Senate District Committee as conferees, including Senator Morse. In committee, he had been the lone vote against going to conference. He saw no chance of reaching agreement. [“Senate Requests House to Discuss Home Rule,” *The Washington Post and Times Herald*, April 6, 1966]

At the same time, the Washington Home Rule Committee split on strategy. Rauh and J. C. Turner, president of the Greater Washington Central Labor Council, favored continuing to fight for the Senate-passed Administration bill supported by President Johnson. However, as the *Post* reported in a News Analysis:

The majority of the Committee’s board yesterday reluctantly disagreed, citing a host of legislative pitfalls in the House for the Senate-passed concept, and backing the House charter-commission approach as a way of getting something on the books before Congress adjourns.

Rauh opposed “defeatism,” saying:

The most important thing is to keep the home rule movement in tune with the President’s leadership. He has said he wants the Senate bill. We need his leadership to get anything. A charter bill that he doesn’t support would be hopeless. . . .

The House voted to discharge its District Committee from responsibility for a bill and that petition clearly states that the discharge covers the bill all the way to enactment.

By contrast, the president of the committee, Richard K. Lyons, agreed that President Johnson supports the Senate bill. However, “if the Senate approach faces trouble, I feel confident that he will throw his support behind any workable legislation. He is a practical, legislative strategist.” It was not a question of “defeatism.” He said, “We have to face the legislative facts of life. It is imperative that a step be taken before this Congress adjourns.”

Like many committee members, Lyons said he thought the House had acted in good faith in approving the Sisk charter bill. “If we accept this good faith, then we should hope the House would feel obligated to approve a workable, acceptable charter for self-government.”

The News Analysis concluded:

In Congress, both the opponents and supporters of home rule have grown weary of the whole business.

In the long run, Congress won’t listen to the local groups anyway, and both sides know it. Like the legislators, Washington’s residents will be watching the White House. [Asher, Robert L, “Strategy Splits Home Rule Forces,” News Analysis, *The Washington Post and Times Herald*, April 17 1966]

During a session with reporters on April 21, Speaker McCormack pledged to “do everything I can to get a conference.” The question of who would pick the conferees to represent the House remained unanswered. [“McCormack Vows Home Rule Help,” *The Washington Post and Times Herald*, April 24, 1966]

With the Speaker of the House undecided, the House District Committee voted 13-10 on May 11 against going to conference. Chairman McMillan told reporters after the vote that the House would have to clear other District legislation, including the crime bill, “before we’ll act on home rule.” He explained, “I think we should wait and see if the Senate agrees with us on other bills.” As for whether a potential conference could come together on home rule, he said it was “difficult for me to be hopeful under those circumstances.” He added that he had not been pressured on the issue. “Not one person has come to me,” he said.

Rauh called the vote “a prime example of the arrogance of power.” [“House Group Votes Against Conference On Home Rule, 13-10,” *The Washington Post and Times Herald*, May 12, 1966]

Chairman McMillan’s repeated claim that District residents never visited him to talk about home rule irritated its supporters. The Reverend Channing Phillips, acting co-chairman of the D.C. Coalition of Conscience, said that Chairman McMillan’s claim “is more indicative of the fact that D.C. residents don’t like his particular brand of southern plantation hospitality, than it is a register of any lack of interest for home rule”:

Not having any horses, such as a crime bill, to trade with Mr. McMillan in return for the right to vote, we feel the least we can do is accept [his] invitation to visit him. And the Coalition will begin next week to furnish such visitors . . . .

To begin, he intended to visit the chairman’s House office to “give him clues as to community support for home rule.”

A spokesman said Chairman McMillan would agree to a meeting, but with only one person, not a delegation. “We have a small office, you know,” the spokesman explained. [“Home Rule Group to Visit McMillan at His Office,” *The Washington Post and Times Herald*, May 14, 1966; “McMillan To See Agent Of Coalition,” *The Washington Post and Times Herald*, May 17, 1966]

The Reverend Phillips met with Chairman McMillan for over an hour on May 19. According to The Reverend Phillips, the chairman made it clear that he was “unalterably opposed” to home rule. He saw no point in a conference committee, at least until bills “more dear to his heart” had gone to conference. The only alternative was to convince Speaker McCormack to appoint conferees.

As it turned out, The Reverend Phillips was not the only visitor to speak with the chairman about home rule that day. Before he arrived, a group of Trinity University students arrived and threatened to stage a sit-in. They had decided to lobby for home rule after Free D.C. Movement staged a week of agitation on area college campuses. Finally, the chairman agreed to meet with one member of the group, and they chose Marion Barry.

The two met for about 15 minutes. Although the chairman did not talk to reporters about the discussion, Barry said the chairman was “just what I expected,” adding “I shared his gracious Southern hospitality and I came out with the same impression I had when I went in – that we live on a plantation. All the citizens of the District.” In short, “We both agreed neither of us would change the other’s mind,” Barry said. He had offered the chairman a Free D.C. home rule button, but the chairman declined. [Carrigan, Richard, “Home Rule Backers Enter McMillan’s Den,” *The Washington Post and Times Herald*, May 20, 1966; “‘Free D.C.’ Plans To Picket House Home Rule Foes,” *The Evening Star*, May 20, 1966]

A day later, on Saturday, Free D.C. Movement picketed the homes of Chairman McMillan in North Arlington, Representative Springer in Chevy Chase, and Representative Roudebush in a Capitol Hill apartment. None were home at the time. At Chairman McMillan’s home just off North Glebe Road, 14 pickets sang and shouted “Freedom Now” at the few passersby. Ten people picketed Representative Roudebush’s apartment at 200 C Street, SE., for about 2 hours. Supporters marched for about 15 minutes in front of Representative Springer’s home.

Barry told reporters that picketing Chairman McMillan’s home was purely symbolic since there was no chance of changing his mind. The movement was hoping for better results with the other two Congressmen. Picketing would continue every evening “until we get satisfactory results,” Barry said. [“Pickets March at Homes of 3 Congressmen,” *The Washington Post and Times Herald*, May 22, 1966; “Representatives’ Homes Picketed by ‘Free D.C.’” *The Sunday Star*, May 22, 1966]

By the end of May, Senator Morse was ready to tackle District issues. The *Post* listed the activities that had occupied him for several months:

The press of national concerns – the war in Vietnam, the Oregon primary, and his appointment by President Johnson to head a mediation panel in the machinist-airline dispute – forced Morse to neglect the city recently and gave rise to speculation that he had lost interest in city affairs.

Now, he was ready to act to break the logjam of city legislation, including home rule. He was ready to fight for the home rule bill, “and will consider attaching the Senate-passed measure on other legislation to get it back before the House.” A long-time advocate of home rule, Senator Morse agreed with Rauh that the best way to proceed was to attach the bill as a “non-germane amendment” on a minor bill. He preferred one from the Senate Committee on Labor and Public Welfare:

Several such bills are now pending before the Committee and as its second-ranking Democrat, Morse is in a good position to follow through.

“I want to hit home rule pretty strong,” Morse declared. If we can force it out we ought to do it.” [Carper, Elsie, “Morse to Cut Logjam On Legislation for City,” *The Washington Post and Times Herald*, May 29, 1966]

The groups supporting home rule were rearranging relations, with Marion Barry seemingly the agitator on the outside. In early June, the Washington Young Republican and Young Democratic Clubs joined with young people from ADA and NACCP to form Youth Organizations United (YOU) for Home Rule. They planned meetings throughout the city and a July 10 rally on the grounds of the Washington Monument. Barry, who had tried to get the groups into Free D.C. Movement, denounced them. The rival organizations “will only confuse people in the community.” The president of the Young Democratic Clubs of D.C., Lonnie C. King, Jr., said, “We are not saying the Free D.C. Movement is irresponsible, but we feel we are a responsible group.” [“4 Local Groups Form A Home Rule Coalition,” *The Washington Post and Times Herald*, June 7, 1966]

Barry scheduled a press conference at 2 p.m. on June 20 outside the Fleming Building at 800 17<sup>th</sup> Street, NW., where Davis, president of the Board of Trade, had a law office. Barry intended to announce “educational picketing” against Davis, the Woodward and Lothrop department store, and three utility companies. Barry was, however, 20 minutes late – an occurrence that reporters would learn to expect throughout his long political career in the District of Columbia.

While reporters waited for Barry, Davis arrived at 2 p.m. for a meeting in his office. He told the reporters he had a meeting with Barry the next day, but was surprised to see Free D.C. Movement pickets in front of the building. “Fortunately,” Davis said of Barry, “he’s not representative of the people of the District of Columbia.” He told reporters that the Board of Trade favored home rule. “The definition of that is that we’ve got to have a vote in Congress – an elected Senator and Representative . . . that’s your true legislative body.” Asked if he supported an elected city government, he paused, then said, “We are governed by a city government.” In apparent reference to Barry, the picketing, and press conference, he added, “This is typical of his flamboyant, publicity-seeking ways,” before going into the building.

Barry arrived a few minutes later “dressed in a \$3 straw Panama planter’s hat and seersucker suit,” according to the *Post*, to call the Board of Trade “public enemy No. 1.” He said that most business leaders disagreed with the board’s position, but added, “A lot of people don’t know the Board’s position,” which was one of the points of the demonstration. [“Barry Is Late, Trade Board Has First Word,” *The Washington Post and Times Herald*, June 21, 1966]

### **NCTA’s Executive Committee**

On April 21, NCPC’s executive committee, headed by Chairman Rowe, considered a nine-page document that recommended a three-stage approach to the city’s freeway plans. The results of each stage would be evaluated before proceeding with the next stage. The presently approved freeways would be built during the first stage (1966-1970) along with rail rapid transit. For the second stage (1971-1975), the document suggested a freeway in the New York Avenue corridor to connect with the Baltimore-Washington Parkway, an Eastern Avenue highway, and the construction of I-95 in Maryland. During the final stage (1976-1985), construction would be undertaken of a North Capital Street freeway and the Center Leg through the Soldiers Home grounds to upper Washington. During this stage, officials would “consider removing of Whitehurst Freeway” during redevelopment of the Georgetown waterfront.

The recommendations suggested delaying the remaining freeways until the rail rapid transit system “is in operation and has an opportunity to build up ridership,” estimated to be the mid-1970s at the earliest. The full NCPC membership would vote on the proposal in May or June to determine if it would be included in the Year 1985 Plan.

Jack Eisen told readers:

If carried out, the executive committee’s recommendations would shelve the Three Sisters Bridge, the North Leg of the Inner Loop Freeway, the East Leg north of D.C. Stadium, a third Potomac River bridge at the foot of 15<sup>th</sup> Street sw., the North Central Freeway to Silver Spring and a branch joining Maryland Interstate 95 to Baltimore.

Between now and 1970, the executive committee proposed to go ahead only with “facilities already decided upon.”

The executive committee listed these as the Center Leg of the Inner Loop beneath and north of the Mall, the South Leg past and beneath the Tidal Basin, an extension of the Southeast Freeway to D.C. Stadium and the East Capitol Street bridge, a crosstown tunnel between K Street nw. and a four-lane Palisades Parkway.

It also endorsed a tunnel under the Georgetown waterfront, subject to solution of the Three Sisters question and related Palisades Parkway design problems.

The executive committee recommended considering removal of Whitehurst Freeway as part of the plan for the Georgetown waterfront.

As an explanation for these proposals, the measure explained that “no one has yet ‘solved’ the transportation problem of the 20<sup>th</sup>-century urban America for all concerned, even at the physical level”:

No proposals for new physical facilities can be offered with much assurance that they will be regarded as wise 20 years from now.

Also, the transportation system is the subject of a sharp controversy of long duration, between two opposing schools of thought.

The transportation proposals . . . will inevitably generate a new round of debate, which is sure to enter the realm of politics. [Eisen, Jack, “NCPC Board Seeks Delay In Freeways,” *The Washington Post and Times Herald*, April 26, 1966]

The April 21 action by the NCPC executive committee was in closed session and not intended for release to the public, but the document had been leaked to reporters. On April 27, Eisen reported that General Duke had written to Chairman Rowe the day before the closed meeting to protest the plan. The committee’s action was “unreasonable” because it had been submitted to him only the day before, allowing “no time . . . to analyze it properly.” He said, “In my opinion, to follow the policies and procedures outlined in this document would serve only to postpone important decisions, the solution of which is essential, if unpleasant to many.” Businesses were

making decisions “which are inimical to the future development of Washington” in the absence of assurances regarding the freeway plan. “I, therefore, consider that the adoption of this document . . . would have exceedingly grave consequences for the welfare of the District and must advise you that I am strongly opposed to its consideration by the executive committee.”

Eisen also reported that at McCarter’s insistence, the executive committee had dropped the reference to delaying freeways until the subway was in operation and ridership could be gauged. He and executive committee member G. Franklin Edwards argued that roads and rails were part of a balanced transportation system, not competing modes. They feared inclusion of the phrase would rekindle the freeways versus rails dispute that had blocked passage of a rapid rail system for the area.

Leak of the document provoked a debate within NCPC that extended even to whether the executive committee had voted on it. Staff director Charles H. Conrad said the document was only “a status paper, a working paper, a discussion paper, not a specific recommendation to the Commission.” However, Edwards and Vice Chairman Louchheim said the executive committee endorsed the document.

Assistant Engineer Commissioner Reynolds, who was at the meeting, said he did not believe the committee had acted at all. However, General Duke referred to the document as “somebody’s bad dream.” He was confident that NCPC would reject the recommendations.

Reaction to the Federal City Council report continued. Representative Broyhill wrote to urge President Johnson to resume the freeway program, including the Three Sisters Bridge and the Inner Loop connections:

As you know, the Policy Advisory Committee created in 1963 to make a recommendation on the bridge, found earlier this month that the only decision it could reach was to unanimously make no decision . . . . It is not likely that this committee will ever find a way to present you with firm guidance.

Admiral Phillips of the Committee of 100 wrote to Ailes in defense of Chairman Rowe. “I am deeply interested in learning how the FCC [Federal City Council] refutes the factual and objective study recently published by Arthur D. Little, Inc [that] as you know found no basis for . . . the all-out freeway program.” [Eisen, Jack, “NCPC Board Seeks Delay In Freeways,” *The Washington Post and Times Herald*, April 26, 1966; Eisen, Jack, “Rekindled Freeway Dispute Widens, Broyhill Urges Projects Be Resumed,” *The Washington Post and Times Herald*, April 27, 1966]

On April 28, General Duke announced that in cooperation with community groups such as the National Urban League, the District would begin a study of whether replacement housing for low-income residents could be built alongside or above planned freeways. The idea was that the District would buy block-wide right-of-way for freeways that could be leased or sold for apartment houses. The initial study would cover only 2 blocks along the Center Leg Freeway (square 560, 3<sup>rd</sup> and 2<sup>nd</sup> Street, New Jersey Avenue, K and I Streets, NW., and the next block

south, square 562, between I, H, 3<sup>rd</sup>, and 2<sup>nd</sup> Streets, NW.). Whether alongside the freeway or on a platform over it, the housing would require more width than the freeway. Duke said:

We believe we can completely eliminate the problem of relocation housing caused by highway construction. At the same time we can provide for greatly improved aesthetic treatment in integrating urban design by varying residential, commercial, park and recreational development over and alongside the freeway.

BPR, Duke said, had looked at the proposal and agreed with District highway officials that it is “both feasible and highly promising.” The Post quoted Francis C. “Frank” Turner, BPR’s Chief Engineer, as saying the proposed showed “considerable promise here and elsewhere, in cities where we are having problems.” [Flor, Lee, “D.C. Study Seeks New Sites for Low-Income Families,” *The Evening Star*, April 28, 1966; Eisen, Jack, “New Freeway Plan Provides Housing Sites,” *The Washington Post and Times Herald*, April 29, 1966]

Chairman Rowe was cautiously optimistic about the study:

This is the kind of thing the Planning Commission would be very interested in. I think the Highway Department is going to do a good job and this is an imaginative approach.

She doubted that high-rise apartments were the best option for displaced families, and she would not speculate on whether the idea might change her mind on freeway proposals. She said, “I want to see the consultant’s report . . . . Let’s see how it works.” She agreed to put the plan on the agenda for NCPC’s meeting in the following week.

Eisen reported that during a discussion of highway policies, BPR’s Joseph Barnett raised the subject of Chairman Rowe’s opposition to freeways during the executive committee meeting:

During a discussion of highway policies, Joseph Barnett, an alternate member of NCPC who is an official of the Bureau of Public Roads, reportedly pointed at D.C. Highway Director Thomas F. Airis, who attended as an observer.

“Let’s face it,” Barnett said, “You want to build roads . . . .”

Then, pointing at Mrs. Rowe, he continued:

“. . . and you don’t.”

Mrs. Rowe declined comment on the incident. [Eisen, Jack, “Freeway Critic Gives Plan Guarded Praise,” *The Washington Post*, April 30, 1966]

*The Evening Star*, in an editorial, said the “new and dramatic aspect of the Commissioners’ proposal . . . is their hope that freeway and housing construction can proceed, in these block-wide areas, simultaneously, providing a ready-made supply of attractive relocation housing and other facilities for the residents of blocks into which the freeway will move next.” The most important point was that the proposal should not affect decisions on the freeway system. At this point,

“there is no excuse whatever for avoiding any longer a planning commitment on which freeways should be built.” Reality, however, had to be acknowledged:

No doubt the die-hard opponents of freeways will pooh-poo the housing-highway plan as merely a means of advancing freeways. The fact is, however, that it constitutes a positive, encouraging response to those critics who have accused highway officials, perhaps rightly in the past, of paying too little attention to the impact of freeways on people and neighborhoods. [“Housing and Highways,” *The Evening Star*, May 2, 1966]

The contract for the \$30,000 feasibility study was awarded to Tippetts, Abbett, McCarthy and Stratten of New York City, the engineering firms that had been retained a year earlier to design the Center Leg Freeway section of the Inner Loop. [Lewis, Robert J., “Freeways-Plus-Housing to be Studied for D.C.,” *The Evening Star*, May 12, 1966]

### **“Time to Stop This Foolishness”**

Beginning in March 1966, Chairman Natcher had held closed hearings on District appropriations for FY 1967. The transcript was not released until early August, but by then, it was clear he was prepared to use every budgetary tactic at his disposal to block rapid transit money if anti-highway forces continued to delay the District’s freeway plans.

On April 20, Commissioner Tobriner, Engineer Commissioner Duke, and Director Airis appeared before the subcommittee. Chairman Natcher began with a statement. In his 12 years on the appropriations subcommittee handling the District’s bills, “I have always been of the opinion that here in our Capital City there is a place for rapid transit and for a full and complete highway program”:

I have always believed that it was a serious mistake to permit any group or faction to stop the highway program in order to build a rapid transit system in the city of Washington. This applies also to the little pressure groups in our Capital City. This matter has been used as a political football and now is the time to stop this foolishness. Regardless of political policy this is a problem that should not be treated as a means of influence or political power.

We have reached an impasse as far as the highway program is concerned in the city of Washington. I want the members of the committee to know that I am unable to continue recommending to this committee that money be appropriated for a rapid transit system if the highway program is to be brought to a complete halt. Well over \$10 million has been invested in plans and designing of roads and parts of the Interstate System that have not been used. They are filed away and this started several years ago . . . . We have about \$172 million of Federal and District of Columbia funds now accumulated in the freeway program and we are unable to proceed. We will not meet the 1972 deadline set in the interstate program.

Chairman Natcher referred to President Kennedy’s letter of June 1, 1963, to Commissioner Tobriner calling for a reexamination of the city’s highway program:

Before the President's letter of June 1963 was issued I had an opportunity to discuss this matter with him and I informed him that it was a serious mistake to bring the highway program to a complete halt. This was not the way to build a rapid transit system in the city of Washington, and I explained this to him. He was ill advised and the letter followed.

If President Kennedy had been furnished with all of the facts he would not have signed this letter.

The letter proved to be a serious mistake that set the city's program back. "We have good Commissioners in our Capital City and here again is another example of their judgment being ignored and a serious mistake committed that must now be corrected."

He cited past hearings as far back as 7 or 8 years earlier when he "tried to sound the alarm":

For some three years now, I have believed that any program that attempted to stop the freeway program would fail. I do not intend to stand by and be a party to this pressure and bad judgment.

He described some of his efforts to keep the freeway program alive. Then came President Johnson's letter in January 1966 calling for another study:

A study was ordered which has recently been released. This study is a complete farce and is another obstacle carefully placed in the road . . . . Now, I say to you this is a serious mistake.

He introduced several editorials for the record, including "Mr. Johnson and the Freeways" and "Make No Little Plans for Washington," both from the *Star*. He especially liked the line from the latter suggesting that the Little report "surely deserves to rest in a niche of its own—preferably one marked 'Filed and Forgotten.'" That was, he said, exactly how he felt:

The very idea of being forced – and I say forced – to employ this consultant firm to say to us, at a total cost of \$60,000, "Bring this highway program to a complete stop. Bring it to a complete stop." In other words, kill it. That in substance is what this report says. I am against it and intend to do as the editorial says, "filed and forgotten."

He did not blame the District commissioners, adding, "Our President is my friend and with all of his problems he is receiving bad advice as to our freeway program." [District of Columbia Appropriations, 1967, Hearings Before a Subcommittee of the Committee of Appropriations, U.S. House of Representatives, 89<sup>th</sup> Congress, 2d Session, Part 1, 1966, pages 407-416]

Chairman Natcher asked General Duke for comments. The general said that "any explanation of why so much money has been spent on studies on the one hand, and why so much money is still unobligated on the other, is a very difficult question to answer." He thanked Chairman Natcher and the committee for their support of the freeway program, but said "that support isn't generally felt throughout the community."

Prosecution of the freeway program was “the epitome of the problem that is created by the necessity of suffering a short-range inconvenience in order to obtain a long-range benefit to the community.” Planning agencies agree the city needs a freeway network, but where they should be and what they should consist of had “met with a great deal of discussion.” Similarly, people generally want a freeway system, but “over there” somewhere, “and in the District of Columbia we have very little ‘over theres’ where we can place the legs of this system.” Everyone agreed on a balanced transportation system, but when trying to define the blend creating balance, “you run into varying shades of opinion.”

At present the Center Leg Freeway and interchange “C” of the Southeast Freeway were underway. Beyond those two segments, “I must acknowledge quite candidly today that there are many and very grave problems surrounding the resolution of their location.” Planning “is an exceptionally complicated process,” as a result of which “the main difficulty that we . . . have encountered is an inability to settle on any long-range system that reflects the requirements of the community.” The system’s elements “seem to be as pliable and unstable as a balloon. You squeeze it in one place and it pops out in another.”

General Duke added that in the absence of rural areas for Interstate construction, the District found that every segment of its Interstate network resulted in “exceptionally strong feelings that center around the esthetics of freeway construction and the social problems incident to freeway construction here in the Nation’s Capital.”

In seeking “the elusive answer” reflecting the proper balance between transportation and social values, he was hopeful of reaching agreement, but “it is getting more difficult day by day.” He would like to offer reason for optimism, “but I am afraid that I can’t”:

In fact, the latest thinking that I have been exposed to in the past few days indicates that the rate of prosecution should be slowed down even further. [pages 417-419]

(This comment was apparently in reference to the nine-page document NCPC’s executive committee had before it.)

During the question period, Representative Davis asked about NCPC’s role. General Duke summarized the long history of the Three Sisters Bridge, “probably the most thoroughly discussed problem in our whole Interstate System.” Airis added that the Policy Advisory Committee had agreed in late 1965 on an alternative location, “and then, after several attempts to get it before the Planning Commission, we were unable to do so.”

Representative Davis found this hard to believe (“I don’t think I follow you there”). Neither Airis nor General Duke could explain the problem. Airis said, “They wouldn’t hear us. I can’t say exactly why.” General Duke added that he could not recall “how many meetings of the Commission I requested that it be placed on the agenda for hearing . . . . At any rate, I was unsuccessful in getting the item placed on the agenda of the Commission for discussion.”

Representative Davis admitted he was “a little ignorant” about NCPC. He asked if there was an appeal from their decisions. General Duke replied, “So far as I know, none.” Representative

Davis concluded, “Then I would gather that this Commission has complete within itself uncontested power to veto any efforts by the Commissioners or by Congress to implement the freeway and parkway system within the District of Columbia.” General Duke could not recall if NCPC had a veto by law or only in practice, but “I think I can say that your statement is correct – that the Planning Commission, by a failure to approve segments of the Interstate System, could have the effect of modifying the expenditure of funds that have been appropriated.” [pages 464-466]

On April 26, during the hearing day for public witnesses, Peter S. Craig was one of the few witnesses to discuss freeways. Speaking on behalf of the Committee of 100 on the Federal City, he recommended three steps that were “necessary if we are to avoid casting further mistakes in concrete”:

1. No new appropriations for highway capital outlay;
2. Direct the District Highway Department “to recast its highway program so that the huge backlog in unobligated funds from previous years may be devoted to projects that are (a) consistent with existing legislative authorizations by Congress and (b) in conformity with approvals by the National Capital Planning Commission under both title 7 of the District of Columbia Code and the National Capital Planning Act”; and
3. Direct that funds appropriated for highway “planning, programing and surveys” be disbursed by or under NCPC’s direction.

These steps were necessary “to get the highway builders out of city planning, where they do not belong, and back to their job of building and maintaining highways, which is their job.”

The District highway program was “a complete fraud” and the department’s presentations to the subcommittee “have been complete phonies.” Craig’s assertions were “independently confirmed” by the majority and minority reports of the House District Committee last October and by the report by Arthur D. Little, Inc., and again, by a NCPC executive committee a week earlier.

As for the Federal City Council’s report, it was “replete with errors in its ‘factual’ premises and is not, in any respect, the product of the members of the Federal City Council.” Harold Aitken, Douglas Brinkley, and Lloyd Rivard, all former District Highway Department officials and “all actively working for the highway lobby,” prepared the report:

The report is regrettable, because 5 years ago the Council itself opposed construction of new freeways in areas to be served by rapid transit. The report is understandable, however, since the vice president of project planning for the Federal City Council is Gen. Louis W. Prentiss, executive director of the American Road Builders Association.

By contrast, the Little report “was not only an indictment of District freeway plans of the past decade but also an indictment of the freeway planners.” The needed rethinking of the freeway plans “will be meaningless if it is done by the same highway builders that produced our recent planning chaos.” For that reason, he recommended that NCPC conduct, or at least oversee,

future studies. “By legislation, it and it alone is given the task of final approval of the official highway plan, and of developing proposals for a ‘major thoroughfare plan.’” He added:

Most of the acrimonious “freeway fights” of recent years have their origins in the attempted usurpation of the Planning Commission’s functions by the District of Columbia Highway Department which, with no greater claim to authority than annual appropriations acts, has preempted both the District of Columbia appropriations and Federal matching funds that properly should be within the control of, and used by, the Planning Commission.

It has been said so often that it is now trite, but it is worth repeating: Just as wars are too important to leave to the generals, so also city planning is too important to leave to the highway builders.

As was customary for the subcommittee’s citizen hearings, Chairman Natcher did not engage Craig on his presentation. “Mr. Craig,” the chairman said, “thank you for your statement and for your appearance before our committee tonight.” [pages 913-915, with Craig’s formal statements on pages 915-920]

### **Jockeying for Position**

On April 30, Chairman Funk and Director Airis held a news conference to discuss the results of a study of the North-Central Freeway by Wilbur Smith and Associates and Alan M. Voorhees and Associates. Funk and Airis accepted the recommendation to reduce the number of lanes on the North-Central Freeway. The freeway, still planned along the Baltimore and Ohio railroad tracks, would contain eight lanes from the Inner Loop to just south of Missouri Avenue. From there through Silver Spring, the freeway would be six lanes wide. In addition, the freeway would be built at ground level on in a depressed cut.

One of the consultants’ important conclusions was that “techniques used in projecting travel for the Washington metropolitan area and for the North Central freeway are those which have been widely used and tested in other areas of the country.” (The report was completed before the Little report and did not address its findings.) The consultants concluded that the study by J. E. Greiner 2 years earlier was “basically valid” but “may, in the final design, suggest some over-design.” Greiner had overestimated trip lengths, resulting in predictions of more traffic than the new estimates. Traffic volumes that Greiner predicted for 1977 “appear to be more representative for 1985”:

In long-range terms a ten-lane facility might appear desirable. However, in the light of basic policy considerations, the need to minimize land-use impacts and the availability of parallel rapid transit, an eight-lane facility appears more appropriate.

Funk said he appreciated the correction because he would have been suspicious of a report that said all earlier predictions were correct. “We asked for an objective analysis and we got one.”

Unlike critics who thought rail rapid transit could substitute for the freeway, the consultants found that only 30 percent of vehicles on the freeway during peak hours would be commuters

going to or from downtown. The remaining motorists would be going to or from other neighborhoods or across the city:

If all [downtown] trips assigned to the freeway were diverted to rapid transit (and this is unlikely), freeway capacity requirements would be reduced by only 30 per cent.

The consultants found, in short, that the freeway should be built. [Flor, Lee, "Officials Proposal 8 Lanes For North Central Freeway," *The Sunday Star*, May 1, 1966; Eisen, Jack, "Both D.C., Maryland Accept a Reduction In Freeway lanes," *The Washington Post and Times Herald*, May 1, 1966]

As the Senate District Committee took up the revenue bill, Senators Tydings and Kennedy were considering an amendment that would require the city to submit each freeway segment to the House and Senate District Committees. After a specified period of perhaps 60 or 90 days, the project would be considered approved if it had not been specifically vetoed. Senator Tydings said the freeway deadlock "simply must be broken. The need for adequate highways is far too great to tolerate inaction." At the same time, he favored "reasonable legislative oversight." However, Senator Kennedy, who did not want to jeopardize the revenue bill, had not decided whether to introduce the amendment.

Chairman Whitener was opposed to employing a "negative authorization" for freeways. "There are many reasons – legal and practical." He did, however, favor some restrictions on the District's bridge building. "You can't let District officials string bridges anywhere." He did not want to apply the negative authorization for freeways suggested by Senators Kennedy and Tydings to bridges. "I wouldn't support that. The authorization for bridges, more than for highways, should be positive."

On May 4, Chairman Whitener held a hearing on a bill introduced by Representative Broyhill to build another bridge in the 14<sup>th</sup> Street Bridge complex. When the issue of authority was raised, General Duke asserted the opinion of city attorneys that the Federal-Aid Highway Act of 1956 provided the authority for additional bridges on the Interstate System.

Chairman Whitener disagreed. "The controller [sic] general of the United States is in flat-footed disagreement with you. And so am I." He argued that the 1956 Act allowed the city to apply for Federal funds, but did not give District officials the ability to build Interstate roads or bridges "unfettered by the control of city activities normally exercised . . . by the Congress." ["Tydings Supports Legislative Role In Road Disputes," *The Washington Post and Times Herald*, May 4, 1966; Bassett, Grace, "Bridge-Builder Role Of District Argued," *The Evening Star*, May 4, 1966]

On May 5, the Senate District Committee approved the revenue bill for consideration in the full Senate. It contained the additional loan authority and penny gas tax increase as well as increased taxes on many other products. that had not been in the House bill. Committee members debated the legal authority over individual Interstate segments, but Senator Bible sided with those who believed the 1956 Act and its successors provided all the congressional authorization needed for the District's freeway network. As a result, the Kennedy amendment was not part of the bill. The bill also dropped the House provision granting a tax break to Jess Larson. [Bassett, Grace,

“8 District Tax Boosts Asked by Senate Unit,” *The Evening Star*, May 5, 1966; Carper, Elsie, “Senate Bill Asks Rise in 8 City Taxes,” *The Washington Post and Times Herald*, May 6, 1966]

On May 5, NCPC voted 8 to 3 in closed session on the transportation element of the Year 1985 Plan to support stage construction of the Interstate System. Projects in the first stage for construction through 1972 were:

- Center Leg Freeway;
- South Leg Freeway;
- K Street tunnel from Rock Creek Parkway to North Capitol Street;
- Palisades Parkway;
- Georgetown Waterfront tunnel with improvements to Jefferson Davis Highway.

The post-1972 program would consist of:

- Three Sisters Bridge;
- North Leg Freeway in its former location;
- North-Central Freeway;
- Northeast Expressway linking the North-Central Freeway to I-95 in Maryland.

This breakdown meant that the second stage projects would be built after the Interstate program ended in 1972, but NCPC Staff Director Charles H. Conrad pointed out that Congress could extend the deadline. He emphasized:

Essentially the decision was to favor going ahead with completion of elements of the freeway program now underway or approved, with nothing at all that has been under discussion ruled out for consideration at a later stage.

He told reporters that the decision was not final. It was “a directive to the staff” to follow a “skeleton framework” reflected in the vote. Following another vote by NCPC, the plan would be made public, along with the rest of the Year 1985 Plan, to give government agencies, citizens groups, and others a chance to comment.

The three voting against the measure were BPR’s Joseph Barnett, Assistant Engineer Commissioner Reynolds, and Colonel Paul R. Sheffield of the U.S. Army Corps of Engineers.

NCPC also considered the city’s new plan for housing along freeways, but deferred action until more details were known. Seattle architect Thiry opposed the plan, saying it was doomed to failure by noise, fumes, and other problems. C. McKim Norton, a New York lawyer and planner, thought the idea showed promise and was worth exploring. [Eisen, Jack, “NCPC Suggests Delaying Some Freeway Jobs,” *The Washington Post and Times Herald*, May 6, 1966; Lewis, Robert J., “‘Staged Construction’ Of Freeways Is Voted,” *The Evening Star*, May 6, 1966]

The Federal City Council briefed local officials on its report on May 9. Although Director Airis said it was “probably an indictment in some respects” of District highway officials, “it is factual and certainly in the best interests of the whole metropolitan region. TPB Chairman Babson also

attended the briefing. Reading from a prepared statement, Babson endorsed the report, saying it “shows dramatically what happens when one part of this area moves ahead and another fails to make decisions compatible with the overall transportation development of metropolitan Washington.”

He confirmed his support for a balanced transportation system, including freeways. Rail rapid transit was vitally important but would be inadequate to serve all transportation needs. “It is nothing short of essential that we move, and move now, for a totally balanced system including a freeway . . . from the Northeast and a third bridge crossing . . . at 14<sup>th</sup> street.” He also announced that he had invited Peter S. Craig to appear before the board on May 23 to present the critic’s view. [Ikenberry, Kenneth, “3 Officials Urge Action On District Freeways,” *The Evening Star*, May 10, 1966; “Freeway Foe Will Report On May 23,” *The Washington Post and Times Herald*, May 10, 1966]

The Senate District Committee issued its report on the revenue bill on May 12 and it included sharp criticism of the Policy Advisory Committee. A complete freeway program was the only way to unclog residential streets:

Partial completion of the system will frustrate the objectives of an integrated system and only provide limited relief from the present intolerable traffic congestion.

The report said Congress should not decide the future of individual freeway projects. Instead, the Policy Advisory Committee was responsible for these decisions and should get on with it:

One aspect of the . . . interstate highway program that deeply disturbed the committee . . . was the indecisiveness over the last 3 years of the policy advisory committee to reach unequivocal conclusions about exactly what the scope of the interstate highway system should be to meet the needs of the Nation’s Capital.

The Policy Advisory Committee’s decision in March to endorse freeway projects that were underway and study others was an example of the indecisiveness. It was written that way to ensure all members would sign it, but it left an impression that NCPC had used its signature to justify its two-stage proposal. The Senate District Committee offered three recommendations for decisionmaking:

- Make decisions on a majority, rather than unanimous basis.
- Establish procedures to hold hearings on Interstate highways.
- Review each proposal and make “conclusive decisions to permit their immediate implementation.”

As Grace Bassett reported in the *Star*:

Abandoned publicly by the Senate committee were arguments of the President’s consultant Little and two presidential appointees who constantly have questioned interstate freeways here.

Those two appointees are National Capital Planning Commission Chairman Elizabeth Row and Charles A. Horsky, the President's advisor on National Capital affairs.

It was understood, however, that Horsky encouraged Sen. Kennedy to push for language in the committee report indicating a strong pro-highway sentiment. The force of a Senate recommendation could save the President from pressure to settle personally the bitter conflict between freeway and subway proponents. [Bassett, Grace, "Senate Unit Attacks Freeway Advisors," *The Evening Star*, May 12, 1966; Carper, Elsie, "Senate Unit Urges Advisers to Break Freeway Impasse," *The Washington Post and Times Herald*, May 13, 1966]

*Star* editors agreed with the Senate District Committee's "blast at the fumbling, bumbling mess which the administration has made of the Washington freeway program" – with one important exception. The Policy Advisory Committee had been "manipulated deliberately by some of its public-official members as a vehicle, not to settle freeway issues, but to block the freeway program."

The committee's three recommendations were impractical for resolving the impasse. Chairman Rowe's anti-freeway views made reaching any decision that would permit the freeway program to advance virtually impossible:

The recommendation the Senate committee should have made – and what needs to be done – is that the President must intervene to halt the obstructionist activities of some of his appointees, and see personally that a firm decision is made once and for all, on the total system which is to be built. In its latest action the other day, Mrs. Rowe's commission advocated precisely the opposite – a procedure of continued indecision and delay.

The editors indicated that Horsky had persuaded General Duke and Administrator Whitton to sign the unanimous report of the Policy Advisory Committee that "was viciously destructive to the highway program":

Presumably the PAC will meet again this month. We trust that on this occasion those PAC members who recognize the need for a reasonable freeway system will avoid being similarly entrapped again. ["The Decision Gap," *The Evening Star*, May 16, 1966]

The revenue bill reached the Senate floor on May 16. Senator Bible discussed the many measures in the bill affecting a range of taxation and Federal payment issues. Regarding the highway-related provisions, he expressed the concerns about the indecisiveness of the Policy Advisory Committee and listed the three recommendations in the committee report for improved decisionmaking:

One aspect of the District's interstate highway construction program that deeply disturbed the committee in its consideration of this general highway borrowing authority proposal was the indecisiveness over the last 3 years of the policy advisory committee to reach

unequivocal conclusions about exactly what the scope of the Interstate Highway System should be to meet the needs of the Nation's Capital City.

It was your District Committee's unanimous conclusion that the policy advisory committee should take the following steps at the earliest time:

First. Formalize its procedures to permit hearings on the interstate program, review the various proposals and make conclusive decisions to permit their immediate implementation thereafter;

Second. That the District Highway Department follow the conclusions of the policy advisory committee in its construction program;

Third. That the policy advisory committee be a continuing body to serve as a force for decisive and majority consensus among its members.

For the best interests of the District of Columbia, it was your District Committee's judgment that the guidelines set out above will affirmatively encourage more expeditious decisions by the policy advisory committee membership . . . .

He added:

I hope – and I say this with all sincerity and candor – that some finality can be reached in the attempt to balance freeways and rail rapid transit. I believe this is the best means we have designed to date to do that.

With only four Senators on the floor, the Senate approved the bill without debate on the highway-related provisions or a vote. The Senate would return the bill to the House, which was expected to request a conference committee to reconcile differences in the Senate bill and the bill the House had approved in 1965. [District of Columbia Revenue Act of 1966, *Congressional Record-Senate*, May 16, 1966, pages 10696-10706; Elder, Shirley, "Senate Approves D.C. Revenue Bill, *The Evening Star*, May 17, 1966]

The Senate bill, while consistent with the White House's proposal, contained many tax increases and changes that were not in the House bill. As a result, the bill's movement in the House District Committee would be delayed by further study and additional hearings.

### **Breakthrough Agreement on Freeways**

Peter S. Craig appeared before the TPB on May 23 to present the Committee of 100 on the Federal City's views on the Federal City Council report. He argued that the city's road builders no longer claimed that new freeways were needed to move traffic. If the entire network were built along with the authorized rail rapid transit system, the area would have more transportation capacity than needed. Construction of the freeway network would be "jeopardizing the economic feasibility of rapid transit" by providing competition within the subway corridors for travelers.

As described in the *Post*:

The meeting was marked by a sharp but polite confrontation between Craig and D.C. Highway Director Thomas F. Airis, whose program was under attack.

Repeatedly, as Craig made his assertions and reeled off statistics, Airis shook his head in dissent. At the end, Airis gave a partial rebuttal – which Craig said proved one of his points.

Craig charged that past projections of 1985 traffic were so high that Airis and one of the department's consultants had abandoned them. He pointed out that the Mass Transportation Survey of 1959 predicted peak hour traffic in the North-Central Freeway corridor would be 15,800 vehicles in 1965; instead, it was 7,673 vehicles while bus use doubled. Craig said the city had excess capacity in existing streets, especially if more commuters would use buses.

In response, Airis said that Craig's statistics contained "a large number of errors" and that the freeways were needed "to get traffic off city streets. For separating local and through traffic, freeways were the answer:

Craig called this "one of the fallacies of highway engineers generally," and said the road builders fell back on this argument when statistics showed no more freeways [were needed]. ["Builders Shift View, Freeway Foe Says," *The Washington Post and Times Herald*, May 24, 1966]

On May 25, 1966, the Policy Advisory Committee announced a 21-point agreement among the District of Columbia, Virginia highway officials, and NPS. The statement of agreement began:

The Policy Advisory Committee's statement of March 31, 1966, reflected unanimous concern that social and aesthetic factors be given full consideration on the design of urban freeways. At the same time, the Policy Advisory Committee recognizes the community's urgent need for all forms of transportation improvements, the desire of the President and the Congress to provide these improvements as soon as possible, and the practical considerations of system planning, financing, programming and scheduling required to insure orderly and logical development and construction of transportation facilities.

Since March 31, 1966, a concept of joint housing and highway projects has been introduced which appears to have great potential in eliminating problems of relocation. This approach, plus the requirement of the Board of Commissioners that satisfactory relocation housing must be available prior to construction of major highway contracts, has greatly reduced the concern of the Policy Advisory Committee on the question of social impact.

The Agreement between the National Park Service, the District of Columbia and the Virginia Department of Highways, dated May 25, 1966, is a great step forward in insuring that aesthetic considerations, particularly as related to parks and open space, are being properly balanced with transportation requirements. With this Agreement and the understanding that the Commission of Fine Arts will play an expanded role in the

architectural development of major highway facilities, the concern of the Policy Advisory Committee on the question of aesthetic impact has also been greatly reduced.

The committee approved the agreement, 5 to 1, with only NCPC Chairman Rowe dissenting.

Key project items endorsed:

- Building Three Sisters Bridge at the original location between Spout Run in Arlington and the foot of Glover-Archbold Park in Washington, with the city giving up any right to build a road through the park.
- Tunneling the entire South Leg of the Inner Loop Freeway between Constitution Avenue and 14<sup>th</sup> Street, keeping it out of sight of the Lincoln Memorial and Tidal Basin.
- Substituting, subject to more study, a depressed K Street crosstown expressway for the controversial North Leg of the Inner Loop, which would be abandoned.
- Depressing the Potomac River Freeway's westbound lanes beneath the Georgetown waterfront, with the surface from 31<sup>st</sup> Street west to Key Bridge to be developed as a park.
- Constructing the Palisades Parkway, the East Leg of the Inner Loop past D.C. Stadium, the North-Central Freeway to Silver Spring, and Interstate 95/Northeast Freeway across Fort Drive and Northwest Branch Park in the District of Columbia and Maryland.
- Tunneling E Street behind the White House and under Pennsylvania Avenue, one of several projects endorsed as part of plans for improving the Avenue and the Mall.
- Opening the Theodore Roosevelt Bridge to truck traffic.
- The Highway Department will tunnel 4<sup>th</sup>, 7<sup>th</sup> and 14<sup>th</sup> Streets beneath the Mall, eliminating these surface crossings plus 17<sup>th</sup> Street.
- Endorsing a third crossing for the 14<sup>th</sup> Street Bridge, with adequate connections to the George Washington Parkway on the Virginia side.

The *Post* reported that “the most sweeping [agreement] of its kind ever adopted by a Washington city planning body [was] a surprise.” The key man had been NPS Director Hartzog, “who gave several concessions and got others in return”:

The immediate effect of his agreement will be to add one pro-highway vote in future deliberations of the Planning Commission, which voted May 5 to push for curtailment and slowdown of the road program. Hartzog's representative voted for the curtailment.

This breakthrough was, as the *Post* noted, “a clear stand contrasted with one [the Policy Advisory Committee] took two months ago following issuance of the Arthur D. Little, Inc. report.” Jack Eisen described the transformation:

The Little firm . . . recommended a virtual moratorium on future projects pending further study. Urged by presidential aide Charles A. Horsky to reach a unanimous position, the committee said then that many elements of the road program needed further study. Mrs. Rowe and others took this to mean that the study could be made from scratch and the 1972 interstate deadline ignored.

Soon afterward, however, the Federal City Council asked the President to intervene to get the program moving. The Senate District Committee then also urged that the program be moved ahead and said the Policy Advisory Committee should “be a continuing body to serve as a force for decisive and majority consensus among its members” – an apparent criticism of Horsky’s call for unanimous action.

Another factor in reaching the agreement was Chairman Natcher’s threat to withhold appropriations for the District’s matching share of subway costs if the city did not move the Interstate freeway system forward. The Senate District Committee’s report on the revenue bill, with its criticism of the Policy Advisory Committee, was another factor.

The statement emphasized that all parties wanted the freeways to be attractive and avoid disruption to the city. Bridge crossings should “achieve an architectural excellence that will make them distinctive contributions to the total conservation program now underway along the Potomac.” District highway officials would consult “extensively” with the Commission of Fine Arts during the design stage.

The Policy Advisory Committee called the agreement “a great step forward in insuring that esthetic considerations, particularly as related to parks and open space, are being properly balanced with transportation requirements.”

The plan was to submit the agreement in time for the NCPC’s June 2 meeting. However, Chairman Rowe said, “I can’t go along with this,” adding that, “the people should be heard.” In a letter to Tobriner on May 26, she pointed out that the agreement differed from the committee’s proposal to the President as well as NCPC’s most recent policy on stage construction. As a result, “no purpose would be served” by bringing the agreement before NCPC until public hearings were held on the agreement, as suggested by the Senate District Committee. [Eisen, Jack, “Agreement Reached on Highways,” *The Washington Post*, May 26, 1966; Flor, Lee, “Freeway Projects Given Park Service Go-Ahead,” *The Evening Star*, May 26, 1966; “Mrs. Rowe Calls for Hearings On D.C. Freeway Proposals,” *The Evening Star*, May 26, 1966; the complete agreement can be found in: *Major Highway Problems in D.C.*, pages 129-131]

Editorial reaction to the agreement was positive. *The Washington Daily News* said:

At last, it appears, there’s a chance that somebody may be about to do something to complete the half-built expressways in the area.

We hope so. We hope nothing – nobody – will be permitted to stall or slow down the program, now that it has received this long-needed push.

As for Rowe’s call for public hearings, the editorial asked, “Public hearings for what?” Everyone had already been heard. “What more can possibly be said on the subject?” The call for hearings was “merely a stall, for no useful purpose.” NCPC should approve the agreement without delay. [“Action on the Highways,” *The Washington Daily News*, May 27, 1966]

*The Post* said the Policy Advisory Committee had “agreed on a reasonable and enlightened program of highway construction that will greatly strengthen the city’s ties to the surrounding

suburbs at a minimal cost in disruption.” As for Rowe’s call for public hearings, the *Post* suggested:

If Mrs. Rowe cannot bring herself to permit a prompt and straightforward vote in the Planning Commission on this urgent issue, then she ought properly to retire from it. If she will not retire voluntarily, then she ought to be asked to leave. Under her management, the Planning Commission has become the point at which essential municipal projects in highways or housing or urban renewal have repeatedly been met with unremitting hostility and destructive delay. Highway construction is an Administration program, and if Mrs. Rowe cannot support it then she ought to leave the Administration.

The President had asked the Policy Advisory Committee to study the highway plans and it had done so “thoughtfully and carefully” and with special attention to “protecting the esthetic qualities and social values of the city.” As far as the *Post* was concerned, “This agreement now deserves the entire city’s support.” [“The Freeway Treaty,” *The Washington Post*, May 27, 1966]

The *Star* called the agreement “a remarkable document,” the crux of which was compromise. “This is a package which no one but an unalterable opponent of freeways, in any form, could reasonably oppose.” Predictably, the editors wrote, Chairman Rowe objected. She already had “served notice that she has no intention of placing the subject on the [June 9] agenda” pending “public hearings” over the summer. (The editorial referred to them in quotes as “public hearings” to show skepticism about their real purpose.) She was “stalling again – more desperately now that she is virtually alone in left field.”

Unfortunately, NCPC’s usefulness was “vitiating by personal whim.” The commissioners should be allowed to vote on the agreement, but whatever the outcome, “it should be remembered, too, that the Planning Commission is after all an advisory body, not some mystical court of ultimate wisdom.” Regardless of what Rowe decided to do, “the President should see to it that the sensible new freeway proposal, on which such a broad degree of official unanimity has developed after all these years, is delayed no longer.” [“The Freeway Solution,” *The Evening Star*, May 27, 1966]

Senator Bible and General Duke exchanged correspondence to improve the decisionmaking ability of the Policy Advisory Committee. Senator Bible informed General Duke that the committee, “composed as it is of the heads of federal agencies and commissions having great authority over planning for the growth and beauty of the nation’s capital city and its environs . . . can serve as an effective sparkplug because of the great prestige and force its decisions can lend to assure a balanced transportation system of both highways and rapid transit facilities.”

General Duke informed the Senator that the committee was an “advisory,” not a “statutory” body, but could influence progress on highway construction by meeting regularly. If progress did not occur, the committee would give “further thought” to redefining its role.

Chairman Rowe revealed her strategy for blocking the agreement, which she refused to put on NCPC’s agenda for June. Because NCPC normally did not meet in July, failure to act in June

would delay action for 2 months, leaving time for a public hearing where she was confident citizens would oppose the agreement. She understood that the NPS Director's vote in support of the agreement would switch NCPC's anti-freeway majority to a minority on the vote.

Moreover, she maintained that the Policy Advisory Committee's March 31 report to President Johnson remained in effect because no further study had taken place before the May 25 agreement. That agreement was inconsistent with NCPC's action on the stage construction proposal. "We took action on it in May. There have been no new reports or planning studies which would make it relevant."

Senator Case commended the agreement on tunneling the entire South Leg Freeway under the Lincoln Memorial and the Tidal Basin. Otherwise, he believed that a public hearing would be helpful. He added that plans should be developed by "competent planners," not be a "deal" among officials.

Despite the disagreements, the city was ready to acquire land along the Georgetown waterfront for the depressed Potomac River Freeway in accordance with the agreement. The plan was to acquire six blocks between 31<sup>st</sup> Street and Key Bridge. According to reports, BPR had agreed to obligate \$7 million in Federal and local funds for the acquisition, but formal approval had not yet been obtained. [Flor, Lee, "Bible, Duke Back PAC on Freeways," *The Evening Star*, May 27, 1966; Eisen, Jack, "City Moves to Get River Freeway Land," *The Washington Post and Times Herald*, May 27, 1966]

On May 31, despite Chairman Rowe's refusal to put the agreement on the June 9 agenda, the District Board of Commissioners formally asked her to place "Approval of the Interstate System in the District of Columbia" on the agenda and to approve it. The letter, dated June 1, assured Chairman Rowe that the Board of Commissioners shares her "very legitimate concern that these new projects be esthetically pleasing and . . . not be permitted to detract from the dignity of the Nation's Capital."

During the meeting, the District commissioners approved the letter and discussed the plan for a six-lane boulevard in the Florida Avenue corridor. Commission President Tobriner said he was opposed to any type of freeway in the former corridor of the North Leg Freeway. He did not believe such a boulevard should "be any part of any contemplated highway system." It looked, he said, "like an ultimate north leg, under another name."

After the commissioners approved the letter, General Duke told reporters that no consideration had been given to bypassing NCPC. "We'd have quite a can of worms on our hands."

Citizen groups were beginning to react to the agreement. The Federation of Civic Associations adopted a resolution drafted by the Lamond-Riggs Citizens Association denouncing "the complete reversal" of the Policy Advisory Committee "from its position that further studies were necessary to ascertain the true facts at this time and afford the citizens an opportunity to be heard." The resolution added:

It would appear that congressional pressures from just a few gave the enormous highway lobby just enough of a boost to overcome justice and a fair hearing. Certain transportation facts used in the past have been found to be false. We do not understand how this complete ignoring of the wishes of the residents can occur, this wrecking of our homes and businesses.

The Metropolitan Citizens Council for Rapid Transit also denounced the agreement. It said two members of the Policy Advisory Committee were part of the highway lobby (General Duke and Administrator Whitton), so the council could understand their position:

But it is plain neglect of their public duties for the head of the National Park Service, the National Capital Transportation Agency, and the Fine Arts Commission to bow to such pressure.

Meanwhile, the Committee of 100 on the Federal City announced it was going to send protest letters to the White House, Department of the Interior, and NCPC. During the committee's meeting, members denounced Director Hartzog for his "sellout" to freeway interests. [Flor, Lee, "Commissioners Ask Okay for Freeways," *The Evening Star*, June 1, 1966; Eisen, Jack, "City Asks NCPC to Act on Freeways," *The Washington Post and Times Herald*, June 1, 1966; Adams, Michael, "The Bitter Taste of Freeways," *Voice of the City, The Evening Star*, May 28, 1966; "Protest Set On Freeway Decision," *The Evening Star*, June 1, 1966]

On June 2, during a panel discussion in Foggy Bottom on the Georgetown freeway situation, Hartzog explained his change of heart. He acknowledged that "a great deal has been made recently of the fact I switched in my position on the freeway proposals for the District," but added that a look at the record would clarify what happened. As Robert J. Lewis summarized Hartzog's comments in the *Star*:

Noting that the agreement in which he participated provides for concessions from the District Highway Department, including tunneling to save parkland, closer aesthetic control, eventual removal of the Whitehurst Freeway, diversion of the north leg of the Inner Loop highway system into a provisional depressed route along K Street and other proposals not originally a part of the District's program, Hartzog said:

"I ask you, who switched?"

One evidence of his view was that the 1964 freeway plan would have displaced 5,860 dwelling units, compared with an estimated 2,590 dwelling units under the new agreement.

Hartzog was speaking at a symposium in the State Department Auditorium on highway proposals for the Georgetown waterfront. Chairman Rowe also was on the panel. She said, "there is real community resistance to the freeway program." As for criticism of NCPC, highway supporters found it "easier to use the planning commission as a whipping boy than to criticize the people as a whole for opposing the program." As for the agreement, many details had not been spelled out for public consideration, she said, adding, "we don't even know how many acres of parkland will be taken" by the new plan.

As the symposium took place, 50 pickets representing the District, Maryland, and Virginia marched in front of the auditorium entrance with freeway protest signs. [Lewis, Robert J., "Support of Freeways Pact Is Defended by Parks Chief," *The Evening Star*, June 3, 1966]

At the *Star*, editors thought Director Hartzog's explanation the "most interesting aspect of the Georgetown freeway discussion." NPS "traditionally has taken a back seat to no one" among highway skeptics. Militant freeway opponents "have counted on the Park Service's support as a matter of course." Therefore, Hartzog's support for the Policy Advisory Committee agreement "was more than a matter of curiosity" among these groups.

The editorial explained that the District's freeway network dated to the 1950s and would have taken about 240 acres of parkland and replaced virtually none. Now, the inclusion of tunnels and underpasses would protect park values. Instead of thrusting truck traffic "like a juggernaut" into the city, the agreement made logical changes for serving traffic between Virginia and the District, reduced displacements, and would be designed under "the watchful eye" of the Fine Arts Commission. With all this, Hartzog had asked, "who switched?" The editorial concluded:

The full detail of Mr. Hartzog's five-page "explanation" is too extensive to go into here. It ought to be required reading, however, for the freewheeling opponents of highways. And for freewheeling highway officials, too. ["Who Switched?" *The Evening Star*, June 7, 1966]

Two days before NCPC's June 9 meeting, Chairman Rowe reversed her position and placed the agreement on the agenda. Why she did so was unclear. She denied speculation that White House pressure had forced the change, although she admitted to having spoken with Horsky. He said, "I talked to her, but she put the highway program on the agenda herself. You overestimate my capacity of persuasion."

She attributed the change to Commissioner Tobriner's June 1 letter asking her to put the item on the agenda. Her reply to Tobriner urged public hearings on the highway agreement. She also emphasized that three freeway projects should be studied further before NCPC decisions: The North-Central Freeway and its connection to the Center Leg Freeway, the East Leg of the Inner Loop Freeway system, and the Three Sisters Bridge and its approaches. ["Mrs. Rowe Puts Roads On Agenda," *The Washington Post and Times Herald*, June 8, 1966; Flor, Lee, "Planners Will Consider Full Freeway System," *The Evening Star*, June 7, 1965]

With pickets marching outside, NCPC approved the District freeway program on June 9, with the six Federal and District officials outvoting, as expected, the five citizen members (Rowe, Norton, Thiry, Edwards, and Louchheim). The precise meaning of the votes was unclear, as Eisen explained:

The road item was near the middle of the day's agenda and was reached 1½ hours after the session began. When Duke sought to gain the planners' approval for the Policy Advisory Committee's recent system, Mrs. Rowe ruled him out of order.

To be considered, she said, Duke's motion had to be a substitute or a proposed alternative for a transportation resolution adopted by the Commission last month during deliberations on the forthcoming 1985 comprehensive plan for the city.

At that time, the Commission endorsed a curtailed interstate system by a vote of 8 to 3.

Since rescinding the prior action would have required eight votes, Duke appealed Mrs. Rowe's ruling and won by the day's first 6-to-5 vote . . . .

Duke's motion called upon the Commission to give its "general endorsement of the Policy Advisory Committee statement" – an action that, he said, would help "develop the sense of the Commission" in its work on the 1985 plan.

General Duke added that, "The NCPC by its action is not forfeiting any prerogatives . . . it is merely giving this report a pat on the back."

NCPC then voted on each of the 21 points in the Policy Advisory Committee's statement, beginning by approving, 6 to 5, the North-Central Freeway to Silver Spring and its connecting the I-95/Northeast Freeway link to Baltimore. By the same vote, NCPC approved the East Leg Freeway from Barney Circle to the North-Central Freeway and the North Leg Freeway north of the Ivy City railroad yards. Next, NCPC approved several less controversial projects unanimously, including the South Leg Freeway tunneled under the Lincoln Memorial and the Tidal Basin, the depressed freeway along the Georgetown waterfront, and the crosstown tunnel in the K Street corridor.

The votes returned to 6 to 5 for the Three Sisters Bridge and opening the Theodore Roosevelt Bridge to trucks.

According to Eisen, the debate had been sharp but conducted in conversational tones. "Despite her obvious anguish, Mrs. Rowe remained calm and gracious." She admitted she was "disappointed" by the votes, but encouraged by unanimous support for public hearings on the transportation provisions of the Year 1985 Plan. General Duke initially opposed hearings, but voted for them in the end.

After the vote, General Duke told reporters, "Frankly, I am leery about placing too much judgment about what happened today." Hartzog, by contrast, considered the vote an endorsement of the compromise he had approved, while Administrator Whitton said he thought NCPC had approved the complete freeway system covered by the agreement, but left geometric details such as width or design of interchanges to District highway officials and BPR engineers.

Even NCPC's Conrad, who had been with the agency for 16 years, said, "I'm not too sure what 'general approval' means." Lee Flor discussed the uncertainties:

The vote yesterday apparently will produce little result. Individual freeway projects will have to be brought back to the commission piece by piece for approval. If any single member of the six ex officio members is absent, the five private members will block

approval. If two ex-officio members are absent, the five private members could vote some form of disapproval.

The executive committee of the commission also has asked its legal counsel for an opinion whether ex-officio members can send substitute delegates in their place if they have to be absent. If the lawyers rule that ex-officio members cannot send substitute delegates, the balance of power in the commission may shift overnight.

While NCPC was acting, the board of directors of the Metropolitan Washington COG approved a motion asking Federal agencies to “adopt and implement” the Policy Advisory Committee agreement. The motion stated that “it has been recognized that an adequate freeway system in the District of Columbia is an essential element of a balanced transportation system . . . .” [Eisen, Jack, “Planners Vote to Complete Freeways,” *The Washington Post and Times Herald*, June 10, 1966; Flor, Lee, “Full Program of Freeways Voted for D.C.,” *The Evening Star*, June 10, 1966]

The day after the votes on the freeway program, NCPC clarified what Eisen called “a sticky parliamentary problem.” NCPC had given “general approval” of the freeway agreement but had not rescinded its previous stage construction vote that put the more controversial elements of the Interstate freeway system beyond the 1972 deadline for 90-10 matching funds. On June 10, NCPC voted in closed session to discard its earlier decision and incorporate the freeway agreement as its own policy in the Year 1985 Plan. It would be subject to public hearings after publication later in the summer. [Eisen, Jack, “Plans Board Refuses to Endorse Bundy Site for New Shaw School,” *The Washington Post and Times Herald*, June 11, 1966; Lewis, Robert J. “Air Transport ‘Push’ Is Forecast in Area,” *The Evening Star*, June 11, 1966]

*Star* editors considered NCPC’s action doubly gratifying because it moved the freeway program forward and overcame “the incredible impediments that were placed in the path of this action by the NCPC chairman, Mrs. Elizabeth Rowe.” Whether she liked it or not, “her commission now is firmly on the record in favor of at least the broad principles of a workable, specific freeway system for the entire city.” Was it the end of the fight, the editors asked:

There is no reason to assume that Mrs. Rowe and those who share her blindness on the need for a balanced transportation system in Washington will not continue to harass efforts to implement Thursday’s freeway votes and, if possible, to overturn them.

Regardless, District highway officials should proceed, with “no hesitation whatsoever,” to work with other government agencies, let design contracts, acquire right-of-way, and expedite the program. “Congressional sentiment plainly is in favor of moving ahead with the freeway program.” Except for NCPC, the Johnson Administration is in support. For further reassurance, District highway officials should be encouraged by “the vigorous, unexpected support for the freeway program also voted this week by the Washington Metropolitan Council of Governments.” [“Clearance for Freeways,” *The Evening Star*, June 11, 1966]

Despite the action on the Policy Advisory Committee agreement, housing for displaced remained in doubt. In early June, Edward L. Ullman, president of the Washington Center for

Metropolitan Studies, proposed that low income families be moved to new suburban tracts instead of being housed in high-rise units over the new freeways on expanded freeway right-of-way. He said the plan to acquire block-wide rights-of-way for the freeways would be “in the long run a counsel of despair and a drastic backward step.”

On June 13, Thomas Lawrence, chairman of the freeway committee of the Washington Urban League’s Neighborhood Development Center, objected that the only undeveloped land for new suburban tracts was “at the far reaches of the metropolitan area.” Families in the path of the Inner Loop Freeway, he said, preferred to stay in the city near their present homes. Based on Ullman’s statement, “it appears that a proposal is being made to establish new ghettos . . . which are impossible to reach by . . . public transportation.” [“Group Asks Air Rights Housing,” *The Washington Post and Times Herald*, June 14, 1966]

The District, on July 12, submitted legislation to Congress covering air rights. The District of Columbia Freeway Airspace Utilization Act set priorities for construction in highway air rights, with the first priority being buildings for municipal purposes. Low-income housing by the National Capital Housing Authority was second. The remaining priorities were buildings for Federal Agencies, public or private low or moderate income housing, construction by non-profit organizations, and construction for businesses. District officials considered the legislation “must-pass” in the current congressional session. [“Congress Gets D.C. Proposal on Air Rights,” *The Evening Star*, July 12, 1966]

On July 21, General Duke presented a revised plan to NCPC for the North-Central Freeway. Under a plan devised by J. E. Greiner and Company and Skidmore, Owings and Merrill, the freeway would be built 20 to 30 feet below ground beside the Baltimore and Ohio Railroad tracks in the District and Maryland. It would connect with a large interchange with downtown bypass routes around 10<sup>th</sup> Street and Rhode Island Avenue, NE. The new route would avoid Takoma Park and prime residential areas north of Silver Spring. It also would reduce residential displacement from 720 families in the District and 570 families in Maryland to 370 families in the District and 175 families in Maryland.

General Duke did not ask for a vote on the new plan. He said he only wanted to give NCPC an early look at it. The consultants, however, said the new route was the best they could come up with. [Flor, Lee, “Freeway Route Shift Proposed,” *The Evening Star*, July 21, 1966]

### **The Money Problem**

Despite efforts by NCPC, District officials, and others to avoid pitting freeways against rail rapid transit, the two were becoming increasingly intertwined, as Jack Eisen explained in the *Post* on May 8. He indicated a “key Capitol source” revealed Chairman Natcher’s intention to eliminate appropriations for the city’s transit matching funds in view of efforts to curtail the freeway program:

Such action would be intended to focus President Johnson’s personal attention on the road controversy in the hope that he would intervene, the source said.

Chairman Natcher's intention became known during the April 20 hearing, but the transcript of the hearing had still not been made public in May. If he followed through in blocking the matching funds, NCTA would not be able to spend the funds authorized for the Federal share of subway in the District, another source told Eisen.

Since then, NCPC had voted, 8 to 3, in support of stage construction to postpone the more controversial freeway segments until after 1972, a move the source told Eisen "will only harden the subcommittee's resolve":

The House subcommittee's determination to deal head-on with the issue began, it was learned, after the Policy Advisory Committee sent the President its report last month urging further studies of Washington freeway proposals.

On the urging of presidential aide Charles A. Horsky, the PAC made its recommendation unanimous although the body was badly split on its basic views.

As a result, freeway advocates on and off the PAC interpreted the report and the President's reply as calling for studies within the framework and timetable of the interstate program, with its 1972 expiration date.

Opponents, including NCPC Chairman Elizabeth Rowe, took the view that the studies could be basic and that the 1972 deadline could go out the window.

Moreover, two recent actions on Capitol Hill added to the "already confused" freeway program. First, Chairman McMillan of the House District Committee and Representative Whitener said they expected to insist that the city get individual congressional authorizations for Potomac River bridge projects on the Interstate System, including the Three Sisters Bridge and additional spans at 14<sup>th</sup> Street. Second, the Senate District Committee, in approving the revenue bill, had endorsed the Policy Advisory Committee report without spelling out what it meant. The committee also thought the Policy Advisory Committee should pass on pending freeway proposals:

The Senate committee's recommendations were made to head off an amendment to the financing bill which Sen. Robert F. Kennedy (D-N.Y.) was prepared to offer.

The amendment would have given the PAC a statutory responsibility to pass on freeway projects. It is an open secret on Capitol Hill and downtown that this proposal actually originated on the staff of Sen. Joseph D. Tydings (D-Md.).

Eisen also reported how the 8 to 3 vote came about:

The final NCPC vote was preceded by maneuvering, it was reported, in which District Engineer Commissioner Charles M. Duke sought approval for the full interstate program. This preliminary vote lost, 6 to 5, with Duke backed by representatives of the Army Engineers, U.S. Bureau of Public Roads, National Capital Transportation Agency and General Services Administration.

After winning compromises in the directive to the staff, NCTA Administrator Walter J. McCarter and GSA Public Buildings Commissioner Caspar F. Hegner agreed to vote with the majority on the full transportation report, which urged construction of the subway.

This, McCarter said later did not reflect an antifreeway position on his part.

The only Federal official on the NCPC who reportedly voted down the line to curtail the roads was T. Sutton Jett, regional director of the National Park Service. [Eisen, Jack, "House Unit May Kill Subway Funds in Bid For LBJ Intercession," *The Washington Post and Times Herald*, May 8, 1966]

When Senator Bible brought the revenue bill to the Senate floor on May 16, he discussed the committee's concern about the effectiveness of decisionmaking on the District's freeways. He also discussed one of the general provisions of title X of the bill. It gave the District the authority to enter into agreements with Maryland and Virginia to develop a 3C planning process. During hearings, the District commissioners made clear they had adequate authority under Title 23, United States Code, to enter into agreements with BPR and the two States "to undertake the construction of Federal aid highway projects." As a result, "the effect of this section will be to provide a restatement of existing authority." [District of Columbia Revenue Act of 1966, *Congressional Record-Senate*, May 16, 1966, pages 10702-10703]

These provisions addressed the concerns Senators Kennedy and Tydings had expressed. As noted earlier, the Senate engaged in limited debate on another aspect of the bill before passing the bill without discussion of these highway measures.

Chairman Natcher was holding the appropriations act pending action on the revenue bill. As in the past, the District budget was based on congressional authorizations for funding that had not yet been approved. He was unwilling to appropriate funds that had not been authorized. As of the end of May, the House District Committee had not scheduled hearings to consider the measures in the Senate bill that had not been in the bill the House approved in 1965.

However, on June 2, Chairman McMillan went to the House floor to request unanimous consent to pull the revenue bill from consideration and ask for a conference with the Senate. There being no objection, Speaker Pro Tempore Albert appointed House members to participate in the conference (Chairmen McMillan and Whitener and Representatives Broyhill, Dowdy, Fuqua, Harsha, and Nelsen). [Revenue For the District of Columbia, *Congressional Record-House*, June 2, 1966, page 12176]

This action was less encouraging than it might have seemed because the House District Committee still intended to hold hearings. Moreover, of the six District of Columbia bills under consideration in Congress, many of them minor and inexpensive, none had survived a conference report as yet. Further, Chairman McMillan said he would not take part in any other conferences until a District anti-crime bill was signed into law. Consideration of that bill was complicated by the landmark Supreme Court decision in *Miranda v. Arizona* on June 13, 1966. This is the decision that required police to inform defendants of their rights to an attorney and against self-incrimination as well as to determine if the defendant understood these rights. House and Senate

members would have to determine if the anti-crime bill was consistent with this decision. [Elder, Shirley, "D.C. Bills facing Death," *The Evening Star*, June 20, 1966]

On June 27, the House held a 1-day hearing on the revenue bill. Grace Bassett described the hearing as "a formality promised by McMillan when the Senate acted." After the hearing, Chairman McMillan said, "Now, I hope we can take the House bill and the Senate bill into conference without further delay." The highway revenue provisions, which were in the House and Senate bills, were not a concern during the hearing.

As the new fiscal year began on July 1, the city did not have a budget. Robert L. Asher, writing in the Potomac Watch column, suggested that the message from Congress was: "Happy Fiscal New Year – Use Your Credit Cards and Pray." The revenue bill, "which will inform us as to how much we can tax ourselves and thus, how much we'll have in the cash register for the next year, is in the legislative limbo known as 'conference':

Both the Senate and House District Committees assure regularly that they're pressing each other for action. So just because it's July is no reason to blame them.

And you can't get mad at the House Appropriations subcommittee on the District, for these guys say they're holding up approval of a budget until they get a reading on the revenues.

The Senate Appropriations fellows get out of it neatly, since the Senate doesn't act on spending bills until the House has. And even then we aren't through, because we have to go through a conference on this one, too. [Asher, Robert L., "D.C. Is in Business—but Only on Paper," Potomac Watch, *The Washington Post and Times Herald*, July 7, 1966]

As July ended without a resolution, one District official told a reporter, "This puts us in a scratchy position. We are scratching our heads wondering what to do next." [Elder, Shirley, "D.C. Budget Caught in 3-Ring Show," *The Sunday Star*, July 24, 1966]

### **The Compact – Extending the Promise**

On June 9, President Johnson fulfilled his promise to send legislation to Capitol Hill authorizing the interstate compact for the rail rapid transit system. His letter began:

This is the Congress which promised the citizens of the Nation's Capital a new system of mass transportation. I hope it will also be the Congress which extends that promise to the citizens of the entire Washington metropolitan area.

The economic well-being of this region – and the efficient functioning of the Government itself – depend more and more each year on adequate mass transportation facilities. No system of freeways, no matter how extensive or well planned, can suffice much longer.

He recalled how the Congress approved the 25-mile, \$431 million system, authorized \$150 million for it, and appropriated \$6.2 million to begin engineering. "But that system, even when completed, will only begin to solve our transportation problems."

Population shifts were part of the problem. Three-quarters of the area's population lived in the city in 1950. "By 1970, however," that situation will be almost totally reversed":

At that time, there will be an estimated 1,688,000 citizens living in our Maryland and Virginia suburbs—67 percent of the area's swelling population.

Even today, this shifting population is creating massive traffic problems, with more than a million automobiles entering and leaving our city every 24 hours. Even with a full mass transit system – on a regional basis – that figure is expected to double by 1985. Without such a system, a complete breakdown in area transportation would be only a matter of time.

To achieve that goal, he transmitted legislation to authorize an interstate agency "with the power to plan and finance a regionwide system." The bill would ratify on behalf of the District of Columbia the compact already ratified by Maryland and Virginia to create the Washington Metropolitan Area Transit Authority. With the grant of consent required by the Constitution and by Section 301(a) of the National Capital Transportation Act of 1960, the new agency would assume responsibility from NCTA for the mass transit system on September 30, 1967.

President Johnson emphasized what the bill did and did not do:

This legislation will not create a regional system. It will not build a mile of rail rapid transit. It does not impose on the United States, or on the District of Columbia, any financial obligation. But it is essential if we are to move ahead, for the Transit Authority will become the administrative framework within which further progress can be charted.

Maryland and Virginia had demonstrated their support "by prompt ratification" of the compact. With approval of the enabling legislation, Congress can "echo that determination."

The bill was assigned to the House and Senate Committees on the Judiciary, which customarily handle compacts among the States. [Washington Metropolitan Area Transit Regulation Compact, A Communication from The President of the United States, Committee on the Judiciary, U.S. House of Representatives, 89<sup>th</sup> Congress, 2d Session, House Document No. 452, June 9, 1966, pages III-IV]

The next day, the aspiring Washington Metropolitan Area Transit Authority met in the District Building for its first public meeting, with Representative Sickles presiding. The authority had, as yet, no official function, but the members wanted to assure the public that they would protect the interests of residents of Maryland, Virginia, and the District. The *Post* reported:

The new Authority would spend the next 15 months preparing a route and financing plan for a regional transit system. This would be an expanded version of the 25-mile system, mostly within Washington, authorized by Congress. ["Transit Directors Meet, But Agency Still Unborn," *The Washington Post and Times Herald*, June 11, 1966]

## Breaking the Auto Jam

NCPC's approval of the District's planned freeway network resulted in optimism that a headline in the *Post* referred to as "Breaking the Auto Jam." NCPC's action, Bart Barnes wrote, "may uncork – at least on paper – part of the traffic bottleneck suburban commuters go through daily to reach the city."

The North-Central Freeway, Three Sisters Bridge, and Palisades Parkway offered hope of relief of commuter traffic jams. Maryland and District officials were "close to agreement on the proposed route for the controversial and beleaguered North Central Freeway beyond the District line in Silver Spring." Designed to complement the rail rapid transit system, the freeway would be a vital link between Montgomery County and the District core while giving Prince George's County residents similar access via the I-95/Northeast Freeway link to Baltimore. Officials had agreed the freeway would "stick as close to the Baltimore & Ohio right-of-way as possible to keep displacement to a minimum."

The Three Sisters Bridge would connect I-66 to the city for commuters and shoppers. "The bridge, which would utilize Spout Run Parkway as a link between it and Route I-66 is likely to meet stiff opposition from Arlington residents."

Nevertheless, construction of the bridge "would help clear the way for the Palisades Parkway along Washington's Potomac shoreline and would remove the present "dead end" [at] the District line." To be constructed by NPS, the parkway would join with the E Street Expressway for a link to downtown:

It would probably eliminate the present commuter practice of "double crossing" – going from Maryland over the Cabin John Bridge, down the Virginia parkway, then cutting back to the city on the Key, Memorial, Roosevelt or 14<sup>th</sup> Street bridges. [Barnes, Bart, "Breaking the Auto Jam," *The Washington and Times Herald*, June 12, 1966]

This optimism was aided by new estimates of the number of relocations the freeways would require. NCPC estimated that the number of homes to be destroyed had been cut in half, from 5,860 dwelling units, "many of them occupied by low-income and minority families," to 2,590 units, or about 9,000 individuals. The relocations would be spread over several years, giving the District relocation agency time to find replacement housing. Lee Flor reported:

District Highway Department director Thomas Airis said yesterday that he thought the proposals for building relocation housing over the freeways might solve his relocation problem.

Airis also said that the first direction by the Highway Department, following the National Capital Planning Commission action last week, probably would be purchase of land along the Georgetown Waterfront. [Flor, Lee, "Approved Freeway Plan Eases Impact on Housing," *The Sunday Sun*, June 12, 1966]

In the opinion of *Star* editors, one of the District's "bright, encouraging developments" in the freeway controversy was the District's "decision to study the possibilities of using freeway

condemnation procedures to provide new sites for housing—especially housing to relocate some of the low-income families displaced by the roads.” Use of air rights was one way, but the other was to buy excess land for housing or other public purposes. “In either technique, or combination of the two, the theory is that the project would be carefully designed from the start as a multi-purpose enterprise.”

As for Edward Ullman’s characterization of these proposals as a “counsel of despair and a drastic backward step,” the editors declared them “ridiculous.” His idea of moving low-income families from the path of the freeway in the central city to the suburbs was “equally foolish”:

We agree that a part of the answer to a great many of Washington’s problems, not merely transportation, involves a rational racial dispersion of housing throughout the metropolitan area. But that is a long-range goal which will have to be achieved through a variety of means. To propose it as a short-range solution to imminent freeway relocation problems contributes nothing. [“Counsel of Despair,” *The Evening Star*, June 17, 1966]

To illustrate the point, the editors printed a letter from Thomas Lawrence, Chairman, Center Leg Freeway Committee, and neighborhood workers William Richardson and Henry Alston of the Neighborhood Development Center, Washington Urban League. They called Ullman’s suggestion “unwarranted, ill-timed and poorly considered.” As residents in the path of the Center Leg Freeway, their “overwhelming desire is to maintain ourselves in safe, decent and sanitary housing and to have adequate community facilities within our old neighborhood.” Their homes were convenient to their places of employment and public transportation. Embracing the Ullman plan “would be disruptive for our citizens and a cruel hoax”:

Only 450 solid, middle-class Negro families have found integrated housing in the suburbs over the last three years. With integrated housing largely unavailable within existing suburban communities and with undeveloped land available only at the far reaches of the Metropolitan Area, it appears that a proposal is being made to establish new ghettos in locations which are impossible to reach by the public transportation.

By contrast, the District’s study of air rights and excess condemnation appeared to be “real and workable.” It was the city’s first effort “to respond to the desires of a community to provide housing for persons before they are displaced by public works.” [“Path of Freeway,” Letters to the Editor, *The Evening Star*, June 17, 1966]

At this pivotal moment in the freeway controversy, sources at the White House indicated that General Duke’s tour of duty as Engineer Commissioner would probably be extended beyond the traditional 3 years that otherwise would expire July 8. As the *Post* reported:

Some city officials feel that it would be inadvisable to bring in a new and inexperienced man at the present time, with the highway crisis still in bloom.

After years of wrangling, the city’s highway crisis now seems on [its] way to resolution. Duke played a major role recently when the National Capital Planning Commission voted for the key elements of a multimillion dollar citywide highway plan.

With additional steps before construction can begin, General Duke's experience and expertise were "regarded as valuable in shepherding the plans" to completion. [Richard, Paul, "Duke to Stay on Job, White House Hints," *The Washington Post and Times Herald*, June 28, 1966]

### **The Home Rule Rider**

On June 7, Chairwoman Edith Green (D-Or.) of the Subcommittee on Education and Labor secured approval of a bill granting the District an independent, elected, seven-member school board with the power to tax and finance its own system. The subcommittee added the provision to a vocational rehabilitation bill for the District that Chairman McMillan had introduced in the House District Committee, and sent to the Committee on Education and Labor, chaired by Representative Powell.

Supporters of the McMillan bill feared that the school board issue might be challenged on the House floor as not germane to the overall bill. Reportedly, Chairman McMillan and Representatives Nelsen and Broyhill of the District Committee supported the school measure. Representative Green said, "this is the first District bill we've had sent to our committee in some time, and we think it entirely germane to amend it with the school board provisions." [Asher, Robert L., "House Unit Approved Elected School In a Surprise Move," *The Washington Post and Times Herald*, June 8, 1966]

The measure, using the rider method Rauh had proposed for home rule, gained support among Home rule advocates, as Robert L. Asher wrote in the Potomac Watch column:

The shattering thought of Congress actually slamming the door on home rule again is so hard for most local groups to contemplate [that] they may well overlook a chance to stick a foot in, just in case.

They were not "lowering any flags on the never-say-die battle for a mayor and council here . . . but an elected school board and a non-voting delegate to the House of Representatives are two steps that Congress seems a little more ready to act on if pressed." These steps would be "crumbs," but the city's home rule advocates were "now working toward these changes" while keeping "the greater goal" in sight.

The financial implications of the school board measure worried home rule advocates, but they preferred an elected board instead of one named by U.S. District Court judges, as at present. They especially liked the idea of a nonvoting member of the House, similar to the arrangement for Puerto Rico. Delegate Santiago Polanco-Abreu could not vote in committees or on the House floor, but he could "take to the floor and sound off." Representatives Mathias and Morris K. Udall (D-Az.) had introduced a bill to give the District a similar position. They considered it a viable alternative if home rule failed in the 89<sup>th</sup> Congress.

However, "everyone will be watching anxiously to see if Sen. Wayne Morse (D-Ore.) tries a last-ditch effort to enact the Senate's home rule measure by attaching it to a non-District bill that also could bypass the House District Committee. More power to him if he does." Just in case he fails, Asher wrote, "it seems only prudent to move ahead with some insurance measures that

might give us a crack at the polls.” [Asher, Robert L, “Backstop Measure A Home Rule Must,” Potomac Watch, *The Washington Post and Times Herald*, June 13, 1966]

Even as support grew for Senator Morse’s rider initiative, the underpinnings for Chairwoman Green’s school board fell apart in committee. On June 28, Chairman Powell declared the measure dead, while Representative Green denied it after “a first-class parliamentary fight” between the two, according to the *Post*. “After two stormy sessions that included a morning walkout, an exchange of charges and an afternoon boycott by Mrs. Green’s supporters, Powell announced that his Committee had disposed of the issue for good and that he’d hear no more of it.”

Powell, an African-American, accused Representative Green, who was white, of trying to “scuttle” home rule. “I hate to see her being used as a tool, aligning herself with segregationists . . . Republicans . . . strange bedfellows” who support a proposal “concocted by a group of Southerners.” He wanted nothing to stand in the way of Senator Morse’s rider plan. He said:

We have an excellent chance to get a free D.C. this year. The parliamentary maneuvers are under way. We planned this home rule tactic months ago, and the overwhelming feeling of local groups is that nothing should hinder it.

Chairwoman Green, citing her long support for home rule, denied the school board measure would jeopardize the home rule rider. She doubted that the House in the 89<sup>th</sup> Congress was any more supportive of home rule in 1966 than it had been in 1965. “If the home rule supporters can produce additional votes in the House, I’ll be one of the ones who will vote for it. But the people of Washington have waited long enough for some participation in the democratic process and they should have an elected school board. [Asher, Robert L, “Bid to Tie School Board Issue To Home Rule Fails in House,” *The Washington Post and Times Herald*, June 29, 1966]

In early July, Senator Morse was ready to advance his rider. His target was a \$2.9 billion higher education bill the House had passed. If the Senate approved the rider, the amended bill would be returned to the House where it would be considered by Chairman Powell’s committee, not the District Committee. Chairman Powell said he had killed the Green rider to prepare the way for the Morse rider. He planned to shepherd it through the House.

About 4,000 people attended the YOU home rule rally at the outdoor Sylvan Theater on the southeast corner of the Washington Monument grounds. Bishop Smallwood Williams of the Bible Way Baptist Church told them, “This is the ninth inning. There are two outs. The champ is about ready to bat and the other side is playing dirty. The pitcher is throwing spitballs. We want the big umpire in the White House to tell them to run the game right.”

Rauh said, “As one who has spoken for 20 years at every citywide home rule rally, I hope no one will take it amiss if I say this is the last time. I say to the President, we have done our part, Mr. President, give us now the final push across the goal line.”

The *Post* pointed out that some of the speakers “have not spoken to each other for years,” but they presented a united front in keeping with advice from Sterling Tucker, executive director of

the Washington Urban League. He said, "It's important that we don't begin fighting among ourselves, seeking the headlines, taking the credit. There's a place in this struggle for all of us."

Senator Morse appeared:

The crowd roared approval when Morse described the home rule rider he is tacking on the House-passed higher education bill in an attempt to circumvent the hostile House District Committee.

"It's more or less the same bill that's been passed by the Senate six times." He thought opposition to home rule was based on fear of a Negro-run city, but he said, "if it should be decided in the District of Columbia that the best qualified candidate for mayor is a Negro, then he should be elected."

He acknowledged his disputes with the White House over the Vietnam War had caused some estrangement with President Johnson. However, on home rule, "I want to find myself in agreement with my President." His rider was "the last hope we have for home rule in this session." He added, "I make my plea to my President . . . I plead with you to give us home rule in this session, so we can change the image of America." (Charles Horsky represented the President at the rally, but was not quoted in news accounts.)

YOU's King said, "We need a broadly based coalition movement – not 50 or 60 percent of the people, but 80 or 90 percent." The Reverend Fauntroy told the crowd that with home rule, "we will give the nation and the world a much-needed example of how Negroes and whites can work together." James Farmer, former head of CORE, looked at the crowd and said, "I see black, white, Catholic, Jew, Protestant, labor, young and old – that's the kind of coalition we need." Comedian Dick Gregory "who flew in from riot-torn Chicago," according to the *Star*, "capped the rally with a series of jokes and anecdotes, before reminding the audience that 'you can't laugh your problems away.'"

(In 1966, Dr. Martin Luther King, Jr., had launched the Chicago Freedom Movement in support of the open housing provision of the Civil Rights Act of 1964. Riots and disruption resulted during the summer. In August, Dr. King and Mayor Richard J. Daley signed an open housing agreement that proved ineffective.)

YOU had invited Marion Barry to address the crowd, but he declined. He arrived midway through the rally, but stayed outside the group. He told reporters, "With all the muscle they have, they should have had 20 times as many people here today." He added, "I don't think much of these rallies. I don't see the grass roots. I see the same old people you see at all the rallies." Previously, he had said if the rally attracted 10,000 people, Free D.C. Movement would drop its home rule campaign, but the rally did not reach that number. [Cronk, Sue, and Blumenthal, Richard, "LBJ Exhorted to Act For Home Rule Now," *The Washington Post and Times Herald*, July 18, 1966; Hoge, Warren, and Ikenberry, Kenneth, "Coalition Is Urged At Home Rule Rally," *The Evening Star*, July 18, 1966]

As the weeks passed, Senator Morse awaited his chance to introduce the rider when the House education bill reached the Senate floor. In a News Analysis, Robert Asher stated that the “feverish home-rule campaign of 1965, which saw unprecedented White House lobbying on behalf of the city, is ending with neither a bang nor much of an audible whimper.” Now, “mere mention of the topic draws only weary chuckles from the House members who pushed for it and their colleagues who pushed it aside.”

Unlike in 1965, the White House was quiet on the maneuver. Senator Morse, who had called on President Johnson to support the rider plan, admitted, “I see no signs of action.” Asher reported that a White House spokesman “confirmed last week that it is doing no real lobbying in Congress now, and is waiting to see how Morse fares.” If the maneuver proves promising, “the President then reportedly will decide what to do.” [Asher, Robert L, “Home Rule Struggle Is Quiet Now, But Far From Over,” News Analysis, *The Washington Post and Times Herald*, August 21, 1966]

Home rule advocates from the Greater Washington Chapter of ADA met on August 29 in a Senate Office Building hearing room to receive a briefing from Senator Morse. The big news, however, was that Vice President Hubert H. Humphrey sent a telegram to ADA:

Please be assured that under President Johnson’s leadership I shall continue to work with you so as to enable all the citizens of this great city to enjoy their fullest rights as Americans.

Neither the lateness of the hour nor the repeated setbacks we have sustained will dismay us . . . . In times past so many battles for other great objectives have had to be won in the closing weeks and hours of a Congressional session. We can win this battle. It is so very right.

Home rule would receive “the revitalized devotion it so well merits.”

Rauh hailed the telegram as “a great day for all of us. The message from the Vice President is President Johnson’s down payment on his pledge for home rule in the 89<sup>th</sup> Congress.” Senator Morse agreed that the message left “no room for doubt that the Administration continues to pledge itself for adoption of home rule.”

However, the Vice President’s office told reporters that the telegram supported home rule, not necessarily Senator Morse’s rider plan, and would not comment on whether the Vice President was speaking for the President. Only President Johnson, an aide said, could state whether the Administration supports the rider.

Senator Morse told the group that he planned to introduce the rider after Congress returns from its long Labor Day recess. “I raise no false promises and I raise no false hopes,” he said. He added, “the political climate has never been better.” [“Humphrey Urges ‘Revitalized’ Drive For Home Rule,” *The Washington Post and Times Herald*, August 30, 1966; Elder, Shirley, “Humphrey Pledges Renewal of District Home Rule Drive,” *The Evening Star*, August 29, 1966]

By October, the critical moment had not arrived. With Congress ready to adjourn to allow members to continue their reelection campaigns, time was running out. The education bill was

finally scheduled to reach the Senate floor, but it was accompanied by threats of a filibuster to block the rider. Majority Leader Mansfield was considering a motion to table the rider to avoid the filibuster and advance adjournment. Senator Morse was determined to argue his case. "I will be the most surprised man in the Senate if the leadership doesn't give me time to present my case."

The Washington Home Rule Committee sent a telegram to President Johnson urging his help. "A clear statement from you now reaffirming your unqualified support of home rule will ensure that our supporters will stand firm and the Morse rider will pass overwhelmingly." [Carper, Elsie, "Morse Pledges Fight for Rider On Home Rule," *The Washington Post and Times Herald*, October 4, 1966]

The issue was seen as a major civil rights issue. On October 8, Senator Richard B. Russell (D-Ga.), one of the leading opponents of civil rights legislation, warned that "there might be some opposed to this unusual procedure." That threat prompted Senators Mansfield, Dirksen, and 20 other Senators to file a cloture petition and schedule a Senate vote on Monday, October 10, on whether to cut off debate. Senator Mansfield warned that a filibuster "would most assuredly snuff out the last flicker of hope for an October adjournment, which now remains in the realm of the possible." He added, "There is scarce chance that a filibuster, however prolonged, could change one single vote." Under Senate rules, a two-thirds vote would be required to cut off debate.

Majority Leader Mansfield indicated that if the Senate defeated cloture, allowing a filibuster of the rider, he would offer a motion to table the amendment, thus ending the chances for home rule legislation in the 89<sup>th</sup> Congress. [Carper, Elsie, "Senators Bar Filibuster on Home Rule," *The Washington Post and Times Herald*, October 8, 1966]

Again, advocates tried to enlist President Johnson's support. Rauh sent a telegram indicating that if the rider, attached to the education bill, can make it to the House, "we are assured by the House liberal leadership that they . . . can pass the bill." ["LBL Asked To Help on Home Rule," *The Washington Post and Times Herald*, October 9, 1966]

On October 10, the Senate voted 41 to 37 to cut off the filibuster, 11 votes short of what was needed. Senator Russell led the battle for a filibuster, arguing that Senator Morse's rider maneuver was "shocking," a "legislative lynching," and a "complete travesty of the legislative process." Referring to cloture as a "gag rule," he said, "Never before in the history of the Senate has such short shift been given a parliamentary proposal." Senator Byrd, chairman of the appropriations subcommittee that handled District funding, called the maneuver "a mockery of the legislative process."

Senator Bourke D. Hickenlooper (R-Ia.) said the maneuver to attach the rider was a "most astonishing procedure" because the Senate would not have time to consider the 107-page amendment. Senator Morse responded that the amendment was similar to past home rule bills that passed the Senate. "We've walked up that hill six times," he said, "and this is the seventh."

With cloture defeated, however, Senator Morse asked and received unanimous consent to withdraw the rider. [Carper, Elsie, "Senate Vote Kills Bid for Home Rule," *The Washington Post and Times Herald*, October 11, 1966; Elder, Shirley, "Home Rule Bid Fails in Senate," *The Evening Star*, October 10, 1966; Higher Education Amendment of 1966, *Congressional Record-Senate*, October 10, 1966, pages 25869-25880]

Rauh made clear where the blame should be placed. "Without the help of the President, our efforts were doomed to failure." Richard Lyon, outgoing chairman of the Washington Home Rule Committee, said, "It's back to the old grind again." Still, as Rauh put it, "we'll try again next year and the year after and, like Irish independence, we will one day get it." ["D.C. Home Rule Defeat Laid To Silence of White House," *The Evening Star*, October 11, 1966]

### **Shifting the North-Central Freeway**

On July 21, District and Maryland highway officials unveiled the plan to NCPC for the North-Central Freeway to NCPC as drawn by J. E. Greiner and Company and Skidmore, Owings and Merrill. The freeway would be built as close as possible to the Baltimore and Ohio Railroad track, but 20 to 30 feet below ground level the entire distance. From the Inner Loop near Glenwood Cemetery at 2219 Lincoln Road, NE., to the I-95 Northeast Freeway interchange near Fort Totten Park, the freeway would have eight lanes. From the I-95 interchange, the freeway would contain six lanes to 16<sup>th</sup> Street and four lanes the rest of the way to the Capital Beltway.

The proposed route would almost completely bypass Takoma Park, site of so much anti-freeway protest, and Silver Spring's prime residential areas. It also reduced the number of dwellings that would be taken for the project. The previous plan would have displaced 720 families in the District and 570 in Maryland. The new alignment reduced displacements to 350 families in the District and 175 in Maryland.

The presentation to NCPC was for information only and to get the input of members before the plan was finalized in September. Initial reaction from at least two freeway critics was positive. Thiry, the Seattle architect, said District officials "should be encouraged" in the approach they had taken. Edwards, the Howard University sociologist, said the plan was an "improvement" over previous ideas, but added, "the people still need to have their say." [Flor, Lee, "Freeway Route Shift Proposed," *The Evening Star*, July 21, 1966; Clopton, Willard, "B&O Track Route Eyed For N. Central Freeway," *The Washington Post and Times Herald*, July 22, 1966]

In "A Critique," *Post* architecture critic Von Eckardt admitted that the new plan "shows that public criticism of urban freeway design is beginning to produce laudable results." The plan included "a number of improvements," such as not bulldozing a new corridor, "the first such exception since Federally subsidized interstate freeways began to invade our cities."

Of course, the reduced number of displacements, bypass of Takoma Park, and the availability of air rights for new housing were other improvements. Von Eckardt reported that Director Airis believed that multiple use of highway right-of-way "will be inexpensive enough to make possible public and moderate income housing as well as private construction." In addition, "construction

can be so staged that new housing will be ready and waiting for families that must be displaced as the freeway is built.”

The plan contemplated interchanges near rapid rail transit stations:

This would make the stations more accessible and allow their coordination with parking garages. A creative design approach thus could combine housing, shops and parking to turn the stations into new community centers that attract more people to fill the subway fare box.

Von Eckardt also appreciated the fact that architects were involved in the design:

In the past architects have been called in only to embellish the work of the engineers and their ideas have usually been badly compromised or rejected as too expensive . . . . Henceforth, says Airis, architects always will be called in at the inception of freeway design studies.

The critic contacted several people who had been involved in the freeway controversies over the years. The Reverend E. Channing Phillips of the Coalition of Conscience and chairman of the Housing Development Corporation, said, “I am ready to help with any scheme that reduces displacements and relocates displaced people within their area.” Sammie Abbott was less positive. “Although Takoma Park has been ‘spared,’ people out here are concerned with the city as a whole. And the city cannot absorb more cars and trucks.” Grosvenor Chapman, the architect serving as vice chairman of the Committee of 100, was hesitant to offer a view, saying, “It all depends on how things are actually done.” [Von Eckardt, Wolf, “New Plan Puts Road in Corridor With B&O, Lessens Disruption,” A Critique, *The Washington Post and Times Herald*, July 23, 1966]

Like Von Eckardt, *Star* editors were impressed by the growth the new plan demonstrated. “Washington seems to be learning, slowly but surely, that the disruptive impact of necessary urban freeways can be dramatically reduced by more painstaking route-selection and architectural design.” Based on the collaboration of engineers and architects, “much of the original dissent to the road appears to be dissipating.” The prospect of using air rights above the depressed freeway for housing “to accommodate all the families displaced along the North Central route [in] a city so severely short of sites for low and medium-income housing” meant that the city’s air-rights bill deserved the highest priority in Congress. [“Matter of Design,” *The Evening Star*, August 2, 1966]

### **Advancing the Compact – Senate**

The White House had included its bill approving the interstate compact among its priorities for the 89<sup>th</sup> Congress before Labor Day. On August 22, Senator Tydings, chairman of the Judiciary Subcommittee, held hearings during which most witnesses were overwhelmingly in support of the bill.

Some witnesses supported the bill conditionally. Lewellyn A. Jennings of the Federal City Council said the council supported the bill, but was concerned that if the expected bonds were to

be floated at this time, they would have to carry a guarantee from the District or Federal government, something not provided for in the bill as drafted.

Peter Craig was one of the few critics, as Jack Eisen summarized:

Craig . . . said Jennings “underscored our concern” that the compact would prove inadequate. He said it could delay construction of the 25-mile city system authorized by Congress last year.

Tydings replied that such problems can be dealt with as they arise and doubted any delay would result.

Craig also asserted that the compact is “being packaged and sold, especially by the newspapers, as being the next step to get the core system built.”

Tydings disputed this, saying it is a “necessary step to get the whole system built . . . . You can’t stop at the city line.”

If the compact is approved, Craig said, two sections of the enabling bill should be killed – one that abolishes the National Capital Transportation Agency on Sept. 30, 1967, and another that abolishes NCTA’s Advisory Board immediately. The Advisory Board is headed by lawyer Gerry Levenberg, a foe of the compact. [Eisen, Jack, “Action Is Sped On Transit Bill By Senate Unit,” *The Washington Post and Times Herald*, August 23, 1966; Bassett, Grace, “2 Congress Groups To Push Subway Compact Bill,” *The Evening Star*, August 23, 1966]

The few criticisms aside, the Senate Judiciary Committee approved the bill on August 24. Its report addressed the criticisms and concerns expressed during the 1-day hearing. One concern related to whether the District’s interests were adequately protected by the makeup of the interstate authority board. “The committee has considered these contentions and also concluded that the provisions of the compact and of the consent legislation properly and adequately protect the interests of the District of Columbia and of the other signatories.”

Equal representation by the three jurisdictions was necessary to build a regional system. Any costs not covered by the fare box would have to be “shared equitably” among the jurisdictions and the Federal Government. The report added, “it is difficult to understand how the interests of the District of Columbia are protected by assuming a preponderance of interest and responsibility for the District of Columbia for the purpose of determining representation on the Board of Directors of the Authority.”

The report also disputed concerns that the District would be outvoted, a concern that “reflects a misunderstanding of the voting arrangements.” For most actions, a majority vote must include at least one representative of each of the three jurisdictions. Most of the concern was about other actions, including the adoption, alteration, revision, or amendment of a mass transit plan or a plan of financing. For those actions, the majority could consist of the unanimous vote of the directors from at least two jurisdictions. These were, however, not final actions, but only

proposals that would not become final until those governments entered into financial commitments in accordance with the compact:

Thus, the adoption by the Board of Directors of the Authority of a mass transit plan or a plan of financing does not bind the District of Columbia or impose any obligations on that Government until and unless Congress appropriates for the District of Columbia the funds required of that signatory by the plans.

The concern about representation by two District commissioners on the board was, really, a home rule issue. “The Commissioners are Presidential appointees, subject to approval by the Senate, and are directly responsible to both the President and the Congress for the performance of their duties.” Maryland’s and Virginia’s representatives would be local officials or political appointees. “It would be a disservice to the District of Columbia, and impair the effectiveness of the compact, to separate the District of Columbia representatives on the Authority from executive responsibility for the general affairs of the District of Columbia.”

The committee also rejected the concerns about financing. Under the compact, costs were to be financed from the fare box and any shortfall “shared equitably” by the jurisdictions. The lack of tax authority was not, as suggested, a fatal deficiency. The New York law firm of Hawkins, Delafield and Wood, “the leading bond counsel in the country,” had concluded that the legislation provided adequate authority “to develop a financing program through the issuance of revenue bonds,” as needed. [Washington Metropolitan Area Transit Authority Compact, Committee on the Judiciary, United States Senate, 89<sup>th</sup> Congress, 2d Session, Report No. 1491, August 24, 1966, pages 23-25]

With only Senators Tydings and Virginia Democrats A. Willis Robertson and Harry F. Byrd, Jr., on the floor, the Senate approved the compact legislation on August 25. After their statements of support, the *Star* reported, “the bill was whisked through the Senate” on a voice vote. [Consent of Congress to Amend the Washington Metropolitan Area Transit Regulation Compact, *Congressional Record-Senate*, August 25, 1966, pages 20550-20561]

In the House, Chairman Whitener had introduced an amendment to the compact legislation that the Committee on the Judiciary adopted. Under the amendment, the authority would have until July 1, 1968, to prove to the House and Senate Judiciary Committees that it had a workable financial plan for building a regional rapid rail system. The amendment also eliminated the date of September 30, 1967, for the automatic end of NCTA. The *Post* reported that Chairman Whitener told reporters he did not think the interstate authority would be ready to begin operations by September 1967. “He has expressed strong reservations about the compact and the financing of the system outside the city and said he plans to offer other amendments ‘to clean up the bill’ when it reaches the floor.” [Carper, Elsie, “Senate Vote Speeds Rapid Rail Agency; House Unit Delays It,” *The Washington Post and Times Herald*, August 26, 1966; Elder, Shirley, “Senate Votes Transit Pact,” *The Evening Star*, August 25, 1966]

In support of Chairman Whitener’s amendment, Eisen reported, was the White House’s delay in submitting its bill to Congress. The bill’s takeover date was only 13 months away. NCTA Administrator McCarter had testified before the Senate Judiciary Committee that achieving the

goal in that period would be “a formidable task – an ambitious undertaking.” Nevertheless, the compact had been “the product of 12 years of patient and painstaking activity that has forged a link between the suburban courthouse and the White House”:

Considering that the compact opens a path toward a multimillion dollar investment by the suburbs, there has been surprising unanimity over the need for the Authority.

But there has been terrier-like resistance in some quarters to details of the compact, chiefly from those who want the D.C. or Federal governments to maintain control of the system of representatives. The controversy that has arisen at the Capitol centers upon the details.

Chairman Whitener proposed to substitute July 1, 1968, as NCTA’s termination date:

Officials regard Whitener’s amendment as not fatal but troublesome, not so much in the date as in the continued involvement of Congress in the details of suburban extensions and the financing plan that must be prepared in the meantime. [Eisen, Jack, “Details Cause Transit Treaty Dispute on Hill,” *The Washington Post and Times Herald*, August 28, 1966]

*Post* and *Star* editors considered the change a needless distraction. As the *Post* editors pointed out:

It would make the Judiciary Committees, which have no special technical competence in mass transit, responsible for the final decision on the planning as well as the legal structure of the system. Other congressional committees would be better qualified to undertake this responsibility, although if further review is really necessary, it would more properly fall to the President and the Executive Branch to approve the system.

Moreover, by eliminating the date when NCTA would cease functioning, the amendment “would encourage procrastination within the organization,” which might be reluctant “to rush plans for its own funeral.”

Chairman Whitener’s “purposes remain unclear,” but the approved amendment and his unspecified additional amendments were “unnecessarily compounding the confusion over future transportation in the Metropolitan area – a confusion he reduced with great skill and resourcefulness only last year.”

The *Star* also found it “difficult to understand” Chairman Whitener’s position. The Judiciary Committees were not the appropriate committees for considering mass transit financing. “So, since Congress through its control over any funds appropriated for the District would always have the last word, why insist on this unnatural form of review?”

The editors did not want “to look for things under the bed”:

But the Whitener amendment, if it stays in the bill, could seriously impair and might wreck the bond-issue aspect of the financing of the system. It could also knock the

compact in the head, thus leaving the job to the NCTA or to some federal corporation. In either event, the result probably would be that only the downtown or “core” portion of the system would be built. And this would contribute nothing toward the important objective of getting people from Maryland and Virginia to and from their jobs in Washington.

[“Confusing the Subway,” *The Washington Post and Times Herald*, August 29, 1966; “Threat to Rapid Transit,” *The Evening Star*, August 30, 1966]

## **The Revenue Impasse**

In early August, the District appropriations subcommittee released the records of its hearings on the District appropriations bill, FY 1967. Much had changed in the freeway debates since the hearings. The Policy Advisory Committee, with the help of NPS Director Hartzog, had agreed to advance the city’s freeway system. NCPC had given the go-ahead by a 6 to 5 vote. The District was proceeding on several fronts to advance the freeways that had been stalled. Congress was considering the White House bill giving consent, on the District’s behalf, to the interstate compact.

Chairman Natcher’s comments in April were seen as an ultimatum from a man who held near dictatorial power over government expenditures in the District. As *The Evening Star* put it, Chairman Natcher “is sick and tired of the stalling on this city’s freeway and bridge programs.” In April, Chairman Natcher, “noted for his restraint, had said bluntly” that if the District wanted a subway, it would also have to build freeways.

NCPC Chairman Rowe had managed to sabotage the freeway program for years, but that “barrier seemed to have been hurdled last June” by a one-vote margin. Nothing of “any consequence” had happened since then. Chairman Rowe, “vacationing on Cape Cod, doubtless is still as hostile to freeways as ever.” She apparently had used her influence to keep NCPC “from putting its stamp of approval on a final, complete and comprehensive plan.” That vote would occur at NCPC’s September meeting.

The editors encouraged General Duke to stop debating whether the new 14<sup>th</sup> Street bridge should have four or six lanes, “a controversy which tends to undermine support for the proposed Three Sisters Bridge, and push hard for definitive action when the Planning Commission meets next month.”

That, at least, was the editors’ idea based on Chairman Natcher’s threat:

This, we believe, is the message which Chairman Natcher is trying to put across. And it had better be heeded by all concerned, whether their primary interest is in freeways, a subway, or both. [“Natcher Serves Notice,” *The Evening Star*, August 10, 1966]

With no action taken on the revenue bill, Chairman Natcher moved on the FY 1967 appropriations bill on September 9 when the Appropriations Committee released its bill. The report stated:

For the third consecutive year the Committee has received a budget for consideration that is out of balance – currently there are deficits of \$23,021,000 in the general fund and

\$12,876,000 in the highway fund, a total of \$35,897,000. As in the past the budget was predicated on revenues to be generated through additional taxes, a formula Federal payment, and this year additional loan authorization for the highway fund, all of which require congressional action before they become effective.

The committee had delayed action in the hope the additional revenues would be authorized, but that had not happened. Therefore, it cut the District's appropriations total to \$380.7 million, a reduction of \$43.3 million from President Johnson's request.

The committee supported a freeway system and a rail rapid transit system. "In order to meet the tremendous day by day growth of traffic the highway program must be carried out along with the present rail rapid transit system." As of December 31, 1965, the District had \$20,927,305 million in appropriated funds to match Federal-aid highway funds totaling \$151,273,386 "that will be released as soon as projects are designed and approved." Despite this balance, the city had not "moved ahead at the required rate to meet the deadline of 1972 imposed by the interstate highway legislation." Additional appropriations were unneeded because:

Planning decisions have been and still remain the key obstacle to progress . . . . [As revealed during the April 20 hearing] as of now planning decisions still remain to be made and little or no effort is being made to place the major projects into final design for final approval.

On that basis, the committee made good on Chairman Natcher's threat:

Until decisions are made and approval granted to proceed on the freeway system the Committee is reluctant to provide additional funds for the National Capital Transportation Agency, and has accordingly denied the requested \$8,525,000 for the District's contribution for the construction of a rail rapid transit system.

In addition to refusing authorizations for District funds to match Federal NCTA funds, the bill cut highway appropriations for demolition of the old 14<sup>th</sup> Street Bridge (the Highway Bridge), the Center Leg, North-Central Freeway, North Leg, the 9<sup>th</sup> Street Expressway, and the East Leg. These cuts came as District officials were planning their presentation to NCPC on a 2-mile section of the North-Central Freeway and Three Sisters Bridge on September 15. NCPC planned to hold a public hearing on September 14 before the District's formal presentation the following day. [District of Columbia Appropriation Bill, 1967, Committee on Appropriations, U.S. House of Representatives, 89<sup>th</sup> Congress, 2d Session, Report No. 2019, September 9, 1965, pages 6-7; Flor, Lee, "House Unit Slashes District Roads Also In \$43 Million Trim," *The Evening Star*, September 9, 1966; Eisen, Jack, "House Unit Stops District Grant Needed to Start Subway in 1967," *The Washington Post and Times Herald*, September 10, 1966]

Chairman Natcher brought the bill to the House floor on September 13. His introductory comments discussed all aspects of the bill, but when he came to the freeway/rail rapid transit section, he repeated the summary in the committee report. After describing the available funds, he said:

For a period of 5 years now, our committee has attempted to go along on every request concerning our rapid rail transit system and our freeway system. Time after time when funds were appropriated for projects the plans were discarded and filed away. Millions of dollars have been invested and this money is money down the drain. If the people in our Capital City really understood what has transpired in our freeway system during the past 5 years they would be amazed.

From 1961 up to the present time we have pointed out in our hearings time after time the fact that millions of dollars has [sic] been expended for planning with no action to place the projects under construction. The same projects have been up for consideration year after year and by virtue of delay each of the projects now will cost hundreds of thousands of dollars more to finally complete and the overall amount will run into the millions . . . . Time is passing and the pressure groups who have succeeded up to this time to halt our freeway system are jubilant . . . .

Now is the time to have a thorough understanding and an agreement as to the construction of our freeway system and the continuation of our rapid rail transit system. A balanced transportation system is necessary and both freeway and rapid transit must go forward together.

We have reached an impasse insofar as our freeway system is concerned and now is the time to eliminate the roadblock which some believe was permanently fixed.

He recalled the decisionmaking machinery for the District's freeway system. "Each decision involves participation of some half-dozen Federal agencies and freeway opponents within this group, and especially on the National Capital Planning Commission have used this out-of-date machinery to delay decisions and make every effort to destroy our freeway system." Opponents knew that major portions of the network could not be built "until a firm decision is reached on the system as a whole."

Of the Little report, he said that following "7 weeks of huffing and puffing the company succeeded in bringing forth a mouse." It called for the freeway system to be brought to a complete halt. "The crux of this report" was that instead of planning a system, the city should plan "one link in the system at a time," in contradiction to the views of all experts. The resulting statement by the Policy Advisory Committee was "full of ambiguous language and really means very little."

He listed the 13 pending freeways and parkways, summarizing the long history of their planning:

Freeway opponents have succeeded up to this time in knocking down all of the main conclusions reached by transportation experts after 20 years of study costing millions of dollars and this pre-meditated foolishness must stop.

Our Capital City must not be embarrassed by further studies and further inaction and more wasted money in the completion of our freeway system. Meaningful decisions must

be made now to remove the planning obstacles set up by opponents of our freeway system.

He pointed out that the Committee on Appropriations had appropriated \$2 million the previous year to match NCTA funds. The committee still favored development of the rail rapid transit system:

At the same time we are not in favor of permitting our highway system program to be destroyed. Until we have decisions upon which we can rely placing the highway program underway we are unable to recommend that the District government borrow \$8,525,000 to continue the rapid rail transit system. We do not want to experience again what we did in 1963. This must not take place.

Representative Gross asked how the District could expect to finance a subway system if it could not complete the freeway network. He also asked what the subway would cost.

Chairman Natcher summarized the NCTA cost estimates, as well as the history of failure in 1963. The subway “will probably cost more than estimated and the bonds will not be retired out of the fare box.”

The chairman went on to other subjects but Representative Smith of Virginia asked to return “to the discussion of the highway system, the rather tragic system.” He wanted to know the chairman’s intentions about rail rapid transit. “Is that going to be laid aside until they start building some highways.”

Chairman Natcher said he hoped that before the appropriation bill was enacted, he would be in a position to return to the House to secure the District’s matching funds for rail rapid transit. NCPC was scheduled to hold a meeting later in the week that might make that possible. “We are not against rapid transit,” he said, but as Representative Smith knew, “there are a great many people who have, all down through the years, tried to destroy the highway system in the District of Columbia to put the rapid transit system ahead.” He hoped that both systems can move forward in the very near future.

After discussion among the members, especially Representative Gross, of several issues, including the D.C. Stadium, the House approved the bill, 320-3. [District of Columbia Appropriation Bill, 1967, *Congressional Record-House*, September 13, 1966, pages 22413-22427; the main discussion of highway-subway issues is on pages 22414-22417]

The editors at the *Star* understood Chairman Natcher’s action:

It is an act of rebuttal, clearly threatened in the past, which reflects an end of patience with the senseless, continued failure of this community to resolve its disputes over the highway program.

His frustration should be shared by every responsible citizen.

Only a few years ago, transit “seemed the far-away, difficult-to-achieve dream. Now, there was general agreement on it. “Yet it is the highways which have remained ensnarled in one red-tape planning hassle after another.”

Chairman Natcher’s cut in subway matching funds “precipitates a real crisis” that he was willing to unravel if “meaningful action” occurs to advance the highway program. The first “action” would come on September 15 when NCPC met to consider four essential freeway segments that NPS Director Hartzog had endorsed. The editors thought more would be needed:

Beyond mere approval, however, Natcher also appears to want some clearer evidence of a White House determination that the freeway system – along with rapid transit – will actually be built, and that the foot-dragging, obstructionist tactics by the President’s appointees to the planning commission will really come to an end. It is an assurance that is long overdue. [“Frustration,” *The Evening Star*, September 14]

### **NCPC Acts**

NCPC announced on September 8 that it would consider four freeway projects on September 15:

- The 2-mile section of the North-Central Freeway between Rhode Island Avenue and Buchanan Street, NE. As proposed 2 years earlier, this segment would be located between the Baltimore and Ohio Railroad tracks and 10<sup>th</sup> Street, NE.
- The Three Sisters Bridge over the Potomac River between Spout Run and the Georgetown waterfront. The proposal does not include approach structures.
- South Leg Freeway in a tunnel between the Lincoln Memorial and Tidal Basin, with interchanges excluded.
- East Leg Freeway between Barney Circle and Maryland Avenue along the west bank of the Anacostia River.

The day before, the announcement stated, NCPC’s transportation committee would hold an informal hearing, called a “presentation,” beginning at 2:30 p.m. Because of space limitations, NCPC said it would allow only the identified witness from each group into the hearing room at 1111 20<sup>th</sup> Street, NW.

The day before the hearing, 26 people representing citizens groups across the city signed a resolution denouncing the North-Central Freeway and the Three Sisters Bridge. As Lee Flor explained:

Construction of the highway projects would raise a complex of social problems, including more intense economic, employment, housing, racial and air pollution problems, according to the 26 persons who signed the resolution.

The groups did not “believe harmony between the races is increased by allowing families and neighborhoods which are predominantly Negro to be uprooted for the convenience mainly of white-suburban commuters . . . . Freeways in cities are surely to some extent ‘white men’s roads

coming through black men's homes.”” The resolution referenced the riots a year earlier in the Watts section of Los Angeles and the relationship between unemployment and transportation:

We know that such unemployment is a factor in explosions like that of Watts, a Los Angeles community surrounded by freeways but totally lacking adequate public transportation for employable residents without automobiles.

The Metropolitan Citizens Council for Rapid Transit released the resolution on September 13. The council's chairman, Duncan Wall, sent the resolution along with a letter to Charles Horsky at the White House. The letter said that NCPC's plan for the hearing was a “betrayal of public rights and pledges to the citizenship which we wish to believe were made in good faith.” The groups complained they did not have enough time to gather evidence after old freeway plans had been changed.

Other signers included:

- Bishop Smallwood E. Williams – Bible Way Church
- The Reverend Walter E. Fauntroy – New Bethel Baptist Church – Co-Chairman of the D.C. Coalition of Conscience
- The Right Reverend Paul Moore, Jr. – Episcopal Suffragen Bishop of Washington – Co-Chairman of the D.C. Coalition of Conscience
- Edward G. Hailes – NAACP
- Marion Barry, Jr. – SNCC and Free D.C. Movement
- The Reverend Duncan Howlett – All Souls Church
- The Reverend Geno Baroni – executive secretary of the Catholic Archbishop's Committee on Community Relations
- Peter S. Craig – Committee of 100 on the Federal City
- The Reverend E. Franklin Jackson, Democratic National Committeeman
- Charlton Ogburn, Jr. – national conservation leader

[Flor, Lee, “2 D.C. Road Projects Hit As Threat to Negro Homes,” *The Evening Star*, September 13, 1966; the list of signers from Eisen, Jack, “Freeway Opponents Form Coalition,” *The Washington Post and Times Herald*, September 18, 1966]

On September 14, G. Franklin Edwards, chairman of NCPC's transportation committee, held the informal hearing, which began at 3:15. Over 40 witnesses had signed up to testify. Highway officials presented a 2-hour briefing, with only nine witnesses speaking before a 7:00 break for supper. The result of the hearing before and after the break, according to Jack Eisen, was that the city's “embattled freeway program came under one of its sharpest attacks to date.”

Several witnesses raised racial issues, especially regarding the North-Central Freeway. Marion Barry, Jr., said the city was “planning highways for white people.” The people of Watts, he said, “got a nice freeway about five miles away but people couldn't get to work.”

District residents had to “compress their emotions” about the lack of decent housing and other problems. “At some point their frustrations are going to cut loose.” He warned of possible civil

disturbances if freeway development continued. One of these days, suburban commuters would discover District residents had “blocked streets and charged them some taxes for coming over here.” In a reference to Chairman Natcher, Barry said NCPC members “should consider it as an insult that a racist congressman from Kentucky would try to blackmail them.”

Sammie Abbott, described as “a white resident of Takoma Park” and a leader of the new Emergency Committee on the Transportation Crisis (ECTC), agreed. “It’s a white man’s freeway going through the black man’s homes and that’s going to be the slogan from now on.”

Several witnesses, including The Reverend Jackson, thought the subway should be built first, followed by the freeways, if they were still needed.

Peter Craig told the NCPC committee that the plans before them did not meet legal requirements for consideration. He and other critics cited the District’s Highway Act of 1893, which established procedures for considering highways, including hearings, that they claimed the District had not followed. (The 1893 Act will be discussed later.) The chairman of the transportation committee replied that NCPC’s general counsel had given an oral opinion that the four projects were legal and could be considered by NCPC. He intended to get that opinion in writing.

Craig also said that four government officials who were members of NCPC should be disqualified from voting on the plans because they were interested parties who had “plotted” to build the roads. He was referring to General Duke, Hartzog, McCarter, and Whitton. (Eisen reported that during the dinner break, Edwards assured Craig that his arguments “have not been taken lightly.”)

Arlington County and civic groups from the county made clear their opposition to the Three Sisters Bridge. The County Planning Commission’s J. Fuller Groom said the County Board had expressed “firm opposition to any bridge” in that area. [Eisen, Jack, “Freeways Are Called Highways for Whites,” *The Washington Post and Times Herald*, September 15, 1966; Flor, Lee, “D.C. Freeway Foes Picket, Jam Hearing,” *The Evening Star*, September 15, 1966]

Before NCPC’s monthly meeting on September 15, about 150 people had formed a block-long picket outside carrying signs opposing the freeways. One sign had the heading “et tu, Park Service” over a pig in a trough labeled “\$90-10 Money.” On a similar theme, another claimed “Hartzog Sold Out For \$90-10 Money.”

Lee Flor reported that when the meeting began, the crowd moved “into the small board room at the commissioners’ office . . . .” The crowd “became vocal” because the room did not have enough seats for everyone. “Mrs. James Rowe Jr . . . . said she was sorry about the smallness of the room and urged citizens to take turns sitting.”

The “large but orderly” crowd of anti-highway groups listened to the long discussion of the four freeway projects. Eisen reported:

As the time for voting neared, Sam Abbott . . . jumped to his feet several times with comments. Mrs. Rowe pleaded with him to follow Commission rules, which do not permit audience comments.

NCPC then voted 6-to-4 to approve the location of the 2-mile section of the North-Central Freeway and the meeting “dissolved into near pandemonium . . . when angry spectators shouted their outrage”:

When the vote came, there was a moment of silence. Then Abbott rose, shouting that the vote was a “sellout” by Duke and George B. Hartzog, Jr . . . Mrs. Rowe ordered Abbott removed. Others in the audience shouted support of Abbott. “This is the only forum we have!” cried one woman. “Let him speak! Let him speak!” yelled another.

Meantime, Mrs. Rowe gaveled a recess and Abbott led most of his group, by then about 25 persons, from the room. When one woman stopped to listen to Duke, Abbott grasped her elbow and led her out.

In the corridor, Abbott stopped before a television camera to “mobilize black power along with white power to defeat sellout power.”

. . . . Commission aides said yesterday’s incident was believed to be unprecedented in the body’s 40-year history.

The six ex-officio members who carried the vote were General Duke, Director Hartzog, NCTA’s McCarter, Everett Roberts of the U.S. Army Corps of Engineers, BPR’s Frank Turner representing Administrator Whitton, and William A. Schmidt of the Public Buildings Service. Conrad L. Wirth, the former NPS Director and ex-officio member of NCPC who had joined NCPC as a citizen member on September 15, voted against the freeway, as did Chairman Rowe, Edwards, and Thiry. (Louchheim was out of town.)

Failing in her pleas to quiet the audience, Chairman Elizabeth Rowe, herself a foe of the road, gaveled the session into recess, had the room cleared and resumed.

Then, a half hour later, the Commission cast another 6-to-4 vote endorsing an equally controversial project, the Three Sisters Bridge to Arlington.

NCPC also approved the East Leg Freeway segment, again 6 to 4, and unanimously approved the South Leg Freeway. [Eisen, Jack, “NCPC Backs New Bridge, Freeway Link,” *The Washington Post and Times Herald*, September 16, 1966; Flor, Lee, “Start Is Approved On D.C. Freeways Despite Protests,” *The Evening Star*, September 16, 1966]

In the hope of prompting Chairman Natcher to release the District’s matching funds for the rail rapid transit system, the District commissioners gave final approval to the four segments on September 20. With this approval, District highway officials would be able to let design contracts and begin acquiring right-of-way. Of the four freeways, the North-Central Freeway was the only one that would require displacements, estimated at about 284 families. Commissioner Tobriner secured assurances that the families would receive comparable housing.

Detailed design about take about a year and a half, with construction requiring about 3 years. Then, as the *Post* put it, “it will be possible . . . to drive from Georgetown to D.C. Stadium without stopping for a light.” [“Final Approval Granted for Four Freeway Sections,” *The Washington Post and Times Herald*, September 21, 1966; “City Gives OK For 4 Parts Of Freeways,” *The Evening Star*, September 20, 1966]

Approval of the design contracts was seen as the pivotal moment in the freeway-subway impasse created by Chairman Natcher. Eisen began an article, “Washington’s latest subway-freeway crisis appears to have passed its peak and the fever is now going down . . .” Approval of the contracts was the “final turning point.”

Chairman Natcher had cited 13 projects that were being delayed, but not all were advanced to the contract stage. Moreover, the four approved projects were the key to as many as eight of the other segments. As a result, “several sources” expected the design contracts would satisfy Chairman Natcher’s conditions for releasing the subway funds. At the same time, NCTA would ask Chairman Natcher to allow the agency to transfer \$2 million in previously appropriated funds for the design work to prevent the consultant, De Leuw Cather and Company, from laying off engineers.

At this pivotal moment, Acting House Majority Leader W. Hale Boggs (D-La.) was prepared to bring the interstate compact legislation to the House floor the following week. The crowded schedule for the week, including other components of the Great Society, might delay a vote.

At this time of optimism for highway and transit supporters, freeway critics were thinking about going to court. They were focusing on the legality of approving the planned design contracts without holding further public hearings in accordance with the 1893 District highway law (again, to be discussed later). Peter Craig had raised the question and said the Committee of 100 for the Federal City had retained his former firm, Covington and Burling, to test the issue in court. The *Star* also reported that, “Another organization, the Emergency Committee on the Transportation Crisis, submitted letters to all three commissioners today.”

In view of this challenge, the District commissioners asked Acting Corporation Counsel Milton Korman on September 27 whether they had to hold further public hearings before the pending contracts were signed. Within 5 hours, Korman issued a legal opinion that the District commissioners may approve the contracts without holding additional public hearings. A few minutes later, Director Airis signed contracts worth \$2.7 million for the design of three controversial freeways (Three Sisters Bridge, East Leg Freeway, and North-Central/Northeast Freeway) and the South Leg Freeway, which the *Post* described as “itself once controversial, that has since won city-wide endorsement.” [“D.C. Heads Ask Advice On Contracts,” *The Evening Star*, September 27, 1966; Flor, Lee, “Freeways Action Paves Way For D.C. Subway Fund Plea,” *The Evening Star*, September 28, 1966; “Pacts Let on Inner Loop, Sisters Bridge, NE Freeway,” *The Washington Post and Times Herald*, September 28, 1966]

Sources vary on when freeway opponents formed the ECTC, but a search of the *Star* and *Post* archives indicates that the September 27 reference in the *Star* is the first time the group’s name

appeared. However, in a News Analysis in the *Post* on September 18, Eisen described how opposition was “developing clear signs of turning into a broad-scale and well-organized revolt”:

Opponents of the city’s interstate system, whose efforts began with a series of individual neighborhood protective skirmishes, have stitched together a coalition of civic, racial and political groups to fight the whole program.

Most have proclaimed that a rail rapid transit system – blocked last week by Congress because of the freeway fight – would cure Washington’s growing case of hardening of the transportation arteries.

If the new coalition is successful, Washington will be in danger of having neither freeways nor rail transit, a circumstance that could stunt the city’s economic growth and further isolate the city from its suburbs.

As a result, the Capital Beltway could turn “into the metropolitan area’s economic Main Street, at the expense of the job-providing businesses and agencies now clustered in downtown Washington.” It also might threaten the viability of NCP’s upcoming Year 1985 Plan “which will call for increased centralization of employment downtown.”

Downtown business interests saw a balanced transportation system of freeways and rail rapid transit as the best way to attract businesses, agencies, and shoppers. Failure to create such a system would enhance the attraction of the suburbs where stores and offices were “easily accessible by automobile for county residents – and remote from the mid-city homes of the area’s Negro residents.”

One question was whether city highway planners, in their unsuccessful effort to mollify critics “may not be settling for a system too small to do much real good,” an observation also made by transit advocates about the 25-mile rail rapid transit system:

The whole situation also has intensified a widespread and growing feeling on both sides of the road issue that the Planning Commission’s structure and procedure are unsound and unworkable.

After discussing plans for legal challenges to freeway approvals, Eisen concluded his analysis:

As the long, hot summer of transportation disputes comes to an end, it looks like there’s a long, cold winter ahead. [Eisen, Jack, “Freeway Opponents Form Coalition,” News Analysis, *The Washington Post and Times Herald*, September 18, 1966]

### **Federal-Aid Highway Act of 1966**

On March 21, 1966, Secretary of Commerce John T. Connor and Treasury Secretary Henry H. Fowler wrote to Speaker of the House McCormack to transmit a draft of the Federal-Aid Highway Act of 1966 and the Highway, Airway, and Waterway User Act of 1966. Although the House Committee on Public Works had jurisdiction over the Federal-Aid Highway Act, both bills involved highway user taxes to address the increased cost of completing the Interstate

System as shown by the 1965 ICE. Tax changes must be initiated in the House by the Ways and Means Committee.

The letter explained that Section 2 of the highway bill authorized \$2.685 billion for an extra year of Interstate construction assigned to FY 1972. Section 3 authorized the use of the 1965 ICE as the basis for apportioning Interstate construction funds for FYs 1968 and 1969. Section 4 was a “conforming amendment” reflecting the earlier sections. Subsection 4(a) “would declare it to be the intent of Congress that the Interstate System be completed as nearly as practicable over the period of availability of 16 years’ appropriations authorized for the purpose.” Subsection 4(b) extended the apportionment formula for completion by 1 year. (Section 1 simply stated the name of the bill.)

The Secretaries said of the Highway, Airway, and Waterway User Act of 1966 that, “Enactment of this draft bill is essential if we are to complete our interstate highway program as contemplated.” The highway portion of the bill authorized increased user taxes on truckers to provide the needed additional revenue:

Even with the additional revenues proposed in this bill, the pay-as-you-go policy requires us to extend collection of highway user charges for 5 additional months. Without the additional taxes proposed in this bill, the interstate program and the collection of taxes for the highway trust fund would have to be stretched out for a further time. [Proposed Legislation Submitted by the Secretary of the Treasury and the Secretary of Commerce Entitled the “Federal-Aid Highway Act of 1966” and the “Highway, Airway, and Waterway user Act of 1966,” Ways and Means Committee, U.S. House of Representatives, 89<sup>th</sup> Congress, 2d Session, March 23, 1966]

On July 18, the House Committee on Public Works approved the Federal-Aid Highway Act of 1966, amending the original bill to increase authorizations for FYs 1968 through 1972. The committee also added a sentence specifying that nothing in the bill was intended to authorize the use of Highway Trust Fund revenues for Title 23, U.S.C., Sections 131 (outdoor advertising), 136 (junkyards), or 319(b) (landscaping and scenic enhancement). To limit Highway Trust Fund revenues to highway and bridge construction, the committee wanted revenue for these sections to come from the general Treasury.

The committee agreed that an additional year of authorizations should be provided for the Interstate System. The authorization for that additional year, FY 1972 means that “the actual construction of the system should be completed in 1973”:

It is essential that Congress act now to authorize the appropriation of funds sufficient to complete the system, so that the State highway departments and the construction industry may properly plan and schedule their work to avoid peaks and valleys in the construction program and so that necessary engineering, right-of-way acquisition, and construction may continue without interruption for completion of the system in 1973.

Testimony during the committee’s hearings indicated that the additional authorizations “will exceed estimated revenues to the Highway Trust Fund through September 30, 1972, by

approximately \$6 billion, under existing tax law.” If Congress did not approve additional highway user fees for the Highway Trust Fund, “the funds authorized to be appropriated for the Interstate System could be apportioned only in amounts that do not cause expenditures in excess of amounts available in the Highway Trust Fund.” [Federal-Aid Highway Act of 1966, Committee on Public Works, U.S. House of Representatives, 89<sup>th</sup> Congress, 2d Session, House Report No. 1704, July 18, 1966, pages 14-19]

The Senate Committee on Public Works issued its report on July 26. The report stated that “a revised and more accurate estimate of the cost of completion of the Interstate System” would be released in January 1968. Therefore, the committee’s bill deleted authorizations for Interstate construction for FYs 1970 through 1972. Authorizations in the bill would allow State highway agencies to continue construction of the Interstate System, while Congress awaited the new ICE before deciding how much funding to authorize beginning in FY 1970:

The committee cannot overemphasize the urgency of completing the Interstate System and adhering to the 1972 completion date as nearly as is technologically and economically feasible. The benefits of the program are of such magnitude that it warrants the best efforts of the Federal Government, the States, and the construction industry to push toward an early completion date.

Except in urban areas, the primary impediment to completion on schedule was “the shortage of funds.” The solution to that problem, the report stated, rests with the House Ways and Means Committee:

On three successive occasions since 1961 the administration has recommended revenue measures to augment the trust fund. And in each instance the Congress has withheld action. Others may speculate regarding the reasons for this impasse, but as a practical matter affecting the major civil works construction program in the Nation, this committee urges the administration to reappraise its assumptions regarding interstate financing and recommend to the next Congress a realistic revenue measure which will solicit congressional approval. [Federal-Aid Highway Act of 1966, Committee on Public Works, United States Senate, 89<sup>th</sup> Congress, 2d Session, Senate Report No. 1410, July 26, 1966, pages 16-18]

On July 28, the Senate passed the 1966 Act. The House approved its bill on August 11.

House-Senate conferees resolved differences between the two bills on August 29. The final bill retained House authorizations through FY 1972 with some changes in the annual amounts. It also retained the House language prohibiting the use of the funds for Sections 131, 136, or 319(b) of Title 23. [Federal-Aid Highway Act of 1966, Conference Report, U.S. House of Representatives, 89<sup>th</sup> Congress, 2d Session, Report No. 1903, August 29, 1966]

The Senate agreed to the conference report on August 30, and the House agreed the following day. On September 13, President Johnson signed the Federal-Aid Highway Act of 1966 (P.L. 89-574).

Although the 1966 Act extended the time for completing the Interstate System, Congress did not act on the proposed highway user tax increases to support the added costs reflected in the 1965 ICE. According to the *The Wall Street Journal*:

The LBJ proposals are lying untouched on Capitol Hill. The tax-writing committees show no desire to get caught in the bitter fight that higher truck taxes would provoke.

Instead, there were “plenty of ideas kicking around” Congress to increase highway user revenue without antagonizing the truckers. One idea was to shift revenue from the 7-percent auto excise tax to the Highway Trust Fund account. Another was to restrict Highway Trust Fund revenue to the Interstate System, with the remainder of the Federal-aid highway program funded from the general Treasury.

However, “the suggestion heard most often for solving the money pinch” is to repeal the Byrd Amendment to the Federal-Aid Highway Act of 1956. Senator Harry Flood Byrd (D-Va.), chairman of the Finance Committee at the time, was a highway booster during a long career in State and Federal offices. However, he was known for a trait that biographer Alden Hatch described as “an almost pathological abhorrence for borrowing that went beyond reason to the realm of deep emotion.” [Hatch, Alden, *The Byrds of Virginia: An American Dynasty, 1670 to the Present*, Holt, Rinehart and Winston, 1969, p. 347] To that end, Chairman Byrd amended the 1956 bill to require the Federal-aid highway program to operate on a pay-as-you-go basis. If the Secretary of the Treasury, in consultation with the Secretary of Commerce, determined that revenues would be insufficient to defray expenditures for any fiscal year, the Commerce Secretary was required to reduce apportionments by the percentage of the deficiency. In short, the Byrd Amendment, as it is known to this day, was intended to ensure the Federal-aid highway program, with its new Interstate component, was self-sufficient – and would not have to incur debt through bonds to pay the bills.

Senator Byrd’s retirement from the Senate for health reasons in November 1965, replaced by his son, Senator Harry F. Byrd, Jr., had “stirred [the] hopes of go-fast highway fans that the borrowing ban can be lifted.” By being able to borrow from the general Treasury, slowdowns due to shortages could be avoided. However, Chairman Wilbur Mills of the Ways and Means Committee “remains cool to the idea of abandoning pay-as-you-go highway financing,” as was the White House:

Perhaps an even bigger objection arises from fear that current borrowing against future highway tax revenues would rob money needed for road-building in the early ‘70s. “It’s like telling your wife to go out now and buy next year’s new dress before the price goes up,” says a Congressional authority on the trust fund’s workings. “You know darn well she’ll want a new dress next year, too.”

Moreover, highway officials were already thinking about extending the Interstate System after 1972:

State and Federal highway officials, plus individual members of Congress, already are hatching ideas for the kinds of roads to be built once the original 41,000 interstate miles are completed . . . . Other “post-1972” suggestions circulating in Congress: Massive Federal aid for modernizing city streets and Federal retirement of state and toll road bonds. [Large, Arlen J., “Interstate System Faces a Construction Delay Unless New Cash Found,” *The Wall Street Journal*, June 8, 1966]

The situation had not changed by the end of the 89<sup>th</sup> Congress later that year.

(Congress would not increase highway user taxes until the Surface Transportation Assistance Act of 1982 (P.L. 97-424), despite numerous proposals in intervening years. The best known change in 1982 was a nickel-a-gallon increase in the Federal excise tax on gasoline (to 9 cents). The 1982 Act split the Highway Trust Fund into a Highway Account, which received revenue from earlier taxes plus 4 cents of the nickel increase. The Transit Trust Fund received a penny of the increase.)

Details aside, the 1966 Act gave the District of Columbia extra time to resolve the freeway disputes and complete the Interstate System with 90-10 matching funds.

### **The New Challenge to the Three Sisters Bridge**

As discussed earlier, plans under the Capper-Crampton Act for the George Washington Memorial Parkway involved the State or county providing half the funds to acquire right-of-way before the NPS would proceed with a segment. When Arlington County secured the funds to acquire property for the parkway between Arlington Memorial Bridge and Spout Run, it entered into an agreement with the State, and the National Capital Park and Planning Commission that President Franklin D. Roosevelt signed on April 3, 1940. The agreement stated:

The property shall be acquired only for park and parkway purposes and that the United States will never use the land so acquired for any other purpose except with the consent of the county of Arlington and the Commonwealth of Virginia.

The agreement was binding “unless replaced by an agreement of equal dignity.”

Thomas S. Settle, secretary of the park and planning commission, announced on May 24, 1940, that the county’s check for \$45,000 had been deposited in the Treasury. The deposit allowed the commission to close \$70,000 in contracts that had been drawn for acquisition of waterfront property but held until the funds became available. [“Va. Parkway Land Buying Starts Soon,” *The Washington Post*, May 24, 1940]

On May 25, 1966, the Policy Advisory Committee had approved, 5 to 1, an agreement on freeway construction that included the Three Sisters Bridge at its original location between Spout Run in Arlington and the foot of Glover-Archbold Park in the District. NCPC approved the location on June 9.

In the wake of those actions, county officials cited the agreement signed by President Roosevelt. Thomas Richards of the Arlington County Board said, “The document is quite clear – Arlington has to be consulted before any non-park use is made of that land. The action of the federal government is a serious abrogation of the agreement, and Arlington has not been consulted officially nor has Arlington given its concurrence.” The board sent a letter letting President Johnson know that Arlington County was opposed to the bridge and I-266 and asserting its right to be consulted. [Flor, Lee, “Roosevelt Pact Backs Opponents of Bridge,” *The Evening Star*, June 17, 1966]

On September 27, 1966, the day the District let design contracts for the bridge, Arlington County Board Chairman Leo Urbanske, Jr., announced that, “There is a good possibility that the Arlington County Government will take legal action” to block the bridge.” In a speech to the Organized Women Voters of Arlington, he said the county could build a “good case” on the 1940 Roosevelt agreement. [“Urbanske Sees Basis To Block Bridge Plan,” *The Evening Star*, September 27, 1966; “Arlington Board Mulls Bridge Suit,” *The Washington Post and Times Herald*, September 28, 1966]

On October 26, the Arlington County Board filed suit in the U.S. District Court in Washington seeking a permanent injunction against construction of the Three Sisters Bridge. Defendants were the three District commissioners, the 10 members of NCPC, and Secretary Udall and NPS Director Hartzog. The suit contended that they did not have the right to construct the bridge to Spout Run without the consent of Congress and Arlington County. The county, which had paid a total of \$225,000 as its share for acquisition of the right-of-way for the George Washington Memorial Parkway, contended that the land could not be used for any purpose other than a park “except with the consent of the county of Arlington and the Commonwealth of Virginia.”

Already, the District had engaged the engineering firm of Howard, Needles, Tammen and Bergendorf to design the bridge. The suit claimed the bridge would be “devastatingly destructive of a very substantial portion of said park and completely inconsistent with its continued use for park purposes.” Arlington County asked the court to enjoin all efforts to design or build the bridge and to rule on the legality of NCPC acting without the county’s consent. [Valentine, Paul W., “Arlington Files Suit Over Span,” *The Washington Post and Times Herald*, October 27, 1966; Matthews, Kenneth, “Arlington Files Suit To Block Proposed Three Sisters Span,” *The Evening Star*, October 26, 1966]

The following day, a .17-mile segment of I-66 opened in Rosslyn. It connected Lee Highway and the Theodore Roosevelt Bridge. In conjunction with the opening, Arlington County changed several roads to one-way operation as part of an effort to shift traffic to the Roosevelt Bridge instead of Key Bridge. [“Route 66 Leg Opens in Rosslyn,” *The Evening Star*, October 27, 1966]

### **The Interstate Compact**

On August 25, the Senate approved the joint resolution endorsing the interstate compact for construction and operation of the area’s rail rapid system. Next, House approval was needed, starting with action by the Committee on the Judiciary.

The committee issued a report on August 30 in support of the resolution:

The approval of the compact, while imposing no additional obligations or commitments upon either the Federal Government or the District of Columbia, would broaden the choices available to the Congress for development and financing of a regional transit system. Without the compact, the creation of a Federal corporate entity is the only means to complete the basic system and to develop the regional system. The approval of the compact at this session, however, would create an option, which the Congress does not now have, for the financing of the basic system and for the development and financing of the regional system by an interstate instrumentality under a plan providing for the equitable sharing between the Federal, District of Columbia, and local governments of the cost of the transit system which cannot be supported by the fare box. If, when the Authority's plans are presented, Congress does not find them acceptable it can then proceed with a Federal corporation.

The report included three committee amendments for consideration on the House floor. One corrected a typographical error (substituting "operating" for "operation"). The second amendment indicated that the compact agency would not automatically take over for NCTA. The transfer would occur when the House and Senate Judiciary Committees are satisfied the authority has demonstrated a readiness to institute a workable financial plan, a physical plan for the system, and a program for taking over NCTA's work, including an orderly transfer of staff personnel. The third amendment gave Government Accounting Office (GAO) the same audit function for the authority that it had for other Federal corporations. [Washington Metropolitan Area Transit Authority, Report from the Committee on the Judiciary, U.S. House of Representatives, 89<sup>th</sup> Congress, 2d Session, Report No. 1914, August 30, 1966, pages 1-2, 7]

Despite the Judiciary Committee's approval, the joint resolution did not make it to the House floor promptly for a vote. The delay, according to the *Star*, was because of the objections that Chairman Whitener and a few others had raised about the proposed interstate authority. In view of his threats to introduce time-consuming amendments when the resolution reached the House floor, managers postponed consideration while the House dealt with other matters on President Johnson's aggressive must-pass agenda.

Chairman Whitener emphasized that he was not opposed to the rail rapid transit system he had helped to pass. He was opposed to the compact because it was "as full of holes as a Swiss cheese." He saw no need to rush the compact; he preferred to delay the authority until NCTA completed the downtown subway.

With indications that Chairman Whitener was picking up support for his views, Representative Broyhill sent a letter to all House members to urge their support of the compact. He denied Chairman Whitener's claim that the authority would be able to spend Federal funds without Federal controls as the system spread into the suburbs. Representative Broyhill assured his colleagues that Maryland and Virginia would assume "proper responsibility" for meeting the area's needs. The bill was, he wrote, the "last important step in a long and complex course . . . the final necessary instrument to allow this community to shoulder its transit responsibilities."

According to the *Star*:

Whitener retorted that Broyhill's version is precisely the opposite of what will happen. He said that the compact contains many vague phrases that could easily result in a continuing drain of federal money into an essentially local transit program. [Elder, Shirley, "House Foes Zero In on Transit Compact," *The Evening Star*, September 30, 1966]

The Members of Congress, especially in the House, were eager for adjournment so they could return to the campaign trail in time for the November elections. If the 89<sup>th</sup> Congress adjourned without acting on the compact, the resolution would be dead; Congress would have to start over on the legislation in the 90<sup>th</sup> Congress.

As the resolution languished, several other actions regarding the rail rapid transit system were underway in late September and early October. On September 30, the chairmen of three House and Senate appropriations subcommittees joined Chairman Natcher in allowing NCTA to transfer \$1.6 million to keep De Leuw Cather and Company from dismissing design engineers from its payroll on October 1.

Congress completed work on the District's revenue enhancing legislation and combined it with several unrelated revenue provisions in the District of Columbia Revenue Act of 1966. President Johnson signed the legislation on September 30, 1966 (P.L. 89-610.)

After President Johnson signed the revenue bill, Senator Byrd indicated that the District appropriations bill his committee was developing would restore the highway and transit appropriations that Chairman Natcher had deleted from the District's unbalanced appropriations act.

Representative Smith of Virginia, chairman of the Rules Committee, was still holding the resolution approving the interstate compact. A source told Jack Eisen, "The Judge [Smith] wants to see all his ducks in a row before he moves." In view of Chairman Whitener's opposition, Chairman Smith wanted to be sure Representatives from the big eastern cities would be on hand for the vote as reliable transit supporters. [Eisen, Jack, "One D.C. Subway Crisis Exchanged for Another," *The Washington Post and Times Herald*, October 1, 1966; Carper, Elsie, "Byrd Backs City Transit, Road Funds," *The Washington Post and Times Herald*, October 2, 1966]

The resolution finally reached the House floor on October 7. In the general discussion, Chairman Whitener said it had been assigned to the Judiciary Committee by custom, but this was not a customary compact. Compacts usually were between States, but this one included the Congress as the legislative authority for the District of Columbia. The result was that a committee that was not familiar with the issues had to act on the resolution.

He summarized the history of legislation on the rail rapid transit system, including recommitment of the authorizing bill for the bobtail system in December 1963, and its eventual approval in 1965:

I say to you for whatever it may be worth, as one who has been genuinely interested in rapid transit and who because of interest in helping this city and its environs to have a rapid transit system, I think you are on the wrong track by pushing this co-called compact.

He emphasized his support for the approved system as well as its eventual expansion as a regional network. At the same time, the committee with the legislative authority for the District, the Committee on the District of Columbia, had never reviewed the compact:

I would further point out to you that if you adopt this resolution, you will have done more than approve a compact because this joint resolution is a compact plus legislation. This resolution authorizes the expenditure of funds in an unlimited amount by the District of Columbia government in connection with this compact. It has other language which is legislation and it is not merely the approval of a compact as we normally have in compact legislation.

He wanted the resolution to go through the District committee “before you accept language that was written in Richmond and in Annapolis without Congress having the opportunity to pass judgment on it.” He added:

I say to you gentlemen in all earnestness that the proposed compact is about as devoid of any protection of the interests of the taxpayers and citizens of the District of Columbia and the taxpayers of the Federal Government as any minds could have created anywhere in this country. It could constitute a raid on the Federal Treasury and on the Treasury of the District of Columbia, for reasons that I shall point out as I offer amendments later.

He wanted the system to succeed, but warned that “if you blindly proceed with this proposition that we have before us now, the transit system will be in real jeopardy.”

The House considered the three committee amendments. It approved correction of the typographical error and the amendment giving GAO audit authority. However, the House rejected, 11 to 55, the provision removing automatic transfer of NCTA responsibilities to the authority.

Much of the remaining time of debate involved the Whitener amendments. Arguing that the interstate authority was “going to be the 51<sup>st</sup> State,” he offered three of his amendments that were defeated 11 to 55, 12 to 50, and 12 to 51. Finally, as the *Star* described:

Whitener gave up, tossed his last three proposed amendments onto the clerk’s desk, listened to them lose on a voice vote and said, “No use beating my head against a brick wall.”

Whitener said, however, that he offered all nine amendments “so that in a later day some historian will look back and say one potter saw the vase was cracked . . . . Every single amendment was a sound one.”

The House, after rejecting the amendments without further debate, approved the resolution endorsing the interstate compact authority. [Elder, Shirley, “Whitener Bows, House Passes

Subway Pact,” *The Evening Star*, October 8, 1966; Eisen, Jack, “Suburban Extension Included in Transit Bill Passed by House,” *The Washington Post and Times Herald*, October 8, 1966; Washington Metropolitan Area Transit Authority, *Congressional Record-House*, October 7, 1966, pages 25650-25865]

Because the resolution differed from the Senate version, the Senate would have to approve the House version for it to go to President Johnson. If not, the two Houses would have to convene a conference committee to resolve differences and then both Houses would have to approve the conference report. On September 13, Senators Tydings and Byrd brought the approved House bill to the floor of the Senate, which approved it without debate to complete congressional action. [Amendment of Washington Metropolitan Area Transit Regulation Compact, *Congressional Record-Senate*, October 13, 1966, pages 26526-26536]

The *Star*'s editors said of the victory:

Any bill that simultaneously earns the approval of the conservative Representative Howard W. Smith of Virginia and liberal Representative Carlton R. Sickles of Maryland must have special qualities to recommend it.

The bill “cuts across party lines and ideology.” The editors added, “The system should be not only a model for other cities but a memorial to the lawmakers who made it possible.” [“Victory for Transit,” *The Sunday Star*, October 16, 1966]

While awaiting President Johnson's signature approving the compact, the Washington Metropolitan Area Transit Authority (WMATA) was able to proceed to establish a permanent presence. It asked GSA to reserve space for its offices in the same building as NCTA at 1634 I Street, NW. Lee Flor outlined the immediate tasks:

The transit authority will have to complete arrangements to hire as much of the staff from NCTA as possible. Then it will have to complete hiring a staff which will serve as the District of Columbia transit construction and planning agency. The two suburban transit groups [Suburban Maryland Transit Commission and Northern Virginia Transportation Commission] are expected to keep most of their staff . . . .

The transit authority this year wants to spend about \$700,000, including \$250,000 for selection of new routes and studies of traffic along the new routes. Approximately \$100,000 is expected to be spent for developing costs for each new proposed route.

The area's two States and the District of Columbia were to formally nominate two directors each for the board of directors.

One of WMATA's priorities was extension of the 25-mile initial system, with a second District line in the Independence Avenue, SW., corridor considered a priority. NCTA's Quenstedt said the line was a high priority because it was needed for extensions into the suburbs. “We've always considered that extra downtown loop as part of the regional system. It's necessary to accommodate the increased number of trains that would result from extending the service into

the suburbs.” [Flor, Lee, “2<sup>nd</sup> Downtown Subway Line Due for Study,” *The Sunday Star*, October 9, 1966]

The original board of directors included:

District of Columbia:

- Commissioner Walter N. Tobriner
- Engineer Commissioner Charles M. Duke

Maryland:

- James Gleason, chairman of the Washington Suburban Sanitary Commission
- Frank J. Lastner, who was retiring at the end of the year from the Prince George’s County Board of Commissioners.

Virginia:

- Leo Urbanske, Jr., of the Arlington County Board
- Lee Rhodes of the Falls Church City Council

On October 17, 1966, the members gathered for their first meeting. They elected General Duke as the first chairman. Gleason was first vice chairman, and Urbanske the second vice chairman. At a press conference, General Duke explained that the chairmanship would rotate each year “in a spirit of metropolitan cooperation.” [Hornig, Roberta, “Transit Authority Picks Duke as First Chairman,” *The Evening Star*, October 17, 1966]

### **Finishing the FY 1967 Appropriations Act**

With the revenue legislation in the background, the House and Senate were completing work on the District of Columbia appropriations act for FY 1967. Senator Byrd had held the bill until President Johnson signed the District of Columbia Revenue Act of 1966. With the additional revenue assured, the Senate Committee on Appropriations released a report on October 11. The report stated:

The total request of \$12,805,000 for all highway projects eliminated by the House because of revenue shortages has been restored.

The committee also approved the District commissioners’ request for restoration of loan appropriations to the general fund of \$4,527,500 for the city’s portion of the rail rapid transit system for FY 1967. “The committee has approved this request which is equal to one-half of the amount appropriated to the National Capital Transportation Agency in the Department of the Interior and Related Agencies Appropriation Act, 1967 (Public Law 89-435).”

Overall, the bill appropriated \$26 million more than the House-approved bill and \$43.5 million more than for FY 1966. [District of Columbia Appropriations Bill, 1967, Committee on

Appropriations, United States Senate, 89<sup>th</sup> Congress, 2d Session, Report No. 1706, October 11, 1966, pages 4, 17]

On October 12, the Senate approved the District's appropriations bill, 70 to 0, without debate on the highway or transit appropriation measures. Senator Bible brought up the subject, noting, "I have always taken the view that we should have a balanced system." He asked if the appropriations in the bill were "sufficient to move the transit program ahead on schedule." Senator Byrd assured him that the committee had restored the full amount requested. Senator Bible said he understood the rail rapid system would be operational "in the range of 1971 or 1972." He brought up the subject only to ensure that "the amount allowed by the Appropriations Committee this year is sufficient to keep the NCTA on schedule." The answer was that it was. [District of Columbia Appropriations, 1967, Congressional Record-Senate, October 12, 1966, pages 26357-26363]

With the 89<sup>th</sup> Congress nearing adjournment, House and Senate conferees quickly resolved differences between the two appropriations bills for the District of Columbia. Although the final bill was \$2 million below the Senate appropriations total, it retained the amounts in the bill for highway and transit projects. [District of Columbia Appropriation Bill, 1967, Conference Report, U.S. House of Representatives, 89<sup>th</sup> Congress 2d Session, Report No. 2292]

On October 19, Chairman Natcher brought the conference report to the House floor. He explained how the revenue act had changed appropriations totals. On transportation, he said:

Beginning in the year 1958 our committee made every effort to convince those in authority that here in our Capital City we could have both a freeway system and a rapid rail transit system. We repeatedly made this statement over the years and made every effort to see that our freeway system was not destroyed. We believed then, and we believe now, that in order to meet the tremendous day-by-day growth of traffic the highway program must be carried out along with the present rapid rail transit system.

The District had not moved forward to meet the 1972 Interstate deadline, with planning decisions holding up the key elements in the freeway and parkway system. "Time after time when funds were appropriated for these projects the plans were discarded and filed away." Millions of dollars had been expended for planning from 1961 to the present "with no action to place the projects under construction." The District appropriations subcommittee had refused to recommend borrowing authority of \$8.5 million for the city to add to the amount unused. The House "sustained our position 320 to 3."

Now, however, was "the time to have a better understanding and an agreement as to the construction of our freeway system" and the rail rapid transit system. Several actions had occurred since the House approved the District appropriation bill for FY 1967. NCPC "has finally approved a number of our highway projects." In addition, the District commissioners had given final approval for \$140 million worth of freeway projects:

The Commissioners gave the Highway Department authority to have detailed plans drawn and to start buying land for the four sections of the city's freeway network approved by

the National Capital Planning Commission during the week of September 12. Two of the sections approved – the south leg and part of the east leg will complete the southern section of the inner loop. The Commissioners also gave approval to a section of the North Central Freeway and to the Three Sisters Bridge which are among the projects before the National Capital Planning Commission.

Chairman Natcher said that “it is now apparent that we will carry our freeway and parkway system along with the rapid rail transit system project.” He said that the committee had been right, at the time, to refuse appropriations for the District’s matching share for rail rapid transit in view of the delays in the freeway program. “We now recommend to the House that the conference report, and that portion pertaining to freeways and rapid rail transit be approved.” However, he cautioned:

Mr. Speaker, under no circumstances should further efforts be made to stop the freeway system here in our Capital City. This applies not only at this time, but at any time in the future, and all of us should keep in mind that it is imperative that we have a balanced transportation system and that both freeways and rapid transit must go forward together.

The House approved the bill, without a recorded vote or debate on the highway or rail rapid transit programs. [District of Columbia Appropriation Bill, 1967, *Congressional Record-House*, October 19, 1966, pages 27654-27658]

The Senate also approved the conference report on October 19, again without debate on transportation issues or a recorded vote. [District of Columbia Appropriation Bill, 1967- Conference Report, *Congressional Record-Senate*, October 19, 1966, pages 27621-27624]

President Johnson signed the District of Columbia Appropriations Act, 1967, on November 2, 1966 (P.L. 89-743).

### **Advancing North-Central Freeway**

After NCPC had voted in September to approve the freeway plans favored by Chairman Natcher, *Star* editors wrote, “No thanks to its citizen members, the National Capital Planning Commission is finally coming to its senses on the subject of highways.” NCPC’s action “flashes the go-ahead signal for the design of four key elements of a freeway system which has been intolerably delayed, and which Washington must have in order to function efficiently.” The editors asked:

What is one to say, meanwhile, of the fact that four citizen members of the planning commission, led by Chairman Elizabeth Rowe, are still clinging to a negative role on transportation?

The North-Central Freeway, “the most controversial of the freeway projects,” had been “modified drastically” to address concerns about its impact on residential neighborhoods. However, this advance “occurred in spite of the vacuum of leadership from the commission.” The commissioners, along with everyone else, favored a balanced transportation system, but to the NCPC minority, “balance” meant “no freeways at all—even if, in the process of trying to stop

them, rail transit should go down the drain as well.” [“Back on the Road,” *The Evening Star*, September 17, 1966]

On October 1, Chairman Funk of the Maryland State Roads Commission said he expected the entire I-95 between the Baltimore and Capital Beltways to be under construction by spring 1967, with completion in 1968. The commission hired the consultant firm, Rummel, Klepper and Kahl of Baltimore, to make location studies for the 6-mile “third route to Baltimore” in Prince George’s County near Takoma Park to the District line.

Funk expected the consultants to recommend the route that the Maryland-National Capital Park and Planning Commission had approved when it adopted the master plan for the Takoma Park area on September 4, 1963. The planning commission had tried to preserve the corridor for the freeway. Funk said the study was needed to justify the location to BPR. The *Star* described the route:

The missing freeway link would start from Exit 26 on the Capital Beltway, midway between New Hampshire Avenue and U.S. Route 1. Then it would run just west of the University of Maryland, and swing to the east, completely bypassing the city of Takoma Park, but going through West Hyattsville. Then it would enter the District line near Gallatin Street, and connect to the North Central Freeway near Ft. Totten Park along Galloway Street and the Baltimore & Ohio railroad.

The route would displace 163 families in Maryland, compared with 590 families under an earlier routing.

Funk had approached BPR seeking agreement that the State did not have to hold another public hearing on the North-Central Freeway. He argued that the State’s adopted route along the Baltimore and Ohio Railroad corridor was similar to plans presented at a hearing 2 years earlier. [“Engineering Firm Is Hired to Route I-95 Freeway Link,” *The Sunday Star*, October 2, 1966]

(On October 4, President Johnson approved Public Law 89-627 authorizing the District of Columbia to replace the Highway Bridge in the 14<sup>th</sup> Street Bridge corridor with a six-lane bridge on the general alignment of the old bridge. The law authorized the District to provide “approaches and roads connecting such bridge and approaches with streets and park roads in the District of Columbia and with roads and park roads on the Virginia side of the Potomac River.”)

The District Highway Department had two freeway-related items on the agenda for NCPC’s October 13 meeting. One was approval of the last 3 miles of the North-Central Freeway along the railroad tracks between Buchanan Street, NE., near Catholic University and the District line. The District also wanted NCPC to approve transfer of the city’s right-of-way through Glover-Archbold Park to NPS. In exchange, the NPS would provide park land elsewhere for freeways.

Before the meeting, NCPC’s transportation committee held an informal public hearing on October 11, with witnesses limited to 10 minutes although they could present longer written statements. Jack Eisen compared the 5-hour hearing with the hearing in September, saying it was “less strident but seemingly more intense.” Peter Craig presented a statistics-based critique, but

residents made “frankly emotional pleas.” For example, Isham O. Baker of the South Manor Citizens Association said the freeway would be located close to several schools. He asked, “What giant acoustical baffle will be built along the freeway to enable our children to hear their teachers in normal tones?”

The key issue, however, was a legal one. City planning chief Lloyd Rivard told the committee that the North-Central Freeway segment would require 17 acres of Fort Totten Park and that the Northeast Freeway link to I-95 would take eight acres of Fort Drive Parkway land. Committee Chairman Edwards questioned the legality of taking the park land, all of which had been acquired by the District with funds loaned under the Capper-Cramton Act. Although the District had repaid the funds, Edwards argued that the park land could not be used for freeways without congressional approval.

Craig agreed, recalling the dispute about the use of Rock Creek Park in the mid 1950s. He thought a “severe legal and moral question” existed over use of the Capper-Cramton Act land for freeways. NCPC attorney Daniel Shear pointed out, in contrast, that the Capital Beltway had been built through two Capper-Cramton Act parcels in Montgomery County. At Edwards’ request, NCPC attorneys would look into the issue.

After the public hearing, the transportation committee voted, 3 to 2, to recommend that NCPC approve the 2.5-mile section of the North-Central Freeway. [Flor, Lee, “Congress May Get Freeway Land Issue,” *The Evening Star*, October 11, 1966; Eisen, Jack, “Foes Unsheathe New Legal Weapon To Fight North Central Freeway Link,” *The Washington Post and Times Herald*, October 12, 1966; “Committee to Ask OK For North Central Leg,” *The Evening Star*, October 12, 1966]

On October 13, NCPC voted by a surprising 8 to 2 to approve the North-Central Freeway segment. “The united front of freeway opposition by citizen members,” Eisen wrote, “was shattered.” Two of the citizen members who had previously voted against freeways switched sides. Vice Chairman Louchheim reached his decision reluctantly. “I am apprehensive at our negativism . . . where we could be useful [creatively].” He added:

There comes a time when you’ve got to be realistic and pragmatic. It is about time we realized that these highways are going to be built.

He also was concerned about the very real possibility that Congress would delay the subway if the freeways did not advance.

Architect Thiry voted for the freeway after winning agreement that the city would consult NCPC on design details.

A third citizen member, former NPS Director Wirth, abstained. He was concerned about the legal issues that had not been resolved about the taking of park land.

Only Chairman Rowe and Edwards voted to turn down the freeway segment. Rowe acknowledged that, “Everyone realizes that this is better than it was before.” She voted to turn it down because she agreed with those who thought “Washington is a place to live, not a place to

get in and out of quickly.” Edwards, like Wirth, was concerned that the proposed use of parkland was not legal.

When Sammie Abbott called out repeatedly to demand that he be given time to express his group’s views, Eisen noted, “a policemen stationed in the lobby walked into the meeting room.” After the meeting, Abbott told reporters that NCPC had “sold out to the highway interests” and he planned to “mobilize black power along with white power against sellout power.” He predicted riots when the city began relocating 280 African-American families in the North-Central Freeway corridor. [Eisen, Jack, “Final Link On Freeway Voted 8 to 2,” *The Washington Post and Times Herald*, October 14, 1966; Flor, Lee, “2 on Plans Panel Shift, Help Pass Freeway Leg,” *The Evening Star*, October 14, 1966; Franklin, Ben A., “Highway Backers Win Capital Fight,” *The New York Times*, October 17, 1966]

Despite NCPC’s vote, Edwards was increasingly convinced that construction across parkland was prohibited. Aside from the prohibition under the Capper-Cramton Act, he now cited Section 8-133 of the District Code, which read:

There shall not be erected on any reservation, park, or public grounds of the United States in the District of Columbia any building or structure without the express authority of Congress.

Although he had questioned NCPC’s authority to approve the North-Central Freeway and Northeast Freeway through parkland acquired under the Capper-Cramton Act, he now questioned the authority under the District Code to route the South Leg Freeway beneath the Lincoln Memorial and the Tidal Basin as well as the East Leg Freeway through Anacostia Park near D.C. Stadium.

Lee Flor provided background:

The old legal prohibition [Capper-Cramton Act] apparently was cited by the Bureau of the Budget 11 years ago, when it said legislation forbidding use of parkland for an extension of U.S. Route 240 was unnecessary.

At the time, the Maryland State Road Commission wanted to run U.S. 240 through Rock Creek Park, for 2.5 miles between Wisconsin and Connecticut Avenues. Civic groups filed a complicated lawsuit, which was never tried.

Highway planners decided to build the U.S. 240 extension as a “parkway,” and prohibit trucks from using it. This compromise apparently satisfied the court, and it dismissed the case.

Then, in 1964, some parkland was incorporated into the Capital Beltway, but civic groups seemed to be caught asleep and never protested.

The District of Columbia argued that the Federal-Aid Highway Act of 1956, which authorized construction of Interstate highways in the city, provided the needed congressional authorization.

[Flor, Lee, "North Central Freeway Fight May Peril Others," *The Evening Star*, October 17, 1966]

Despite these concerns, the District commissioners approved the final 2.5-mile segment of the North-Central Freeway on October 20. General Duke said the impact of the freeway on the neighborhood was "certainly approaching, if not at, an irreducible minimum." [Matthews, John, "D.C. Chiefs OK Final Leg Of Freeway," *The Evening Star*, October 20, 1966]

Anti-freeway groups and individuals were planning their legal strategy. By the end of October, 10 groups had joined as plaintiffs:

- Washington's Federation of Citizens Associations
- Committee of One Hundred
- Lamond-Riggs Citizens Association
- Brookland Civic Association
- Save Takoma Park Committee
- South Manor Neighborhood Association
- Arlingtonians for the Preservation of the Palisades
- Georgetown Planning Council
- Democratic District Committee
- Washington's Federation of Civic Associations

Helen K. Leavitt of the Democratic District Committee told a *Star* reporter that the group had raised \$3,500 to finance the court suit to be prepared by Covington and Burling. Leavitt said, "We're demonstrating a metropolitanwide opposition to any more freeways." [Adams, Michael, "Freeway Foes Unite," *Voice of the City*, *The Evening Star*, October 29, 1966]

For FY 1968, the District Budget office recommended a record \$141 million for highways. Most of it, \$109.7 million, would come from BPR under the Federal-aid highway program. Another \$13.6 million was for operating expenses. The balance, \$17.9 million, would be the match for Federal-aid projects such as the Center Leg of the Inner Loop Freeway, the North-Central Freeway, the K Street tunnel, and replacement of the Highway Bridge in the 14<sup>th</sup> Street Bridge corridor. As the *Star* reported, "The total reflects favorable recent action by a number of public agencies on controversial expressway proposals." [Lewis, Robert J., "\$141 Million Is Requested For Highways," *The Evening Star*, November 7, 1966; Mathews, John, "Record Budget Is Proposed For District," *The Evening Star*, November 7, 1966]

As Abbott's comments after the NCPC approval suggested, highway opponents were not intimidated. ECTC held a rally in the board room of the District Building on November 16 "to unequivocally condemn every aspect of Washington's highway program," as the *Star* put it. The board room was full, with the crowd estimated at 400 people spilling out into the hallway:

The speakers at last night's meeting ranged from Mrs. Angela Rooney, speaking for the white, middle-class residents of the Brookland area who "reject the dreamworld of the frantically protected, segregated suburbs," to Marion Barry Jr., militant leader of the District branch of the Student Non-Violent Coordinating Committee.

“I’m not surprised that the three Commissioners didn’t show up,” said Barry, “because I think we live in a plantation system here . . . and the Commissioners are the slave masters.”

“But the white and black slaves are going to rebel,” he shouted to applause from the integrated audience.

Peter Craig said he expected Covington and Burling to file an “across-the-board” lawsuit before the end of the month to block the North-Central Freeway, East Leg, and the Three Sisters Bridge. ECTC had raised \$5,000 to help pay the prestigious law firm.

Craig also called for a boycott of city gas stations:

“You have the right to do something about the freeway problem every time you drive up to the gas pump,” he said, explaining that every gallon of gas bought in the District contributes \$.70 to the District highway fund—the 7 cent tax on the fuel, he said, is matched by 63 cents from the federal government. “So buy that gas in Maryland or Virginia,” he said. “This is little tiny action of self-help citizens of the District can do!”

As announced during the meeting, the law firm had written to Bernard W. Pryor, chairman of the Brookland Civic Association, to inform him that “a private property owner or occupant” was not required to allow District employees or agents “to enter upon his property to make appraisals or surveys for the so-called ‘North Central Freeway.’” The letter continued:

If you learn of any attempts by District agents to enter private property in connection with the North Central Freeway, we would be grateful if you would furnish us with complete information.

The protesters also criticized the District commissioners because they were part of “the nongovernment [that] permeates every aspect of life in the Nation’s Capital.” They asked President Johnson “to remove the District Commissioners from office at once” and “give some measure of elective control over District affairs to those who care, the people.” [Adams, Michael, “400 Foes of Freeways Urge Removal of Commissioners,” *The Evening Star*, November 17, 1966]

The lead attorneys for Covington and Burling, Roberts Owen and Gerald Norton, filed the suit on December 1, 1966. It asked the U.S. District Court for a permanent injunction and declaratory judgment to block the Three Sisters Bridge, the North-Central Freeway, the East Leg of the Inner Loop, and the Missouri Avenue Expressway. (The Missouri Avenue Expressway would be located along Missouri Avenue, NW., between 8<sup>th</sup> Street and 16<sup>th</sup> Streets.)

The complaint accused the District government and NCPC of acting illegally on 18 counts, including a charge that members of NCPC voted illegally and were in conflict of interest to approve the freeways because they were acting as judges of their own case. The vote also was illegal because alternates to six ex-officio NCPC members provided the margin of victory for the freeways. The suit argued that only the chairmen of the Senate and House District Committees could appoint alternates, and they had not done so before the votes. Further, the suit claimed that

the projects involved the illegal use of parklands after BPR pressured NPS to agree to the freeway projects; NPS officials then voted for the freeways.

The key legal issue, however, was based on the failure of officials to comply with the strict requirements of the Act of March 2, 1893 “Providing a Permanent System of Highways in That Portion of the District Of Columbia Outside the Cities of Washington and Georgetown.” The legislation grew out of concern that developers were building subdivisions within the District’s border, but beyond the established cities of Georgetown and Washington in Washington County. The developers did not align their roads with those within the Washington street plan. Gutheim and Lee summarized the legislation:

This act authorized the commissioners of the District of Columbia to prepare a plan for the extension of the L’Enfant streets, and required that all subdivisions—including those already extant—conform to this new plan.

A new map of the city was to be made showing the “boundaries and dimensions of and number of square feet in the streets, avenues, and roads,” and providing that circles be drawn up at intersections of principal avenues and streets. Anticipating that many legal difficulties would arise between existing subdivisions and condemnations by the commissioners to enforce the lines of this new highway map, the statute provided for a process of hearings and damages to be paid to the landowners.

The 1893 Act required a series of steps, such as:

- The District commissioners are directed “to prepare a plan for the extension of a permanent system of highways over all that portion of said District not included within the limits of the cities of Washington and Georgetown.” The plan was to follow the street plan of the city of Washington, to the extent possible, and call for streets between 90 and 160 feet, except for existing highways.
- The commissioners were to develop the plan in sections, beginning with “existing suburban subdivisions not in conformity with the general plan of the city of Washington,” referring here to suburbs within the city limits but outside of Georgetown and Washington.
- The commissioners were to prepare maps of each section showing the roads, including traffic circles at principal intersections.
- The maps were to be submitted to the Secretary of War, Secretary of the Interior, and Chief of Engineers “who shall make such alterations, if any, therein, as they shall deem advisable, keeping in view the intention and provisions of this act, and the necessity of harmonizing as far as possible the public convenience with economy of expenditure.”
- After the District commissioners approved the final map, they were to file it with the Office of the Surveyor of the District of Columbia. Future subdivisions were not to be approved unless “the same be first approved by the Commissioners and be in conformity to such map.”
- If land was to be condemned for highway purposes, the District commissioners were to petition the supreme court of the District of Columbia. The court was to provide public notice within 30 days of the petition to “warn all persons having any interest in the

proceedings to attend the court at a day to be named in said notice, and to continue in attendance until the court have made a final order in the premises.” Further, the court “shall afford all parties in interest a reasonable opportunity to be heard during the proceedings.” If “practicable to do so,” the court was to have the marshal of the District of Columbia serve notice “upon each of the owners of the land sought to be condemned.”

- The court was to summon a jury of “seven judicious, disinterested men” to hear the evidence, along with the court. After hearing the evidence and, if called for by the court, visiting the property, the jury was to issue a verdict unanimously or via majority. The court may accept the verdict or reject it if the court considers it “unjust or unreasonable.” If the verdict is rejected, the court was to summon a new jury to hear the evidence.
- The court may then proceed to issue its condemnation order. The jury was to assess compensation based on a formula specified in the law.

Many of the suit’s claims involved failure by the District government and NCPC to comply with the Act of March 2, 1893, including the public hearing requirements. In fact, in coming years, protestors would often claim that public hearings were illegal, meaning they did not comply with the 1893 Act. [Flor, Lee, “Citizens Suit Seeks Halt To D.C. Freeway Work,” *The Evening Star*, November 30, 1966; Gutheim and Lee, page 116; the 1893 Act can be found in *Laws Relating to the Permanent System of Highways Outside of the Cities of Washington and Georgetown*, Government Printing Office, 1908, pages 3-11])

*Star* editors dismissed the latest anti-freeway gambit:

Having failed to persuade anyone else that they are on firm ground, several die-hard bands of citizen opponents to the District freeway program now have decided to try the courts.

Whatever else may be said of this latest delaying tactic, the lawsuit is not timid.

The suit reflected a “catch-all, dragnet approach.” If the court ruled that the 18 counts were valid, the impact “would be remarkable, to say the least.” If NCPC’s ex-officio members had a conflict of interest, Congress having designated them for membership would be at fault. If allowing alternates to cast ex officio votes was invalid, “the status of literally hundreds of other actions taken by the commission on a variety of subjects would also appear to be questionable.”

The District commissioners, the editors argued, should continue “pushing ahead with all phases of the freeway program.” [“Freeway Challenge,” *The Sunday Star*, December 4, 1966]

### **Changes in Leadership**

On November 8, 1966, Maryland elected Spiro T. Agnew, the Republican leader of Baltimore County, as the next Governor. By 82,000 votes, he defeated Democrat George P. Mahoney, who ran a racist campaign with the slogan “Your Home Is Your Castle, Protect It.” Governor-elect Agnew had called for a “crusade for conscience” against the white backlash that Mahoney represented. The *Star* reported, “The bulk of Negroes in Baltimore City lined up behind Agnew, and were instrumental in his carrying the pivotal urban center.” (Baltimore City is not part of

Baltimore County where Agnew served as County Executive.) [Rowland, James B., "Voters Silence Backlash Cry In Maryland," *The Evening Star*, November 9, 1966]

Chairman of the Maryland State Roads Commission understood that he would leave his post with a new Governor taking office. In a year-end interview, he said his departure was "a normal thing to do." The Governor "naturally likes to have someone close to him, so decisions can be made by the chairman-director based on a close relationship between the governor and the Highway Department." Governor-elect Agnew selected Jerome B. Wolff, an attorney and engineer, to replace Funk.

Despite the change in leaders, Funk predicted that the North-Central Freeway would proceed as planned in the District and Maryland. He said that, "if there had been any weaknesses in the handling of the North-Central Freeway, it would have become a campaign issue." During the campaign, Agnew had not criticized the freeway or the State's highway plan.

BPR was formally reviewing the plans for the freeway, but had informally okayed the location in Montgomery County. Despite opponents' demands, Funk was confident BPR would soon approve the plan formally without requiring another public hearing. He indicated, however, that the Maryland State Roads Commission was planning a hearing in early 1967 on I-95 between the Capital Beltway and the District line. ["Funk Expects Freeway to Stand as Planned," *The Evening Star*, December 23, 1966]

On election day, President Johnson announced that General Robert E. Mathe would replace General Duke as the District's engineer commissioner. General Mathe was serving as Corps Engineer for the 7<sup>th</sup> Army Corps of Engineers in Germany, but was familiar with his new position because he had served as assistant engineer commissioner for urban renewal from 1955 to 1958.

General Duke, who had served as engineer commissioner since July 1963, said that "a more qualified person could not have been selected." During his years in the District, General Duke said he had a "thrilling experience," with his greatest satisfaction being the adoption of a balanced transportation system for the area.

General Mathe, a 49-year old native of Oshgosh, Wisconsin, earned a civil engineering degree from the University of Illinois. During World War II, he had been assigned to the 249<sup>th</sup> Engineer Combat Battalion during campaigns in France, the Ardennes, and Germany. He, his wife Elinor, and five children would live in a rented home at 3725 Fessenden, Street, NW., in the city's Chevy Chase neighborhood.

While stationed in Germany, he had not followed news about the city. "I hope to catch up as quickly as possible." However, he had been in Washington during the period when the freeway and rail rapid transit system were in early stages. He was convinced the city needed a balanced transportation system of freeways and rail rapid transit. He said he had observed cities all over Europe building the same types of networks. In addition, he said, "It gave me a thrill to see in actuality some of the things we were talking about when I worked here before."

He also saw another need. "Housing, of course, continues to be a major problem. I want to do whatever can be done to solve the housing problem," especially for the city's low income minorities.

General Mathe took the oath of office on December 14. He said, "Our problems are no worse than those of the cities of Chicago, Philadelphia and New York. We shall succeed." He already had received "a little indication last night of what it will be like to serve as District engineer commissioner," as the *Star* reported:

While he and Duke were being honored inside the Mayflower Hotel by the Washington Metropolitan Board of Trade, about 50 pickets paraded in the slush and snow to indicate their dislike for the Board of Trade specifically and District engineer commissioners in general.

"Board of Trade is the Enemy of the People," said a sign carried by Joseph L. Rauh, chairman of the District Democratic Central Committee. "Pave the Board of Trade," said another sign.

The picketing was instigated by Americans for Democratic Action, in which Rauh is a guiding light.

"We are picketing to show the new commissioner the low esteem by which the board is held by the citizens of this city," he said.

Also on the picket line were members of the Emergency Committee on the Transportation Crisis, Southeast Victims of the Freeway, Save Takoma Park Committee and the Brookland Civic Associations.

After receiving a scroll from the Board of Trade lauding his role in creating a balanced transportation system, General Duke said, "My tenure here as engineer commissioner is going out in good fashion . . . it snowed all day . . . and there's a picket line outside. In other words, things are back to normal."

On January 5, 1967, General Duke left to serve as commander of the 18<sup>th</sup> Engineer Brigade at Dong Ba Thin in Vietnam.

[Mathews, John, "President Names Mathe Engineer Commissioner," *The Evening Star*, November 9, 1966; Eisen, Jack, "Mathe Says He'll Attack Housing Crisis," *The Washington Post and Times Herald*, November 10, 1966; Conconi, Charles, "New Commissioner Urges Priority for Housing," *The Evening Star*, December 2, 1966; "Mathe Takes Oath of Office," *The Evening Star*, December 14, 1966]

## **The U.S. Department of Transportation**

President Johnson, as part of his Great Society initiative, proposed creation of a U.S. Department of Transportation. In his State of the Union Address on January 12, 1966, he explained that a Transportation Department would "bring together our transportation activities." With 35

government agencies spending \$5 billion a year on transportation, he said, the “present structure makes it almost impossible to serve either the growing demands of this great nation or the needs of the industry, or the right of the taxpayer to full efficiency and frugality.”

With bipartisan congressional support, President Johnson was able to sign the Department of Transportation Act of 1966 on October 15, 1966, before about 200 guests at the White House. The new Department “will have a mammoth task – to untangle, to coordinate, and to build the national transportation system for America that America is deserving of.” With its help, “A day will come in America when people and freight will move through this land of ours speedily, efficiently, safely, dependably, and cheaply. That will be a good day and a great day in America.”

The President selected Alan S. Boyd to be the first Secretary of Transportation. A 44-year old lawyer over 6 feet, 3 inches tall, Boyd had been general counsel of the Florida Turnpike Authority and chairman of the Florida Railroad and Public Utilities Commission before President Eisenhower appointed him to the Civil Aeronautics Board. Boyd became chairman in 1961 and was appointed Under Secretary of Commerce in 1965. He had been the Johnson Administration’s chief promoter of the new department.

He and his wife Flavel lived in Arlington, Virginia, at 1200 North Nash Street. A profile in *The New York Times* said the house across from Washington “overlooks the Potomac River and the Iwo Jima Memorial Monument.” [“Bold Transport Chief,” Man in the News, *The New York Times*, November 7, 1966]

On January 16, 1967, Boyd took the oath of office in the East Room of the White House. The President explained that Boyd would “coordinate a national transportation policy for this great land of ours . . . and give the kind of results that the American people would like to point to with pride.”

The new Secretary had not been directly involved in highway issues. His views on urban freeways were neutral initially but, as Professor Schrag wrote after interviewing Boyd, his perspective would change:

When Robert Weaver, secretary of housing and urban development and the nation’s first African American cabinet officer, drew him aside to discuss urban freeways, Boyd was willing to listen. Weaver introduced him to a group of black Baltimoreans who had worked all their lives to own houses, which were about to be taken for highway right-of-way for what they argued was inadequate compensation. Boyd was shaken and began reconsidering the desirability of urban freeways.

In the interview, Boyd recalled that one of the Baltimoreans was a stevedore who had volunteered for the army in World War II. He had worked all his life to buy his home. Then, in Boyd’s words:

. . . along comes the highway system, and [says], “For the greater good, we’re going to take your house. We’re going to pay you . . . \$28,000.” He said, “There is no way I can

buy a house like the one I have for \$28,000, and I haven't got any money other than that, other than what you give me." He said, "White folks—that ain't fair." That made an impact, I'll tell you. It really made an impact on me.

Secretary Boyd would have to find a new Federal Highway Administrator. Rex Whitton, who had assumed the post in 1961, resigned at the end of 1966. One of the most respected highway leaders in the country, he had done everything he could to keep the National System of Interstate and Defense Highways on schedule amidst growing criticism, especially in cities. He had worked hard to advance the District of Columbia's freeway program, seeking compromises with NCPC and NPS. However, he understood that one reason for creation of the U.S. Department of Transportation was to reduce BPR's power and influence based in part on close relations with members of the House and Senate Public Works Committees. Having become used to something approaching autonomy in the Department of Commerce, Whitton could see that his authority would be greatly diminished in the new Department.

In replacing Whitton and staffing leadership posts, Secretary Boyd was influenced by his discussions with Secretary Weaver as Professor Schrag explained:

Soon the upper ranks of the new department swelled with freeway skeptics. For his highway administrator, Boyd chose Lowell Bridwell, a former reporter who Boyd believed would stand up to the engineers. Paul Sitton, deputy under secretary, had monitored the Bureau of Public Roads as an examiner for the Bureau of the Budget. He had grown disgusted with the road builders, so he had used his post to support Stolzenbach and to feed information to Washington highway protestors. He had also served on the NCTA Advisory Board in its last year of existence. Now Boyd turned to him for background information and advice on D.C. highway issues.

Most inflammatory was Boyd's assistant general counsel for litigation: anti-highway activist Peter Craig. Craig recused himself from department work involving the Washington region, but by hiring him Boyd had made his sympathies clear. Boyd himself told the pro-highway Board of Trade, "I do not believe Washingtonians will receive the greatest possible return on their investment – returns in service and convenience – if the community tries to resolve today's problems by the simple expedients of more automobiles, more freeways, and more parking lots." [Schrag, page 126; stevedore anecdote from Schrag, Zachary M., "The Freeway Fight in Washington, D.C.," *Journal of Urban History*, July 2004, page 655]

(For information on the Baltimore freeway controversies, see Earl Swift's *The Big Roads: The Untold Story of the Engineers, Visionaries, and Trailblazers Who Created the American Superhighways* (Houghton Mifflin Harcourt, 2011). Swift uses the Baltimore freeway fighters to illustrate the urban controversies underway around the country during the construction phase of the Interstate System.)

Lowell Bridwell was the first head of the Federal road agency, dating to 1893, who was not, in some way, a road builder. Bridwell had been a journalist, most recently as the top writer on

highways for the Washington bureau of Scripps-Howard Newspapers, a post he had assumed in 1958. A biographical sketch in *America's Highway 1776-1976* said:

From this vantage point he set up close liaison with both government and industry. He became well known as an individual who was exceptionally well versed in the technical aspects of highway administration, finance, and construction.

As a representative for Scripps-Howard, Mr. Bridwell participated in many local and national highway meetings. These included numerous conclaves of State highway officials as well as leading trade associations.

He had joined the Commerce Department in April 1962 as assistant to Under Secretary for Transportation Clarence Martin, Jr., before being appointed Acting Deputy Federal Highway Administrator on January 20, 1964, a post he held until becoming Deputy Under Secretary of Commerce for Transportation (Operations) on July 2, 1964. He would provide strong support for Boyd in his advocacy work for the U.S. Department of Transportation.

Following Senate confirmation, he became Federal Highway Administrator on March 23, 1967, and held the position until the end of the Johnson Administration on January 20, 1969:

Mr. Bridwell was responsible for administering a \$4.4 billion highway program. This figure dwarfed everything else in the Department of Transportation's \$6.6 billion budget. [*America's Highways 1776-1976*, page 194]

The 44-year-old native of Westerville, Ohio, lived with his wife, son, and daughter in a District townhouse built in 1910 at 146 D Street, SE.

The U.S. Department of Transportation opened on April 1, 1967. The FHWA began operations that same day, with BPR as one of its four bureaus. BPR, now headed by a career employee, Director Frank Turner, would remain responsible for administering the Federal-aid highway program in partnership with the State highway agencies.

The first issue of FHWA's newsletter, replacing BPR's *The News in Public Roads*, explained the new agency's twin safety bureaus, the National Traffic Safety Bureau and the National Highway Safety Bureau. They had been "established last November 9 [1966], under separate laws passed by Congress last fall":

The major function of the Traffic Bureau is to develop and issue performance standards for all new motor vehicles to make them safer in operation. The other Bureau seeks to bring about improvement in State and local highway safety standards and programs, including vehicle registration, operation and inspection, driver training, accident investigation, highway design, traffic control, laws and codes, traffic surveillance and emergency services.

The fourth element of FHWA was the Bureau of Motor Carrier Safety, which the Department of Transportation Act of 1966 shifted from the Interstate Commerce Commission to FHWA. It had

jurisdiction over the safety of 3 million trucks and buses using America's roads. [*Federal Highway Administration News*, Vol. 1, No. 1, May 1967]

(The two safety bureaus separated from FHWA and became the National Highway Traffic Safety Administration in March 1970. The Bureau of Motor Carrier Safety remained with FHWA under January 1, 2000, when it became the Federal Motor Carrier Safety Administration under the Motor Carrier Safety Improvement Act of 1999.)

The 89<sup>th</sup> Congress had been productive in ways that few Congresses have duplicated. President Johnson had achieved important changes that advanced his Great Society even as escalation of the Vietnam War eroded his popularity.

Most Presidents lose support in mid-term elections such as those in 1966. True to form, the election reduced Democratic majorities in the 90th Congress, while increasing the percentage of Democratic and Republican conservatives who were less inclined than their 89<sup>th</sup> Congress counterparts to support President Johnson's liberal agenda. Professor Zelizer summarized the change:

As Johnson had expected, the elections went poorly for liberals. Although Democrats continued to control Congress, with 64 Democrats in the Senate and 248 Democrats in the House, the size of the conservative coalition had grown substantially. In the House, their numbers grew from approximately 240 members in the Eighty-ninth Congress to 278 in the Ninetieth. Republicans gained 47 seats in the House and 3 seats in the Senate . . . .

The number of liberal Democrats in the House and the Senate had significantly declined. Southern committee chairmen would face a diminished threat that the Democratic caucus could force bills out of their committees. Allied with non-liberal Republicans, conservative southern Democrats would have enough votes on the floor to threaten the success of liberal proposals . . . .

Ray Bliss, the Republican National Committee chairman, told a packed room of reporters in a Washington hotel, "This press conference will be a little different from my first one, when you were asking me if the Republican Party would survive. It looks to me as if we have a very live elephant." [Zelizer, pages 257-259]

### **Washington's Ponte Vecchio Bridge**

On October 7, 1965, Representative Harold T. Johnson (D-Ca.) introduced a bill to build a shop-lined pedestrian bridge from the Maine Avenue waterfront in the vicinity of the 10<sup>th</sup> Street Mall across the Washington Channel to East Potomac Park. The bill would permit the Secretary of the Interior to oversee the bridge to provide direct access to the National Fisheries Center and Aquarium scheduled to be built on East Potomac Park. Representative Johnson emphasized that the bill did not seek funds. "It is designed to satisfy public need through private enterprise." The concept would be similar to the way NPS contracted for concessions in National Parks.

The bridge would serve multiple purposes. It would provide “a diversity of tourist and visitor services” near the Smithsonian Institution museums and “complement the attractiveness of Washington’s redeveloping Southwest.” It also would provide pedestrian access to Hains Point “to accommodate the millions of persons expected to visit the aquarium each year as well as those wishing to take advantage of other attractions of East Potomac Park.”

Under contract with the Interior Department, the developer or concessioner would pay a franchise fee in return for subleasing portions of the bridge to businesses such as restaurants and specialty shops.

He continued:

As is the case with so many so-called new ideas, this one is based on an old concept that has already stood the test of time. What this bill proposes for Washington is an updated American version of a venerable structure located in Florence, Italy. It is called the Ponte Vecchio – or old bridge – and it remains a prime attraction today, drawing countless visitors to its rustic shops and specialty stores.

I respectfully submit that a modern-day version of the Ponte Vecchio connecting Washington’s Maine Avenue with East Potomac Park has the potential to become one of the major tourist attractions of the world while adding a desirable blend of charm, excitement, and beauty to America’s Capital City. [Providing a Bridge to East Potomac Park, *Congressional Record-House*, October 7, 1965, page 26323]

(Flooding in 1881 pushed water from the Potomac River across the riverfront marshlands almost to the White House and as far east as the Botanic Garden on the western edge of the Capitol grounds. Engineers concluded that taming the river and reclaiming the flats along the waterfront were essential to improving drainage and sanitary conditions at the Executive Mansion. Major Peter Conover Hains began the reclamation project in the late summer of 1882. The project used dredged material to create hundreds of acres of land separating the main channel of the Potomac River and the reclaimed waterfront. The water between the two was named the Washington Channel, a recreation of a historic channel in the same general location. A reservoir intended to supply fresh water to the channel was formed and later named the Tidal Basin.

(In 1897, with private interests seeking to develop the land, Congress approved legislation setting aside the 621 acres and reclaimed flats and the 118 acres of tidal reservoirs as “Potomac Park . . . to be forever held and used as a park for the recreation and pleasure of the people.” Charles C. Glover was largely responsible for securing the legislation. East Potomac Park, which is often called Hains Point, is usually referred to as a peninsula, although it actually is an island. [Gutheim and Lee, pages 94-97])

The idea for the bridge dated to 1959 when Chloethiel Woodard Smith suggested the “Ponte Vecchio proposal” as part of her concepts for the new southwest. The idea gradually gathered support, which increased when the Department of the Interior decided to move the National Aquarium from the Department of Commerce’s Herbert C. Hoover Building to Hains Point. In

January 1966, Smith signed a contract with NPS to design the bridge. [“Chloethiel Smith To Design ‘Ponte Vecchio’ Footbridge,” *The Sunday Star*, January 30, 1966]

The viability of the bridge and the aquarium depended in part on construction of a parking garage for visitors. It would have 2,500 spaces on several levels in the hill beneath an overlook at the end of the 10<sup>th</sup> Street Mall 40 feet above the waterfront.

On August 13, 1966, NPS unveiled the design for the “World Bridge,” which Robert J. Lewis reported would be “studded with 120 shops, stores, cafes, galleries and exhibit spaces to be built on five man-made islands across the Washington Channel.” The \$5 million project, which would provide access to the \$10 million aquarium on East Potomac Park, would include a roadway for trackless “mini-trains” to supplement pedestrian access:

The design prepared by Chloethiel Woodard Smith & Associates calls for a series of five 2-story and 3-story buildings to be built over the water on foundations driven deep into the channel bottom.

The buildings and connecting spans would be placed 20 or more feet above the water level to permit boats to travel beneath them . . . .

Also needed as part of the project are plazas at both ends of the bridge and a small span to carry pedestrians and mini-trains across Maine Avenue from the overlook. [Lewis, Robert J., “A ‘World Bridge’ for D.C.,” *The Sunday Star*, August 14, 1966]

In the final days of the 89<sup>th</sup> Congress, the Ponte Vecchio “World Bridge” was approved as part of the Flood Control Act of 1966, which President Johnson signed on November 7 (P.L. 89-789).

In February 1967, the Interior Department unveiled the “simple and dramatic” design for the National Fisheries Center and Aquarium. The main building would be on a square, 432-foot concrete deck six feet above the ground. The facility would include displays of fish and other aquatic life, a series of ecological systems and two 500-seat theaters. Construction and operation would be financed by admission fees paid by the expected 3 million visitors a year.

Kevin Roche, John Dinkeloo and Associates, which designed the facility, excluded the World Bridge. In its place was an empty bridge with shops and other retail facilities on an island abutting the north side of the bridge in mid-channel. In the view of the *Star*’s editors:

It falls far short of the design drafted by architect Chloethiel Smith, which is attractive both to users and to the private entrepreneurs who will be expected to put up the hard cash necessary to get the bridge built . . . . We trust, however, that the deserved praise heaped upon the aquarium portion of the Roche plan by Interior and the Fine Arts Commission does not mean that a Ponte-Vecchio-type bridge is in any sense precluded. [“Elevated Aquarium Design Unveiled,” *The Sunday Star*, January 12, 1967; “National Fish Bowl,” *The Evening Star*, February 22, 1967]

On March 14, 1967, the Interior Department invited bids for construction of the Ponte Vecchio-type bridge and the underground parking garage on Maine Avenue, SW. Contractors were

invited to bid on their own design for the bridge or the design submitted by Chloethiel Smith. Bids were due in mid-May.

The solicitation did not result in a single bid.

By mid-June, Lewis reported:

Southwest Washington's much-heralded "Marvelous Mile" is threatened with deep trouble.

Failure of the Interior Department last month to find a private developer for a proposed shop-lined bridge across the Washington Channel and a nearby parking garage has set off a chain of events which seems about to knock down several key beautification projects like a row of dominoes.

If that happens the long-awaited linking of the Smithsonian Institution complex along Independence avenue with a proposed \$10 million National Aquarium a mile south on East Potomac Park by way of the 10<sup>th</sup> Street Mall – the planned monumental gateway to \$500 million Southwest Washington redevelopment – may be dead.

The garage was "the key factor" in selecting East Potomac Park as the site for the aquarium. An anonymous planner said that "to push the aquarium through without the garage which in turn, jeopardized the bridge, would be one of the most serious mistakes that could be made in the Southwest area." [Lewis, Robert J., "Southwest 'Marvelous Mile' Is in Deep Trouble," *The Evening Star*, June 26, 1967]

Although the Interior Department would pursue the bridge concept, Washington's Ponte Vecchio bridge was doomed, along with the garage and the National Fisheries Center and Aquarium. The aquarium would remain in the Commerce Department building, while Congress bestowed the "national" designation in 1979 on an aquarium planned for Baltimore's Inner Harbor. The National Aquarium opened in Baltimore on August 8, 1981. The Commerce Department closed its aquarium on September 30, 2013.

### **The Furor of the Past – at an End**

The developments in 1966 gave highway advocates a sense of optimism. The *Star* reflected the optimism in an editorial about the East Leg Freeway on January 16, 1967. The editorial recalled the plan to build the freeway in the 11<sup>th</sup> Street, SE., corridor, a plan that would have uprooted many families. Citizens recommended construction of the freeway along the banks of the Anacostia River. "Well, after a great deal of inter-agency hemming and hawing, that has been done." NCPD had approved the route from the Southeast Freeway to Barney Circle at 17<sup>th</sup> and Pennsylvania Avenues, SE., "thence northward through Anacostia Park to Benning Road near the D.C. Stadium."

Considering "all the furor of the past," the fact that officials had agreed on this alignment "is noteworthy in itself." The freeway would improve access to the stadium and the National Arboretum, "an asset of the Nation's Capital which has never been used to its full potential by

visitors or residents because of its isolation.” West of the arboretum, highway officials planned to put the freeway in a 1,700-foot tunnel that would reduce family displacements in half.

Some may believe that “freeways have no place in Washington,” but “they are essential, and the fact is that, sooner or later, they will be built”:

The real message is that a variety of community benefits can be realized if the various agencies concerned really cooperate to develop the best possible freeway plans—and that grievous errors can result if they don’t. [“Improved With Age,” *The Evening Star*, January 16, 1967]

On January 18 and 19, the District commissioners held a public hearing on the East Leg Freeway between Benning Road and Rhode Island Avenue, NE. Sammie Abbott, the *Post* reported, “spent about 7 hours yesterday giving the District Government a piece of his mind.” Around noon, he led 20 ECTC members on a picket line in front of the District Building. They carried signs, such as:

- Gagged and gassed by the highway lobby
- Not one inch of the arboretum or parklands for freeways
- Bus fare rise means more cars means more freeways
- How come there’s plenty of \$ for freeways but not enough for homes & schools

A few witnesses endorsed the East Leg plan. Supporters included AAA, the Federal City Council, the Greater Washington Central Labor Council, NCTA, the Washington Trucking Association, and the local chapter of the Automotive Trade Association. However, “most people came to register opposition, Abbott perhaps most vociferously of all. “These are commuter roads,” he told the hearing. “Men come in an average of 1.6 to a car. They drive back to their bedrooms [in the suburbs] at night. They don’t care what happens in the District.” He added ECTC’s motto: “This is a white man’s road . . . through black men’s homes.” He said that ECTC was going to organize a boycott against buying gasoline in the District. “They take 7 cents out of every gallon, then use it to bury us in concrete.” What the city needed, he said, is rapid transit. He remained in the hearing room until the hearing ended at 7 p.m.

Peter Craig had new information to present based on a deposition that attorneys from Covington and Burling had secured from General Duke before he left for Vietnam. Craig emphasized several points. General Duke said he had never read the law establishing NCTA. He also had never attended a public hearing on the freeways or read the hearing transcripts, even though, as Craig noted, General Duke made many decisions on freeway development. [Milius, Peter, “Freeway Foes Carry Protest to District Building,” *The Washington Post and Times Herald*, January 18, 1967; “North Central Freeway Airing Continues Friday,” *The Evening Star*, January 18, 1967]

Senior District Court Judge Matthew F. McGuire delivered a setback to freeway opponents on February 2 when he agreed with the District that their lawsuit was vague and confusing. He gave litigants 60 days to “rewrite your complaint and put it in language that can be understood.”

[“Revise Suit On Freeway, Court Orders,” *The Evening Star*, February 3, 1967; “Suit to Stop Freeways Bogs Down in Words,” *The Washington Post and Times Herald*, February 3, 1967]

District highway officials planned to introduce their design for the North-Central Freeway to NCPC on February 9. Von Eckardt described it as “an improvement over last year’s controversial proposal,” but added that “it fails to live up to the promise that Washington’s freeways would henceforth be designed to enhance rather than split the city’s neighborhoods.” Officials had promised that freeways would “spark new housing, shops, offices and community facilities alongside and over the concrete ribbons.” BPR had even provided “pretty sketches” of what air rights structures might look like:

The important idea, enthusiastically expounded by top highway officials, was that new housing would be constructed along with the freeway so that families who must be displaced as the bulldozers move along would find a new home ready and waiting for them in the neighborhood in which they are rooted.

Von Eckardt understood why the sketches had not been specific as to location pending detailed studies. “But, it is not understandable, in fact, it is downright distressing, that such studies still have not been started and don’t even seem to be contemplated.” The department left itself open “to the suspicion that the much touted ‘joint housing and highway improvement project’ was merely a meaningless ploy to appease the freeway opponents.” (To be fair, he added, the District had asked Congress for legislation authorizing air rights construction and it was expected to be approved during the 89<sup>th</sup> Congress.)

The J. E. Greiner Company and architectural advisers at Skidmore, Owings and Merrill had “at least come up with a concept which would make new housing construction over the freeway technically possible.” They placed the freeway, with room for the rail rapid transit line, alongside the railroad tracks at ground level but depressed in parts. “Depressing the freeway affords the opportunity at a later date to bridge it with buildings, overpasses and parks.”

The architects gave the overpasses and retaining walls “elegant, well-proportioned simplicity and directness”:

But by adding the freeway ditch to the railroad, the design naturally also widens the swath that the B&O already cuts into the city’s fabric. This is particularly tragic in Brookland, the residential neighborhood east of Catholic University. To a lesser extent it makes itself grievously felt in Totten Park and Takoma.

The failure to propose new housing for the 535 displaced families was bound “to have unpleasant repercussions that will prolong the smoldering freeway feud in this city.”

Community leaders were afraid that opposition “of a voluble nature” might erupt. One said:

There is a lot of free-floating unrest in this city. In the slums it is disorganized. But the higher-income communities that are hurt by this freeway have a strong organizational capacity. They know the ropes.

Von Eckardt concluded:

The people of this city now need some evidence that all this talk means more than making the Tidal Basin more beautiful. And if such evidence is to be shown, it had better start along the North Central Freeway. [Von Eckardt, Wolf, "New North Central Freeway Fails to Solve Problems It Creates," *The Washington Post and Times Herald*, February 5, 1967]

On February 9, NCPC voted 8 to 2 to approve the general route of the 2.3-mile, \$48 million section of the East Leg Freeway. It would slice off part of the boundary of the National Arboretum and go into a tunnel next to Mount Olivet Cemetery. The segment would wipe out 350 homes and apartments and 26 businesses, mostly small stores, that paid approximately \$115,000 a year in property taxes. Professor Edwards and acting NCPC chairman Louchheim voted against the location, both citing the pending litigation among their reasons.

NCPC also acted on a NCTA proposal for the Connecticut Avenue subway line. The line would be built in a tunnel through solid rock from Dupont Circle to the next station near Woodley Road. It would tunnel under Rock Creek instead of on a new bridge or through the supports of the William Howard Taft Bridge on Connecticut Avenue. NCPC approved additional stations at Port Street and Van Ness Street, but rejected a proposed station below Columbia Road and 18<sup>th</sup> Street because of concerns that the projected use would not justify the added cost of \$11.5 million.

McCarter revealed that NCTA, which was planning to ask Congress for authority to build a second downtown subway line along Independence Avenue, SW., had concluded that the line would pay for itself. The first subway line would cost \$170 million, while the second would increase the downtown construction cost to \$203 million. However, abandoning plans for a subway spur to Columbia Heights would save \$55 million. The *Star* pointed out, "This would mean that with the new downtown subway, total construction costs would be only around \$41 million over previous estimates." [Levy, Claudia, "Subway, Freeway Routes Are Approved," *The Washington Post and Times Herald*, February 10, 1967; "2 Agencies OK Subway For Rock Creek Park," *The Evening Star*, February 10, 1967; "NE Section of Freeway Approved by Planners," *The Evening Star*, February 9, 1967]

Engineer Commissioner Mathe, appearing on WWDC's "Report to the People," said that criticism of the absence of housing proposals for the new design of the North-Central Freeway was premature. "Our plans are not so far along as to warrant criticism." After Congress approved the air rights legislation, "We will be making plans for air rights and hopefully for housing." ["Officials Still Considering Building Housing Above N. Central Freeway," *The Washington Post and Times Herald*, February 19, 1967]

### **Reconsidering Three Sisters**

On March 8, NCPC released its draft of the Year 1985 Comprehensive Plan for the Nation's Capital. The report divided the plan among the city's sections. For the Central Employment Area, the plan called for:

The construction program for highways, transit, and parking facilities should be designed to relieve promptly the greater part of downtown from heavy vehicular traffic.

The construction of the subway system and the completion of the freeway system will do much to achieve this objective (in addition to improving overall accessibility to and from downtown). So should the designation and improvement of selected streets for downtown arterial use, together with the construction of underpasses at key locations.

Neither of these systems will realize its full potential as a diverter, however, unless corresponding attention is given to the systematic provision of parking facilities. Within the downtown area, major parking facilities should be located on sites having direct access to the freeway and arterial systems. Many of these sites may have to be acquired through public action. Publicly created parking facilities uptown and suburban transit stops also will have an important role to play in relieving downtown from heavy vehicular traffic.

For the Near North, the plan predicted that as a result of early subway construction, “the downtown renewal effort should also gather momentum during this period.” Public works projects included completion of the K Street tunnel and the Center Leg Freeways, the Florida Avenue boulevard, and the Connecticut Avenue subway line.

In Capital East Southwest:

The first rapid transit line through CAPITOL EAST should be constructed, and the second line to serve the employment concentration on South Capitol Street and in the weapons plant area should be programmed for early construction in the second stage.

The plan included completion of the East Leg Freeway.

For the Anacostia section, the plan anticipated construction of the rail rapid transit line serving the northeast section of the city, with a station at Benning Road. “An early extension of this line northeast along the Pennsylvania Railroad should be programmed.”

For Northeast, the plan included:

The rapid transit system elements already committed should be completed, with three stops in NORTHEAST—at Rhode Island Avenue, at Michigan Avenue and at Riggs Road . . . .

Approved elements of the freeway system should be completed, including the North Central Freeway and the section of Interstate Route 95 in the District.

In the period 1973-1986, “Further study, including the evaluation of the rapid transit system in operation, will be required before the need for additional improvements to the highway system can be firmly established.”

In North Central, the approved rail rapid transit system should be completed with an extension of the Columbia Heights line to be provided in the later stages of the plan.

Similarly, in the Northwest section, the subway should be extended first to Connecticut Avenue and Van Ness Street, then to Wisconsin and Western Avenues. As for the Georgetown waterfront, direct public involvement on a large scale was needed “to remove the blighting conditions and to develop part of the area for public open space and recreation.” Some of this work would have to be deferred because of pressing needs elsewhere. “Deferral of some phases of the program would also make it possible to plan the redevelopment of the waterfront in conjunction with the proposed tunneling of the Whitehurst Freeway in the latter part of the planning period.”

NCPC planned meetings with community groups to obtain their comments and suggestions. After the period of review, NCPC expected to adopt the plan in 1967. [“1986 Guide Divides District Into 7 Planning Sections,” *The Evening Star*, March 8, 1967]

On March 9, NCPC voted to accept “preliminary geometric design” for the North-Central Freeway between Rhode Island Avenue and Buchanan Street, NE. This action was “step three approval” in NCPC’s four-step process for freeways and bridges. (NCPC approved District highway projects in four stages: (1) the system, (2) geometrics, (3) final geometrics, and (4) ensure the project is built in accordance with final geometrics.)

However, NCPC engaged in a bitter debate over the Three Sisters Bridge before approving, 6 to 5, the location of the bridge. As approved, the bridge would include an approach in Virginia that extended about 550 feet into the Spout Run Parkway. In the District of Columbia, the bridge connected with the Potomac River Freeway at 31<sup>st</sup> Street, NW. The freeway would serve as a mile-long approach between Whitehurst Freeway and the bridge.

Members of NCPC were aware of the lawsuit that Arlington County had filed to block the bridge. In response to the suit, the Justice Department had said that any discussion of adverse impacts on county residents was premature because the location of the bridge was not known. Following NCPC’s vote, Edmund Campbell, the county’s attorney, said the action would “give us a new legal weapon” because the location in Virginia was now specified.

NCPC also received a complaint from Chairman McMillan of the House District Committee:

I feel that there should be a slow-down on some of the highway proposals and attention be centered on such parts as are needed beyond question in the short-range future.

I personally have held the opinion that enough money had been spent in the vicinity of the Whitehurst Freeway.

The prolonged debate about the bridge ended with a split between the six Federal and District officials and the five presidentially appointed members of NCPC. However, the vote itself became a subject of debate, as the *Post* reported:

Further argument over the Three Sisters Bridge broke out after the vote for approval when minority members questioned the right of Robert Horne, alternate member representing the National Park Service, to vote for the project. The park land in dispute is maintained by the National Park Service and debate yesterday indicated that Horne's right to vote may be taken up with the Interior Department.

Louchheim raised a point of order regarding Horne's vote. Although NCPC counsel Shear ruled that Horne was entitled to vote, Chairman Rowe overruled him. Flor reported that she did so "contending the Park Service previously had agreed to preserve Spout Run Park in Arlington. The approaches for the bridge would intrude upon the park land and Interstate Route 266 would have to be built through the park to reach the bridge."

Shear concluded that "the action was not final." He said that NCPC had decided to submit the question to Secretary Udall. NCPC would vote on the bridge again at its April meeting. However, Engineer Commissioner Mathe said that "as a practical matter," the District considered the vote final. [Levy, Claudia, "Site Approved for Three Sisters Span," *The Washington Post and Times Herald*, March 10, 1967; Flor, Lee, "3 Sisters Bridge Site Voted After Bitter Fight," *The Evening Star*, March 9, 1967; Flor, Lee, "3 Sisters Site Not Final, Counsel Says," *The Evening Star*, March 10, 1967; Flor, Lee, "Interior Claims a Vote On Three Sisters Bridge," *The Evening Star*, May 5, 1967]

As reporters requested comment from the Interior Department about the dispute, Udall assistant Pozen was asked to reconcile the pro-bridge vote with the fact that Secretary Udall's Potomac Planning Task Force opposed the bridge. The task force had been appointed 2 years earlier following President Johnson's pledge to make the Potomac River "a model of scenic and recreation values for the entire country." Its report had not yet been published, but Von Eckardt reported that it called the Three Sisters Bridge "a major threat to present values" that should "somehow be averted." Officials should make "every effort" to prevent damage to the Potomac Palisades from the "ill-considered bridge with overbearing mazes of ramps and roads."

Pozen explained:

Support of the Three Sisters Bridge is part of the agreement between George B. Hartzog Jr., director of the National Park Service, and Rex M. Whitton, the former Federal Highway Administrator. It is part of the price we had to pay to get the East Potomac Freeway [sic] tunneled under the Tidal Basin.

He did not know if Secretary Udall would back Hartzog's agreement with Whitton or the task force's opposition. However, as Lee Flor reported, Secretary Udall had previously "insisted on staying out of disputes over the Three Sisters Bridge." He had delegated the issue to NPS.

The agreement had not been a handshake or secret deal. Flor pointed out that the agreement had been signed the previous May and made public. "The agreement has been cited by citizen groups suing the planning commission and District government." They argued that in view of the agreement, NPS should not vote on NCPC decisions on highway projects.

(The Potomac Planning Task Force report also stated, “The new highway that must replace the present hideously constructed Whitehurst Freeway should be either underground or so thoroughly assimilated in the surrounding urban fabric that it neither obtrudes from it nor conflicts with it.”) [Von Eckardt, Wolf, “Secret Bridge Pact Is Revealed,” *The Washington Post and Times Herald*, March 11, 1967; Flor, Lee, “Planners to Study 3 Sisters Wrangle,” *The Evening Star*, March 11, 1967]

Neither the *Star* nor *Post* agreed with NCPC’s decision to defer the vote. In view of NCPC’s call for a coherent freeway system in its draft Year 1985 Comprehensive Plan, a *Star* editorial indicated, the members “would normally be expected to support that essential element of their plan. The NCPC, however, almost never acts normally.” The minority, having lost their battle “to purge freeways from the plan,” aimed their “anti-freeway popguns this week at plans for one of the systems [sic] most crucial segments, the Three Sisters Bridge.” Although “the Rowe militia” was outvoted, they are still arguing the point. They probably would continue to do so until the freeways are built “or the planning commission gets a chairman whose views on urban transportation are not mired in the 19<sup>th</sup> Century.” The *Star* editors opted for the latter option.

The *Post* editorial began:

“The National Capital Planning Commission has cleared the way for work to begin on the Three Sisters Bridge across the Potomac next year . . .” began a story in this newspaper on August 6, 1961.

Five and a half years later, NCPC had voted to approve the location for the bridge. “The greatest menace to orderly development in Washington is the city’s inability to make up its mind.” If people thought that such delays would result in “unusually good design,” they need only look at the Theodore Roosevelt Bridge. After years of debate, “nothing about it rises above sedate mediocrity.”

The uncertainty about the Three Sisters Bridge was delaying other decisions, such as the location of the Potomac River Freeway. “Meanwhile, of course, the badly needed [George Washington Memorial] parkway down the north bank of the Potomac comes to an abrupt end in a patch of mud, where it waits for the planners downstream to decide how to proceed.” [“Time for a Change,” *The Sunday Star*, March 12, 1967; “Over and Over,” *The Washington Post and Times Herald*, March 12, 1967]

Chairman Rowe spoke with Secretary Udall, who agreed with the Justice Department that NPS did not have a conflict of interest in voting on freeways. Flor wrote:

It also was reported that another compromise was brewing over the exact location of the bridge. Last year the Arlington County staff recommended that it be tunneled through the Potomac Palisades bluffs, so it would not ruin parkland, and this compromise may be studied more by the planning commission and Interior Department. [Flor, Lee, “Interior Claims a Vote On Three Sisters Bridge,” *The Evening Star*, April 5, 1967]

### Three Sisters Tunnel

On March 28, Secretary Udall followed up on the discussion with Chairman Rowe by writing to Secretary Boyd about the Three Sisters Bridge controversy. Secretary Udall referred to the agreement of May 25, 1966, in which NPS accepted “a new Potomac crossing between Virginia and the District of Columbia at Spout Run.” Since then, “some preliminary studies have been made of a possible tunnel crossing of the Potomac at this location”:

It is my understanding, further, however, that these preliminary tunnel studies have not been explored to the point where meaningful costs (economic, social, esthetic, and cultural) and engineering feasibility can be weighed in comparison to similar costs and engineering feasibility involving a bridge crossing.

He believed that “the preliminary tunnel study should be completed to the point where such meaningful comparisons can be made.” In view of the funding made available to the District of Columbia for the project, he did not want to delay the highway program. “I believe that the additional study I suggest can be completed in not more than 60 days on the basis of the preliminary information already developed.”

Secretary Boyd forwarded the letter to Administrator Bridwell to prepare a reply for the Secretary’s signature.

At NCPC’s April 6 meeting, Chairman Rowe told the members about her meeting with Secretary Udall and his agreement to ask Secretary Boyd to study the tunnel option. In a prolonged debate, General Mathe complained that the bridge issue had already taken too long to resolve. “We have had our little dispute, and the chair went well beyond what she was supposed to do. Tunnel studies in the past have shown that a tunnel is not feasible.”

General Mathe considered the Three Sisters Bridge a “local problem” for local officials, including NCPC, to resolve, not the Interior or Transportation Departments. Louchheim replied, “What we are trying to do is protect the banks of the Potomac from the highways . . . .” He then withdrew his objection to Horne’s vote on behalf of Hartzog the previous month. Hartzog then made a motion to reconsider the vote, thus erasing the 6 to 5 vote in support of the bridge.

NCPC decided to delay the vote until May 4, but stipulated that it wanted Secretary Boyd’s study by April 19. According to the *Star*, Chairman Rowe “was jubilant over the vote.”

Director Airis, saying his department had a great deal of information from studying past tunnel proposals, promised to work with Federal officials to speed the study. General Mathe said his staff would “give the study everything we’ve got.” [Severo, Richard, “NCPC Nullifies Three Sisters Vote; Tunnel Study Due,” *The Washington Post and Times Herald*, April 7, 1967; “Road Aides to Push River Tunnel Study,” *The Evening Star*, April 7, 1967]

*Star* editors considered the decision to study a tunnel alternative inevitable. This, after all, is a time-tested tactic of delay for the bridge opponents.” A similar study delayed the Theodore Roosevelt Bridge “for months before the bridge was finally unblocked.” The new study was due in only 2 weeks, but that was “not as short as it sounds”:

Studies of tunnel possibilities at this location were made earlier in the Three Sisters game, and rejected. Beyond that, a vast amount of data collected during the Roosevelt dispute concerning the river bed and tunnel construction techniques is readily available.

The editors predicted the tunnel would be rejected on the usual grounds – cost and engineering issues such as excessive grades on the Virginia side:

The major absurdity in this whole diversion, however, is that it seeks an alternative to a bridge design which is in no sense offensive, and which has won high praise from nearly everyone who has studied it, including officials of the National Park Service and the Fine Arts Commission. The effort is an obvious stall. And it is too bad that Secretary Udall permitted himself to be persuaded to go along with it. [“The Tunnel Caper,” *The Sunday Star*, May 9, 1967]

The *Post*'s editors were equally dismissive. NCPC, they wrote, “is rarely useful, but it is always amusing.” Having approved the Three Sisters Bridge in March after years of delay, NCPC, “appalled at its own bravery . . . hastily revoked its decision to await further study.” NCPC’s “comedy comes, of course, at a price.” Citizens may wonder why general planning “has fallen into contempt among those people in Washington who must make decisions” or why NCPC’s “plans and decisions very rarely have any visible effect upon the development of the city.” Citizens seeking an answer to these puzzles “have only to regard the whimsical history of the Three Sisters Non-Bridge.” [“More Farce,” *The Washington Post and Times Herald*, April 11, 1967]

The cost of delay became clearer to the public on April 10 when Chairman Natcher’s appropriations subcommittee released the transcript of its hearing a few weeks earlier. The transcript revealed that the cost of the District’s Interstate network had increased by nearly \$150 million (from \$489 million to \$639 million, with the District’s share being around \$60 million). Airis told reporters the increase was mainly a result of “the yearly escalation in land and construction costs.” NCPC decisionmaking was another factor resulting in costly design changes, as reflected in the May 1966 agreement for extensive tunneling that allowed the freeway program to move forward.

Airis told the subcommittee that the District could meet the slightly extended deadline for Interstate completion “provided, of course, that planning decisions continue to be made and that further cutbacks or freezing of program funds are not imposed.”

General Mathe was less optimistic:

It has . . . been my observation that we are not out of the woods yet on the program; that each decision made at the Planning Commission is almost a forced decision; and that we still have . . . many difficult decisions to obtain from the Planning Commission.

He added that NCPC “keeps going back to the controversy of freeways versus no freeways, and therefore each decision is made after we re-travel some of the same area over and over again.”

Chairman Natcher reiterated that on the Appropriations Committee “we have believed sincerely for a number of years that there is a place in our Capital City for the freeway system . . . along with a rapid transit system.” In view of the many positive steps taken on the District’s freeway program, Chairman Natcher was assured that the May 1966 agreement was holding firm, but he warned Airis:

Now, if at any time in the future, Mr. Airis, they attempt to proceed as they have done in the past, we will take the same action that we took last year, and I say that to you frankly . . . we are not going to let them do this to you. [Flor, Lee, “Natcher Warns District on Freeways, Subway,” *The Evening Star*, April 11, 1967; “D.C. Freeway Cost Estimate Is Increased by \$160 Million,” *The Washington Post and Times Herald*, April 11, 1967]

Despite the *Star* editorial’s comments about the reception the design had received, the Commission of Fine Arts had reviewed preliminary sketches for the Three Sisters Bridge in January and said it wanted an elegant single span. On April 19, the commission reviewed the District’s second design by Gerald I. Sawyer for what the *Star* described as “a gentle-arched strip, with an 800-foot span, and with four piers, two resting in the water and two on land.”

The Commission rejected the design as ugly. Chairman Walton said “it may be improper to have any bridge at all” if this was the best the engineers could propose. “This design is an aesthetic disaster and nothing but a bad version of the Theodore Roosevelt Bridge, which is bad enough.” Commission Member John Carl Warnecke said the design looked like “just another freeway anywhere in the country.” Commissioner Gordon Bunshaft told District officials the commission wanted “the greatest bridge ever built” for this scenic location. Such a bridge should be an arched concrete span, one that is “exciting and ingenious.”

When the engineers pointed out such factors as cost, loads, and flooding, the commissioners suggested that in view of public objections, if the District wanted to build the bridge, it may take more than engineering talent. [“Fine Arts Unit Rejects 3 Sisters Bridge Design,” *The Evening Star*, April 20, 1967; Von Eckardt, Wolf, “Engineers Told to Make 3 Sisters ‘The Greatest Bridge Ever Built,’” *The Washington Post and Times Herald*, April 20, 1967]

Secretary Boyd sent letters on May 4 to Secretary Udall and Chairman Rowe before NCPC’s meeting on May 5. His department had worked with the District Highway Department to study four alternatives for a tunnel to replace the Three Sisters Bridge. The tunnel alternatives ranged in cost from \$176 million to \$214 million, compared to \$110 million for the bridge. His conclusion was that the tunnel was “a less desirable solution” than the bridge. However, he added that his conclusion was a response to “the narrow context of the question as presented to me.” In a broader context, he would “seek the cooperation of the Secretaries of the Interior and Housing and Urban Development in evaluating whether the proposed project is responsive to national and community goals for making this city a more desirable place to live . . . .”

His representative at the NCPC meeting, Assistant Secretary for Policy Development M. Cecil Mackey, emphasized that this answer was in response to the narrow question Secretary Boyd had been asked. The Secretary “did not intend to pass judgment on the question of bridge or no bridge.” He continued:

I think that it is probably safe to assume that that is a fair question that would go into the review of a request for a grant of federal money for a proposal of this sort.

Under the charge which we have, I don't think you can confine our review in such a way that we wouldn't get into that question. That is the intent of the Secretary's letter.

These comments were a surprise because NCPC members were operating on the assumption that the need for a crossing was no longer in question, whether individual members liked it or not.

After District highway officials explained the four tunnel alternatives, Chairman Rowe called a recess and invited commission members to her office for a meeting that excluded the press.

After NCPC resumed the public meeting, Director Hartzog offered a resolution asking Secretary Boyd to "complete at the earliest practicable date his review of the necessity for additional laneage in the interstate system now designated I-266." If additional laneage was needed, the resolution asked the Secretary to study "alternate locations and proposals for such laneage, including especially the up-grading of the Jefferson Davis Highway to interstate standards to accommodate this need."

The resolution included one concession for bridge supporters. If the Secretary concluded that additional laneage was needed and that "no feasible and prudent alternative" to the bridge existed in the vicinity of Three Sisters Islands, "the Commission approves the geometric design (stage 3) of the interstate route 266 Potomac River crossing . . . provided the District of Columbia connections between the bridge and the interstate east of Wisconsin Avenue are placed in cut and [cover] tunnel to be approved by the Commission."

Hartzog said that even if Secretary Boyd said the bridge was needed, NPS would not grant a construction permit for the Three Sisters Bridge unless the plan included tearing down the Whitehurst Freeway as called for in the resolution's reference to a cut-and-cover tunnel.

Louchheim, according to the *Post*, "was elated" by developments. He issued a statement saying he was satisfied that if Secretary Boyd conducts an objective study, he will conclude that the bridge is not needed. "We have great confidence in Secretary Boyd and his sincere concern for the social and aesthetic values in his consideration of highway projects." [Flor, Lee, "Three Sisters Bridge Wins Limited Planner Approval," *The Evening Star*, May 5, 1967; Severo, Richard, "3 Sisters Bridge Proposal Is Passed To Boyd for Study," *The Washington Post and Times Herald*, May 6, 1967]

Representative Gude warned that key Members of Congress may be annoyed by NCPC's decision to again delay approval of the bridge. He was supportive of rail rapid transit and, as a State legislator, had helped establish the Washington Suburban Transit Commission that represented Montgomery and Prince George's Counties under the interstate compact. However, he told WWDC's "Report to the People, "Subways [alone] aren't the answer" to the area's transportation problems. "There have been 20 years of studies costing a million a year. It's time we got moving."

With the Capital Beltway luring growth away from downtown, he said, the new growth pattern resembled an attractive doughnut with the District as the empty hole in the middle. He referred to Chairman Natcher's effort to hold up District matching funds for NCTA, fearing that he might do so again following NCPC's decision. ["Gude Prods for Action On Three Sisters Span," *The Sunday Star*, April 9, 1967]

For *Star* editors, the situation was clear. NCPC had approved the bridge as part of the May 1966 compromise agreement. Since then, one of the participants, Administrator Whitton, had left the scene and the U.S. Department of Transportation and Secretary Boyd had arrived. "And this process of change apparently has aroused in the opponents of highways in Washington –

represented by the leadership of the National Capital Planning Commission – new hopes of returning the freeway program to a state of confusion." First, they asked Secretary Boyd to study whether a tunnel would be a better alternative than a bridge at Three Sisters Island. He concluded that a bridge was preferred:

And that should have ended the matter. Of course it didn't.

Instead, NCPC agreed in "a secret meeting" to approve the bridge only if Secretary Boyd, after further study, agreed additional lanes were needed, that no alternative to the bridge could meet that need, and other conditions were satisfied:

Ironically, the new transportation secretary had made it plain that he would like to stay out of local controversies, but that probably is a desire he cannot fully realize in the case of the Nation's Capital.

In the case of the Three Sisters Bridge, "he should have no difficulty extricating himself." All he had to do was ask for a briefing "on the countless studies and decisions affecting this project in the past. They clearly justify the need." ["Back to Confusion," *The Evening Star*, May 12, 1967]

### **"Feasible and Prudent"**

NCPC's decision to include the phrase "feasible and prudent" in its May 5 resolution was not a random choice of words. Section 4(f) of the Department of Transportation Act of 1966 prohibited the Secretary of Transportation from approving "any program or project which requires the use of any land from a public park, recreation area, wildlife and waterfowl refuge or historic site unless (1) there is no feasible and prudent alternative to the use of such land, and (2) such program includes all possible planning to minimize harm to such park, recreation area, wildlife and waterfowl refuge or historic site resulting from such use."

The Three Sisters Bridge involved park land in Arlington County, recreational areas in the District, and the Georgetown waterfront, which the Department of the Interior had designated an historic landmark. Therefore, NCPC put its resolution in the context of Section 4(f).

On May 28, Lee Flor reported that BPR had approved the estimated cost of the Three Sisters Bridge for inclusion in the 1968 ICE. BPR approved the estimate "just as [NCPC] was balking at a clear-cut approval for the bridge, it was discovered yesterday."

Flor added that General Mathe had written to Secretary Boyd to point out that officials in the new department had studied the bridge many times:

Mathe asked Boyd to give the planning commission “early notification that Boyd’s agencies previously had studied the bridge question, always coming up with the conclusion that the bridge was needed.

There is a time to end planning, however, and to proceed with implementation. We are already overdue in this respect. [Flor, Lee, “Planners Balk Just as Span Clears Hurdle,” *The Sunday Star*, May 28, 1967]

As officials of the Department of Transportation, which had begun operations less than 2 months earlier, began considering the resolution, they concluded that the requested investigation involved broader questions than the need for the Three Sisters Bridge. Under Secretary Sitton, who had been the primary author of the 3C language in the Federal-Aid Highway Act of 1962, suggested putting the request in the context of the Washington area’s entire Interstate System network. In an internal summary, he and his assistant, Charles Carroll, explained that on the surface, the issue appeared to be narrow and limited to the Three Sisters Bridge, but “on closer examination, much broader questions concerning the traffic service features of Interstate expressway corridors in the Washington Metropolitan Region are evident”:

One such (and even greater) concern is the question of whether the planning process for transportation development in the Washington region has given appropriate consideration to the impact which the planned highway development program, involving financial commitments of over \$750 million during the next five years, will have upon the historical, cultural, social and economic characteristics of the Nation’s Capital. Without question, the transportation system profoundly influences the behavior patterns of an urban region and a city’s developing form and organization – more so probably than any other series of urban public policies and development programs.

On July 27, Secretary Boyd held a staff meeting on the issues. As for I-266 and the Three Sisters Bridge, staff recommended that the Secretary remove them from the Interstate System because the bridge had not been studied in the context of Section 4(f).

Beyond I-266, staff members had been impressed by the Arthur D. Little report that had concluded that the freeway network was based on insufficient data and questionable assumptions and forecasting techniques. They also were impressed by the House District Committee’s report in 1965 stating that “the projection and forecasts of future needs made by highway officials show trends contrary to actual experience and do not seem to justify some of the proposed program. Accordingly, a careful objective review and reappraisal is desirable.” (This quote is from Chairman McMillan’s report dated October 8, 1965, on the revenue bill, cited earlier.)

In addition to rejecting I-266, staff recommended that Secretary Boyd:

- Remove the designation I-70S from the District’s north central area along the Baltimore and Ohio Railroad tracks and re-route it along the north bank of the Potomac River as a

parkway between I-495 at the Cabin John Bridge and I-66 at the Theodore Roosevelt Bridge;

- Remove I-695 from the Interstate System between I-66 at the Theodore Roosevelt Bridge and I-95 near the 14<sup>th</sup> Street Bridges;
- Retain I-66 as a connection from the Roosevelt Bridge to some point on I-95 between K and V Streets to the north, with the routing to result from studies underway by the District of Columbia; and
- Retain the remainder of the Interstate System in the District as designated.

Administrator Bridwell, who attended the staff meeting, strongly dissented in a memorandum to Secretary Boyd on August 3. He pointed out that “no official nor responsible unit of Government or organization has presented any evidence which cast doubt on the traffic need for Interstate Route 266.” During the meeting, he had taken the “strong position and recommendation that we go forward as diligently as possible to construct the entire Interstate System as designated in the metropolitan area.” The staff recommendations “did not take into account any analysis of traffic requirements and effect upon systems operation and ignored the several criteria which, as a matter of law or policy, the Department of Transportation requires every State to meet.”

He cited four provisions of Title 23 that the recommendations had not considered:

1. Section 134 of Title 23 which states that the Secretary shall not approve “any program for projects in any urban area of more than fifty thousand population unless he finds that such projects are based on a continuing comprehensive transportation planning process carried on cooperatively by States and local communities in conformance with the objectives stated in in this section.”
2. Section 101(b) which states that it is the intent of Congress that “local needs, to the extent practicable, suitable, and feasible, shall be given equal consideration with the needs of interstate commerce.”
3. Section 103(d) which states that the routes of the Interstate System “shall be selected by joint action of the State highway departments of each State and the adjoining States, subject to the approval by the Secretary as provided in subsection (e) of this section.”
4. Section 109(b) which says that standards for the Interstate System “shall be adequate to enable such project to accommodate the types and volumes of traffic anticipated for such project for the twenty-year period commencing on the date of approval by the Secretary” and that “the Secretary shall apply such standards uniformly throughout all the States.”

He said of the idea of shifting I-70S to a parkway along the north bank of the Potomac River:

Item 4 above has specific application to the decision to approve as a part of the Interstate System a parkway type highway from the outer belt to 26<sup>th</sup> Street along the north bank of the Potomac River. Any rational assignment of traffic to that corridor would require more than a four-lane facility under the 20 year statutory requirement and the decision to build it to parkway type standards such as have been applied to the portion already constructed by the Park Service does not satisfy the Interstate System standards which the law says shall be applied uniformly throughout all the States.

He pointed out that such a shift “does not look at other alternatives or other potential solutions.”

He was sympathetic to concerns about the cost of building the South Leg in a tunnel from the Theodore Roosevelt Bridge past the Lincoln Memorial and Tidal Basin to 14<sup>th</sup> Street:

However, we presently face and will continue to face similar kinds of problems in many urban areas as the Interstate System progresses towards completion. A decision to drop a segment of the System merely because it seems to have a high price tag does not take advantage of the potential of a systematic analysis or evaluation of the cost as compared with community (not highway user) benefits.

He also commented that the recommendation to leave the North Leg on the System “as some undefined connection between the 26<sup>th</sup> Street interchange and I-95 [because] this is under study and is subject to analysis is not consistent with the type and degree of analysis which went into the above described decisions.”

These staff recommendations did not “square with DOT’s stated policies that transportation will be considered as a total system and will be carefully analyzed both from a standpoint of total transportation requirements and in support of other public policy goals and objectives.” He had been trying to apply this concept in considering Interstate controversies in other cities, such as Boston, New Orleans, and San Francisco, each of which could “be used as pilot or demonstration projects.” If the staff recommendations were adopted, they would:

- Deprive Washington of application of the findings from successful pilots;
- Deny the city “needed highway facilities without offering any alternatives”;
- Set a precedent for opponents of urban freeways throughout the country “again without being able to offer any alternatives or any meaningful understanding of the consequences”; and
- Deny to Washington and other cities the opportunity to use the new freeways “as a catalyst for urban aesthetic, recreational, cultural, and other forms of social improvement.”

In an August 8 memorandum to Assistant Secretary Mackey, Deputy General Counsel R. Tenney Johnson dismissed the legal objections Bridwell had raised. The provisions Bridwell cited did not “demonstrate any illegality in those recommendations.” He emphasized that he was addressing only the legal provisions Bridwell had cited and was “not passing a legal judgment on the recommendations themselves.” He suggested:

The decisions of the Secretary recommended in the meeting of July 27 can be phrased in terms such as “I am prepared to approve . . .” and formal approval would be given only when conforming proposals are cleared with the local agencies and formally submitted. This would take care of any technical objections implicit in the sections of law cited by Lowell regarding criteria to be met before formal approval is given.

This internal debate took place behind closed doors. Neither outside officials nor the media was aware that the U.S. Department of Transportation was considering extensive changes to the area's Interstate System.

(The internal documents cited in this section are from "District of Columbia Highway Dispute," part of an unpublished *History of the DOT in the Lyndon B. Johnson Administration*, Volume 4, The compilation is in the U.S. Department of Transportation Library.)

### **District Reorganization**

In 1966, President Johnson had supported home rule without making it a priority after the failure of the plan in 1965 despite the White House's vigorous efforts. Professor Tom Lewis cited the Washington Board of Trade's ruse in working to defeat the measure as one of the reasons:

"It was a bitter, bitter defeat," said John W. Hechinger, a prominent District businessman with a reputation for appointing and advancing blacks and women in his hardware and home improvement [stores]. Hechinger had worked [with] Johnson to secure the bill's passage. "Here was a man who had devoted so much of his energy to bringing people into the political system through civil rights legislation and the War on Poverty and yet he couldn't manage to bring the basic right of self-determination that all other Americans enjoyed to the nation's capital." [Lewis, pages 401-402]

The President could see the situation clearly. After all the efforts the White House had applied to securing the discharge petition in 1965, it, too, had failed to secure home rule for the city. He had to get around Chairman McMillan, who would continue to block home rule legislation as he had successfully done in years past. Now, in 1967, President Johnson decided on a different approach that Professor Lewis referred to as "a half measure," but one that Chairman McMillan might not be able to block.

On February 27, 1967, President Johnson issued a special message on the Nation's capital. He began, "Our goal for the Nation's Capital is a city of which all Americans can be proud." The city was the ninth largest in the country and "the center of the fastest growing metropolitan area in the country." The District's citizens "have all the problems – and are entitled to all the rights –

of the citizens of any large city in this country." These problems included "a rising crime rate, traffic congestion and parking shortages, decaying buildings and homes and inadequate health and education service." To help citizens meet those needs, "the District must have the most responsive and efficient government we are capable of providing."

He had submitted home rule legislation to the 89<sup>th</sup> Congress, he said. The Senate approved the bill, but the House did not, even though "a majority of its members clearly went on record in support of the principle of home rule" by signing the discharge petition.

He still believed that home rule was the best option, but improving the District government "need not await the passage of home rule legislation." For that reason, he planned to "shortly transmit to the Congress a reorganization proposal to strengthen and modernize the government of the

District of Columbia.” It would replace the current organization established nearly a century earlier:

The reorganization plan I propose would create a mayor-council form of government – the form which has been found most successful in the Nation’s 27 largest cities. Under the reorganization plan, the President, subject to Senate confirmation, would appoint from among District residents a single Commissioner as chief executive and a Council of nine Members.

The single Commissioner would serve at the pleasure of the President. Council members would serve two-year terms, five to be appointed one year and four the next. The staggered terms would insure continuity of experience on the Council.

The powers and responsibilities which the three-man Board of Commissioners presently have would be apportioned between the single Commissioner and the Council. The Commissioner would be assigned the executive functions now vested in the Board of Commissioners. Like most mayors, he would be given responsibility and authority to organize and manage the District Government, to administer its programs and to prepare its budget of revenues and expenses.

The Council would be responsible primarily for making local rules and regulations – the District’s city ordinances. This would include the quasi-legislative functions which are now performed by the Board of Commissioners, such as licensing rules, the issuance of police regulations and the establishment of rates for property taxation. It would also review and approve the Commissioner’s budget for submission to the President.

In addition, he recommended an amendment to the Constitution to give the District one Representative in the House “and such additional representation in the House and the Senate as the Congress may from time to time provide.” In the meantime, he recommended that Congress pass legislation giving the District a nonvoting delegate similar to the delegate representing Puerto Rico and the delegates who represented Alaska and Hawaii before they became States.

After discussing other local issues, President Johnson concluded that, “It will not be easy to achieve our goal for the Nation’s Capital – a city in which all Americans can take pride.” Nevertheless, “The task is difficult and success will take time. We must – and we will – succeed.”

Behind the scenes, the chief advocate for the reorganization would be Stephen J. Pollak, who had replaced Charles Horsky as White House Adviser for National Capital Affairs on January 31, 1967. Pollak, 38, was First Assistant in the Civil Rights Division of the Department of Justice before President Johnson announced the appointment. In prior years, he had been an attorney with Covington and Burling (1956-1961), assistant to the Solicitor General (1961-1964), and legal counsel to the President’s Task Force on the War Against Poverty (1964) before moving to the Office of Economic Opportunity as deputy general counsel. He joined the Civil Rights Division in April 1965. He had been chairman of the Washington Planning and Housing Association.

Pollak and Horsky, who left the White House to return to Covington and Burling, were friends. They had worked together at the law firm, the planning association, and the American Civil Liberties Association. Horsky was “enthusiastic” about his replacement.

In announcing Pollak’s appointment, President Johnson said the adviser would “handle a wide range of national urban affairs, not just District matters.” Anonymous sources told reporters that Pollak was “under orders to do his work in the District’s behalf behind the scenes and not take as active a public role as did Horsky.” [Grigg, William, “Pollak Succeeds Horsky As Johnson D.C. Adviser,” *The Evening Star*, February 1, 1967; Milius, Peter, “U.S. Civil Rights Aide To Succeed Horsky,” *The Washington Post and Times Herald*, February 1, 1967]

ADA Chairman Donald Green was one of the critics of the White House reorganization idea. He wrote to the White House to suggest that the plan be made available to the public 6 weeks before it was sent to Congress. The gap would allow time for public hearings and comment that would allow the White House to revise the plan to reflect “practicable revisions brought to light during the hearings.”

Pollak rejected the idea, saying members of Congress would not want details of the plan to be made public before they had seen it. He said he’d be willing to discuss the plan during a meeting with an ADA delegation, but Green said, “we told him we did not want privileged information but wanted community involvement.”

Green wrote again to the White House to request further consideration of his idea for public involvement. Strong citizen support, he said, would be needed to move the plan through Congress. As for Pollak’s argument, Green said, “It is just another case of residents of Washington being left out when important decisions are made concerning their government.”

Despite ADA’s concerns, Tilford E. Dudley, chairman of the D.C. Democratic Committee, supported the plan. Public involvement would be nice, he said, but “we will let the White House call the shots” on how to secure approval.

David Carliner of the Washington Home Rule Committee said that Pollak had discussed the proposal with his group on an off-the-record basis. “We support it as a welcome step toward self-government. We can appreciate the President’s problems in sending it to Congress and we do not want to second guess him.” Carliner had joined with Bishop Williams of the Bible Way Church as co-chairmen of the new Committee to Support the President’s Reorganization Plan. [Carper, Elsie, “2 City Groups Back Johnson D.C. Plan,” *The Washington Post and Times Herald*, April 19, 1967]

By mid-May, the President was reportedly having second thoughts. He met with House and Senate District Committee members who questioned whether the city government needed reorganization, with some members saying the District ran well and lacked the corruption found in other cities. They suggested that 1967 was not the year for Congress to consider such a plan in view of the many other issues under review. Further, House District Committee members were upset that they would be bypassed; reorganization plans are handled by the Committee on Government Operations.

As for details, they asked if the single commissioner should be a member of the President's party and a District resident or the best nonpolitical city manager in the country. As for the makeup of the council, they asked if it should consist of six Democrats and three Republicans, as the President had suggested, or be nonpartisan – the best men or women, regardless of party.

Amid rumors that the President might postpone the reorganization plan, he said, "No decisions have been made one way or the other." He denied that the White House would drop the idea. "I don't know whether we could abandon something we hadn't launched." [Elder, Shirley, "D.C. Reorganization Stalled by Johnson," *The Evening Star*, May 19, 1967]

President Johnson transmitted Reorganization Plan No. 3 of 1967 to Congress on June 1:

The plan I submit today is more than a matter of routine reorganization. Its vital purpose is to bring Twentieth Century government to the Capital of this Nation: to strengthen and modernize the government of the District of Columbia; to make it as efficient and effective as possible . . . .

Under the plan, subject to Senate confirmation, the President would appoint a single Commissioner as chief executive and a bipartisan Council of nine members. The Commissioner would serve a four-year term, corresponding to that of the President. Council members would serve three-year terms, with three members to be appointed each year. The staggered terms would insure continuity of experience on the Council . . . .

The Commissioner would be assigned the executive functions now vested in the Board of Commissioners. He would be given responsibility and authority to organize and manage the District government, to administer its programs and to prepare its budget. The plan also provides for an Assistant to the Commissioner to help him carry out these responsibilities.

The Council would be assigned the quasi-legislative functions now performed by the Board of Commissioners. The plan describes more than 430 functions which would be transferred to the Council. These include major responsibilities such as the approval of boundaries and plans for urban renewal, establishment of rules governing the licensing of professions, and setting of rates for property taxation. The Council would also be empowered to review and revise the Commissioner's budget before submission to the President.

Based on interactions with Members of Congress, the current commissioners, and others, the White House had modified the plan in four ways:

- First, the Commissioner could veto council actions that he disagrees with. The council could override a veto by a three-fourths vote of its members.
- Second, the reorganization plan extended the length of service for each council member to 3 years instead of 2. "The reduction in turnover and increase in experience would add strength to the Council."

- Third, salaries of the council members, including the chairman and vice chairman, would be increased “to reflect their important responsibilities.”
- Fourth, “the plan recognizes that the machinery of the District’s Government, no matter how modern, cannot realize its highest purpose unless it is infused with the most experienced, informed and able leadership.” The “best talents” must be found to fill the positions of Commissioner and assistant to the Commissioner. To balance the need for the best talent in the country and local involvement, the plan provided that, subject to Senate confirmation, “at least one of them be a resident of the District for three years prior to appointment.”

The plan would “provide improved management of the municipal responsibilities” and bring savings to District taxpayers even though the “overall costs will not be less because of the increasing scale and complexity of municipal government.” Savings “cannot be itemized at this time.” At the same time, the plan would not “in any way detract from the powers which the Congress exercises with respect to the District.”

The plan was “in no way a substitute for home rule . . . [which would] provide the District with a democratic government – of, by and for its citizens.” Home rule was “the truest course” and he would continue to work for that. In the meantime, “I recommend that the Congress allow the reorganization plan to become effective.”

The reorganization plan would go into effect in 60 days unless the House or Senate approved a resolution “disapproving” the plan by simple majority. The plan was not subject to change in committee or by amendment during debate on the House or Senate floor. The Committees on Government Operations in the House and Senate would have jurisdiction.

Ben A. Franklin, writing in *The New York Times*, put the plan in perspective. President Johnson “made his latest move against considerable odds in Congress, but also under mounting pressure to forestall municipal chaos in the capital”:

The risk of another, 1965-style House defeat on a District of Columbia plan was weighed against repeated warnings that the existing city government is near paralysis in the face of what may be a taxing summer of racial unrest. On the strength of compromises in the White House plan, which has some House opponents, the decision was finally made to submit the proposal.

The position of chief commissioner was “already being widely described as that of ‘mayor.’” The plan gave the “mayor” an “unusually strong veto power,” requiring a three-fourths vote of the council to override, compared with a two-thirds majority common “in American governmental practice.” In addition, the “mayor,” unlike members of the city council, did not have to be a prior District resident. (Either the commissioner or assistant commissioner, but not both, must have been a District resident for at least 3 years.) This difference would allow the President to recruit the best person for the job from around the country. “It also tended to placate segregationists’ fears of a local Negro ‘mayor,’ although the appointment of a Negro was not ruled out.” As for the council, Pollak “specifically declared that ‘race would be one of the

factors' in selecting the councilmen. No more than six would be of one political party. A majority, however, could be – and are expected here to be – Negroes.”

The possibility of civil unrest was another factor in the decision to proceed with the plan:

The reorganization device, if it works, also is expected to limit the effectiveness in Washington this summer of Stokely Carmichael, the militant Negro leader and former chairman of the Student Nonviolent Coordinating Committee. Mr. Carmichael said last month he would come here for a summer home rule campaign among Washington Negroes, an announcement that alarmed some community leaders, including some Negroes.

Southern opposition to home rule for Washington has been at least partly a reflection of segregationist views about a city whose population is 64 per cent Negro, and Southern members were aroused. One of their fears has been that a predominantly Negro city council would gain influence over the policy in this crime-ridden city.

The Senate, Franklin explained, was “not expected to take up the matter at all, thus extending their tacit approval.” [Franklin, Ben A., “Johnson Presses His Plan on District Home Rule,” *The New York Times*, June 4, 1967]

(On May 4, Carmichael had used a fundraising letter to announce that SNCC would be “conducting a major project in Washington, D.C., where almost a million people, the majority black, have long been denied a voice in government – in their own affairs.” As it turned out, however, he spent little, if any, time in Washington or fighting for home rule during the summer, with his focus on other issues around the country and the Vietnam War. The city did not experience the feared racial turmoil that Carmichael, who had begun using the term “Black Power” in June 1966, might have inspired that summer. [“Carmichael Confirms D.C. Is Target,” *The Evening Star*, May 5, 1967])

The House District Committee, the most vocal opponents of reorganization, planned a two-pronged attack. First, Representative Nelsen introduced legislation that was identical to the President’s plan but that, as legislation, would be referred to the District Committee, not the Government Operations Committee. As legislation, the bill also was subject to amendment, in contrast to the reorganization plan that could not be changed. The District Committee planned to hold hearings on its bill.

Second, the committee was considering a disapproval resolution. “They haven’t proved anything to me,” Chairman McMillan said. [Elder, Shirley, “House Unit Maps End Run On City’s Reorganization,” *The Sunday Star*, June 4, 1967; Elder, Shirley, “McMillan Hints Move To Kill Plan for D.C.,” *The Evening Star*, June 6, 1967; Elder, Shirley, “Hearings Will Be Held On Nelsen’s D.C. Plan,” *The Evening Star*, June 7, 1967]

### **Congress Considers D.C. Reorganization**

Pollak and Commissioner Tobriner conducted closed-door briefings for the District Committee on June 6 and 7, but they did not change minds. Chairman McMillan told reporters, “It seems to

me it makes a dictator out of the President, which may be all right as far as the District is concerned.” He concluded, “They haven’t convinced me it would save money or work any better.” He could not see how a commissioner and nine members of a city council could function better than the three current commissioners. He was pleased to introduce a resolution of disapproval if the District Committee members supported it. He realized the answers were not simple, but he believed the proposed system would be very “confusing.”

Other committee members were critical as well. Representative Nelsen complained that the plan was “the size of a summer-sale Sears Roebuck catalogue” but would require detailed study with an attorney and a copy of the D.C. Code. Representative Broyhill, a leading opponent of the plan, was concerned that the provision allowing the new commissioner to shift funds from one agency to another might rescind an act of Congress. He also thought the plan took power away from Congress. He added that he would introduce a resolution of disapproval if Chairman McMillan did not do so.

Representative Sam Steiger (R-Az.), serving his first term in the House, objected to Pollak’s unwillingness to commit to selecting Negroes for the council. He thought that to be “truly representative,” the council members should be at least three-fourths Negro and possibly the commissioner should be as well. “This is something no one wants to talk about,” he said, adding that Pollak would commit only to the selection of the best qualified people. [Elder, Shirley, “Hearings Will Be held On Nelsen’s D.C. Plan,” *The Evening Star*, June 7, 1967; Carper, Elsie, “House Unit Sharply Criticizes Plan for D.C. Reorganization,” *The Washington Post and Times Herald*, June 7, 1967; Carper, Elsie, “Hill Weighs Opposition to Rule Plan,” *The Washington Post and Times Herald*, June 8, 1967]

Representative John Blatnik (D-Mn.), chairman of the reorganization subcommittee of the Government Operations Committee, opened hearings on June 13. Before the hearing, the chairman and three District commissioners met with the press. The commissioners supported the President’s plan. Tobriner said, “A strong single executive would be more geared to today’s municipal problems, and the council will give people more effective say in the city government.”

Chairman Blatnik responded to the District Committee’s concern that the plan could not be amended. Nothing, he said, was stopping the District Committee from offering legislation to amend and possibly approve the plan after it went into effect.

As events turned out, Chairman McMillan and Representative Broyhill introduced identical resolutions of disapproval on June 14 that were referred to the Government Operations subcommittee. Chairman McMillan said, “I fully realize there is some need for change in the District government,” adding, “I think the District Committee is the only group with authority to change the city government.” Representative Broyhill declared the White House plan “dead as a dodo.” He explained, “I object to the District Committee working under the gun” of the automatic approval in the absence of a House or Senate disapproval within 60 days.

Representative Chet Holifield (D-Ca.) a member of the Government Operations Committee, expected the committee to report out one of the resolutions but recommend the House turn it down. [Elder, Shirley, “2 in House Act to Kill Johnson’s D.C. Plan,” *The Evening Star*, June 14,

1967; Carper, Elsie, "House Foes Push Vote on District Rule," *The Washington Post and Times Herald*, June 15, 1967]

By July, the White House was "lobbying in earnest in the House" to secure clearance for the reorganization plan. As the *Post* reported:

Presidential aides have begun telephoning Congressmen, stressing that the plan has high White House priority, and trying hard, as one put it yesterday, "to get the civil rights and home rule implications out of this thing."

They were "pushing it almost exclusively in terms of governmental efficiency."

At this point, the White House head-counters indicated the vote on a resolution of disapproval would be close. [Milius, Peter, "White House Lobbying For New District Plan," *The Washington Post and Times Herald*, July 3, 1967]

The House District Committee began hearings on the Nelsen bill on July 13, with subcommittee Chairman Abernethy of Mississippi in charge. Earlier, a committee clerk had denied a request from David Carliner to testify as co-chair of the Committee to Support the President's Reorganization Plan. The clerk, James Clark, explained that he could not comply because of the large number of witnesses already scheduled to address the panel. "We're not going to start off with Carliner. We want to hear from people with some expertise in local government."

The first witness was former Engineer Commissioner Lane (1954 to 1957), now retired. He said the first purpose of the District government was to protect Congress from "those who manipulate the city mob." At that, Carliner stood up to ask if he would be allowed to testify. The *Star* described what happened next:

He never got past: "Mr. Chairman . . ." Over and over, Abernethy pounded the gavel and shouted: "Will the gentleman take a seat?"

Finally, Abernethy, his voice cracking in anger, called for the police. Within minutes, three armed policemen arrived, but Carliner already was sitting down and the hearing proceeded stiffly under the eyes of police.

Chairman Abernethy later said he wanted "everyone to have the privilege of being heard," but added that he would not permit disturbances. Chairman McMillan later said that Carliner was on the list to be heard.

With police keeping an eye on Carliner, General Lane continued his testimony. The present governmental arrangements created a sanctuary where Congress could be "secure from the mob" because the Founding Fathers thought it important that the capital provide a "secure home for the legislature." The council, being more "responsive to the people," would be "hostile to Congress."

Chairman McMillan agreed. “The people seem to forget that the only reason Congress created this 10-mile square was to protect the federal government.” Congress must control the local government “or else we’ll be run out of the city as they were in Philadelphia.”

(Chairman McMillan was referring an incident in 1783 when the Continental Congress was meeting in what is now called Independence Hall in Philadelphia. Soldiers from the city barracks demanded that the Congress give them the pay owed for their service in the Revolutionary War. Under the Articles of Confederation, the Continental Congress had limited authority and could not raise revenue; it depended on voluntary contributions from the States. When Congress did not, and could not, provide the back pay, soldiers blocked the exits from the hall on June 20, only letting the members of Congress leave after Alexander Hamilton, a delegate to the Congress, persuaded them the Congress would meet later to address their concerns. On June 21, after State officials refused to protect the Continental Congress, the members fled to Princeton, New Jersey, and thereafter met in several cities, never returning to Philadelphia while the Articles of Confederation were in effect. During the Constitutional Convention held in Philadelphia in 1787, the Founding Fathers had this incident in mind when they included creation of a Federal District, over which Congress would be able to exercise authority and assure its own security, in Article 1, Section 8, of the Constitution.)

General Lane said the President’s plan was “without any redeeming feature whatsoever” and constituted “a reiteration of a management theory that has no validity in reality.” He considered the present city government “far superior to that in other major cities,” concluding that “there simply is no need for reorganization.”

Carl L. Shipley, chairman of the District Republican Committee, also opposed the plan. He said the current governmental structure was satisfactory. “The men who exercise the power are sometimes a little weak in the spine.”

Only two citizen representatives testified during the 3 days of hearings, Shipley and John Immer of the Federation of Citizens Association, both in opposition. Immer told the subcommittee that the plan was part of a plot to allow a few people to control the city government. He cited only one person as an example: David Carliner.

On July 26, Chairman McMillan and Representatives Abernethy, Nelsen, and Broyhill met to develop an alternative reorganization plan. The District Committee was split 14-11 against the plan, but opponents concluded they needed to develop a reasonable alternative if they wanted to convince the full House to approve the resolution of disapproval before Reorganization Plan No. 3 went into effect on August 11.

Shirley Elder described the draft plan:

Their draft calls for a city manager and election of school board members by wards. It retains the present three appointed commissions but directs the President to name one as head of the board, presumably eliminating the need for a White House adviser on national capital affairs.

Under the committee plan, District officials would be required to analyze the city government and report back to Congress with recommendations for changes.

It is inefficiency within the government, according to some committee members, that causes the city's problems. They charge that the President's plan fails to reach these root causes. On the contrary, they contend, the White House plan merely affects the superstructure, and is, therefore, useless . . . .

The city manager would "handle all administrative problems, with the three commissioners remaining as policy makers:

To avoid delays – one of the main complaints against the present board – the new president-commissioner would be able to act alone in cases of decision deadlocks.

When news of the draft came out, Carliner sent a telegram to Chairman McMillan:

You personally assured me that citizens of the District who favor the reorganization would be given an opportunity to testify before you took any action.

After citing the testimony of Shipley and Immer, he continued:

The 47 community organizations which support the plan are entitled to present their grievances regarding the commissioner form of government before your committee. Do you intend to keep your promise?

In what was seen as a direct threat to the President's plan, House Minority Leader Gerald R Ford (R-Mi.) announced that he supported the committee's plan as "a great improvement over the President's Reorganization Plan." He was certain that Republican leaders "will consider it favorably." The *Post* reported:

Ford's stand would appear to doom President Johnson's District-government reorganization plan. White House strategists have privately said many times they would need Republican votes to get the reorganization plan approved in the House, where Southern Democrats are expected to oppose it.

The *Star* added, "This set the stage for a GOP-Dixie Democratic alliance which has proved so effective this year in defeating other Johnson administration proposals." [Elder, Shirley, "House Unit Chiefs Draft Own D.C. Plan," *The Evening Star*, July 27, 1967; Elder, Shirley, "District Plan Climax Near," *The Evening Star*, July 28, 1967; Milius, Peter, "Ford Gives Support To Compromise Bill On Reorganization," *The Washington Post and Times Herald*, July 28, 1967]

Chairman McMillan scheduled an additional hearing during which Carliner and Representative Clarence J. Brown, Jr. (R-Oh.) testified. Carliner told the panel, "Sitting here in this air-conditioned sanctuary, you may not be aware of the state of tension and crisis in the District." He referred to rumors of riots and efforts by civic leaders to maintain order. He also warned that if the committee takes its reorganization plan to the House floor, an effort would be made to substitute a home rule bill.

Representative Brown, a member of the Government Operations Committee, opposed the President's plan. He was cosponsor of an alternative plan calling for one elected and two appointed commissioners, an elected nonvoting delegate to the House, and a nonpartisan, elected 15-member school board. When Chairman Abernethy suggested retrocession ("Wouldn't it be wise if some consideration was given – and I mean this seriously – to ceding as much of this area as possible back to Maryland if Maryland would take it?"), Representative Brown said the idea "boggles my mind a little." He added that he had been trying to find something wrong with the current organization of city affairs but "the commissioners and others failed to give us this testimony" in hearings before the Government Operations Committee. [Elder, Shirley, "Carliner Disputes McMillan On Need for Johnson's Plan," *The Evening Star*, July 31, 1967]

With the August 11 deadline nearing, the Reorganization subcommittee of the House Government Operations Committee considered a resolution that would push the date back. Members were concerned that if a vote took place in the House, the resolution of disapproval would be approved. The only way the extension could work was with White House support.

On August 1, the subcommittee discarded the delay plan because, as Representative John N. Erlenborn (R-Ill.) put it, "It didn't seem possible to get that delaying motion passed by the House and Senate in time." Based on the schedule, Congress had only 4 working days to defeat or delay the reorganization plan.

Instead, the subcommittee voted in support of the plan, 6 to 1, by voting against the resolution of disapproval. Representative Brown was the lone vote in support of the resolution. [Grigg, William, "House Unit Endorses President's D.C. Plan," *The Evening Star*, August 1, 1967]

On August 2, the House Government Operations Committee voted 26 to 4 to support the President's plan by defeating District Committee Chairman McMillan's resolution of disapproval. Among the surprises in the overwhelming vote, itself a surprise, was that Republicans voted 11 to 2 in favor of the plan, thus mitigating the fear that Republicans and southern Democrats would collaborate to defeat the proposal. Representative Holifield, who would be one of the floor managers, along with Representative Blatnik, for the White House plan, said the vote "makes me more optimistic than I was. Our chances have increased considerably. We got almost twice as many Republicans as I'd expected."

At the same time, the House District Committee was advancing the Nelsen bill as an alternative. Minority Leader Ford, who supported the Nelsen bill, met with civic leaders and clergy, including Carliner. According to Carliner, the Minority Leader said he was keeping an open mind. The strong Republican support in the committee prompted Ford to issue a statement saying, "I have not decided whether I will vote against the Administration plan." [Grigg, William, "House Committee Endorses D.C. Plan," *The Evening Star*, August 2, 1967; Milius, Peter, "Committee Approves LBJ District Rule Plan," *The Washington Post and Times Herald*, August 3, 1967]

On August 4, Senator Morse, whose plan to attach the home rule bill as a rider to an education bill had faltered in 1966, announced his support for Reorganization Plan No. 3. Calling the present District government a "mish mash," he said the President's plan was a "giant stride

toward home rule.” He added, “Congress should walk with him toward a goal of home rule, rather than throw a bomb of political rejection into the President’s proposal for progress in the District of Columbia.”

The result of the pending House vote was still uncertain. Democratic leaders counting votes found that many Democrats had not made up their mind. Advocates for the plan were lobbying as hard as they could. One unnamed supporter said, “I’m not going to be optimistic or pessimistic. I’m just going to work like hell.”

The House Republican caucus, meeting on August 8, discussed the reorganization plan. Representative Nelsen gave an impassioned speech against the President’s proposal and in support of his bill, prompting the only applause during the session. Given the uncertain outcome, he requested that the caucus not take a position. The members agreed to avoid taking a collective position, leaving members free to vote as they wished.

Although many Republicans were expected to vote with Nelsen, Speaker McCormack was encouraged by the outcome of the Republican conference. He needed 40 Republican votes to defeat Chairman McMillan’s resolution of disapproval; now he thought he would get them. [Elder, Shirley, “Present D.C. Rule Scored by Morse, Backing President,” *The Evening Star*, August 5, 1967; Elder, Shirley, and Grigg, William, “D.C. Plan Gets Push as GOP Takes No Stand,” *The Evening Star*, August 8, 1967]

Ahead of the House’s August 9 vote, President Johnson met with House and Senate leaders on August 7. The following day, he sent a letter to Speaker Mansfield calling on the House to “strike the antiquated shackles from the government of the District of Columbia.” The nearly 100-year old commissioner system “has never worked well. No matter how able, diligent, or energetic the Commissioners, they have never been able to overcome the defects of the machinery they inherited.” Those defects may have been tolerable at the turn of the century, but “amidst the complexities of America’s fastest growing metropolitan area – they are inexcusable.” Today’s problems would “not yield to archaic and obsolete government installed as a temporary solution just after the Civil War.”

After summarizing the plan and citing the votes in the Government Operations Committee, he urged the House to follow the same bipartisan path:

In the hands of the House is the long awaited chance to replace a jerry-built government of the 1870’s with a new government for the new problems of the 1960’s.

I ask for bipartisan support of this reorganization plan. What is at stake is good local government in the Capital that belongs to all of us.

Time and opportunity will not wait. We just must not lose the chance we have now.

On August 9, the House took up the resolution of disapproval. The “normally taciturn” McMillan gave “an emotional speech” before the vote. “I should be the last person to stand in the well here trying to protect anything for the District of Columbia” after the smears and misrepresentations he had been subjected to during his 30 years on the District Committee and

his 20 as chairman. “The only reason I did not get off the committee was because I did not want the Washington Post to think they could run me off.”

His committee heard from all available District commissioners during hearings, but none pointed out any deficiencies. By contrast, the new government would be able to pass laws, “and if the Congress does not object, then they will go into effect.” He asked, “who is going to have the time here on Capitol Hill to keep up with all this council will be doing downtown when we can hardly keep up with the three Commissioners?”

He warned those who opposed his resolution, “This is your baby and if you want to vote for it, I am not going to lose any sleep about it.” He had done everything he could for the District and thought his committee had “done a wonderful job.” Every year, the House passed 20 or 25 bills from the District Committee that became trapped in the Senate District Committee. “Do you ever hear the press criticize that committee? No – they are too busy criticizing the House Committee on the District of Columbia all the time.”

He did not think President Johnson really favored Reorganization Plan No. 3 “so that he could more effectively handle the affairs of the District of Columbia.” If he thought the President supported the plan, Chairman McMillan said he would not oppose it:

But I do not think the President created this plan. I do not think the President has time to know anything much about it because any man who is serving as President, with two wars going on, I am certain he does not have the time to think much about the District of Columbia affairs . . . .

If a majority of the Congress thinks that the President should handle the affairs of the District of Columbia, I am willing to let him do it. [House Resolution 512—Disapproving Reorganization Plan No. 3 of 1967, *Congressional Record-House*, August 9, 1967, pages 21941-21976]

(In citing two wars, Chairman McMillan was referring to the war in Vietnam and the outbreak of the Six-Days War on June 5, 1967, Israel and its Arab neighbors.)

The House voted 244 to 160 to defeat the resolution of disapproval. Although 50 Democrats, mostly from the South, voted for disapproval, 180 Democrats voted in support of Reorganization Plan No. 3. What the *Post* called “a surprisingly large number of Republicans (64) voted for the plan,” with 110, including Minority Leader Ford, favoring disapproval.

Following the vote, President Johnson issued a statement:

Today, after 93 years, the House of Representatives has voted to replace the rusted gears of government in the Nation’s Capital with an efficient city management.

It has said “yes” to good District Government – to responsive District Government.

In supporting this reorganization plan, the House has brought good news to every American – for the Nation’s Capital belongs to all of us.

I have begun an intensive search for a good executive to fill the new post of District Commissioner. High on the new Commissioner's agenda will be the task of stemming the District's spiraling crime rate.

With modern government and the best executive talent, the Nation's Capital can move forward into a new era of progress.

As President, and as a resident of the District for the past 36 years, I am proud of this moment and grateful for the action taken by the House of Representatives for the benefit of the citizens of the District and our country.

As Lee Flor wrote on August 11, the vote raised concerns among highway advocates. The District freeway system may be a casualty of the reorganization "as a result of major changes in personnel and procedures in several planning and housing agencies." The members of the City Council, who would have "proud powers over the \$700 million District freeway program," were to be "broadly representative of the District of Columbia community":

Because so many citizens organizations and other groups over the years have vigorously opposed the freeway program, many of the council members will be in a position to carry out this opposition and halt construction work.

The engineer commissioner carried out administrative duties for urban renewal, city planning, highways, and rapid transit. Now, the council would "carry out most of these responsibilities, passing on contracts and the day-to-day approvals which usually got only a few seconds consideration by the District Commissioners." For freeway advocates, Flor offered the worst possible analogy:

In effect, it is as if another National Capital Planning Commission had been created. With projects already being delayed while planners argue over details, another group may come along with different ideas on how programs should be carried out.

Planning and transportation officials told Flor that they "expected the new council probably would either kill or badly hinder the freeway building program."

The engineer commissioner, a member of NCPC, would be replaced by the District's new single commissioner who "may insist on more emphasis on social planning for housing and low-income housing and may not spend as much time backing up highway officials." As for the District Highway Department, which was trying to finish the \$700-million freeway network, it "has only freeway segments and plans to show so far":

The engineer commissioner has been the strongest force pushing for freeways, against almost completely unified opposition from citizens.

The highway projects reviewed and approved by the three District Commissioners normally were carefully worked out at the staff level, so the commissioners took the word of the Engineer Commissioner and passed projects. The new city council will have almost unlimited power over freeway and highway projects.

In effect, the basic decisionmaking responsibility for highways will be transferred from the executive branch, the commissioners, to the nine councilmen. [Flor, Lee, "D.C. Plan May Stall Freeways Program," *The Evening Star*, August 11, 1967]

Nevertheless, an editorial in the *Post* on August 10 said that congressional acceptance of the plan "has blazing significance as a symbol of hope and change." The city was "still far from self-government," but had "at least a somewhat improved possibility that this community will now be able to grapple with its immense and manifold programs." The vote was "wonderfully invigorating." The editorial's headline conveyed the feeling:

**Hallelujah!**

### **Addressing the North Central Freeway**

Throughout 1967, changes were occurring that would have unpredictable impacts on the shape of transportation in Washington. A new U.S. Department of Transportation opened on April 1 amidst implications that it would take a less positive view than the Department of Commerce on urban freeways. President Johnson was planning changes in the District government that would not be clear until the fall.

In the meantime, the current city government continued to advance the city's freeway network within the existing framework.

Early in the year, District officials were still considering construction of replacement housing above the North-Central Freeway if Congress approved the District of Columbia air-rights legislation. On February 18, Engineer Commissioner Mathe said on WWDC's "Report to the People" that if the legislation passed, "We will be making plans for air rights and hopefully for housing." ["Officials Still Considering Building Housing Above N. Central Freeway," *The Washington Post and Times Herald*, February 19, 1967]

The consultant firm of Tippetts, Abbett, McCarthy and Stratten submitted its report to the District on March 28 regarding the two-block pilot portion of the North-Central Freeway bounded by H, K, 2<sup>nd</sup>, and 3<sup>rd</sup> Streets, NW. The report called on the District to build high-rise apartments and town houses above the freeway, including 327 dwelling units in three ten-story apartment buildings and 18 three-story town houses. The housing would be grouped around a playfield, a children's recreation area, and an adults' landscaped recreation and sitting area.

The report emphasized that the air-rights proposal was feasible if the freeway were entirely depressed but complete decking would be needed to prevent fumes, noise, and dirt from interfering with a livable, healthful, and attractive residential area. Most families that would have to be displaced could be accommodated over the freeway, but 14 families would require larger living quarters than would be possible on the deck. The consultant estimated the proposal would cost \$14.8 million. [Hornig, Roberta, "Study Favors High-Rise Units Over Freeway," *The Evening Star*, March 28, 1967]

On April 23, Lee Flor reported on J. E. Greiner Company's latest study of the North-Central Freeway. In 1964, the consultant had recommended an eight-lane freeway with two reversible

lanes in the middle. Following public criticism, the District and Maryland had called for a new study. The new plan eliminated the reversible lanes to narrow the path of the freeway. It would “duck back and forth under the Baltimore & Ohio Railroad track to avoid homes, in part through tunnels.”

Flor compared the number of freeway lanes for I-70S and I-95 inside and outside the Capital Beltway:

Under the new plan the two freeways from suburban Maryland would have a total of 16 lanes outside the Capital Beltway, would be cut down to 12 lanes inside the Beltway, and then merge into eight lanes.

One advantage of the narrower route was that it would displace 775 fewer families than the earlier plan that would have displaced 720 families in the District and 590 in Maryland:

The consultant stated that displacement was not an insurmountable problem in Maryland, because families there, mostly white, generally have good incomes and own their homes. Therefore, if their homes were purchased, the families could easily buy others.

But within the District, protest groups charged, Negroes displaced by the freeway would have trouble buying new housing. Also, many Negro families do not have enough income to buy homes, the protest groups charged.

In 1964, Greiner had estimated that its design would cost \$128.2 million. The new reduced plan would cost \$196 million. Greiner attributed the increase partly to inflation, but also to the unique design involving tunnels. [Flor, Lee, “North Central Freeway Lanes Are Cut by Two,” *The Sunday Star*, April 23, 1967]

General Mathe saw air-rights construction as likely to find “more and more possibilities,” as he told a meeting at the National Gallery of Art on the schools and park section of NCPC’s Year 1985 Comprehensive Plan. “In my opinion, we could take a system of depressed freeways and put entire schools over it.” Sports arenas, as well as housing, were other options. All options were subject to congressional action on the District’s air-rights legislative proposal.

Only about 40 people showed up for NCPC’s presentation of its schools and parks ideas. They had a few questions “but no strenuous complaints,” according to the *Post*. [Blanchard, Eric, “Building Atop Roads Predicted,” *The Washington Post and Times Herald*, April 25, 1967]

By contrast, about 150 people were in the nurses’ auditorium of Catholic University for NCPC’s presentation on the city’s northeast quadrant within the Baltimore and Ohio Railroad, New York Avenue, and the District line. According to Flor, NCPC “was urged last night to roll back its proposals . . . and make a greater effort to be responsive to the wishes of citizens.” After NCPC’s presentation, most questions concerned the North-Central Freeway. The Reverend James Scanlon of St. Anthony’s Roman Catholic Church accused NCPC of being hypocritical:

You’re asking us if we want a guardrail here, or some other minor detail there. The real gutsy question is whether the freeway should be built, whether it is justified.

He stated that thousands of displaced families would have little chance of finding suitable replacement housing. Referring to NCPC four-stage approval process, he said that the freeway was now “at stage three,” but should really be in stage one.

Other questioners claimed that NCPC had ignored the strong anti-freeway recommendations by Brookland area civic associations. Charles Conrad, NCPC’s planning director, disputed the claim that NCPC had ignored such recommendations. Five years ago, he said, the District had been planning three freeways through northern Washington that would have displaced thousands of families. Now, only one freeway remained in the plans and would displace only a few hundred homes. [Flor, Lee, “Freeway Gets Most Fire in Briefing on ’85,” *The Evening Star*, April 27, 1967]

On May 4, NCPC approved the first construction project on the 8-mile North-Central Freeway. The \$900,000 project involved reconstruction of the Taylor Street Bridge over the railroad tracks at the edge of Brookland. The bridge was to be widened to allow for passage of the freeway, as well as the railroad, under its span. Because the bridge also would be modified to handle rail rapid transit, NCTA would provide \$200,000 for the project, the first construction money for the area’s 25-mile system.

The vote to approve the project was 7 to 3, with Chairman Rowe, Vice Chairman Louchheim, and Dr. Edwards opposing the plan. Chairman Rowe argued that the city should hold a public hearing on the project before it proceeded. They disagreed because the project did not involve displacing residents or right-of-way problems.

During the meeting, Walther Prokosch of Tippetts, Abbett, McCarthy, and Stratton told NCPC that BPR, now part of FHWA in the new Department of Transportation, had agreed to pay for a \$2.9 million deck over the depressed section of the Center Leg in the residential area bounded by H, K, 2<sup>nd</sup>, and 3<sup>rd</sup> Streets, NW. Chairman Rowe asked General Mathe to study building the Center Leg in a tunnel instead of as a depressed segment to save current housing. He agreed to do so, but pointed out that the tunnel would have to be so deep that it would be impractical.

NCPC also approved preliminary sites and plans for the National Aquarium and Fisheries Center in East Potomac Park. The members decided not to condition approval of the aquarium on construction of a Ponte Vecchio-type channel bridge and construction of a parking garage below the 10<sup>th</sup> Street overlook at Maine Avenue. They did so after NPS Director Hartzog warned that conditioning the aquarium on those projects, both of which had been delayed, might prove “tantamount to saying no aquarium will be built.” [Hoagland, Jim, “Planners’ Approval of NW Bridge Clears the Way for 1<sup>st</sup> Freeway Link,” *The Washington Post and Times Herald*, May 5, 1967; Lewis, Robert J., “Aquarium Site Approved In East Potomac Park,” *The Evening Star*, May 4, 1967; Bernstein, Michael, “Housing Complex Seen Over Freeway,” *Washington News*, May 5, 1967]

On May 7, Lee Flor published an Interpretive Report in the *Star* looking back on recent developments involving the Three Sisters Bridge and the North-Central Freeway. The report began:

Last spring's Policy Advisory Committee (PAC) agreement, which appeared to settle all District freeway disputes, apparently is falling apart at the seams.

NPS, which had been the key to the agreement, "apparently is balking at supporting freeway and bridge projects before the National Capital Planning Commission." As a result, the North-Central Freeway was "in deep trouble," as was the Three Sisters Bridge.

The Policy Advisory Committee agreement had allowed NCPC's six government officials to outvote its five citizen members "until two months ago" when a dispute arose over whether an NPS representative could vote for Director Hartzog in his absence:

The Park Service and the five NCPC members made a discreet agreement and voted solidly in April to force study of a tunnel for the Three Sisters Island crossing.

This was a tip-off that the PAC agreement was in trouble. But the real crisis came Friday when Mrs. James H. Rowe Jr., NCPC chairman, had the commission meet in her office, away from the press.

Flor reported on what he had learned about the meeting. General Mathe reminded NCPC of the Policy Advisory Committee agreement, "only to be told that it no longer was important because of the creation of the Department of Transportation on April 1, 1967." He reminded the other members that a key factor leading to the agreement had been Chairman Natcher's threat to withhold funds for rail rapid transit if the freeway network did not advance:

However, this year Natcher's Subcommittee has not been asked to vote for any subway construction money, so Natcher's influence reportedly was discounted at the NCPC executive session.

Out of that session came an NCPC resolution on the Three Sisters Island bridge which will be interpreted many ways. The resolution said the NCPC voted approval for geometric designs for the bridge, provided that the Department of Transportation reviewed the over-all traffic justification, review [sic] an alternate truck route highway, or, finally, say the bridge is needed.

NPS Director Hartzog, after the meeting, "made some remarks, in which he appeared to be apologizing for his participation in the PAC agreement last year." He explained that he now was fighting for restudy of the Jefferson Davis Highway as an alternate route for trucks, an option that would negate the need for the Three Sisters Bridge.

The bridge, therefore, would "once again . . . run the gauntlet of anti-highway forces, because the Transportation Department probably will have to ask the Interior Department and possibly NCPC itself for aid in the new studies." [Flor, Lee, "Split Perils Freeway Accord," Interpretive Report, *The Sunday Star*, May 7, 1967]

The cost of the new plan for the North-Central Freeway was raising concerns within FHWA. The agency's Division Office in the city had approved the District portion for right-of-way acquisition, but the Division Office in Maryland, based in Baltimore, was challenging the cost of

the State's segment. The office ordered a full review of the 3½-mile Maryland segment to determine if disrupting fewer people was worth the added \$22 million. Routing the freeway to minimize disruption in a densely populated area such as the District of Columbia could be justified, but FHWA questioned doing so in a loosely packed suburban area, especially one where residents would have much less trouble finding new homes than their counterparts in the city's African-American communities.

Maryland and District officials thought the Greiner plan had satisfied the goal of BPR/FHWA officials who spoke of weaving freeways into the urban fabric. According to Jack Eisen:

What especially bothers Federal road officials is the high cost per mile of each lane for a road so narrow that it almost certainly will not meet the needs for the corridor, the Washington area's heaviest generator of traffic.

For the four-lane section, this will average about \$5 million per lane per mile.

The cost is pushed up by the design dictated by hugging so close to the railroad tracks. It involves stone embankments, split-level sections and crossing of the B&O's two tracks on extra-long bridges because of the fact that the road and the rails are nearly parallel.

Maryland and District officials planned to meet with BPR Director Turner to reconcile differences in how its two field offices viewed the project. [Eisen, Jack, "U.S. Balks at 70S Plan Cost," *The Washington Post and Times Herald*, May 5, 1967; Flor, Lee, "Talks Slated on Cutting Costs Of North Central Freeway," *The Evening Star*, May 8, 1967]

Reading of the dispute, the Save Takoma Park Committee made clear that it did not want the freeway, whatever the cost or location. Mrs. Philip Young, a committee spokeswoman, said members had "no interest in discussing the cost, route or design of facilities for which the need has never been justified." The money could better be spent on schools, housing, recreational facilities, the subway system, and other facilities that served real needs. She also objected to the smog from automobile exhaust that would affect the predominantly Negro area of the District. ["The Committee in Takoma Park Doesn't Want a Freeway—Period," *The Washington Post and Times Herald*, May 10, 1967]

During a meeting with Montgomery County officials, Senator Tydings joined with Representative Gilbert Gude, a Republican State legislator from the county who had won election to the House in 1966, in denouncing BPR for its concerns about the cost of the North-Central Freeway. Senator Tydings said, "The Bureau of Public Roads is just all wet. The bureau has a habit of bulldozing and bullying cities all over the country." The concern about cost was "just another example of the bureau's short-sightedness." Representative Gude said, "They want to study, study, and study some more. It's time to stop studying and start building." They also rejected BPR's idea of an elevated freeway instead of one that hugged the railroad tracks. They pledged to continue working in Congress for the District's air-rights legislation. [Feuerzeig, Henry, "Officials Hit Roads Bureau," *The Evening Star*, May 27, 1967; "Montgomery Told It Should Oppose Elevated Freeway," *The Washington Post and Times Herald*, May 27, 1967]

(The District commissioners had submitted air-rights legislation to Congress on July 12, 1966. Assistant Corporation Counsel for Legislation Robert F. Kneipp said the commissioners considered it “must” legislation. “Because of the housing crisis, the commissioners would like to see the legislation pass this session, if Congress can see its way to holding public hearings.” The *Star* added:

Kneipp said the proposal took nearly a year to draft because it had to be reviewed by a variety of agencies, including the Bureau of Public Roads, the Justice and Commerce Departments, the National Capital Planning Commission and the Fine Arts Commission.

The latest delay resulted from a review by the Department of Housing and Urban Development to make certain that the language of the legislation would permit full use of federal funds from a variety of recently passed legislation.

(Under the legislation, the first priority would be allowing construction of government buildings over the freeways, followed by low-income housing that would be built by the National Capital Housing Authority. The demonstration project General Duke had unveiled a few months earlier for low- and moderate-income housing over a two-block section of the Center Leg Freeway was an example of a project the District of Columbia Freeway Airspace Utilization Act would allow.

(The 89<sup>th</sup> Congress had not acted on the proposal, but the District was hoping to secure passage during the 90<sup>th</sup> Congress. [“Congress Gets D.C. Proposal On Air Rights,” *The Evening Star*, July 12, 1966])

### **The Year 1985 Comprehensive Plan**

NCPC held a public briefing on the Year 1985 Comprehensive Plan on May 9 at MacFarland Junior High School at 4400 Iowa Street, NW., in the Petworth neighborhood. Although the housing and education sections of the plan received some discussion, freeways were the primary issue for the public. ECTC’s Sammie Abbott drew applause when he declared, “There’re asking our approval to bulldoze our own homes.” When NCPC presenters asked the 140 or so people in the crowd for a show of hands in support of the North-Central Freeway, only one person raised his hand. [“Citizens Assail Freeway At Briefing on ’85 Plan,” *The Evening Star*, May 10, 1967]

NCPC planned to hold a June 14 public hearing on the draft transportation section of the comprehensive plan at the State Department West Auditorium. The draft section had two elements: (1) highways and transit and (2) long distance, non-highway transportation (rail, water, and air). “Although these two elements have some important interrelationships (as in local transportation of air and rail passengers), they raise different issues and deserve separate treatment.”

In “the city of the future,” transportation would have to accommodate more people, more travel, and more city-suburban traffic. “It will be necessary not only to accommodate more physical movement, but to protect residential neighborhoods, local shopping districts, and institutions from the harmful effects of heavy through traffic.” Although the transportation system is “a shaper of urban development,” it also “requires sizable amounts of the city’s scarce land, and the

construction of freeways and rapid transit facilities may cause the destruction of some of the already inadequate supply of housing for low-income groups.” Further, these “large and usually very conspicuous facilities are prominent features in the cityscape.” As such they have powerful influences on the community:

Thus, the transportation plan must strive for economy in the use of land and minimal destruction of housing. The facilities should be as unobtrusive as possible and should be attractively designed.

The draft discussed the major transportation plans developed since World War II, including the 1950 Comprehensive Plan, the 1959 Mass Transportation Survey, and NCTA’s 1962 proposal for a rapid rail transit system. Each contained a different mix of transportation modes:

The current construction programs of the NCTA and the highway agencies represent still another combination of facilities. Although the rapid transit program is widely supported, the highway plans are the subject of debate. This debate is concerned not just with the location or design of highways, but with the quantity to be built.

In the past, transportation plans have proposed highways in sufficient quantity to carry all predicted traffic without congestion during the peak hours. This method produces proposals for highway systems larger than can or should be built in the District of Columbia. Construction of a highway system capable of carrying all peak-hour traffic without congestion would pre-empt too much land, destroy too many homes, produce too great a change in the overall character of the city, and would cost too much both in terms of initial investment and in the reduction of the city tax base.

The transportation system in the proposed Comprehensive Plan is therefore based on the assumption that construction of enough highways to carry all of the vehicles seeking to enter the highway system during the peak hour is neither feasible nor economical, and that the magnitude of the highway system will have to be determined by other criteria.

This does not imply an abandonment of the attempt to reduce congestion, or at least to minimize the ill effects of a shortage of peak-hour highway capacity. This is still a worthy objective, which should be pursued by reducing the amount of traffic on overloaded segments of the highway system, as well as by increasing the system’s capacity.

Because the highway system could not accommodate all peak-hour traffic, “a rapid transit system is essential to carry a large proportion of the daily movement along the most heavily traveled routes, and especially to carry workers into and out of downtown Washington.”

The plan identified three policies for freeways:

1. All new highway construction should be oriented to the service of specific land-use objectives. The north-south and east-west freeways through the city should serve the city and Region as a whole and should not be primarily peak-hour facilities for downtown traffic.

2. Design standards for freeways in the District should preserve urban amenity through the extensive use of tunnels, and through the use of design methods which will reduce operating speeds.
3. Management measures should be employed on freeways to prevent congestion due to overloading during peak hours, and to assure safe and efficient movement at all times of the day.

It described the segments that should comprise the Inner Loop, including the Southwest and Southeast Freeways as constructed. The South Leg should be tunneled under the Lincoln Memorial and Tidal basin. The Center Leg should be built in a tunnel under the National Mall and the proposed Labor Department building, “and perhaps under other structures north of the Mall.” The loop should include the West Leg as constructed and an East Leg from Barney Circle passing by D.C. Stadium, to the east of Spingarn High School, tunneled under Mount Olivet Road and elevated over New York Avenue and the adjacent railroad yards to connect with the North Central Freeway near Rhode Island Avenue. The plan also described the North Leg:

A North Leg in a tunnel under K Street between the Potomac River Freeway and the Center Leg. The K Street route must meet three conditions: (i) a detailed traffic analysis must support the use of the facility; (ii) the available right-of-way must permit construction of six traffic lanes to Interstate standards acceptable to the Bureau of Public Roads; and (iii) construction plans and procedures must permit the continued viability of its general utility.

Cross-river freeways “should” include a “Potomac River crossing near Three Sisters Island,” the Theodore Roosevelt Bridge, the 14<sup>th</sup> Street Bridge complex, and “an additional river crossing below Anacostia-Bolling” to be added “later in the program.”

The plan listed additional radial freeways and parkways. The Palisades Parkway, generally following Canal Road, entered the District near the river bank to a junction with the Potomac River Freeway near Foxhall Road:

The Potomac River Freeway should be tunneled across the Georgetown Waterfront from as close as possible to Rock Creek to a point beyond Key Bridge. After passing across the bottom of the bluff at Georgetown University it would split, one branch joining the Palisades Parkway, the other crossing the Potomac River to join Interstate Route 66 at Spout Run.

The North-Central Freeway would enter the District as close as possible to the Baltimore and Ohio Railroad to an interchange with the East Leg. “The route from this interchange to the Center Leg of the Inner Loop should be carefully located and designed to create minimum displacement and provide maximum service to the community.”

The I-95/Northeast Freeway would enter the city near Eastern Avenue at Gallatin Street and proceed westerly to the North Central Freeway.

The radial freeways from the east should remain largely as at present (Baltimore-Washington Parkway, John Hanson Highway, and Kenilworth Expressway). At a later stage, the John Hanson Highway might be extended to New York Avenue. From the south and southeast, facilities included the existing Anacostia Freeway and Suitland Parkway.

The plan also listed freeways that should proceed to construction:

- a. Center Leg of Inner Loop from the Southwest Freeway to a connection with the K Street Freeway;
- b. South Leg of Inner Loop from the Lincoln Memorial to 14<sup>th</sup> Street with as much of the freeway in tunnel as is consistent with local service requirements;
- c. Southeast Freeway (including Interchange C) from Sixth Street to Barney Circle;
- d. K Street Freeway in tunnel from the West Leg to the Center Leg;
- e. Palisades Parkway connecting to a tunnel under the Georgetown Waterfront;
- f. Jefferson Davis Highway improvements as an alternative route for Interstate 66 traffic to reach downtown via the 14<sup>th</sup> Street bridges;
- g. An additional 14<sup>th</sup> Street Bridge replacing the old Highway Bridge;
- h. A river crossing to connect Interstate 66 in Virginia with the Potomac River Freeway on the District side;
- i. North Central Freeway from Silver Spring, Maryland, to a connection with the Center Leg at K Street;
- j. Northeast Freeway connecting Interstate 95 in Maryland with the North Central Freeway near Fort Totten; and
- k. East Leg of the Inner Loop from Barney Circle to an interchange with North Central Freeway near Rhode Island Avenue.

The draft also covered parking garages. “They should be located and designed so as to harmonize with the rest of the system.” All-day parking should be limited to employment needs, with spaces downtown or in suburban park-and-ride facilities “when allowance has been made for maximum use of mass transit.” In the downtown area, parking spaces should be distributed to ensure vehicles do not exceed the capacity of the arterial streets.

To accomplish these goals for parking, off-street parking “should be provided promptly for bus riders, some of it at the prospective sites of rail transit stations.” Further:

All parking space in the downtown area should be offstreet [sic] and at locations established as a matter of public policy. Parking space in the CENTRAL EMPLOYMENT AREA should be located in structures associated as closely as possible with freeways and arterial streets.

A public authority should manage and control the amount of parking spaces in downtown “to encourage an equilibrium between parking space, arterial street capacity, and highly utilized transit.” The plan did not envision an increase in the number of parking spaces by 1985, but added that “some redistribution of offstreet [sic] facilities” should occur. To illustrate the need for redistribution, the plan pointed out the CENTRAL EMPLOYMENT AREA had 65,000 parking spaces, with 50,000 of them in the area bounded by Constitution Avenue, 23<sup>rd</sup> Street,

Massachusetts Avenue, and 2d Street. “Management of such parking spaces should insure the availability of adequate parking for non-work trips and keep the amount of employee parking in balance with the availability and usage of transit service.” In addition, a program should be undertaken “to provide offstreet [sic] parking space in crowded residential areas.”

The draft plan offered policies for transit. The authorized rapid rail system should be built as rapidly as possible, with extensions added to provide efficient peak-hour transportation. The system should eventually have “six trunk lines feeding into a downtown loop,” with an extensive bus system feeding the rail lines.” Much of the transit discussion involved identifying needed rail lines, with the plan adding that stations “should be located at points suitable for intensive development and convenient to residential areas of high and medium density.”

Bus service should be improved promptly “on routes eventually to be served by rail transit and on other routes.” The plan added:

There should be feeder service to the rapid transit system, express service to downtown on freeways, and a network offering good local service. Traffic management on the streets and freeways should expedite the movement of buses. The minimum system should be extended to serve downtown shoppers and tourists visiting monuments and museums in the Central Area park system.

The District should have arterial streets and avenues, but they should be “specially designed and limited in number, to carry vehicles that do not use the freeway system.” Widening the arterials and avenues “should be minimal and should only be undertaken to serve specific land-use objectives.” Traffic should be managed “to minimize the intrusion of traffic on other residential streets.” In the long run, these arterials and avenues could be converted to local streets “when results of new management measures and new construction of both freeways and transit are felt.” [Notice of Public Hearing, National Capital Planning Commission, *The Sunday Star*, May 28, 1967]

When NCPC presented its plans for the north-central area at a public hearing at Theodore Roosevelt High School on June 6, citizens targeted the North-Central Freeway. Adolph Edward of the South Manor Park Citizens Association said the plan “proposes to tear down hundreds of homes and businesses, acres of parks and playgrounds for an unwanted freeway system.” He urged NCPC to reject the freeway. Hosea Taylor of the Brightwood Community Association said the freeway east of Georgia Avenue would demolish “some of the finest middle income homes in the District.” Joseph Hairston of Neighbors, Inc., called for fringe parking and rush hour buses to replace the freeway that was being “jammed down our throats.

Chairman Rowe said, “I feel as the citizens do. When the freeways are financed and the other proposals aren’t, it is tough.” [“North-Central Freeway Comes Under More Fire,” *The Evening Star*, June 6, 1967]

In anticipation of the June 14 hearing on the transportation element of the Year 1985 Comprehensive Plan at the State Department West Auditorium, the Committee of 100 on the Federal City sent a postcard to everyone on its mailing list to encourage attendance. The *Star*

reported that this committee's initiative reflected the view of many civic groups that "the hearing is their last chance to show massive public opposition to the freeways and bridges proposed by the planning commission's six-member majority." ["Attendance Urged At Public Hearing On Freeway Plan," *The Evening Star*, June 13, 1967]

About 500 people attended the hearing. As Lee Flor began his report on the hearing, "A hooting, unruly crowd of freeway opponents at a public hearing last night wound up jeering one of their staunchest allies—Mrs. James H. Rowe Jr." She had limited all speakers to 10 minutes, a restriction that did not sit well with Sammie Abbott. "This is planning by egg timer," he said at the start of his testimony. "I do not propose to be limited." He began criticizing public officials for not attending hearings, but Chairman Rowe pointed out that he was not sticking to the subject of the hearing:

When the 10-minute timer buzz sounded, Mrs. Rowe tried to get Abbott to leave the podium, reminding him about the rules.

"The rules are the rule of people tonight," Abbott replied.

Many in the crowd . . . applauded, with some voices crying out over the din, "Let him speak, let him speak."

After a further confrontation, Mrs. Rowe asked the crowd whether any other witnesses would relinquish part of their 10 minutes for Abbott. Several anti-freeway witnesses gave Abbott extra time.

Abbott's basic theme was a charge that previous transportation studies had been grossly incorrect in predicting heavy auto use of certain traffic corridors, so that traffic justification for highways was false. The theme has been followed numerous times at previous hearings.

Abbott got a huge ovation from a standing crowd, after getting a straw vote by asking freeway opponents to stand. About 400 persons stood.

When he finished, Chairman Rowe declared a recess but asserted that she would enforce the 10-minute rule when they returned.

After the recess, Marion Barry, Jr., said, "We should take our bodies and stand before those bulldozers . . . we should say 'Hell no, you ain't going to build any freeways in this town.'" Angela Rooney of the Brookland area citizens group "warned that Barry was not kidding."

Flor counted 11 anti-freeway witnesses and 8 pro-freeway witnesses before the hearing ended at 11:30 p.m. "A relatively new development at the hearing was the appearance of several citizens who said they did not represent any pressure group, organized lobby, or special interest group, and then testified in favor of freeways."

When Chairman Rowe urged the crowd to be polite to pro-freeway witnesses such as Robert F. Koch of Bethesda, they jeered. Koch “was heckled repeatedly by the crowd, which at one point tried to drown out his testimony by clapping and shouting”:

“If this is a democratic process – I would be permitted to speak,” Koch said.

“During the past few years, I and hundreds of thousands of persons have left the [transportation] arena to a few noisy individuals,” Koch said.

The result was the false impression that most people opposed the freeways. He said that the loud voices should not “ride roughshod over citizens” who supported the plans. (On later occasions, Koch would be identified as representing the Bethesda-Chevy Chase Chamber of Commerce.)

NCPC held a second night of hearings at the State Department West Auditorium with about 100 people, mostly anti-freeway, in attendance. The witnesses, however, were about equal; Flor counted 14 witnesses in support of the transportation plan and 13 opposed. “Many of the anti-freeway witnesses had testified on Wednesday, when a big noisy anti-freeway crowd staged several demonstrations to show their anger.”

Thomas P. Rooney of Catholic University was one of the anti-freeway speakers. Interstate freeways had “become instruments of racial and economic discrimination.” He stated that indifference to the impacts of the freeways had “more to do with the rioting and the bloodshed of the worsening ‘long hot summers’ than the lack of kiddie pools and recreation”:

Several anti-freeway witnesses said that residents of Tampa, Fla., had been throwing Molotov cocktails at motorists on interstate highways which ran through areas where riots were going on. They indicated that rioters here also might do the same.

Chairman Rowe assured the crowd that NCPC would carefully consider anti-freeway testimony. [Flor, Lee, “Freeway Foes Jeer an Ally,” *The Evening Star*, June 15, 1967; Flor, Lee, “Hot Hearings On Freeways For D.C. End,” *The Evening Star*, June 16, 1967]

## **Freeway Conflicts**

While NCPC was working on its Year 1985 Comprehensive Plan, local officials continued to consider the area’s immediate freeway plans.

On June 21, the District Highway Department presented its plans for the South Leg to the Commission of Fine Arts. The commission objected to plans for a tunnel under the Lincoln Memorial’s Reflecting Pool and the placement of two 50-foot high ventilating shafts near the memorial. Chairman Walton said the plans would “leave a permanent scar on the single most important monument in this city.” The city planned to use the cut-and-cover method of building the tunnel, but the commission objected to that approach because the “cut” portion of the plan meant digging a trench that would displace some of the trees on the memorial grounds. “The trees are as important as the Memorial itself,” Walton told Deputy Director G. I. Sawyer. Walton urged use of the boring method to create the tunnel. Commission member Gordon Bunshaft suggested replacing the two ventilation chambers with a single globular structure of 35 feet or

fewer near the Tidal Basin. Sawyer promised to consider these ideas. [“Arts Unit Hits Tunnel At Lincoln Memorial,” *The Washington Post and Times Herald*, June 22, 1967]

At an Allied Civic Group banquet in Silver Spring, Governor Agnew said the conflict between State and Federal officials was causing “serious delays” on the North-Central Freeway:

Federal highway planners favor an economic route that would penetrate the existing neighborhoods and internal Takoma Park. The State Roads Commission, on the other hand, advocates a route following the railroad tracks which would neither disrupt the existing residential patterns nor contribute additional traffic congestion to Takoma Park. Obviously, communication is absolutely necessary and the mutual acceptance of a construction design policy is essential.

He said the roads commission also would intensively study I-70S to relieve the severe traffic congestion along the existing freeway in Montgomery County north of the Pooks Hill interchange with the Capital Beltway. [“Agnew Cites Conflict on Freeway Plan,” *The Evening Star*, June 15, 1967]

On July 12, Chairman Wolff revealed that the commission was considering a toll expressway parallel to I-70S in Montgomery County to relieve congestion in the corridor. He referred to discussion of the idea in the spring. In April, the Maryland-National Capital Park and Planning Commission had included a parallel 19-mile expressway, 2 or 3 miles west of I-70S, in its proposed 12-year comprehensive plan. The plan also called for a second Outer Beltway, 5 to 10 miles beyond the Capital Beltway, from a crossing of the Potomac River at River Bend, continuing south of Rockville in Montgomery County past Bowie, Marlboro and Clinton in Prince George’s County. It would cross the Potomac River in Charles County south of Fort Washington.

The plan included a 28-mile Third Beltway, also called the Cross County Freeway, from Edward’s Ferry across the Potomac River linking Montgomery County and Loudoun County, Virginia, circling through Montgomery, Howard, Anne Arundel and Charles Counties before crossing the river into Virginia at the Prince William-Stafford County line. This beltway would be a “regional bypass” rather than a service road like the Capital Beltway. It was included in the plan “to show recognition of the value – at some future date – of a regional bypass route for the Washington metropolitan area.”

Members of the Montgomery County Council appeared to support the freeway parallel to I-70S, with one, William W. Greenhalgh, calling it “the most critical need in the County.” The members tentatively supported the Third Beltway, but saw it as a project for a distant future.

Civic groups questioned both projects. They argued that a rail rapid transit line parallel to I-70S would be a better choice. Mary P. Vinton of the Citizens Planning Association said traffic was “beginning to get very bad, but we have to decide what’s more expensive – rapid transit or an alternate route – and which would take longer to get. I would hate to see more highways projected before we get further than we have with rail transit.” William S. Green of the Planning

Association objected to the I-70S parallel freeway because “any time you build a superhighway, it’s a good excuse to build high density around it.”

The groups also objected to the Third Beltway because it would cut through land the county’s General Plan for the Year 2000 had reserved for green space and low-density development, and likely lead to intensive development instead. Green, for example, was concerned a Third Beltway would lead “to the complete amalgamation of Washington and Baltimore.” [Drosnin, Michael, “Plan Urges 70-S Bypass, 3d Beltway,” *The Washington Post and Times Herald*, April 23, 1967; Hanrahan, John, “Parallel Road to Rt. 70-S, 3<sup>rd</sup> County Beltway Asked,” *The Sunday Star*, April 23, 1967; Levy, Claudia, “Council Likes New Road Plan, Citizens Object,” *The Washington Post and Times Herald*, April 27, 1967]

Wolff, during the State Roads Commission meeting in Baltimore on July 12, acknowledged that the State did not have money for the parallel expressway or several other needed freeways. Citing Chicago and New York City as metropolitan areas that found toll roads to be viable alternatives, he said the question was whether the Montgomery County facility would generate enough toll revenue to retire the bonds issued to pay for its construction. [Eisen, Jack, “Toll Road Considered To Relieve Jam on 70S,” *The Washington Post and Times Herald*, July 13, 1967]

On July 18, Representative Broyhill wrote to Secretary Boyd to object to the delay in building the Three Sisters Bridge. Representative Broyhill asked Secretary Boyd, while he reviewed the plan as requested by NCPC, to consider that the delay was holding up other projects. The projects included the Potomac River Freeway, Palisades Parkway, George Washington Memorial Parkway, I-66, and the Dulles Access Road. A decision on the bridge, Representative Broyhill told Secretary Boyd, was needed immediately to eliminate the roadblock to these other projects. [“Broyhill Raps Bridge Delay,” *The Washington Post and Times Herald*, July 18, 1967]

The District was advancing one of those projects, the Potomac River Freeway, by paying \$3.2 million to acquire the block that included an abandoned Capital Transit power plant on the Georgetown Waterfront. The block was between 32<sup>nd</sup> and K Streets and the present end of the freeway at 31<sup>st</sup> Street, NW. The power plant included 220-foot high smokestacks that, as Flor reported, “still dominate the waterfront.” District highway officials were debating how to remove the smokestacks because if they fell in the wrong direction, bricks would land on Whitehurst Freeway.

The city was appraising other needed properties between Whitehurst Freeway, 32<sup>nd</sup> Street, and Key Bridge, including the active Milton Hopfenmaier Company rendering plant at 3300 K Street, NW. For decades, Georgetown residents had complained about the plant “because of its odor.” The city wanted to acquire the property during the summer or fall, but had one problem. “The District has to prove an immediate need for possession, to get a business out of a building after it has condemned the site.” To do so, it had to demonstrate a need for the property that was contingent on construction of the Three Sisters Bridge. [Flor, Lee, “D.C. Moving on Georgetown Front,” *The Evening Star*, July 19, 1967]

(After negotiations, court challenges, and other delays, the District and company agreed on acquisition of the site in June 1971 for \$707,000. The company, which began operating at the site in 1873, closed on July 18, 1971.)

The route of the East Leg Freeway was under consideration as a result of a not-yet-released report by Lawrence Halprin, a San Francisco landscape architect. The Interior Department had hired Halprin at the White House's suggestion, as part of the President's beautification drive. He presented an interim version of the plan to Secretary Udall, NPS's Hartzog, Engineer Commissioner Mathe, and other officials at a meeting on July 21. Halprin suggested developing a major park and recreation area east of D.C. Stadium that would involve Kingman Island in Anacostia Park just north of the East Capitol Street Bridge. His plan would require moving the freeway farther from the river north of the stadium toward the National Arboretum. He recommended tunneling the freeway west of the stadium to minimize demolition of residences. ["Freeway East Leg Revision Urged to Develop Parkland," *The Sunday Star*, July 23, 1967]

On July 25, Wolff released a July 10 letter he had received from BPR Director Turner agreeing to a meeting to discuss the North-Central Freeway in Montgomery County. Maryland had requested the meeting 4 months earlier when BPR's District and Maryland offices provided different reactions to plans for the freeway, but BPR had refused. Turner's letter was in reply to Wolff's renewal of the request on June 12. Turner replied that when BPR completed internal discussions of the issue, he would invite Wolff and Airis to meet "for a full exploration of the proper next steps."

He added that BPR/FHWA now was part of the U.S. Department of Transportation, which is responsible for modal coordination. The North-Central Freeway involved a road, railroad, and rapid transit line. Therefore, it was "desirable that we attempt to achieve policy coordination within the Federal establishment before proceeding with further steps in the development of the design." ["Roads Chief Agrees To Set North Central Freeway Meeting," *The Washington Post and Times Herald*, July 25, 1967]

During this period, Senator Tydings of the Senate District Committee was holding hearings on air-rights legislation. The Washington Urban League and residents who were to be displaced by the Center Leg Freeway testified in support. Arlene M. Neal, the league's director, said the question was not whether the community should approve or reject freeways. "Our need to use air space comes from a single fact: In the face of growing needs the supply of available central city land is shrinking." Two residents of the Center Leg Freeway area that the District had designated for the pilot air-rights housing testified in support as well. Peggy Lee Horseley said, "Unless air rights legislation is passed, our community will be wrecked by this freeway and the people scattered into already overcrowded housing."

Several freeway opponents attacked the bill. One was Robert Kennan, Jr., a Washington attorney who had replaced Peter Craig as chairman of the Committee of 100 on the Federal City's roads subcommittee. The legislation was "plastic surgery for the wounds inflicted by freeways" that District officials would use as "political anesthesia for building more freeways." Senator Tydings replied, "I think your argument is specious. I wonder if this blind opposition [isn't] cutting off your nose to spite your face." Kennan replied that air rights proposals were only a

ruse to silence critics. He recommended changing the bill to allow the District to use air rights only if granted by Congress on a project-by-project basis.

When Airis testified on July 27, he took the opportunity to dispute Kennan's "deliberate falseness" in claiming that the city was paying only lip service to the air rights idea so it could build more freeways. Airis pointed out that the city had rerouted freeways to reduce impacts on families; the current network would displace 2,600 families, compared with a 1960 estimate of 9,038. The city had used the air rights authority it already had more often than people realized, as the *Post* reported:

Among examples that he cited were the Connecticut Avenue tunnel under Dupont Circle, the Twelfth Street expressway beneath the Mall, the plan to build the new Labor Department building over the Center Leg and "a whole block" under the Southeast Freeway between Seventh and Eighth Street se. that can be developed commercially "for a supermarket or something similar."

In applying air-rights, the city's priorities were, in order: municipal purposes, low-income housing, Federal construction, privately developed low- or moderate-income housing, nonprofit corporations, and general business use. He listed 12 potential sites, beginning with the model block set aside for the Center Leg Freeway. Five of the sites would be suitable for housing, while others could be used for shops, light industry, parking garages, and school expansion. Unlike the model block, the city had not studied the other sites in detail, partly because routing was not yet final and the city was awaiting statutory authority. [Hoagland, Jim, "Housing on Sunken Freeways Debated," *The Washington Post and Times Herald*, July 26, 1967; Flor, Lee, "Tydings, Kennan Tangle On 'Air-Rights' Housing," *The Evening Star*, July 25, 1967; "Road Chief Denies Stall On Freeway Air Space," *The Evening Star*, July 27, 1967; "Many Areas Listed For Using Space Atop Freeways Here," *The Washington Post and Times Herald*, July 28, 1967]

General Mathe emphasized the importance of the air-rights bill during an informal conference by members of the House of Representatives from Virginia and Maryland. From Virginia were Representatives Broyhill and William L. Scott (R), who had practiced law in Fairfax before winning election to the House in 1966; he replaced Representative Smith, the former chairman of the Rules Committee, who had lost in the Democratic primary. Representatives Gude of Montgomery County and Hervey G. Machen (D), a former State legislator from Prince George's County who had won election in 1964, participated from Maryland.

When Representative Broyhill asked General Mathe what Congress could do for the District, the engineer commissioner replied that the District needed the air rights and parking authority bills. The use of air rights over freeways was vitally important, as was, for example, the ability to set aside land at L'Enfant Plaza for parking to match the crowds expected at the aquarium planned for East Potomac Park. He said, "It's improvident for a city this size not to have authority to do what needs to be done."

General Mathe also expressed frustration with NCPD's delaying actions. He recalled the Policy Advisory Committee's agreement in May 1966 that resolved the freeway disputes. "But we haven't gotten any action out of the planning commission – that's where the delays come from."

The latest delaying tactic was to have decisions “pushed upward” to the new Department of Transportation, as had happened with NCPC’s request to Secretary Boyd for a decision on the Three Sisters Bridge. He also cited the Potomac River Freeway tunnel under the Georgetown waterfront and the Palisades Parkway as examples of projects stalled by NCPC’s procedures.

Representative Broyhill replied, “We’ll do that [approve the two bills] and I’m going to propose we have some members from the suburbs [on NCPC] – this may prevent some of these delays.”

General Mathe endorsed legislation to allow WMATA to join NCPC. A few days earlier, the White House had cleared a bill introduced by Senator Bible to add WMATA representation to NCPC when NCTA went out of business on September 30, 1967.

The director of engineering for the Virginia Highway Department, A. K. Hunsberger, provided the good news that plans were moving forward to untangle the “Mixing Bowl” where I-95 and Capital Beltway traffic mixed in a confusing set of interchange ramps. Final design of the revised interchange would be completed within 10 months and construction would take 18 to 24 months. Motorists would enjoy the results within 3 years.

In contrast to Hunsberger’s good news, Wolff reported that right-of-way costs were increasing for the proposed Outer Beltway. The State Roads Commission had paid \$2.2 million thus far for land needed to preserve the corridor and expected the remaining protective acquisitions to cost \$8 million. “We’ve very simply taken the position that we won’t do anything until we lay this before the legislature,” he said. He added that he was not pushing BPR for a quick decision on the North-Central Freeway. [Flor, Lee, “Broyhill Urges Voice For Suburbs on NCPC,” *The Evening Star*, August 8, 1967; “Planners Shirk Roads Duty, Mathe Says,” *The Washington Post and Times Herald*, August 8, 1967; Flor, Lee, “Subway Builders to Get Seat on Planning Board,” *The Sunday Star*, August 6, 1967]

In a meeting with the Montgomery County officials, Wolff said right-of-way costs for the Outer Beltway were 1,000 percent above estimates. He had ordered a halt to acquisition because the money was coming from the construction budget. He was not certain when he would allow acquisition to resume:

Wolff . . . indicated there was little likelihood of immediate improvement in the financial condition of the over-all road program.

Costs for the six-year program from 1965 through 1970 are running about 60 percent above estimates throughout the state, he said, while in Montgomery they are 73 percent above. The approved program for Montgomery was estimated at \$29.5 million, but revised estimates put the total at \$51 million, Wolff said.

The State had expended all but \$6 million of the original estimate; the county would have to make up the difference if it wanted the work to continue as planned. (Costs in Prince George’s County had increased from an estimated \$25 million to \$36 million.)

According to Joseph C. Kordella, the county’s public works director, about 70 percent of the right-of-way for the Outer Beltway had been acquired. He said the remaining 30 percent,

between Old Georgetown Road and Rockville Pike, would be extremely expensive. [Feuerzeig, Henry, "Costs Halt Buying For Outer Beltway," *The Evening Star*, August 12, 1967]

### **Secretary Boyd's Perspective**

On January 1, 1967, President Johnson announced that he had accepted Rex Whitton's resignation as Federal Highway Administrator. His acceptance letter told the outgoing Administrator, "the American highway system is unequaled in the world and your share in the credit for it is large."

Whitton told a reporter, "The job has been rewarding, exciting and challenging, and only occasionally depressing. But now at 68, I want to get out while I am still winning—or at least I think I am still winning." He had bought a home in Independence, Missouri, at 4320 Montclair Avenue, not far from the office where he would begin his new position with the consultant firm of Howard, Needles, Tammen and Bergendof. He had recently tested his commute, which took only 16 minutes in an off-peak hour.

When he had taken office in 1961, Interstate construction was under attack. Funding from the Highway Trust Fund was inadequate to complete the network on schedule. Allegations of corruption in the right-of-way and construction phases were undermining public and congressional confidence in the program. And the attacks on segments in cities were leading to calls for a moratorium on the urban Interstates. A penny added to the gas tax helped with the funding problem. He established an investigative unit to look into the allegations and worked with a congressional committee set up for the same purpose.

The 3C planning process, which went into effect in 1965, helped with urban issues, but did not solve them. The urban Interstate routes had been designated a decade earlier, for the most part, when their general alignment was set. Many of the problems that highway officials in the District of Columbia were experiencing were universal. Every big city was battling opposition, often with officials suggesting tunneling and air rights as a way to reduce impacts. Finding answers had not been easy. Whitton, like many road builders, initially thought the answer was public relations to tell people how much the completed urban freeway system in their city would benefit them.

By the time he left office at the end of 1966, he had helped pull BPR and the State highway agencies toward the new environmental movement. Changes in the urban freeway plans were needed, not just explanations. In his dealings with NCPC, NPS, and officials in the District of Columbia, Maryland, and Virginia, he had a direct role in trying to get freeways off the drawing board and onto the ground, but he had tried to resolve similar disputes in cities around the country.

As Whitton left his Federal post, he predicted that greater coordination among Federal, State, and local officials would be needed to complete the urban network. "I don't see an end to highway building. People like to drive their automobiles. They like the freedom and independence of movement." Going forward, "we're in a state of humanizing highways." By this, Whitton meant that the highway builder's responsibility was not only to design roads and lay pavement but to

consider the impacts on people, parks, fish and wildlife, historic sites and the myriad factors which make life so complex.

Transportation was vital to any city, he said, and could not be separated from a city's future. "Just as urban development will determine the demands on the efficiency of highway facilities, the planning and location of such facilities will shape urban development and affect the lives of generations of urban dwellers."

Highway officials had to accept that "there is little usable space left in most of our cities." Using that space efficiently was the key:

As freeways move close to or through the downtown areas of the larger cities, they take land which till the day the demolition crews move in has some other vital use as part of a city's life.

It doesn't matter that the houses are small and mean, the people crowded, the industries unattractive. Neither does it matter that the highway will bring stability and renaissance to a tired old area. As the right-of-way is cleared, the highway is a disruptive force on community life. Ironically, the older and more crowded the neighborhood, the more it warranted demolition or renewal, the more disruptive is the new highway.

He said that joint development, a form of air rights, responded to this demand:

A city could acquire entire blocks or wider areas on the route of a planned freeway. The highway department would need only a permanent three-dimensional easement – an air tunnel for the freeway. The community would then have available a valuable assembly of land for a fraction of the cost of acquiring it in separate steps.

For example, the typical rowhouse or tenement housing of blighted suburban areas could be replaced, under a joint development program, with an equal number of comparable-cost housing units on one-third the land area with modern buildings. The remaining land could be used for parks, playgrounds, swimming pools, schools or public and private buildings.

[Brandt, Raymond P., "Whitton's Views on Road Issues," *St. Louis Post-Dispatch*, December 18, 1966; Coyne, Joseph R., "Whitton Foresees New Era in Roads," *St. Louis Leader-Press*, January 1, 1967; Cauley, John R., "Whitton Happy to End Career," *Kansas City Star*, January 2, 1967; "Rex Whitton To Firm Here," *Kansas City Star*, January 6, 1967]

As the old road builder returned to Missouri, the new Department of Transportation was taking shape in Washington.

Secretary Boyd, in a presentation on February 13, 1967, to the National Press Club in Washington, said the Department's number one problem was urban congestion. "There is obviously a limit to the concentration of people that can be put in any one area." As demands of population grew "by several orders of magnitude" in coming decades, citizens were "going to have to suffer some constraints on their personal freedom of action." The problem could not be

solved within the confines of the city. He predicted a proliferation of “new towns” to disperse the urban population. [Reddig, William, Jr., “‘New Towns’ Seen As Relief Need For Urban Jams,” *The Evening Star*, February 14, 1967; Porter, Frank C., “Further Restraints Seen As Transit Needs Grow,” *The Washington Post and Times Herald*, February 14, 1967]

During an April appearance in Richmond, Virginia, he said, “Your situation is like that all over the country”:

The pure economics of expressway building force these things through the areas of lowest right-of-way cost, so it is usually the low-income citizens who suffer.

Right now we are studying and using entirely new concepts in dealing with urban highway rights-of-way. Joint land use – that’s the answer. You put the roads in, but use the air rights and right-of-way excess for community improvements.

Before a highway is built at all, you build an apartment complex for the people you are displacing. You leapfrog from the highway route, alleviating the social problems before construction of the roadway begins.

He did not see an end to the automobile. “American society is dependent on the pneumatic wheel.” Rail rapid transit could help solve urban traffic problems in larger cities, but could not provide the mobility Americans had come to expect. Bus transit on reversible lanes during peak periods would, he thought, would contribute to the solution. [Sauder, Bill, “U.S. Relocation Problems Cited,” *Richmond News Leader*, April 26, 1967]

On April 28, he announced creation of an Office of Traffic Operations in BPR to oversee two major programs. It would administer the new Traffic Operations Program to Increase Capacity and Safety (TOPICS) and the 3-year old Safety Spot Improvement Program. The office also would administer safety standards issued by the National Highway Safety Bureau, promote the use of uniform traffic control devices and other traffic engineering technology, help compile and analyze traffic and crash data, and encourage cooperation between State and local traffic engineers.

The goal of TOPICS was to increase the capacity of Federal-aid primary roads in areas of 5,000 population or more by employing techniques such as channelization of intersections, construction of grade separations to relieve bottlenecks, installation of electronic traffic controls, and other techniques that did not require major disruption.

The Safety Spot Improvement Program focused on remedying high-crash locations on the Federal-aid primary and secondary highway systems. In the 3 years since the program had begun, States had programmed 2,424 projects correcting high-hazard locations at a total cost of \$430 million.

Secretary Boyd said:

The establishment of the Office of Traffic Operations reflects a broadening of the Federal interest in improving our highway transportation system. The Federal Government has

for many years assisted the states in construction and major improvements of our principal roads and streets. But there has been a growing recognition that more must be done to make our existing highway network safer and more efficient. This need is especially apparent in our rapidly expanding urban areas, where traffic congestion has become an acute problem. [“DOT Office Attacks Problem Of Urban Highway Traffic,” *Transport Topics*, May 1, 1967; “Transport Secretary Announces New Traffic Operations Office,” News Release, Office of the Secretary, Department of Transportation, April 28, 1967]

In a speech in Miami, he said that freeways that slice mercilessly through neighborhoods hurt cities even if they improved traffic flow. The *Miami Herald* reported:

Present federal standards route expressways based primarily on safety and economy. It is time, Boyd said, that highway planners start caring about the neighborhoods they disrupt, the people they leave without housing and the aesthetic and cultural aspects which they destroy with the new expressways.

“They largely ignore the environmental factors that can – in the long run – prove far more important to the future of a city,” Boyd said. “As a result, we all too often tend to select the route that will give us the straightest and safest possible line at the lowest possible cost. We must begin to take a far more comprehensive approach.” [Reno, Robert, “Let’s ‘Humanize’ X-ways—Boyd,” *Miami Herald*, June 4, 1967]

Appearing on ABC television network’s Sunday morning interview program, “Issues and Answers,” on July 9, he was asked, “What is your major problem, our major problem in transportation and what do you plan to do about it?” He replied:

It’s urban congestion. No question about that. We’re an urban society now and a great society and we have great problems. So the department of Transportation is going to work on an integrated basis to provide the kinds of transportation . . . a balanced system of transportation within, to and through the cities of our country.

He was asked if Highway Trust Fund revenue should be diverted, as many suggested, to rail rapid transit after the Interstate System is completed:

This is a sort of a straw-man argument which the highway community has thrown up out of their normal fears that everybody is trying to “get into our money.” It’s one of those fruitless things which makes life miserable for everybody and doesn’t have any substance to it.

My own feeling is that with the increase in the number of motor vehicles in this country, we’ve got to continue building and rebuilding our highway system at a rate which is going to take more money than is in the Highway Trust Fund now.

He added that, “there has got to be provision for mass transit in our larger cities.” [“Boyd Calls Anti-Diversion Idea ‘Straw Man Type of Argument,’” *Transport Topics*, July 10, 1967]

In September, he told the Transportation Task Force of California that the Department was going to revise procedures for obtaining Federal approval of highway plans. “We intend to require in the future that state highway departments get the views of all interested departments in city, state, and federal governments before highway routings are submitted to the Bureau of Public Roads for approval.” The routings must reflect the will of the public. The new procedures would recognize that “the best judges of routes and designs are the people who will have to live with them”:

If there are objections to a proposed route, we will want to know what they are, in detail, and we will want a well-documented case from the highway department when it believes a route must be approved despite the objections.

The procedures would call for two public hearings:

The first hearing would concern itself with the broad highway corridor. The second would involve the specific highway alignment within that corridor. The two-hearing procedure will permit objections to a route to be voiced before costly commitments are made – while change is still practical.

The goal was to settle the controversies before they reach Washington. This could be done if “route selections reflect local desires and are consistent with local goals and objectives.”

He would take one additional step on disputed routes. “I will ask the governor of the state in which the conflict exists to become personally involved in the case.”

In the end, the goal was “an effective, balanced and safe system of transportation.” [“Boyd Bares New Road Route Procedures,” *Transport Topics*, September 11, 1967]

On September 20, Secretary Boyd addressed the National Capital Area Chapter of the American Society for Public Administration. He began:

A few years ago, it was the fashion to think in terms of a day when every commuter would own a helicopter and our traffic problems would vanish. You don’t hear that much anymore, but the period left some lasting impressions . . . .

We have outgrown the single-family helicopter phase, but I am afraid too many people have gone on searching for other quick and easy solutions . . . . And the first thing you know, there you are – like Walter Mitty [James Thurber’s mild-mannered character who daydreams heroic adventures] – looking down at a drawing board which has the complete plans for a system that will wipe out traffic jams and – in its spare time – create the parks we forgot to make room for and blow away the smog.

But I am afraid that sort of wishful thinking just makes an already enormously difficult job even harder to do.

Unfortunately, all of the work that must be done to improve transportation in America’s cities must be done the hard way. And anything that encourages us to grasp at the first

straw that goes by with wheels on it will just make us more impatient with a job that already requires more patience.

In “a handful of metropolitan areas, new or expanded rail rapid transit systems can offset serious congestion, particularly where highways cannot handle peak-hour traffic. But for the majority of American cities and towns, rail mass transit is not yet economically feasible.” A balance would be ideal, but “for now, the highway must be the basic tool for most cities.” Accepting that premise does not mean we are “forced to commit ourselves to our present methods of using it.” Similarly, we were not “by any means committed to the methods we have used in the past for choosing the routes over which we build the highways.”

“Given the present state of our research, economy and technology, highways are in the cities not only to stay but to spread.” The highway debate had “stirred some powerful emotions and strong language.” One faction believed that “all highway engineers should be ridden out of town on a rail – a monorail, if one is available.” Highway engineers “insist – and rightly – that they gave us – to the extent that we made our wishes explicit – what we asked for: An efficient highway system to serve travelers and commerce at the lowest cost.” They could not be accused of failing to follow a metropolitan plan “because we seldom – if ever – gave them one to work from”:

But the time has come to change the order, to include social values which cannot be measured by any standard economic formula in the design of our future urban highways.

He discussed the new two-hearing procedures the Department of Transportation was developing for approving highway routes. “And in order to provide the greatest possible leeway, we are developing methods for measuring the resource values that go beyond the standard cost/benefit analyses.”

Highways were “remarkably versatile,” but their full potential had yet to be tapped. However, the automobile was “not designed with the efficient movement of peak-hour volumes of commuters in mind.”

He suggested that buses, perhaps operating on exclusive lanes, might be a way to tap highway potential. Would that prompt commuters to leave their cars behind? “We don’t know the answer.” FHWA was trying to promote exclusive bus lanes on freeways. “And I intend to see that our efforts in this direction are expanded in the future.”

He discussed TOPICS as another example of making highways more versatile. “In some cases, these relatively minor adjustments will increase the capacity of the system by as much as 25 per cent.”

“We tend to talk in terms of the urban transportation problem, but there are, in fact, many problems.” Urban areas were not uniform. The problems of the suburban commuter are “far different from that of the man in the ghetto.” The poor were in desperate need of good alternatives to the automobile. “As the report on Watts stated, inadequate public transportation is one of the public deficiencies that handcuffs the man in the ghetto in his search for jobs, for education, for recreation.” The Department was studying whether free public transportation

“would make a significant contribution toward relieving rush-hour congestion in the cities [and] help people in the ghetto find jobs and hold onto them.”

“Finally, we come to the fourth dimension of transportation – the way it affects the quality of the environment in a city while it moves people and goods.” The impact of transportation on the environment in a city is hard to measure, but the impact “is there and it will be given a high priority in decisions on transportation policy.” Some of the problems, such as air pollution, may require new technology, but others could be solved “with present technology, common sense and cooperation.”

As an example, he cited “the way we buy land for urban freeways.” According to studies, the cost of buying land “for a variety of uses” could be done “at little more than the cost of buying the right-of-way for the freeway alone”:

Under joint development, entire city blocks could be acquired along freeway routes for housing, parking and playgrounds at a fraction of what the land might otherwise cost. Such joint development could help create new housing for people in poverty areas who are disposed [sic] by highways. The construction of residential communities, complete with shopping and recreational facilities, over or adjacent to, highways, pose [sic] only limited legal and engineering difficulties.

The concept already was in use “in planning and building municipal centers, schools and other public buildings,” but offered even more dramatic possibilities for freeways. Joint development, for example, was happening in Washington where the city was studying “the possibility of building apartments over a portion of the Inner Loop.”

He cited another example of innovation:

And in Baltimore, urban, social, economic and transportation planners are preparing to work together as a team to use Interstate 95 as a catalyst for achieving broader community goals in the areas of Baltimore it will pass through.

The catalog of possible solutions to urban transportation problems “is easier to read than to implement”:

The effort will put new strains on such contending interests as the central business district and the satellite city; the government plan and the operation of free enterprise. Perhaps the most difficult part of implementation will be the matter of timing. It will not make much sense to develop attractive new neighborhoods in a city if the school remains second-rate. A smooth-flowing traffic pattern cannot be considered real progress if the air is still filled with smog.

It would not be easy to find solutions, but two new elements were present. First, on November 11, 1966, President Johnson had called on Federal agencies to engage in “creative federalism,” which he said meant cooperation. For Federal, State, and local governments to achieve their goals, “more is needed than money alone.” Programs must be carried out jointly, worked out and planned “in a cooperative spirit with those chief officials of State, county and

local governments who are answerable to their citizens.” He wanted officials to give chief executives of State and local governments “the opportunity to advise and consult in the development and execution of programs which directly affect the conduct of State and local affairs.”

The goal was “to make certain that vital new assistance programs are made workable at the point of impact.” Secretary Boyd’s plan to involve Governors in decisions on contested freeway an example of creative federalism.

As for the second item, he recalled the President’s words at the signing ceremony on September 9, 1965, for the legislation creating HUD:

The other is the President’s insistence that we have no real alternative. As he reminds us: “We must seek, and we must find the ways to preserve and to perpetuate in the city, the individual, the human dignity, the respect for human rights – that has been part of the American character and the strength of the American system.”

Secretary Boyd concluded:

The Department of Transportation is not an end to our transportation problems; it is a beginning in the search for new solutions. But it gives us, for the first time a logical framework for seeking those solutions.

Secretary Boyd followed up on his reference to Baltimore by announcing on September 24 that a \$4.8 million contract had been awarded with the city that “may well set a pattern for designing urban highways across the nation.” A team of highway, traffic, and safety engineers would work with city planners, sociologists, economists, and others on the routing and design of a section of I-95:

For the first time in any major city, all of the environmental skills will be brought to bear on the design of a highway from the very beginning. It will give Baltimore a unique opportunity to use the highway program to help it reach other developmental goals; to help it become the kind of city it wants to be.

With early planning consideration of the highway’s social, economic, historic and functional impact, this will become not just a road through a city but an integral part of the city.

The contract had been under consideration for a year. With FHWA’s approval, the contract was eligible for the 90-10 matching ratio of the Interstate System. The Maryland State Roads Commission established a special office, the Interstate Division for Baltimore City, to help in the work, while BPR assigned a full-time representative to the project.

The Interstate Design Concept Team would cover the following categories:

1. Design criteria – Establishing the controls, conditions and treatment for various roadways and structures and translating permissible standards into specific details for use in the design process.
2. Urban design – Determination of the characteristics of neighborhoods through which the highways pass and the formulation of opportunities and recommendations by which the road can be blended with the area traversed.
3. Study design – Consolidation of prior studies, up-dating these studies, and the preliminary engineering design of the roadway, including type, size and location of structures. [News Release, Office of the Secretary, U.S. Department of Transportation, DOT – 8367, September 24, 1967]

The team, which was expected to take 2 years, included the J. E. Greiner Company; Skidmore, Owings and Merrill; Wilbur Smith and Associates; and Parson, Brinckerhoff, Quade and Douglas. Nathaniel A. Owings, the San Francisco architect who was involved in several activities in Washington, headed the team. Author Earl Swift said of Owings:

The interstate system, he wrote, had “raised more problems than it solved,” had “cut through neighborhoods, parks and historic areas” in cities throughout the country. “Part of the tragedy,” he added, “is that the cities themselves have rushed with a strange sense of urgency to cooperate in their own mutilation.”

Swift quoted James D. Dilts, a *Baltimore Sun* reporter who covered the city’s freeway battles, as describing the challenges facing the Interstate Design Concept Team by saying:

“Blending” a six- or eight-lane highway into the fabric of Baltimore is about as promising an assignment as “blending” a buzz saw into a Persian rug. [Swift, page 275]

In the *Post*, Von Eckardt referred to the contract as “a revolutionary first step to adjust freeways to cities rather than tear up cities to let the freeways through . . . . The move may end a ten-year conflict over freeways in Baltimore and promises to resolve similar hassles in major cities.” He quoted an unnamed Department of Transportation spokesman as saying that the cheapest way to build an urban freeway “is just to go crashing through,” but adding that it would cost more, socially and otherwise, in the long run. The design team approach was under consideration for other cities, including Washington, possibly for the North-Central Freeway. [Von Eckardt, Wolf, “New Freeway Theory Tested,” *The Washington Post and Times Herald*, September 24, 1967]

On September 26, Secretary Boyd addressed the Washington Board of Trade at the Mayflower Hotel. “The concern over the condition of transportation,” he said, “is not a new one.” Planners, engineers, community organizations, and the industry had been working for years “to improve one element or another – working harder in recent years as growth increases the strain on our transportation network.” Now, for the first time, with creation of the U.S. Department of Transportation, “a balanced system of transportation is a national goal, backed with national resources.” This new approach had a “unique application here in Washington,” which had already undertaken a “great deal of the planning that is needed to develop a model metropolitan system of transportation.”

The planned “83-mile rail rapid transit system” would link Washington and its suburbs. In addition:

For the year 2000, the Regional Planning Council is considering a network of nine radial freeways, three circumferential freeways and an Inner Loop System. Planners have recommended five general aviation airports to accommodate the upsurge of private aviation which they anticipate in the area. Helicopter airbus service to link the city and the three regional airports which serve the National Capital Region is under consideration.

That, as the planners say, will give Washington a transportation system fit for a showcase. And it certainly sounds like a welcome change from what many of us experience today.

Still, solutions were years off. Roads were crowded, the subways not yet underground, air lanes were crowded, Union Station was under-used, and bus terminals were falling behind demand. Parking in downtown was “a growing cause of irritation for those who live and work and shop in the heart of the city.”

All these frustrations aside, Washington’s business community remained healthy, with forecasts of “more jobs, more construction, more money in circulation, and more people.”

The city had prepared for growth. Groundbreaking for the subway was expected in the summer of 1968, with limited operations beginning in 1972. “New construction will add many miles of highways and freeways” that would “make it easier for many residents of the Capital region to get downtown and to other parts of metropolitan Washington.” For now, these new transportation services were “no more than dotted lines on maps” that would relieve the traffic jams “in five or six years or certainly no later than the turn of the century.”

He summarized, “For Washington, then, as for many American cities, the transportation crisis involves short-range answers as well as long-range planning. The problem is what to do until the subway arrives.” The twin goals were to improve operation of the current transportation system while planning for the future.

The highway system was the “obvious place to start.” The automobile, Secretary Boyd said, could not be “the only answer to Washington’s transportation needs.” They simply take up too much space – in other cities, an average of 28 percent of space is devoted to the automobile, but that figure is more than 30 percent in Washington. “In 1964, Washington had more freeway mileage per square mile and per capita than any other large urban area in the Nation” and twice as much freeway mileage per million population as Los Angeles.

He cited urban critic and author Lewis Mumford’s 1961 book, *The City in History*, as saying of the city:

Washington has proved a classic testing station for the question of whether a city dedicated whole-heartedly to traffic could sufficiently survive for other purposes . . . . The assumed right of the private motor car to go any place in the city and park anywhere is nothing less than a license to destroy the city.

Secretary Boyd was not proposing that people abandon their automobiles. “I am saying that the city and the community should make sure that they get full benefit from their streets and highways.” The city would not receive the greatest return on investment “if the community tries to resolve today’s problems by the simple expedients of more automobiles, more freeways, and more parking lots” (the same phrase he used years later in an interview with Schrag, cited earlier). Alternatives, some untested, included “wider use of a flexible system of bus transit,” exclusive lanes for express buses, a benefit for bus riders comparable to “Park and Shop” tickets that merchants issue to shoppers, and “simple steps” under TOPICS to improve traffic flow, such as better patterns of traffic light timing:

Some of these ideas might prove to be infeasible or uneconomical or even illegal. You will never know unless you try them. And it is possible to change the law when a need is demonstrated.

Boyd said, “Washington’s transportation problems are – in one form or another – a microcosm of our Nation’s transportation problems.” He did not “intend to try to dictate the terms of the transportation system in Washington or in any other city.” His Department could help in “the search for better ways to give the American traveler variety, comfort, efficiency and safety.”

The business leaders he was addressing must join with the community’s leaders and Federal officials to pursue short- and long-range alternatives that “might resolve the community’s transportation needs until such a day as the Federal City has become a true showcase for America’s cities, in transportation as well as in other categories.” He concluded:

We look to the day when the availability of the best will make it possible to forego the consideration of alternatives which are merely good.

That day has not yet come.

After his speech, Boyd answered questions from board members, including questions about the status of the review NCPC had asked him to conduct on the Three Sisters Bridge. He told the board that he did not know the answer. “I hate to be evasive. Three Sisters is being studied.” The *Post* summarized the resulting exchange:

Boyd has been under considerable pressure to give the go-ahead on Three Sisters, much of the pressure originating from highway lobbyists.

Pressure was apparent yesterday. During a question-and-answer period, Board member Harold Wirth gave an emotional speech in which he said that the facts presented by Boyd regarding Washington’s highway system were false and that Boyd was jeopardizing the development of transportation facilities by delaying his decision.

Wirth is an official of the Firestone Tire & Rubber Co. His comments drew applause from the Board of Trade.

Boyd was unperturbed. “If I were prepared to give you an answer,” Boyd said, “I would have done so.”

He defended his statistics, denied that Washington's transportation was in jeopardy and added:

“You fellows seem to think there is some sort of conspiracy to wreck the freeway program. There isn't . . . . We have Three Sisters under study.” [Severo, Richard, “Boyd Asks D.C. to test Express Buses,” *The Washington Post and Times Herald*, September 27, 1967]

During the speech, Secretary Boyd had supported express bus service on freeways. He thought Washington would be an ideal place for an experiment but after the speech, he acknowledged that his staff was not working on a specific proposal. However, as Lee Flor put it, Boyd had, in effect, given “local transportation officials the broadest hint possible, indicating he would be glad to provide help if they want it. [“Boyd Invites Plans to Aid Street Transit,” *The Evening Star*, September 27, 1967]

As explained in a September 1 press release, FHWA Administrator Bridwell had urged State highway officials to consider using reserved bus lanes on freeways at peak traffic hours:

With the increasing demands on highway budgets and the stronger focusing on problems of the metropolitan areas, it is imperative that highway officials at all levels of government take advantage of every opportunity to increase the productivity of our highway system as measured in terms of movement of people and goods.

Federal-aid highway funds could be used for the extra cost to create reserved lanes for buses, but heavy use of the lanes would have to be achieved to justify public acceptance. FHWA set the optimum range of usage at 120 to 180 buses per hour. In areas where that usage could not be achieved, FHWA suggested “preferential use,” which would permit vehicles other than buses to use the lanes. The number of other vehicles using the preferential lanes could be controlled at access ramps or by metering the flow with control devices. These guidelines aside, Bridwell said, “Each case will be considered on its merits.”

The lanes, between 3 and 5 miles long with no stops for passengers, should be reserved on a schedule covering the morning and evening rush hours. “The concept could be employed for special events such as football games and the like.” However, “reservation periods of less than an hour could hardly be justified.”

As for design:

The FHWA said reserved lanes could best be accomplished by using the reversible lanes in the center of the freeways where they exist. Where reversible lanes do not exist, the lane nearest the median could be used. Access and egress would be by special ramps, and Federal-aid funds would be eligible for design and construction of such ramps and other needed structures.

To be eligible for Federal-aid funding, the lanes must meet certain criteria:

To justify such design and construction funds, the FHWA noted, the number of bus passengers anticipated would have to be based on findings of the continuing comprehensive transportation planning process which communities of 50,000 population and over must carry on in order to receive Federal-aid highway funds. Transit operators also must give adequate assurance of the availability of buses and agree to maintain satisfactory levels of service in terms of comfort, convenience and fare structures. It must also be shown that reserved or preferential use of lanes ties in with the overall comprehensive development and transportation plans of the urban area involved.

By mid-October, Washington area transportation officials were ready to take the hint. They were studying plans for express bus service on reversible lanes planned for the I-95/Shirley Highway corridor. Buses from Alexandria and eastern Fairfax County would pick up passengers on city and county streets, then use special ramps to access the lanes at about 60 miles an hour. They would cross the 14<sup>th</sup> Street Bridge and cross into downtown Washington on the 11<sup>th</sup> Street expressway. At present, Shirley Highway had two northbound and two southbound lanes. Virginia highway officials were planning to add two reversible lanes to operate in the peak hour direction. To limit them to express buses, decisions would have to be made quickly. [Flor, Lee, "Shirley Highway Reversible Lanes Sought for Buses Only," *The Sunday Star*, October 15, 1967]

(Secretary Boyd had quoted Lewis Mumford, who was a long-time critic of the automobile, the freeway, and their dominance of the urban landscape. In the book cited, *The City in History*, Mumford praised Major Pierre Charles L'Enfant's original design for the new capital of the United States. It was a "bold conception" that was "brutally massacred." Despite having "planned superbly," he had "overlooked the fact that he himself could not build the city he had planned." Over time, his plan had been "visually disrupted by a wide scattering of unkempt and irrelevant buildings. Even to this day, the area immediately around the Capitol is spotted by an outbreak of urban eczema . . . ."

(Mumford praised Alexander Robey Shepherd, also known as Boss Shepherd, for "a series of major improvements after the Civil War." Shepherd "had the proper dictatorial qualifications for carrying out a baroque plan." He had "enough imagination to undertake, at last, the planting of the wide streets and avenues with trees, as L'Enfant had specified":

The other fact that redeemed L'Enfant's original plan, though it did not add to its beauty, was the filling up of the overload of wide streets with sufficient wheeled traffic to justify their existence: this came in only with the motor car. Though motor traffic has now caught up with the plan, clogging the most extravagant arteries, and hiding the verdure behind a metallic wall of parked cars.

(Secretary Boyd quoted the next passage about Washington proving to be a classic testing station for the assumed right of motor cars, with the two sentences separated by ellipsis (. . .). The sentence he did not read to the highway supporters he was addressing is:

Already it is plain in Washington – and will become plainer as the city receives the inundation of new expressways, which recklessly spoil every view and defile every approach to its finest urban prospects – that when traffic takes precedence over all other

urban functions, it can no longer perform its own role, that of facilitating meeting and intercourse.

(In a later section of the book, Mumford wrote:

Under the present dispensation we have sold our urban birthright for a sorry mess of motor cars. As poor a bargain as Esau's pottage. Future generations will perhaps wonder at our willingness, indeed our eagerness, to sacrifice the education of our children, the care of the ill and the aged, the development of the arts, to say nothing of ready access to nature, for the lopsided system of mono-transportation, going through low density areas at sixty miles an hour, but reduced in high density areas to a bare six. But our descendants will perhaps understand our curious willingness to expend billions of dollars to shoot a sacrificial victim into planetary orbit, if they realize that our cities are being destroyed for the same superstitious religious ritual: the worship of speed and empty space. Lacking sufficient municipal budgets to deal adequately with all of life's requirements that can be concentrated in the city, we have settled for a single function, transportation, or rather a single part of an adequate transportation system, locomotion by private motor car.

By allowing mass transportation to deteriorate and by building expressways out of the city and parking garages within, in order to encourage the maximum use of the private car, our highway engineers and city planners have helped to destroy the living tissue of the city and to limit the possibilities of creating a larger urban organism on a regional scale.

(By discouraging pedestrians and failing to extend and perfect mass transportation, municipal officials and highway engineers had "created a situation that calls for extremely low residential densities." Agents of mass suburbia had fostered the "absurd belief that space and rapid locomotion are the chief ingredients of a good life." Los Angeles was the "*reductio ad absurdum* of this myth":

Los Angeles has now become an undifferentiated mass of houses, walled off into sectors by many-laned expressways, with ramps and viaducts that create special bottlenecks of their own. These expressways move but a small fraction of the traffic per hour once carried by public transportation, at a much lower rate of speed, in an environment befouled by smog, itself produced by the lethal exhausts of the technologically backward motor cars.

(The sprawling suburbs and expressways, Mumford wrote, were sapping the life out of cities:

This is ruinous both to urban living and to leisured recreation; for the attempt to service the distant areas with expressways will not merely sterilize more and more of the land, but will scatter social facilities that should be concentrated in new cities, organized so as to diffuse and amplify the central facilities. [Mumford, Lewis, *The City in History: Its Origins, Its Transformations, and Its Prospects*, A Harvest Book, Harcourt, Inc., 1968: "The Lessons of Washington," pages 403-408, and "Mass Suburbia as Anti-City," pages 509-511])

## Reorganizing the District

On September 6, 1967, President Johnson announced that he had selected Walter E. Washington to serve as Commissioner of the District of Columbia under Reorganization Plan No. 3. After considering “literally hundreds of names and records,” the President said, the search came “to a happy end.” In Walter Washington, “we have found a man who can provide the leadership, the vision, the understanding, and the talent to move the Capital City forward – steadily and surely. We have found a man who will be a strong and authentic voice for the people of the District.”

Washington, a 52-year-old African American, was a native of Dawson, Georgia, who grew up in Jamestown, New York. He had spent much of his adult life in Washington. He graduated from Howard University in the District and secured a law degree from the university as well. He had taken sociology and public administration courses at American University. He joined the National Capital Housing Authority in 1941, rising through the ranks to become its director in 1961. After 5 years, he left the city to become chairman of the New York City Housing Authority where his salary was \$35,000. In returning to the District of Columbia less than a year later, he would take a salary cut to \$28,500.

He met his wife Bennetta at Howard University. They had retained their home at 408 T Street, NW., in the District’s LeDroit Park section near the university. The *Post*’s Robert Asher described their home as “a rambling, Victorian place owned by the prominent family of his wife.” Bennetta Washington had been the principal of Cardozo High School in the city before leaving the school system 3 years earlier to launch the Jobs Corps Program for women. When her husband took the job in New York City, she accepted a professorship in education at City College in that city.

President Johnson also announced that he had selected 43-year-old Thomas W. Fletcher to be Assistant to the Commissioner, calling him “an expert fiscal planner.” Fletcher, who was white, had been a city administrator for 15 years, most recently in San Diego, California, where his slogan was “City in Motion.”

A native of Portland, Oregon, Fletcher had graduated from the University of California at Berkeley in 1950 before taking graduate work in public administration. After a brief period in the private sector following his service in San Diego, he moved to Washington to become Deputy Assistant Secretary of HUD for renewal and housing assistance on July 10, 1967. His new salary would be \$26,500. He and his wife Margerie and two of their three children lived in an apartment at the new Van Ness Apartment building at 3001 Veazey Terrace, NW., off Connecticut Avenue in the District’s Forest Hills neighborhood.

The *Star* and *Post* commented on what the *Star* called “an unusually brief announcement” of the two important nominees. They speculated that the President was upset that the *Post* had reported 2 weeks earlier that Washington was the front runner for the position. The *Post* added, “The President was miffed at the disclosure, and there was doubt until this week that he would go ahead with the appointment.”

Reaction to the announcement was positive, as reflected in a comment by Joseph Rauh. "I can die happy now. I've seen this city go from iron-clad segregation to a Negro mayor-commissioner fully qualified for the job."

[Millius, Peter, "Washington Named D.C. 'Mayor,'" *The Washington Post and Times Herald*, September 7, 1967; "Washington Named D.C. 'Mayor,'" *The Evening Star*, September 6, 1967; James, Betty, "Washington," *The Evening Star*, September 6, 1967; "Fletcher," *The Evening Star*, September 6, 1967; Asher, Robert L., "Walter Washington: Back Home," *The Washington Post and Times Herald*, September 7, 1967; Kaiser, Robert G., "Fletcher, City's New No. 2 Man, a 'Top Administrator,'" *The Washington Post and Times Herald*, September 7, 1967]

According to Professor Lewis, Chairman McMillan did not share the enthusiasm for Walter Washington:

The appointment incensed Congressman Johnny McMillan. When Walter Washington sent his first budget up to Congress for approval, Johnny Mac sent the mayor a truckload of watermelons. [Lewis, page 402]

Following quick Senate confirmation, President Johnson attended the swearing in ceremony for Washington and Fletcher in the East Room of the White House on September 28. He said:

We celebrate a new era for the Capital City as we meet here to swear in Walter Washington as Washington's first mayor, and Thomas Fletcher as his deputy.

The citizens of the District have waited almost a century for this day to come, and all that it symbolizes.

This is the day – and this is the year – that the District emerges into the world of the 20<sup>th</sup> century government.

With the recent reorganization plan, the Nation's Capital was liberated from the outworn practices of past years. That reorganization plan equips the city with new machinery to let its government service the needs of its people.

Referring to Washington as "Mr. Mayor," President Johnson told him, "your walk will be long and arduous, but I believe it will be rewarding."

Justice Abe Fortas of the Supreme Court administered the oath to the two men while more than 200 people looked on.

After they took the oath of office, President Johnson said, "Mr. Mayor and Mr. Fletcher, you won't be walking alone." He then announced his choices for the city council. The *Star* subheadline reported: "Five Negroes Selected for 9-Man Panel." The choices were:

Max M. Kampelman (white), a 46-year-old Washington attorney, was named council chairman;

The Reverend Walter E. Fauntroy (African-American), the 34-year old pastor of New Bethel Baptist Church, would be vice chairman.

Stanley J. Anderson (African-American), 40, was director of the Recreation Department's Neighborhood Centers Division.

Margaret A. Haywood (African-American), 53, was an attorney active in civil rights work.

John Nevius (white), 47, an attorney who fought for better housing, was a leader in the city's Head Start program.

William Thompson (African-American), 55, was president of the Washington Urban League and a past president of the National Bar Association.

J. C. Turner (white), 51, president of the Greater Washington Central Labor Council of the AFL-CIO, had been active in civil rights and other issues affecting the working man.

Polly Shackleton (white) of the Democratic National Committee for the District of Columbia.

Joseph Yeldell (African-American), 35, had been a teacher but was currently a marketing executive with IBM Corporation.

All were present for the announcement except Shackleton, who was in Montreal for the World's Fair, Expo 67, and could not get back in time for the hastily arranged announcement. She was, the President joked, "observing conditions in Montreal as a background to what she's going to be doing here." As the *Post* pointed out, "That as many as eight of the nominees did appear was remarkable, for many were told of their nominations only an hour or so beforehand."

Although the normal terms of service would be 3 years, the initial group had been given staggered terms. The terms of Haywood, Turner, and Yeldell would expire on February 1, 1968. Kampelman, Nevius, and Fauntroy would serve until their terms expired in 1969. Anderson, Thompson, and Shackleton would serve full 3-year terms ending on February 1, 1970.

The three District commissioners under the old government were moving on. President Johnson had nominated Walter N. Tobriner to be Ambassador to Jamaica. John B. Duncan was to become a special assistant to Secretary Udall on metropolitan affairs. General Mathe planned to retire from the U.S. Army at the end of the year.

[“D.C. Emerges Into 20<sup>th</sup> Century,” *The Evening Star*, September 28, 1967; Concini, Charles, “Johnson Names Council for D.C.,” *The Evening Star*, September 28, 1967; Sarro, Ronald, “Tobriner Picked For Envoy Post,” *The Evening Star*, September 18, 1967; “Asher, Robert L., “President Selects Negro Majority to New District Panel,” *The Washington Post and Times Herald*, September 29, 1967]

President Johnson expected the Senate to approve his council nominees quickly, but questions arose about Kampelman. Representative Gross of Iowa charged that Kampelman had been director of a company that obtained \$4 million from the Agency for International Development under questionable circumstances. For background, Representative Gross cited a GAO report regarding the 1962 loan. Kampelman said he would discuss his activities during the confirmation hearing, adding, "I have every confidence that the facts will place the charges in a proper and satisfactory perspective."

On October 11, however, Kampelman indicated that conflict of interest laws would require him to resign from his law firm to become council chairman, and he was not willing to do so. Therefore, he withdrew his name from consideration for the post. ["Kampelman Says Reply Must Await Hearings," *The Evening Star*, October 6, 1967; Concini, Charles, "Kampelman Withdraws From Council," *The Evening Star*, October 11, 1967]

In his place, President Johnson nominated John W. Hechinger to be chairman. The 47-year old businessman was a fourth generation Washingtonian whose name was known throughout the area for the chain of Hechinger's hardware stores. He also had been active in other businesses, civic groups, and charities. He had worked with White House staff to prevent Congress from blocking Reorganization Plan No. 3.

His appointment was so new that when reporters asked him about his duties, he was not certain what they would be. He told reporters, "I was honored to be selected, and accepted the President's offer as a challenge. I hope to be able to do what he has in mind." He added:

I think the reorganization plan is a giant step forward, and that the proposal that has been framed up is so far superior to the mechanics of what we had to work with before that there is a real good chance for progress.

He was looking forward to working with Commissioner Washington:

I am particularly pleased to be working with Walter Washington . . . . I have known him and worked with him for many years . . . [he] seems like a man with a mission and will be a great boon to the city.

Like Kampelman, Hechinger was white, thus preserving the 5-4 racial balance of the council. He and his wife June, also active in civic groups and charitable work, lived with their four children at 2838 Chain Bridge Road, NW. [Concini, Charles, "Hechinger Named Council Chief," *The Evening Star*, October 12, 1967; "Hechinger Anxious to Start 'Challenge,'" *The Evening Star*, October 12, 1967]

Following Senate confirmation, the nine members of the new council took their oaths of office in the East Room of the White House at 11:45 a.m., on November 3.

President Johnson was the only speaker on this "very historic day," departing frequently from his text in a 15-minute address to about 350 guests. The goal of the new city government was to make the District of Columbia "the city that every other city in the world would like to copy." He emphasized the need to improve the city's schools and "clean up the crime situation and

make Washington the safest city in the Nation.” These would be the first steps that would unleash “so much encouragement and so much support from all of our people and all of our Congress that we could have the best educational system, we could have the cleanest city, and we could do all these other things that need so much to be done.”

He emphasized that he was not blaming anyone for these problems. In what appears to be one of his extemporaneous comments, he explained:

But I do want to say this to the Congress . . . . I want to appeal to them to try to quit treating the District of Columbia – now Senator Morse, I am not talking to you. You just stay seated. I am not going to attack. I want to say to the Washington Post I am not the slightest angry. And I want to say to the fellow the day before, I am not lambasting anybody. I am not attacking.

Now, that is what I am not doing. But what I am doing – I want to say to the Congressmen, of both the House and the Senate, as I said last night, let's don't treat the Nation's Capital as a stepchild.

He added:

I think we are living in a goldfish bowl here in Washington. I think that spotlight is on every one of us and the whole Nation is looking at us, because this is the Nation's city. This is the people's city.

He urged the new members of the council to get out on the streets “and talk to those people in their homes and in their businesses.” He urged them to “work as if you had to run for election every November.”

He praised the three former commissioners and asked them to stand for a round of applause. He praised their “patriotism, dedication and unselfishness,” adding that they had “worked themselves out of a job.” He said he “had never known men who have wanted to do a better job.”

He thanked the former special assistants on District affairs, Charles Horsky, now in private practice, and Stanley Pollak, who was leaving the White House to be a special assistant to Attorney General Ramsey Clark. President Johnson said he would no longer need a special assistant on the District because he would deal directly with Mayor Washington.

After the President's remarks, retired Supreme Court Justice Tom C. Clark administered the oath. The *Post* reported, “Cameras clicked like crickets as Justice Clark recited the oath from memory.” President Johnson and the new District officials stood in a receiving line, shaking hands with the guests for an hour. [Kaiser, Robert G., “City's New Council Takes Oath,” *The Washington Post and Times Herald*, November 4, 1967; Sarro, Ronald, and Delaney, Paul, “New District Council Sworn In,” *The Evening Star*, November 3, 1967]

### Three Sisters Bridge Inches Forward

On September 20, the Commission of Fine Arts approved the District's latest design for the six-lane Three Sisters Bridge. Chairman Walton said, "We think this is what a bridge should look like. It will enhance the landscape." The District's fourth official submission of a bridge design involved a 750-foot concrete span, 80 feet high, with only two supports at the river's edge. Airis said that his idea was that for a bridge at this location, it had to be "a Michelangelo."

Von Eckardt reported:

Fine Arts Commission objections to the previous steel structure designs finally prompted Airis to overcome his misgivings and try concrete and a new consulting engineer, Paul Weidlinger, of Cambridge, Mass. That turned the trick.

Concrete made it possible to design the bridge as one, elegant sculptural form stretching from abutment to abutment without disturbing the shores. To be built of prestressed, hollow box girders, it would be the longest span of its kind in the world, according to the engineers.

The bridge posed an unusual engineering challenge because it had to be high enough to permit river traffic under it while fitting under Spout Run Parkway on the Virginia shore. Weidlinger said, "It was a tricky geometric problem."

During the same meeting, the commission again rejected the District's plan for a tunneled South Leg Freeway skirting the Lincoln Memorial and tunneling under the Tidal Basin. The commission argued that the tunnel would destroy too many trees. Airis explained that preserving the 50 or so trees would add \$6 million to the cost of the project. Moreover, the tunnel would change the water table; the additional cost, therefore, would not ensure the survival of the trees:

But the Fine Arts commission would not have "a huge scar across the most important landscape of the city," Walton said. He suggested that the freeway alignment be relocated to run under the Munitions Building on Constitution Avenue and then cut across the Mall under one of the existing cross roads. [Von Eckardt, Wolf, "Mall Tunnel Blocked By Fine Arts Panel," *The Washington Post and Times Herald*, September 21, 1967]

(The Munitions and Main Navy Buildings were located on Constitution Avenue between 17<sup>th</sup> and 21<sup>st</sup> Streets in the approximate location of today's Constitution Gardens and a portion of the Vietnam Veterans Memorial.)

Airis called the commission's approval of the bridge "a gigantic step forward." City officials, however, had to await Secretary Boyd's response to NCPC regarding whether the bridge was needed, as well as the outcome of the pending court challenge.

*Star* editors took the approval in stride. "If every vote of approval this bridge has received over the years could have been traded for a foot of actual construction, it would have crossed the Potomac long ago." As for NCPC's request to Secretary Boyd, it had "rested in the bosom of

Boyd's new agency for an inordinate period of time." The editors urged Secretary Boyd to "get with it":

The decision's not that tough. Indeed, the only legitimate reason we can think of for taking this much time is that the Secretary may be trying to read *all* of the previous studies which have demonstrated the need for this bridge. We hope not, however. That could take years. ["Approved Again," *The Evening Star*, September 26, 1967; italics in original]

On October 15, Richard Severo of the *Post* reported on the departure of Engineer Commissioner Mathe from his office after 11 months:

Mathe was quite possibly the most outspoken, boat-rocking engineer commissioner in District history. And as it is with outspoken people, he was not universally loved, either in the District Building or in the multitude of agencies that promulgate, authorize, speculate, legislate and fluctuate, thus producing what passes for government in the Federal City.

His many supporters "cite his tireless energy, his emphasis on action rather than interminable planning, his support of public works, especially highways, and his candor in criticizing District thinkers who produce grand schemes but little else." His many critics "say he de-emphasized thinking a little too much, that he preferred premature action rather than thoughtful planning, and that he was more interested in keeping his highway planners busy than he was in preserving residential areas from the onslaught of the freeway."

He always wanted to see "tangible results." However, city problems were "not his first love." He said, "If I had my druthers, I would be in water resources development." His critics wished he had his druthers, and some of those critics were on NCPC where he "became locked in a battle he was unable to resolve: The Three Sisters Bridge":

The NCPC's public meetings frequently produced their share of fur-pulling, but the fight over Three Sisters has become a parliamentary nightmare.

Severo recounted NCPC's vote in March to approve the site for the bridge, the decision in April to postpone consideration, and the decision in May to approve the bridge only if Secretary Boyd said it was needed:

Thus far, Boyd hasn't said much about Three Sisters. But Mathe has said quite a bit about Three Sisters. Like the session of the NCPC when, sitting at the Board table in his characteristic pose, rocking back and forth, rubbing hands together and striking his jaw, Mathe said:

I take exception to the conduct of the chairman in not allowing Three Sisters on the agenda.

There was a brief argument, Mathe frowned, Mrs. Row was restrained, a few members of the NCPC staff coughed, but Three Sisters stayed off the agenda.

An unidentified member of NCPC told Severo, “Unfortunately, Mathe see his role as custodian of the Highway Department . . . he is more dedicated than his predecessors . . . more inflexible on highway issues.” A “more zealous anti-highway fighter,” also unidentified, said, “Bob Mathe is really hard to take. At least [former Engineer Commissioner] Duke was a gentleman. But this guy uses the sledgehammer approach.”

General Mathe said all he wanted was a “skeletal” freeway system that he considered the minimum to meet the area’s needs.

Severo concluded with an assessment of General Mathe’s short tenure:

And so now, a scant 11 months after he started, Mathe – who came through both World War II and a tour as assistant engineer commissioner unscathed – finds himself a casualty of government reorganization . . . .

But even Mathe’s critics must admit he gave an air of excitement to an office that all too seldom lacked it. His presence was a steel mallet on the machinery of District government. He made it move.

As for his next assignment, he said, “I stay in the Army as long as I am on the first team. As long as I continue to receive the assignments I think I deserve. If and when that stops, I get out.” [Severo, Richard, “Boat-Rocking Mathe Leaves City Post,” *The Washington Post and Times Herald*, October 15, 1967]

General Mathe made his retirement official on October 20. In view of his comments about staying in the Army, he added:

In announcing my retirement I would like to make it very clear I am doing it for personal and family reasons and that it has nothing to do with assignments that have been offered me.

He had not yet decided on his next job, but planned to stay in the Washington area with his family. [Sarro, Ronald, “Gen. Mathe To Retire From Army,” *The Evening Star*, October 20, 1967]

He accepted a position as a partner of HOK Associates, described in the *Star* as an engineering firm “specializing in urban planning, architecture, civil, mechanical-electrical and structural engineering and construction management.” Mathe headed the firm’s Washington office. (George Hellmuth, Gyo Obata, and George Kassabaum formed the architectural firm in St. Louis in 1955. The first letter of their last names provided the firm’s name.) [“Mathe Heads New Company,” *The Evening Star*, August 20, 1968]

Mayor Washington reorganized some parts of the District government. As for Airis, Professor Schrag explained:

Thomas Airis remained as the head of the Department of Highways – he was so popular on Capitol Hill that Mayor Walter Washington dared not fire him – and he continued to

favor the highways as planned. He dismissed critiques as “innuendo, half truths, threat of violence and amateur engineering” and included Boyd on his list of people “least competent to make a decision” on his highways.

Airis would stay on, but the reorganized leadership affected his ability to move forward:

Airis now got his orders from a civilian council [instead of an engineer with the U.S. Army Corps of Engineers]. The new council’s transportation man, John Nevius, knew little about highways, but he was impressed by Craig’s research and equally unimpressed by Airis and his staff, whom he found cynical and insincere. [Schag, page 127]

On November 6, Mayor Washington made his first official statement since the ceremony installing the city council. He announced that he had called on 21 national experts to study District problems and report to him on their suggestions for remedies. They would form five task forces to provide “action-oriented” reports on, economic development, environmental protection, housing and community development, human resources, and transportation.

President Johnson had asked the new government to transform the city into a model community. Mayor Washington said:

As a step in that direction, we are being given the services of top men in the nation in the critical urban problem fields. These experts will consider approaches that may be adopted here to attack these big city ailments.

He would make their suggestions available for public review:

The suggestions of the urban affairs experts will provide a framework for community reaction and participation. The ideas ultimately adopted, therefore, will represent a combination of technical expertise and experience and of citizens suggestions and involvements. [sic]

Asked why the city was going outside the District for expertise, Mayor Washington replied, “We want a fresh, objective look to see if we could get the advantages of other approaches. Let us see if this is applicable or has relevance . . . . Some of it may not.”

The members of the transportation task force were:

- George L. Dement, chairman, Chicago Transit Authority;
- Alger F. Malo, director, Detroit Streets Department;
- Edward M. Hall, Street Improvement Administrator, Phoenix, Arizona;
- Edward Haefele, Resources for the Future, Washington.

The *Star* reported on the topic areas for the transportation task force:

This group will look into all areas of transportation including highways, local and interstate carriers and airports.

Some suggestions are the displacement of people for highway construction, building on air rights over freeways, helicopter service, taxi and bus regulations and parking difficulties. [Concini, Charles, "21 City Experts Called to Attack D.C. Problems," *The Evening Star*, November 6, 1967]

### **Advancing Rail Rapid Transit**

As 1966 came to an end, NCTA Administrator Walter J. McCarter admitted he was looking forward to retiring after his agency ceased operations after September 30, 1967. Some supporters hoped he would stay as general manager when WMATA took over the network. After leaving the Chicago Transit Authority in 1964 at the age of 65, he intended to retire with his wife to their home on St. Thomas in the Virgin Islands. He was pulled out of that retirement to take the NCTA job. Now, asked about staying on in Washington, he replied, "I certainly am not going to take a full-time job after September 30, 1967." ["Transit Chief Looks to '67 Retirement," *The Evening Star*, November 16, 1966]

On January 25, 1967, when President Johnson released his message on the District of Columbia's FY 1968 budget, he indicated that, "The budget reflects substantial progress toward an ultimate solution of the transportation program that was made during the past year." He cited approval of the compact creating WMATA "with power to plan, finance and operate a regional system," as well as initiatives in Maryland, Virginia, and the District to fund operation of WMATA in 1967 and steps to continue budgeting in 1968.

Moreover, NCTA had funds for preliminary engineering and construction on the rail rapid transit system. He did not plan to request any additional construction funds for FY 1968. Lee Flor reminded readers of the plans for the system at the time Congress authorized it in 1965 with the expectation that the 25-mile network would be completed in 1972:

The construction schedule called for spending \$17 million in fiscal 1966, \$53 million in fiscal 1967, and \$85.2 million in fiscal 1968 . . . .

However, the District and federal government so far have appropriated \$6.5 million in District funds and \$13 million in federal funds in fiscal 1966 and 1967. Around \$15 million of this is unspent, so the subway builders will be able to use this construction money during fiscal 1968.

The net effect, however, is a two-year delay in the subway schedule, in a period when inflation increases basic subway costs by around 5 percent every year. The subway was originally supposed to cost around \$431 million, and the loss of two years could add around \$43 million in inflation costs.

Flor added that the budget did not contain funds for the proposed Independence Avenue subway line. "This means the Bureau of the Budget has made no decision yet on whether to build the Independence line, which would be the second subway for downtown Washington."

The budget did allow for "contingencies" in case construction funds were needed later in the fiscal year.

President Johnson's message said the May 1966 agreement on the freeway system and enactment of the District's revenue act "made it possible to provide adequate funds so that the entire freeway program can go forward." He planned to ask for \$127.7 million in construction funds for FY 1968, much of it (\$109,750,000) from the Federal-aid highway program. [Flor, Lee, "Budget Omits Subway, Plans Face 2-Year Snag," *The Evening Star*, January 24, 1967; Flor, Lee, "District Requests \$127.7 Million For Road Building," *The Evening Star*, January 25, 1967]

WMATA had begun planning for a financing mechanism, beyond the farebox, to pay for the rail rapid transit system. Encouraged by former Representative Sickles, WMATA planned to hire a special consultant to study financing options. One option was to levy special assessments against real estate values that were expected to increase in the vicinity of stations. Other options were special excise, income, and sales taxes. WMATA also established a citizens financial advisory committee consisting of representatives of area corporations and the AFL-CIO. [Flor, Lee, "New Regional Taxes Studied To Pay for Transit System," *The Evening Star*, January 27, 1967]

NCTA was trying to solve an operational problem resulting from the scaled down network shaped primarily to secure congressional approval. Professor Schrag described the problem:

[As] a means of moving commuters, it suffered from its reliance on a single trunk line between Farragut Square (at the west end of downtown) and Union Station (at the east). Every train originating at each of the five spur lines would pass through three stations: G and 12<sup>th</sup>, G and 8<sup>th</sup>, and Judiciary Square, causing tight scheduling, and potentially catastrophic backups. This bottleneck would only worsen as the five radial lines were extended out into the suburbs. One consultant suggested that the planned trunk's anticipated volume would require two subway tubes, one on top of the other. Moreover, each branching would require the construction of an underground junction, very difficult to build in a crowded city.

The single trunk also denied direct service to the enormous federal office buildings being built in the redeveloped Southwest. These buildings were expected to house 85,000 workers in the departments of Housing and Urban Development; Health, Education, and Welfare; and the new Department of Transportation, as well as the Department of Agriculture, long headquartered on Independence Avenue. The 1965 plan would require these workers to walk or take a bus three-quarters of a mile. Given that many riders would have begun their commute with a trip by car or bus to the rail station, an additional bus or long walk at the end was too much to ask.

A second trunk line along Independence Avenue was the solution. It had been dropped from the bobtail plan in 1963, but NCTA staff resumed planning it in September 1966.

To compensate for the additional cost of a second downtown trunk line, NCTA planned to delete the Columbia Heights spur off of the Connecticut Avenue line. The Independence Avenue line would generate sufficient revenue from the Federal workers to pay for itself, but the Columbia Heights spur served a primarily residential area of low-income neighborhoods that would not generate enough revenue at the farebox to justify the cost. Professor Schrag added:

Moreover, with only 16 percent of inner-city workers using cars to get to work, an inner-city line would be less effective at reducing the number of cars on the road. Although NCTA's critics, then and later, saw the agency's emphasis on fare-box revenues and its desire to delete the spur as callousness toward the poor city workers, in fact the real decision was not so much *whether* to serve Columbia Heights and adjacent neighborhoods, but *how*. Even as they erased the Columbia Heights spur, NCTA planners were penciling in a third trunk line that would serve the same general area.

This third mid-city line would be along 7<sup>th</sup> Street and its continuation along Georgia Avenue into Montgomery County. The line had been suggested and rejected in 1962, but NCTA revived the idea in 1966. [Schrag, pages 104-106, italics in original]

On February 9, McCarter announced that NCTA was ready to move forward with the subway line along Independence Avenue, SW. NCTA's studies demonstrated that the line would pay for itself through revenue from passengers. The new line would increase the cost of the downtown subway system from \$107 million to \$203 million. However, NCTA was abandoning the line to Columbia Heights, thus reducing costs by \$55 million. As a result, the cost of the downtown subway, including the Independence Avenue line, would be only \$41 million higher than previous estimates.

The same day, NCTA and NCPC agreed that the system's Connecticut Avenue subway would be built in a tunnel under Rock Creek Park, as suggested by Chairman Rowe. The decision ended consideration of crossing the park on a separate bridge or through the supports of Taft Memorial Bridge. McCarter advised that the tunnel would require the Woodley Avenue station on Connecticut Avenue to be only 12 feet deeper than planned without the tunnel. ["2 Agencies OK Subway For Rock Creek Park," *The Evening Star*, February 10, 1967]

O. Roy Chalk had been seeking the Washington Metropolitan Area Transit Commission's approval of a fare increase. In October 1966, D.C. Transit System had sought to increase the price of a token from 21¼ cents to 25 cents, with suburban fares increased by an average of 12 cents per trip. The change would eliminate the discount for tokens; a token cost 25 cents, but four tokens could be bought for 85 cents, leading to the cost of 21¼ cents.) He also wanted to charge a nickel for transfers from one bus to another. If approved, the increases would add nearly 38 cents per week for the average rider in the city. The area's other bus lines also were seeking fare increases.

With SNCC's Marion Barry promising to fight the increase, attorney Bebhick was in court with fresh arguments for rolling back the 1963 fare increase. He argued that D.C. Transit System's unfair profits made as a result of the increase should be put in a special transit fund for the use of bus riders to fight the latest proposal for a higher fare.

On January 12, 1967, the commission granted a temporary increase in bus fare of about 2.5 cents per ride. Flor calculated that the interim increase gave D.C. Transit System about two-thirds of the added revenue it had sought. The commission planned to hold additional public hearings before making a final decision. The increase was to be discontinued on March 15 if the commission had not decided on a permanent fare by then.

Within days, SNCC and other civil rights groups went to court seeking an injunction against the interim fare increase. By the end of the month, courts had ruled that the commission did not have sufficient justification for the increase. The interim fare ended after 2 weeks.

On March 13, the commission approved an increase in the price of four tokens to 98 cents, with increases for Maryland riders as well. According to Lee Flor, the increase gave D.C. Transit System \$900,000 less than Chalk had asked for. He called the decision “disheartening and disappointing.” The approved increase “neither satisfied nor solves the serious problems of the transit system and it neither satisfies nor solves the problems of the riding public.” He saw no alternative but to appeal to Congress for an immediate hearing on a subsidy “in the same manner as is done for other large American cities.” (In other cities, State and local tax revenue provided the subsidies. The Federal Government could not provide funds to subsidize transit services.)

The next day, Chalk said he would pursue another alternative. At a news conference he said, “It’s my firm intention to sell the transit system.” He said he had paid \$25 million for the company in 1956; that was the “bottom price” for the company at this time. He hoped to complete the sale within 60-90 days.

“I don’t think I should continue with the bus company, for a variety of reasons.” Under the 1956 Act of Congress, he was entitled to a fair profit. He pointed out that businesses such as the downtown department stores were not hated because they earned a reasonable profit, “but a transit operator is a different animal. Eventually it will develop that the people of Washington will dislike me in ever-increasing amounts.” He was aware of several offers for the company, but suggested that WMATA acquire it. Chairman Tobriner of WMATA said the idea was interesting and promised the agency would consider it.

On March 30, Chalk met with WMATA to discuss purchase of the bus company. A WMATA spokesman said Chalk “reiterated his desire to sell” the company for about \$25 million. A committee established to consider the issue did not make a counteroffer.

Chalk also approached Congress about the possibility of a subsidy. At Chalk’s request, Chairman McMillan introduced a subsidy bill and attended a hearing held by a House District subcommittee chaired by Representative Dowdy on May 23. Chalk told the subcommittee that his company was caught between rising costs (up 60 percent in 11 years) and pressure to keep fares low (increased only 25 percent during that same time). The bill would assure the company a profit of 6.5 percent of operating revenue or the total of all bus and charter revenue. Chalk said he would keep the company if the bill became law.

Chairman McMillan told Chalk, “I think it is only fair for Congress to see you receive what Congress intended in 1956.” A bill of this type should have been approved 5 or 6 years earlier. “I hope we can do something to help you. It would be disastrous to let the federal government take over the bus company.”

Toward the end of the hearing, Thomas F. Moyer, the District’s assistant corporation counsel, appeared to introduce a letter from the District commissioners objecting to the bill, with White House support, because it would be a “cost-plus” arrangement that would require the District to

make up the difference between Chalk's profit and the 6.5 percent. The commissioners joined with the Washington Metropolitan Area Transportation Commission in opposing the bill because of the way the rate of return would be calculated. The bill based the subsidy on gross expenses without reference to investment. They were concerned that the bill would penalize District taxpayers for service that extended into the suburbs.

At the end of May, the company announced a deficit of \$1 million in 1966, largely due to increased costs. In 1965, the company had lost \$339,692. The company expected to show a profit in 1967 because of the recently approved fare increases.

[Flor, Lee, "D.C. Transit Seeks End of Cut Rate on Tokens," *The Evening Star*, October 18, 1966; Still, Larry A., "Barry Hits Crime Bill, Bus Fare Rise Request," *The Evening Star*, October 22, 1966; "Transit Fare Rollback Suit Data Is Filed," *The Evening Star*, November 14, 1966; Flor, Lee, "Bus Tokens to Go Up 2½ Cents," *The Evening Star*, January 12, 1967; Flor, Lee, "Rights Groups To Sue Over Bus Fare Rise," *The Sunday Star*, January 15, 1967; "Court Asked To bar Rise In Bus Fare," *The Evening Star*, January 19, 1967; "Bus Fare Upset May Help Speed Final Decision," *The Evening Star*, January 28, 1967; "Who Gets Extra Money? Bus Fare Rise Foes Ask," *The Sunday Star*, January 29, 1967; Flor, Lee, "Bus Token Rise Is Granted to D.C. Transit," *The Evening Star*, March 13, 1967; Flor, Lee, "Chalk Says He Will Sell Bus Firm," *The Evening Star*, March 14, 1967; Flor, Lee, "D.C. Leaders Oppose Subsidized Transit Profit," *The Evening Star*, May 23, 1967; "Chalk's Bid to Get Transit Subsidy Hits Opposition," *The Washington Post and Times Herald*, May 24, 1967; "D.C. Transit Posts Deficit Of \$1 Million," *The Evening Star*, May 31, 1967]

### **Meet General Jackson Graham**

On March 17, WMATA announced the selection of General Jackson Graham as general manager of the regional transit agency. The 52-year old Graham, recently retired after 30 years in the U.S. Army Corps of Engineers, took the oath of office shortly after the WMATA directors selected him. After the brief ceremony, he said that rapid transit "is the only practical way to solve the problem of the terrible surface congestion in this area." For the system to pay its own way as Congress wished, the system would have to be functional and comfortable to lure people out of their automobiles. He pledged to do his best to provide such a system.

One of the lessons he had learned as the U.S. Army moved him around the world was the value of taking advantage of "the know-how and continuity" of permanent staff. Referring to NCTA staff, he said, "I certainly hope 95 percent of these people make the transition with us" when NCTA closed at the end of September.

Graham had been born in Mosier, Oregon, in 1915. He graduated from Oregon State College in 1936 with a degree in civil engineering. He joined the U.S. Army Corps of Engineers, serving in Europe during World War II, rising to the temporary rank of Colonel just before the end of the war. He was the Corps' Chief of Personnel in Washington, a sensitive position that gave him contact with high-ranking officials. Professor Schrag added:

In 1960 Graham almost became engineer commissioner for the District of Columbia. Instead Frederick Clarke got that job, and Graham – now a brigadier general – was sent to Cincinnati to command the Ohio River Division. From there, in 1963, he earned promotion to major general and the post of director of civil works, commanding 30,000 troops and civilians engaged on corps navigation and flood control projects nationwide.

In thirty-three years in the army, Graham had never missed a day of work. But the demands of the new job, coupled with lingering damage from a childhood case of rheumatic fever, wore out Graham's aortic valve. In 1966 he underwent open-heart surgery to replace the valve, suffering a heart attack as a complication. Although he recovered, he retired from the army on full disability.

General Graham and his wife planned to enjoy a peaceful retirement in a motor home. However, General Mathe, heading the WMATA committee charged with finding a general manager, contacted General Graham to ask about his interest in the position. At first, General Graham was not interested. He changed his mind because of his first-hand experience with “the terrible surface congestion” local commuters faced. He also attended a March 2 meeting of the Northern Virginia Transportation Commission, as Lee Flor recounted, “sitting quietly in the background.” He was impressed. “These are my bosses now,” he said.

One concern was that General Graham's military career might be a liability because the U.S. Army Corps of Engineers was “a favorite target of conservationists and civic groups.” Flor offered some reasons why that would not be problem:

Graham, however, is a soft-spoken individual with a broad sense of humor.

During his Army career, Graham was “non-West point,” but he still rose to one of the highest posts in the Corps. During his tours of duty here in the United States, he always lived off-post, among civilians.

His personal hobby is a most unmilitary one – tinkering with a model railroad set with 400 feet of track, which he built with his son. Now, at age 52, Jackson Graham is starting a new career, combining his lifelong passion for building things with his personal interest in transportation.

Writing for his 2006 book, Professor Schrag described General Graham from the perspective of a time long after his full career at WMATA was known:

Graham's manner remained so soldierly that his staff called him “General” and a reporter was reduced to describing him in military clichés: “ramrod straight . . . broad shouldered . . . square jawed . . . his hair so closely cropped that he looks bald.” He stood six feet tall, stayed slim, and wore broad suits as the closest civilian equivalent to his old army uniforms . . . . He was used to exerting authority and being obeyed. Having run the Corps of Engineers' entire civil works program, he was used to the scale of the project, able to think in billion-dollar terms . . . . Graham admired men who, in his words, “got

things done,” including generals Patton and MacArthur and the somewhat dictatorial planner Robert Moses. He too wanted to get things done.

Yet Graham was more complex than these stereotypes suggest. He had come up in the corps through personnel, and therefore had more personal skills than the average general. Before meeting the NCTA’s top staff, for example, he memorized not only all their names but also the names of their children. Although his weakened heart prevented him from fully participating in the Authority softball team, he would occasionally take a turn at bat, leaving his wife, Mabel Lee, to run the bases. Architects found Graham cultured and able to discuss color theory and graphic design. More significantly, he could work with politicians. As Graham himself later put it, “the reason I was hired . . . was not because I was a master builder or a manager of public works, but because I’d been successful at getting over \$1 billion a year out of Congress for the civil works program.” And he recognized “the social and cultural aspects” of large public works projects, telling a reporter “the days when there can be a Robert Moses shaping a community to his own vision are over.”

He could see the overall goal of WMATA, but also the engineering, architectural, construction, and public relations aspects of the project:

Yet he refused to let his holistic understanding insulate him from the details. He would constantly astonish his subordinates with his knowledge of their particular duties. And he awed them with his example. He slept five hours a night and spent six days a week in the office, using Sundays to tour Metro construction sites. As tunnels progressed, Graham roared through them on his Yamaha dirt bike, often with Mabel Lee clinging behind him. On Monday morning he would summon to his office any contractor in whose section he had spotted a flaw. Yet if he found a problem with a subordinate’s work, he would always try to correct the mistake and shield the errant staffer from the board of directors’ questions, rather than demoting or embarrassing him. Unsurprisingly, his deputies responded with intense loyalty.

His work would officially begin on October 1, 1967. In the meantime, General Graham intended to visit cities such as Montreal and San Francisco that had or were planning subways.

General Graham and Mabel Lee lived at 2836 Fort Scott Drive in Arlington, Virginia. The home, built in 1950, was off South Eads Drive. The main road in the area was U.S. 1/Jefferson Davis Highway across the Potomac River from Washington National Airport. [Schrag, pages 144-145; Flor, Lee, “New Transit Head Hopes To Keep NCTA Staff,” *The Evening Star*, March 18, 1967; Flor, Lee, “Transit Aide Started Young,” *The Evening Star*, March 20, 1967]

### **Deleting the Columbia Heights Spur**

When Chairman Natcher’s District appropriations subcommittee held hearing in March 1967 to discuss the city’s FY 1968 budget, Airis reported that the cost of completing the District’s Interstate network had increased by about \$160 million. Instead of \$550 million (\$489 million in Federal 90-percent funds), as previously reported, the system would cost \$639 in Interstate

construction funds, matched by \$60 million in District funds. Airis said the 31-percent increase was due to three factors. Two factors related to NCPC, namely delays caused in part by policy disputes with NCPC and design changes dictated by NCPC, such as extensive tunneling. However, Airis said the main cause of the increase was “the yearly escalation in land and construction costs” as the District awaited approvals.

Policy disputes with NCPC had taken their toll on the cost and schedule, but Airis thought the city could meet the October 1973 deadline for completing the Interstate System, “provided, of course, that planning decisions continue to be made and that further cutbacks or freezing of [Federal] program funds are not imposed.”

General Mathe described the problem posed by NCPC:

It has . . . been my observation that we are not out of the woods yet on this program; that each decision made at the Planning Commission is almost a forced decision; and that we still have . . . many difficult decisions to obtain from the Planning Commission.

He said that NCPC “keeps going back to the controversy of freeways versus no freeways, and therefore each decision is made only after we re-travel some of the same area over and over again.”

Chairman Natcher made clear that “on this committee, we have believed sincerely for a number of years that there is a place in our Capital City for the freeway system . . . along with a rapid transit system.” He was not happy about the progress of the balanced transportation system. The May 1966 Policy Advisory Committee agreement was a promising development but now, NPS had voted in NCPC to block the Three Sisters Bridge. Chairman Natcher warned Airis:

Now, if at any time in the future, Mr. Airis, they attempt to proceed as they have done in the past, we will take the same action that we took last year, and I say that to you frankly . . . we are not going to let them do this to you. [Flor, Lee, “Natcher Warns District On Freeways, Subway,” *The Evening Star*, April 11, 1967; “D.C. Freeway Cost Estimate Is Increased by \$160 Million,” *The Washington Post and Times Herald*, April 11, 1967]

NCTA was facing questions around this time as the Department of the Interior appropriations subcommittee considered its request for \$400,000 to cover expenses before it went out of business 3 months into FY 1968 on September 30. The subcommittee was critical of NCTA. Representative Julia Hansen told McCarter, “I see no greater proximity to a transit operation here today than I saw five years ago . . . . The committee is getting a little unhappy.” Referring to the deleted Columbia Heights line, she told him:

It seems to me that every time I pick up the paper there is a proposed change in a routing or a change in a station . . . . Your agency has spent thousands of dollars in studies for the routing of this line prior to the enactment of your authorizing legislation. Now it appears these expenditures were not particularly productive.

McCarter explained that NCTA had eliminated the Columbia Heights line in a cost-cutting move as it began developing a rail rapid transit system beyond the 25-mile shortened system Congress had approved.

Representative Hansen also criticized Maryland and Virginia officials for not developing a financing plan for needed extensions into the suburbs. She warned that she would not be receptive if WMATA came back to Capitol Hill for more money to extend the system. McCarter told her, "I suspect they will have to come back to the federal government for more money." He added that WMATA's directors would "have the most difficult job of any transit board that I have ever known." [Flor, Lee, "Subway Plan Slowness Criticized in Congress," *The Evening Star*, April 13, 1967]

Professor Schrag explained the challenge facing WMATA:

Whereas the NCTA had been responsible primarily to Congress, WMATA had to please its eight constituent jurisdictions as well. Rather than sticking to thrifty plans that Whitener could sell to his fellow representatives, the new Authority was tempted to think big in an effort to please as many people in as many places as it could.

Knowing that NCTA would cease to exist on September 30, 1967, the agency and the authority began coordinating early:

The transition began in the fall of 1966. The NCTA Advisory Board dissolved, replaced by the new WMATA board, but the NCTA staff remained, and for most of 1967 this WMATA-NCTA hybrid made key decisions about route planning, as well as the architectural decisions . . . . With the Advisory Board gone, the transition was cordial and gradual. McCarter was happy to return to his interrupted retirement, though he did agree to continue as administrator until the NCTA was fully phased out.

NCTA and WMATA shared office space, and about 50 percent of NCTA employees, including Deputy Administrator Quenstedt, transferred to WMATA. The first outside employee hired was Delmer Ison, the Washington Metropolitan Area Transit Commission official who had been critical of Stolzenbach's 1962 report. [Schrag, page 104]

As the hybrid organization began considering where to expand the rail rapid transit system, the decision to delete the Columbia Heights spur would resurface throughout the year. A mid-city line along 7<sup>th</sup> Street and its Maryland extension as Georgia Avenue emerged in late 1966. It would blend with an effort led by the Reverend Fauntroy to renew Shaw, a neighborhood between North Capitol and 15<sup>th</sup> Streets, NW. The line also would serve the downtown department stores and Howard University.

Dr. Edwards, the Howard University professor who also held seats on NCPC and the NCTA Advisory Board, encouraged NCTA to support the line, as Professor Schrag wrote:

In early 1967 he asked McCarter, "Walter, if you eliminate the Columbia Heights Line, do you propose a substitution or some modification along the Georgia [sic] Corridor?"

McCarter had little choice but to answer that yes, if funds were available, a third trunk line would be desirable.

With the mid-city line in the plan, the District commissioners and NCPC endorsed deleting the Columbia Heights spur:

Although both the NCTA and WMATA regarded service to the inner city as a lower priority than long-distance commuting, neither agency ever proposed abandoning the inner city entirely. [Schrag, pages 106-108]

As Chairman Whitener's subcommittee held a hearing on the change to the 7<sup>th</sup> Street corridor, McCarter said the proposal emerged from heavy lobbying by Cabinet officials. As he told reporters after the hearing, Federal Aviation Administrator William F. McKee approached NCTA about service for employees in FAA headquarters on Independence Avenue at 7<sup>th</sup> Street, SW. (The FAA is housed in its own building, not in the Department of Transportation headquarters that would be located at 400 7<sup>th</sup> Street, SW., or more recently at 1200 New Jersey Avenue, SE.) McKee formed a committee that included Secretary Boyd, HUD Secretary Weaver, and representatives of the Departments of Defense and Treasury, the Smithsonian Institution, and others, all with offices in the new southwest quadrant. The committee concluded that 85,000 people would be working in the area by 1985 and urged NCTA to provide a rail rapid transit line for them. McCarter said:

The first responsibility of the subway is to get people to jobs, and the modification is the way to do it. Without the subway, the freeways won't be able to handle that flow.

He pointed out that the Independence Avenue line would provide far more revenue than the four-station Columbia Heights line. He added that even without the lobbying, he would have recommended the change. [Hoagland, Jim, "Lobbying Is Cited In Subway Change," *The Washington Post and Times Herald*, July 27, 1967]

Civic and business leaders formed a committee in early August to lobby for retention of the Columbia Heights branch line. Ruth R. Webster, president of the anti-poverty group CHANGE, Inc., headed the group. She said the line would serve 500,000 people [sic], many of whom were without a car. "The subway plans call for fancy stations and facilities. What is needed is a good basic subway system . . . the frosting, in the form of fancy stations, could come later." She accused McCarter of "giving way to lobby pressures by federal agencies."

With elimination of the spur, the rapid rail system would serve mainly suburbanites, "depriving people in the city's poorest and most densely populated section of mass transit." Another committee member said that without the spur, the result would be a "lily-white" suburban line along Connecticut Avenue. The committee argued that the spur line would serve as many commuters as the proposed Independence Avenue line because many area residents commuted during off-peak hours, compared with the 9-to-5 workers the Independence Avenue line would serve. ["Panel Formed To Fight for Subway Link," *The Evening Star*, August 7, 1967; Gregory, John, "Loss of Subway Fought By Columbia Heights," *The Evening Star*, August 10, 1967]

On August 23, the ad hoc Columbia Heights committee testified before Chairman Whitener's subcommittee. McCarter had testified earlier that the Columbia Heights spur was not practical. Studies pointed out that people would use the system only if transfers from buses or cars to subway saved considerable time. The Columbia Heights line would not save enough time to attract riders.

Webster replied to that claim by pointing out that Maryland and northern Virginia needed construction workers, clerks, maids, and other workers who could not reach the area without transit:

A subway system that serves Columbia Heights will allow such workers to easily reach these Virginia and Maryland jobs. This will benefit the employers and other suburban residents while reducing welfare and unemployment in Columbia Heights.

She said that "to remove the Columbia Heights line would be to break faith with the 500,000 low income residents of the city."

Reed Scott, president of the Columbia Heights Businessmen's Association, warned that deleting the line would "create a large 'Watts' area in the center of our capital city by encircling it with this ultramodern rapid rail system and denying the use of that system to the very people who need it most." ["Columbia Heights Need For Subway Debated," *The Evening Star*, August 23, 1967]

Despite these arguments, the House District Committee approved the bill on October 5. The House took up the bill on a Monday District day, October 9. The bill was adopted without floor debate, but the committee report and extended remarks were added to the record. [Amend the National Capital Transportation Act of 1965, *Congressional Record-House*, October 9, 1967, pages 28152-28156]

As the Senate District Committee considered the bill, George F. Bason, Jr., Professor of Law at American University, testified that "a credibility gap" existed between WMATA and "the people who live in the inner city." The problem was that the passenger studies justifying deletion of the Columbia Heights spur were based on peak period usage during weekdays. The studies did not consider off-peak or weekend usage. "Simply as a matter of common sense, it is very puzzling that the most heavily traveled and most profitable bus line in the entire transit system would become the least heavily traveled and least profitable subway line." Professor Bason argued that if these trips were taken into account, WMATA's argument in favor of deleting the line would be in error.

General Graham expressed confidence in the study. He believed that the 7<sup>th</sup> Street line, planned for construction after the initial District system was completed, would better serve the Columbia Heights area than the spur.

John Immer, president of the Federation of Citizens' Associations, wrote to urge the committee to delay a vote until the new city government had time to review the issue. Immer indicated that Mayor Washington was "obviously upset that the Senate has been given incorrect information" by Assistant Corporation Counsel Kneipp. The mayor, Immer said, also was upset that he had

not been asked to testify. [“Route Shift For Subway Challenged,” *The Washington Post and Times Herald*, November 16, 1967; “Error Hinted in Survey For Subway,” *The Evening Star*, November 16, 1967]

On November 27, Mayor Washington supported the change in a letter to Committee Chairman Bible. Mayor Washington said he had been asked to testify, but declined because he had not yet had time to review WMATA’s report on the issue. He relied on action by the former Board of Commissioners in endorsing the change because of the importance of expediting construction of “this urgently needed mass transit service.” He said he had asked WMATA to study mass transit needs in the Columbia Heights area and along the 14<sup>th</sup> Street corridor, among several areas. In addition, he expected WMATA to proceed “as expeditiously as may be possible” on the 7<sup>th</sup> Street corridor line. [“SW Subway Line Favored by Mayor,” *The Washington Post and Times Herald*, November 28, 1967; “Mayor Backs New Plan For Subway,” *The Evening Star*, November 28, 1967]

The Senate District Committee delayed action until Mayor Washington offered support of the bill. Assured of his support and that the 7<sup>th</sup> Street line was part of the regional system, the committee approved the House bill and took it to the Senate floor on District Monday, December 11. As in the House, the Senate approved the bill without discussion as well as directing a reprinting of the committee report. [Transit Development Program for the District of Columbia, *Congressional Record-Senate*, December 11, 1967, pages 35660-35663]

President Johnson signed the act on December 20, 1967 (P.L. 90-220).

(Ultimately, Columbia Heights would secure a Metro station on the Green and Yellow lines.)

### **Creating a System**

While the Columbia Heights issue moved toward resolution, NCTA/WMATA was advancing the 25-mile District system that Congress had approved. It also was planning extensions in the Maryland and Virginia suburbs.

As early as April 14, McCarter warned WMATA that estimates for the original system were low because he had not been allowed to anticipate inflation. Federal agencies such as NCTA were prohibited from estimating inflation or escalation of costs, but subway systems in other cities were experiencing inflation of about 5 percent a year in construction costs. NCTA’s estimates, as a result, were about 15 percent too low.

General Graham told the board that the first subway line would be along the G Street corridor, not Connecticut Avenue as previously stated. According to the *Post*, the switch was made after talks with McCarter:

Graham and McCarter agreed that it makes more sense to construct G Street ahead of Connecticut Avenue, since the G Street line is pivotal for the entire area rapid transit system. The impetus behind the change was provided by the WMATA’s vice chair, James Gleason.

Harry Weese, who was in charge of architectural design, displayed subway design concepts.

Born in 1915, Weese had graduated from the Massachusetts Institute of Technology. Before World War II, he was employed as an architect by Skidmore, Owings, and Merrill, but after the war, he established his own practice in 1947, Harry Weese and Associates. His attitude about city development was:

Urban life must be maintained, improved, and made attractive again. But this cannot happen if each generation knocks everything down and starts over.

As noted earlier, Weese had been part of the team brought in by William Zeckendorf during redevelopment of the District's southwest quadrant. Among other things, Weese designed Arena Stage, the quadrant's theater. Professor Schrag said of Weese:

As befitted a banker's son, Weese had a reputation for thrift . . . . Most important, as it turned out, was his experience with prototype design, such as his work on a chain of dealerships for Cummins Engines and supermarkets for Purity Foods. Weese had even designed a prototype skyscraper for corporations that could not afford a flashy signature design. This was just the sort of thinking needed by an agency hoping to build dozens of transit stations quickly and cheaply.

When NCTA invited him to submit a proposal for the design contract, his experience with prototypes proved critical:

Whereas other finalists came into the interview eager to talk about the latest developments in concrete, Weese focused on the people who would ride the system. Moreover, his supermarket experience showed that he knew how to design spaces for people in motion.

NCTA hired him on March 10, 1966. He worked with NCTA's engineering consultant, De Leuw, Cather and Company, to adapt his ideas to the unique circumstances of the Washington area.

The *Post* described some of his early ideas:

Weese emphasized that the Washington subway would be a "rugged, basic, simple thing." He said that in some stations, no facing would be used on the natural stone found below ground to emphasize the subway's link with nature.

WMATA member Frederick Babson said that unadorned rock far below the surface might be natural for cave men, "but there are not many of them left around here."

"There are none left in Maryland," Gleason said.

With Gleason expressing concern about the delay in the start of construction, Weese stated that he would complete final designs within 2 months for the stations at Union Station and Judiciary Square. [Severo, Richard, "G Street Line to Be First In City's Subway System," *The Washington*

*Post and Times Herald*, April 15, 1967; Flor, Lee, “Subway Figure Appears 15% Too Low Already,” *The Evening Star*, April 14, 1967; Schrag, pages 74-78]

On June 21, Weese presented detailed architectural designs to the Commission of Fine Arts for the subway station at Judiciary Square. The station would be beneath 3<sup>rd</sup>, 4<sup>th</sup>, D, and E Streets. NW. The design was intended to establish a pattern for all stations, but a NCTA spokesman said:

Each station will be different from the others, but all will have certain unifying resemblances based on similarities or harmonies in design, materials, lighting and principles of use.

As soon as we have obtained approval of design concepts for these basic matters, contracts can be let for design of all 29 stations.

The prototype contained several common features, including use of natural or nonsynthetic materials, such as granite and bronze where possible; bridge mezzanines over the tracks and open to the station; brilliant floodlighting of ceilings and walls from recessed and free-standing fixtures; escalators from below-surface stations to the street; high-ceilinged spacious station interiors; and sound-absorbent surfacing of track beds. Platforms would be 600 feet long. As a safety and efficiency factor, ticket sales would not take place on the platforms but on a different level. [Lewis, Robert J., “Board Gets Subway Station Plan,” *The Evening Star*, June 21, 1967]

The 1966 legislation approving the interstate compact authority gave it responsibility for developing a regional system similar to NCTA’s 1962 proposal. The new map would have to be sufficient to encourage jurisdictions outside the District of Columbia to issue bonds or find some other means of financing extensions. Professor Schrag explained:

Such a map had to be, in the words of NCTA veteran Tom Deen, “big, bold, glamorous, fast, extensive, and, above all, [had to appear] to serve as much of the affected area as possible from the day the system first opens.” Given these requirements, Deen observed, “it’s easier to sell a billion dollar project than a hundred million dollar project.”

With a start on construction virtually assured, the rail rapid transit system took on a reality that it had not possessed when NCTA Administrator Stolzenbach unveiled his proposal in 1962. As Professor Schrag put it, “planners began to consider real routes in every direction”:

On the other hand, the staff had to keep some check on suburban appetites. One Capitol Hill observer noted, “WMATA members from each suburban jurisdiction will be under political pressure to nail down extensive facilities in their own jurisdictions for the home folks who help foot the bill . . . . Thus there arises a two-fold pressure, opposing forces which political leadership must resolve: Building and maintaining support for the system – and the tax money to pay for it – and resisting pressures to expand it beyond what’s practical. If WMATA log-rolling leads to a vastly overblown system requiring an unreasonable request to Congress, we could be in trouble.”

Because most of the funding for construction would come from bonds, planners sought lines that would carry the most passengers and, therefore, generate sufficient revenue to retire the bonds:

Moreover, the focus on bonds required planners to maximize projected patronage for 1990, though a subway tunnel would last far longer. But planners work with the political realities of their day, and they were apt to strike any segment that was not projected to pay for itself from the fare box within a few decades. Similarly, while planners acknowledged the desirability of serving employment centers, they concluded that service to the urban core would attract more riders and therefore had to be a greater priority.

Like their counterparts in 1962, planners saw existing rail lines, such as the Metropolitan Branch of the Baltimore and Ohio Railroad (Union Station to Rockville), as a way to reduce costs by including ground level or elevated trains. Other attractive possibilities included the railroad's Washington Branch (to Baltimore via College Park and Greenbelt), the Pennsylvania Railroad line to Bowie via Landover in Maryland; and several lines in Virginia (the Richmond, Fredericksburg and Potomac line to Colchester via Washington National Airport and Old Town Alexandria; and the Washington and Old Dominion line from Alexandria to Herndon near Dulles International Airport).

Another option was to use freeway right-of-way to reduce the cost of land acquisition. A potential example was I-66 in Virginia, but the planned median within the Capital Beltway was too narrow for the rail rapid transit service. [Schrag, pages 108-111]

To bring jurisdictions and planners together, WMATA met with local officials on July 28-30, 1967, including the Maryland and Virginia transit commissions, at Airlie House, a conference center in Warrenton, Virginia. Staff presented several versions of the system, with ridership and cost projections shown. After much discussion, the participants "pulled together elements from the two rapid transit alternatives to produce a single, consensus system," as Professor Schrag put it.

The system dropped destinations such as Laurel, Maryland, and Centreville, Virginia, that appeared too far away from downtown to be financially practical. As a compromise, the Capital Beltway became the practical limit for the end stations that would be busy intermodal transportation hubs serving buses and commuter rail lines. The Capital Beltway would provide access to parking garages at the terminal stations. The system included lines through Alexandria, Silver Spring, and other built-up suburbs.

Gleason told reporters that the Airlie House meeting did not result in final maps. WMATA planned to return to Airlie House in early September to develop the map for a regional transit system and a financial program that could be presented to the public in the fall. Babson added that WMATA was still studying proposals for commuter railroad facilities along existing railroad lines. [Schrag, page 112; Flor, Lee, "Rapid Transit Lines Plan Delayed Till September," *The Evening Star*, August 1, 1967]

While these discussions were underway, WMATA found that NCPC would pose obstacles to rail rapid transit plans. The directors said they were amazed that NCPC had not approved a rapid

transit station at Rhode Island Avenue, NE., and the Baltimore and Ohio Railroad tracks. NCPC wanted to see a model of the station and some members indicated they would prefer the line to be underground instead of elevated in the vicinity of Rhode Island Avenue, a move that would add \$14 million in construction costs.

WMATA's general counsel, John R. Kennedy, argued that the authority was not legally subject to NCPC and could bypass its decisions. On that basis, Gleason did not see why WMATA should pay for a scale model of the station. According to the *Star*:

Gleason said that the transit authority "wants the advice of the planning commission," but he went on to say that the agency was going to do everything it could to avoid bottlenecks.

"The B&O says it's ready to sit down and negotiate, but the project is faced with procrastination by the planning commission," Gleason said. "The planning commission is supposed to consider the transit station at its September meeting, and the transit authority may decide after that meeting how it will deal with the planning commission's requests for models and postponements for transit stations." ["Subway Panel in Hurry, May Ignore Planners," *The Evening Star*, August 4, 1967]

As noted earlier, legislation was under consideration, with White House support, to put WMATA's general manager, General Graham, on NCPC to replace the NCTA Administrator when the agency went out of business.

(Lee Flor, reporting on the legislation, added that Representative Harsha, the highway booster on the Public Works Committee, had introduced legislation to abolish NCPC. The legislation would transfer the "functions, powers and duties" of NCPC to the District commissioners.) [Flor, Lee, "Subway Builders to Get Seat on Planning Board," *The Sunday Star*, August 6, 1967]

On August 22, WMATA held a ceremony to award the first design contract for the rail rapid transit system to Ammann and Whitney of New York. In cooperation with the architectural firm of Kent Cooper and Associates, the design firm would produce blueprints for Weese's concept of the station at Judiciary Square. The contract, for \$979,500, was the last step before construction could begin. Commissioner Tobriner, still a member of the WMATA board, said, "We've hit the last lap before we get a shovel into the ground." ["Contract Let On Design for Subway Here," *The Washington Post and Times Herald*, August 23, 1967]

Plans for a return to Airlie House in early September had to be scrapped because WMATA and Virginia officials were unable to resolve issues, particularly involving whether the Washington and Old Dominion Railroad should be abandoned. WMATA wanted to build rail rapid transit for northern Virginia, but the Northern Virginia Transportation Commission wanted commuter rail service that could be instituted almost immediately along existing commuter rail lines. Babson, who was running for chairman of the Fairfax Board of Supervisors, also wanted time to consider a line along Columbia Pike, parallel to Shirley Highway, with a branch to Landmark Shopping Center (on Duke Street just off Shirley Highway) and one ending in Annandale. [Flor,

Lee, "Delay of Transit Talk May Bear on W&OD," *The Evening Star*, August 30, 1967; Flor, Lee, "Metro, Virginia Units Head for Transit Clash," *The Evening Star*, September 6, 1967]

These developments surprised some members of the WMATA board who thought officials had agreed on the map at the initial Airlie House conference. They had asked staff to develop cost estimates for the routes on that map.

Despite the uncertainty about northern Virginia, WMATA unveiled a 90-mile regional transit system on September 7, 1967. The system consisted of 80 miles of rail rapid transit and 10 miles of existing commuter railroads on the Washington and Old Dominion line. Much of the mileage outside of downtown would be above ground.

The District of Columbia's segment would include the north-south route in the 7<sup>th</sup> street corridor, subject to congressional approval. Deletion of the Columbia Heights line was not certain, but WMATA did not include it on the map. WMATA estimated that the proposed system would cost between \$1.5 billion and \$2.2 billion.

Montgomery and Prince George's Counties in Maryland each would have 25 miles of rail rapid transit. Maryland termini in the vicinity of the Capital Beltway for the lines were St. Barnabas Road, Branch Avenue, Largo, Greenbelt Road, Glenmont, and Nicholson Lane.

In Virginia, the Northern Virginia Transportation Commission was still in discussion with WMATA in support of the commuter rail lines. WMATA argued that the existing tracks were poorly located and would take commuters on slow, roundabout trips before reaching rail rapid transit stations, thus undercutting use of the system. Relying on commuter rail might reduce costs in the short run, but would be more costly in the long run. [Flor, Lee, "Rapid Transit Ideas Unveiled," *The Evening Star*, September 7, 1967; "Network of 80 Miles With Suburban Ties Planned for Subway," *The Washington Post and Times Herald*, September 8, 1967]

Officials met on October 20-21 to approve a final map of the Proposed Regional System (PRS). The result was a 95.6-mile rail rapid transit system, with 82 stations. WMATA's 39-page report on the PRS, released in December 1967, stated that the 82 stations would include 49 stations built underground, 29 stations at surface level, and 4 on elevated structures:

Platforms of all stations except those on the W&OD Shuttle Route [from Gallows Road to Herndon in the railroad right-of-way] will be 600 feet long to accommodate eight-car trains. The W&OD stations will have 300-foot platforms. The great majority of stations will have side platforms rather than center platforms. Every subway station will have a mezzanine level providing for centralized fare collection.

Stations will be attractive, well-lighted and air-conditioned for passenger comfort. In keeping with the Washington area, midtown stations will follow a basic design concept that is monumental and dignified. Outlying stations will be related to the area in which located. [Washington Metropolitan Area Transit Authority, *Proposed Regional Rapid Rail Transit Plan & Program*, December 1967, page 17]

WMATA would complete construction by 1981. Although engineering of the full network had not reached the point where WMATA could predict the staging of construction for all segments, the report did state:

Construction on the first segment in the downtown area is expected to begin in October, 1968. Service will be first provided on the segment from Dupont Circle, along G Street, Union Station, and the B&O Railroad to Rhode Island Avenue. [page 18]

WMATA estimated that 280 dwelling units and 160 business establishments would be displaced by construction of the full system. [page 17]

The system would cost an estimated \$2.4 billion, excluding bond interest. WMATA pointed out that the estimates of capital costs “were developed mainly as an economic tool for route and system comparison purposes”:

Thus, the estimates of cost shown are of an order of magnitude and not on an authoritative engineering cost basis. The estimated costs, however, are based on considerable experience and study accumulated by NCTA – the predecessor agency. [pages 15, 18]

Revenue estimates were based on a zoned fare structure and estimates of total yearly passengers reaching 281 million in 1990. The fare would be “calculated at 25 cents for the first zone and 10 cents for each additional zone.” Because the District of Columbia (defined as being within its original 10-mile square, including the portion that was returned to Virginia in 1846), had only two zones, the maximum fare for trips entirely within the city would be 35 cents. Outside the District line, the fare would increase in 10-cent increments as the train passed through each zone (shown as a series of concentric circles). [pages 25-27]

The report estimated that “revenues will be sufficient to cover all operating expenses and to repay approximately one-third of the costs of construction, equipment, and financing.” Revenue would come mainly from passenger fares, but would include advertising, concession leases, and other activities that would generate up to 2 percent of the gross farebox revenue. [pages 29, 31]

The balance, \$1.6 billion, would “have to be provided by the Federal and participating local governments.” WMATA had not made any firm decisions or even firm recommendations on how to finance this amount. “However, in order to provide some order of magnitude data for possible local obligations, the Authority has assumed at this stage of planning that the Federal government will supply two-thirds of the net project cost” or about \$1.1 billion. This two-thirds assumption was based on the normal matching ratio for the HUD transit program under the Urban Mass Transportation Act:

Assuming a Federal contribution of this magnitude, \$535 million would have to be supplied by the District of Columbia, and the local Virginia and Maryland jurisdictions.

Because trips would be multi-jurisdictional, allocating costs among these jurisdictions would require a formula that took into account construction costs, operating costs, ridership, and population, all in 1990, for the District, Maryland, and Virginia. Taking these figures into

account, WMATA allocated 35.2 percent of costs to the District (\$188 million), 37.4 percent to Maryland (\$200 million), and 27.4 percent (\$147 million) to Virginia, adding up to the one-third share of \$535 million. [pages 31-33]

Anticipated revenues after expenses would support \$810 million in revenue bonds. The bonds would be secured by a pledge of the gross revenue of the system and by long-term service contracts entered into with suburban transit commissions or local units of government. Maturity for the bonds would be set at 50 years from the issue date. WMATA assumed an average interest rate of 4 percent based on historical trends even though current rates were higher. [page 34]

Babson had been overruled on his idea of a Columbia Pike line. Staff argued that the line would not pay its own way. Babson, as the *Post* put it, “argued, pleaded and cajoled” for the line, but “to no avail.” In the end, he continued to believe that leaving the Columbia Pike line out of the system was a mistake, “but I want a regional system . . . . I won’t vote against it.” Officials decided to put the rail rapid transit line in the median of I-66 instead of routing it along the Washington and Old Dominion Railroad.

In Maryland, officials agreed to extend a line to Rockville instead of stopping it at the Capital Beltway.

Professor Schrag summarized the result:

The PRS had something for everybody. The federal core got service – mostly underground – to the Southwest office complexes as well as the Capitol, White House, Navy Yard, State Department, and Federal Triangle. The District of Columbia got the Mid-City line – a \$300 million investment in the inner city. Montgomery County got two long lines, one from Silver Spring to Glenmont, the other up the Wisconsin Avenue corridor – once slated for the Northwest Freeway – stretching to Rockville. Prince George’s County, which shares a longer border with the District, got four shorter lines, all of them ending roughly at the Beltway. Overall, 55 percent of the Maryland lines would be aboveground. Virginia got two long lines. By relying on the median strip of Interstate 66 in Vienna and on the RF&P and Southern Railway rights-of-way through Alexandria to Springfield, WMATA was able to project that 77 percent of the Virginia lines would be aboveground.

To mollify disappointed area officials, the PRS included “several thick, dashed lines indicating ‘future extensions,’ including the Columbia Pike line and extensions of the proposed lines far beyond the Beltway.” Lobbyist John Warrington declared that they “meant absolutely nothing,” but would help build political support for the PRS. [Schrag, page 112; Flor, Lee, “Views of Citizens, Agencies Asked on Rapid Transit Plan,” *The Sunday Star*, October 22, 1967; Severo, Richard, “Subway Plan Puts Trains Where the Action Is,” *The Washington Post and Times Herald*, October 22, 1967]

By the end of the year, WMATA received the good news that the system would not cost as much as expected. Consultants studying traffic projections reported that by 1990, the system would be carrying 281 million riders, about 9 million more than expected. The additional passengers

would provide more farebox revenue than previously forecast to support general obligation bonds. [Severo, Richard, "Bigger Subway to Cost Less, Planners Predict," *The Washington Post and Times Herald*, December 16, 1967]

WMATA made the plan official in March 1968. With some adjustments, the board finalized the Adopted Regional System (ARS). The 98-mile ARS would cost \$1.828 billion in 1968 dollars, but with inflation, the cost was estimated to be \$2.525 billion for expenditure between 1968 and 1980. (Contrary to the usual practice, the actual ARS mileage, 97.2 miles, was rounded up to 98 miles, instead of down to 97 miles.) WMATA projected the Federal share at \$1.151 billion, with local jurisdictions providing \$575 million in matching funds.

By then, the rail rapid transit system finally had an official name. On the morning of February 9, 1968, WMATA's board of directors approved a plan to call the system "Metro" and to use "M" as the symbol at station entrances, underground, and on posters and other printed material. The board also adopted Helvetica typeface for all system signs and written matter, including the "M."

Before the vote, General Graham listed the advantages of naming the system Metro. Calling it a "subway" would have been a misnomer because much of it was going to be above ground. Moreover, Metro "has an international, cosmopolitan flavor and lacks the stigma of 'subway.'" No other system in the United States used the name, but it was widely used "in other great cities of the world, including Montreal, Paris, Milan, Madrid, Barcelona, Lisbon, Rotterdam and the various Russian systems." The international implication was appropriate because it "suited the international flavor of this city."

Graham said the "M" was chosen because it "obviously stands for 'Metro,'" was unique, and could be read from front or back. He said it was structurally the strongest letter in the alphabet. According to Professor Schrag, a member of Harry Weese's team, Massimo Vignelli, came up with Metro, the symbolic M, and the Helvetica typeface. Professor Schrag wrote that with Vignelli's help, "Metro had raised its banner." ["Planners Vote for 'Metro' To Avoid Subway Stigma," *The Washington Post and Times Herald*, February 10, 1968; "Rapid Transit To Be Known As 'Metro,'" *The Evening Star*, February 9, 1968; Schrag, page 118]

## **Making Connections**

On September 12, 1967, the District's United Planning Organization (UPO) conducted its usual business meeting. Then citizens pleaded for UPO's support of a routing they had developed for the center section of the North Leg Freeway. It would be built in a tunnel along New York Avenue, NW., linking the Center Leg and North Central Freeways. The tunnel, from Mt. Vernon Place to the Baltimore and Ohio Railroad tracks, would not displace any families, the citizens said. Mrs. Vivian Alsbrook said citizens did not object to needed freeways, but they needed their homes. "We don't know where we're going. I'm out here to beg you. Leave us our homes." The UPO approved the routing. [James, Betty, "Antipoverty Board Endorses Alternate Freeway Route," *The Evening Star*, September 13, 1967]

UPO had no authority over the routing of freeways, but Director Airis did examine the proposal. In a speech to the Mid-City Housing Alliance, he said, "The rub is that not all of this section can

be tunneled, and some homes will probably be torn down on the north side of New York because an eight-lane freeway is wider than the avenue.” [“Airis Cites ‘Rub’ in Loop Tunnel Plan,” *The Evening Star*, October 6, 1967]

During NCPC’s September 15 meeting, members gave final clearance for the District to build an eight-lane bridge over Rhode Island Avenue for an interchange at the south end of the North-Central Freeway east of the railroad tracks near 10<sup>th</sup> Street, NW. The interchange would connect the North-Central Freeway to two other freeways. Opponents opposed bridge construction because they feared that the District would argue that the millions spent on the structure would be wasted if they did not build the rest of the freeway from Rhode Island Avenue to Silver Spring.

During the meeting, General Mathe attempted to secure NCPC approval of the Three Sisters Bridge. “We ought to stop playing around with the highway projects.” His motion to add the bridge to the agenda was defeated, 5 to 5. The tie was possible because James Shotwell, representing Federal Highway Administrator Bridwell, abstained, citing Secretary Boyd’s review of the bridge question. [Flor, Lee, “Freeway Span Gets Okay,” *The Evening Star*, September 16, 1967]

Shotwell’s abstention prompted Representative Gude to send a letter to Secretary Boyd. Shotwell’s action was “a severe setback . . . which further extends the seven year delay in construction of the Three Sisters Bridge.” The bridge “has been studied and restudied by consultants, and approved, disapproved, and reapproved by the planning commission, subject to the findings by your department”:

Failure of the Department of Transportation to produce a decision, failure of its spokesman to suggest at a recent meeting of four congressmen when such a decision might be forthcoming, and failure of your representative on the planning commission . . . . to vote even for renewed consideration, prompts me to conclude that the Department has become bogged down in the same sort of indecision that has plagued highway construction in the District for years.

He urged Secretary Boyd to personally “intervene in your department’s deliberations, to end the impasse and to clear the way for construction of the bridge.” [“Transportation Dept. Hit For Bridge Indecision,” *The Sunday Star*, September 17, 1967; “Gude Blasts Delay on Bridge,” *The Washington Post and Times Herald*, September 17, 1967]

A blue-ribbon task force of architects reported their findings to Secretary Udall on September 17, 1967, regarding Potomac River restoration. The report called for a 5-year, \$250 million program for a model Potomac River. The group called for rejuvenation of the Georgetown waterfront, including replacement of the Whitehurst Freeway and the industrial feel of the present waterfront. In their place, the task force called for an esplanade “strongly defined by a waterside development of consistent heights and harmonious design, composed of apartment houses and compatible commercial buildings.”

The task force also rejected the Three Sisters Bridge. The architects favored “stopping the practice of treating the river and the open riverside as property freely available for exploitation by highway departments”:

The River’s environs are sacrificed to highways. Ill-considered bridges are placed athwart the River, with overbearing mazes of ramps and roads, and others, similarly out of keeping, are projected.

Secretary Udall, who had asked the task force for an independent analysis, called it “a very bold, very creative, very far-sighted report—it’s just what we wanted.” He did not, however, endorse the recommendations pending the work of the Department of the Interior’s interdepartmental task force on the issue. [Hornig, Roberta, “5-Year, \$250 Million Plan Urged for Model Potomac,” *The Sunday Star*, September 17, 1967; Wentworth, Eric, “Curbs Urged On Potomac Construction,” *The Washington Post and Times Herald*, September 17, 1967]

On September 29, Mayor Washington addressed the annual meeting of the Federal City Council, his first formal speech since taking the oath of office. He discussed a number of topics, but on transportation, said he supported a balance of roads and rail rapid transit. Orderly development, he said, must include freeways as well as the subway, but he emphasized the importance of housing.

His suggestion that the city must take a fresh look at how to meet its transportation needs prompted ECTC to issue a statement accusing him of being a highway-lobby “puppet” who supported displacing people for freeways. The *Post* reported:

Apprised of the Committee statement, Washington promptly contacted Sam Abbott, the group’s publicity director, explained that he had in no way endorsed the city’s present highway program and invited the group to confer with him.

“I merely made the observation that we as a community are going to have to live with these things,” said Washington, “but that at the same time, people’s needs must be kept in perspective.”

After the telephone call, ECTC issued a second statement recognizing that Mayor Washington was willing to meet with all groups before making decisions. “We therefore are accepting his invitation and will meet with him this weekend.”

Mayor Washington said he hoped the conversation conveyed the idea of “the open door. I want to hear from people if they have complaints. We can meet and talk things over.” [“Freeway Critics Reassured,” *The Washington Post and Times Herald*, October 1, 1967]

The Pooks Hill interchange of I-70S with the Capital Beltway had not worked efficiently since the opening of the circumferential in 1964. The interchange included two ramps, but not ramps connecting westbound motorists on the Capital Beltway who wanted to turn south onto Wisconsin Avenue. Motorists northbound on Wisconsin Avenue could not turn east onto the Capital Beltway. The missing ramps had been deleted in an economy move, but their absence resulted in motorists moving out-of-direction to continue their desired trips.

“Continuing confusion and complaints by commuters and traffic authorities,” the *Star* reported, “prompted Maryland Gov. Spiro T. Agnew to approve spending of \$400,000 from state roads emergency funds last May.” The Maryland State Roads Commission awarded the contract, with FHWA approval, in mid-October 1967. The State predicted the ramps would open in June 1968. [Christmas, Anne, “Beltway Ramps Due At Pooks Hill in June,” *The Evening Star*, October 12, 1967]

Montgomery County officials were concerned about their residents’ link to the District via MacArthur Boulevard parallel to the Potomac River. In the absence of the Three Sisters Bridge and a link via the George Washington Memorial Parkway on the Maryland side of the river, officials were looking for a solution in case the U.S. Army Corps of Engineers followed through on its threat to close the boulevard to protect the 100-year old pipes that gave the road its original name, Conduit Road. Army officials said traffic was “squashing” the conduit.

The parkway, if completed, would provide the needed alternative that would allow the closing of the boulevard but NPS had no plans to do so pending a final decision on the Three Sisters Bridge, which was to provide the southern connection.

On October 9, Montgomery County, Prince George’s County, and State officials met for the first time with Mayor Washington and Deputy Mayor Fletcher. The meeting covered a range of topics in addition to transportation. The *Star* described the meeting as “congenial but nothing specific was resolved.”

Back in Rockville, the Montgomery County Council approved a resolution calling for approval of the Three Sisters Bridge. The resolution, addressed to President Johnson, stated that adequate transportation was vital to the “orderly growth and development” of the county. The Three Sisters Bridge was a key element of the regional highway network. NCPC “has been requested to end more than seven years of discussion surrounding the proposed bridge and to approve its construction.” The county council endorsed the bridge and urged NCPC and the Department of Transportation “to take all measures necessary to assure prompt completion of this much-needed facility and related elements of the interstate highway system for the National Capital area.” [Christmas, Anne, “County Seeks Mayor’s Aid,” *The Evening Star*, October 10, 1967; Rovner Sandy, “‘Squeeze’ Is On Montgomery Road,” *The Baltimore Sun*, October 11, 1967; Winterble, Peter, “County Set For Fight Over Road,” *The Washington Post and Times Herald*, October 11, 1967]

NCPC unanimously agreed on October 12 to enlarge a central city urban renewal area. The proposal by the District’s RLA, with support of the District Department of Highways and Traffic, added 21 acres to the 95-acre Northwest No. 1 Urban Renewal Area. NCPC also approved construction of low- and moderate-income housing on a deck over the Center Leg Freeway.

The RLA would acquire the land and give some of it to the highway department that would build a double deck of concrete above the freeway between H, K, 2d and 3d Streets, NW., for 327 federally subsidized housing units on the top deck for families displaced by freeway construction along with an acre of recreation area. The bottom deck would contain parking spaces. One

possible advantage of the plan was that by advancing it under urban renewal, the District would not have to wait for Congress to complete work on air-rights legislation.

(On December 14, the Senate approved, without debate or a recorded vote, two air-rights bills introduced by Senator Tydings. One would allow the District to lease space above or below freeways for housing, offices, commercial buildings, or other purposes. The second bill would allow similar authority on city streets. House action was still needed before the District would have air-rights authority. [“2 D.C. Air Rights Bills Approved by Senate,” *The Evening Star*, December 14, 1967; “Air Rights, Pollution Bills Backed,” *The Washington Post and Times Herald*, December 15, 1967; Lease of Airspace, *Congressional Record-Senate*, December 14, 1967, pages 36670-36675])

The plan also affected the proposal to tunnel the North Leg Freeway under K Street, as the *Post* reported:

The decision will also affect the alignment of the east section of the K Street tunnel. The tunnel would have linked the Center Leg, which will terminate at New York Avenue, and the North Central Freeway, which will end at Rhode Island Avenue.

Highway Department engineers said yesterday that the only feasible route for the tunnel now is under New York Avenue, surfacing near Florida Avenue and going over the Baltimore and Ohio Railroad tracks to Rhode Island Avenue. [Hoagland, Jim, “Planners Approve Air-Right Housing,” *The Washington Post and Times Herald*, October 13, 1967; Lewis, Robert J., “Planners Approve Houses Over Road,” *The Evening Star*, October 12, 1967]

Representative Gude drove his own car to the end of Maryland’s George Washington Memorial Parkway on October 13. His car bounded over the last paved section. From there, he walked 1,000 feet of dirt roadway to Chain Bridge. There he watched traffic on both sides of the river as reported by the *Star*:

“Ridiculous situation,” was his comment as he stood near a picturesque 12-foot waterfall within sight of the bridge and viewed the early-morning rush hour at its peak on the Virginia side and the sharply contrasting county dirt road in Maryland.

Occasionally a southbound motorist followed the same path that Gude had taken—down the \$10 million “highway to nowhere” on the Maryland side of the river to the end of the cement ribbon and then over the edge, with a dump, to the dirt section . . . .

Commuters with sufficient derring-do to reach the lower end of the 1,000-foot unpaved roadway then met another major problem – a seemingly unending stream of traffic rushing in both directions across Chain Bridge.

At the entrance to the bridge each workday morning, Virginia-bound traffic travels north on Canal Road and makes a sharp left turn onto the bridge. If it kept straight instead of tuning left, it would wind up on the dirt roadway that has been frustrating Maryland motorists ever since paved portions of the parkway were built.

While Virginia-bound traffic moves over Chain Bridge from Washington, two lanes of Washington-bound automobiles are proceeding into sharp right turns, to head south on Canal Road. The screech of their tires drowns out the sound of the tumbling waterfall nearby.

The *Star* explained that construction of the parkway was linked to construction of the Three Sisters Bridge and I-266. However, above Chain Bridge, the rights-of-way were “so narrow they form a potential hazard to traffic.” District officials were trying to convince NPS to complete design of the extension so it would be ready for construction when the bridge was approved. “Until these matters are unraveled, the District refused to give permission to take the parkway onto Canal Road, which would require extensive rebuilding because of the monumental traffic congestion at Chain Bridge.”

Representative Gude said, “There simply has to be a solution to this, and it makes me even more keenly aware of the necessity for expediting the Three Sisters Bridge as the final link of the parkway in Georgetown.” He was thinking of meeting with Representative Broyhill, whose district began on the Virginia side of Chain Bridge, and Director Airis. He would argue that even if Three Sisters Bridge were approved, construction would take years. “We plan to ask the District Highway Department to look into a temporary redesign of this section, so that George Washington Memorial Parkway on the Maryland side can be used to relieve congestion on MacArthur Boulevard and other commuter routes.” He acknowledged the concern about Three Sisters Bridge destroying the beauty of the river, but pointed out that “the old Cabin John Bridge, which carries MacArthur Boulevard over the parkway, proves that bridges can be beautiful.” [Christmas, Anne, “Gude Inspects Montgomery’s Road to Nowhere,” *The Evening Star*, October 13, 1967]

### **The Court Rulings**

Judge Alexander Holtzoff of the U.S. District Court of the District of Columbia heard arguments on October 17, in the civil suit brought by District citizens groups seeking to halt four freeway projects: North-Central Freeway, East Leg of the Inner Loop, Three Sisters Bridge, and Missouri Avenue Expressway. Roberts B. Owen, representing the groups, argued that Judge Holtzoff should halt the projects because the District had developed them in violation of the Highway Extension Act of 1893. As noted earlier, the 1893 Act required the compiling and public filing of a detailed map of the highway; public hearings for affected property owners; and limitation of new highways to 160 feet in width. The District must submit the map to NCPC for approval, after which it must be filed with the D.C. Surveyor’s office.

Owen presented a map to Judge Holtzoff, arguing that it was the only map of the proposed freeways. The District, Owen said, did not have “an official map of these four monster highways.”

Assistant Corporation Counsel Patrick O’Donnell told the court that the 1893 Act applied only to local highways, not Interstate highways. The District had to meet only the requirements of the Federal-Aid Highway Acts authorizing the freeways, which typically were about 250-foot wide. “The Federal interstate system cannot conform to local requirements all over the country.”

Plaintiffs also challenged NCPC votes in support of freeway projects where alternate attendees voted for the principals. Owen's co-counsel, Gerald P. Norton, argued that NCPC was bound by a resolution adopted in 1929 barring alternates from voting. O'Donnell responded that the 1929 resolution was "abrogated" because NCPC had never observed it.

A third issue was whether citizens have the right to sue to block a municipal government from spending tax revenue, in this case for freeways.

At one point, Judge Holtzoff asked Owen:

You're asking me to interfere with the building of the Three Sisters Bridge? . . . . It's nearly impossible to get a bridge built across the Potomac into Washington. It took years before they decided to build the Theodore Roosevelt Bridge, and we were lacking a bridge all that time. [Basham, William, "4 D.C. Road Plans Attacked in Court," *The Evening Star*, October 17, 1967; Hoagland, Jim, "Citizens Challenge Freeway Projects," *The Washington Post and Times Herald*, October 18, 1967]

(Judge Holtzoff lived in the Broadmoor Co-Op Apartments at 3601 Connecticut Avenue, NW., in Cleveland Park.)

On October 18, Judge Holtzoff ruled from the bench. He agreed with the government that because the freeways were part of the Interstate System, they did not have to comply with the requirements in the 1893 District law for local roads.

He also found that citizens organizations, property owners, and park system users did not have standing to sue NCPC, which is a Federal entity. Individual taxpayers may sue the city if they believe tax money is being spent illegally. He was particularly critical of the District Democratic Central Committee's inclusion among the plaintiffs. "It was extremely inappropriate . . . to bring what seems to be political consideration into the courtroom. The Committee should not have lent its name to this suit."

He also found that voting by NCPC alternates was proper. "Ex-officio members have numerous other activities . . . and cannot devote their entire time to this work." He added that former Engineer Commissioner Duke and NPS Director Hartzog had reached an agreement that bound them, or their alternates, to vote for the projects when they were presented to NCPC.

The court scheduled a hearing for additional arguments on October 23. [Basham, William, "Freeway Challenge Refused by Judge," *The Evening Star*, October 18, 1967; "U.S. Judge Dismisses Bid To Block Freeway Projects," *The Washington Post and Times Herald*, October 19, 1967]

Prior to further court action, Representative Broyhill wrote to Secretary Boyd. He was reacting to an October 13 letter that General Mathe had sent to the Secretary indicating that the Department of Transportation had not consulted District highway officials about the Three Sisters Bridge. Representative Broyhill's letter, pointing out that a decision had been pending since May, stated that he had urged Secretary Boyd in July to take quick action on whether the bridge was needed. The Secretary had replied that he "was fully aware of the urgency of

reaching decisions” on the bridge. In view of General Mathe’s letter, Representative Broyhill accused the Transportation Department of “trepidation” that was holding up 11 urgent highway projects that were dependent on construction of the bridge:

Surely there has been immediately available to you every possible bit of engineering data you could have needed for your decision.

We need only a simple yes or no from you in order to move forward in solving the rapidly increasing traffic congestion problem in the Washington area. [“Broyhill Pushes For Span,” *The Washington Post and Times Herald*, October 23, 1967; “Broyhill Prods Boyd for Decision,” *The Evening Star*, October 23, 1967]

When court convened on October 23, Owen narrowed plaintiffs’ arguments in view of Judge Holtzoff’s rulings the previous week. Owen challenged the District’s proposed use of parkland, citing a 1903 District law requiring congressional consent for construction of structures on parkland. The freeways (and their use of parklands) were: North-Central Freeway (13 acres of Fort Totten Park and Fort Drive); East Leg Freeway (100 acres of Anacostia Park); Three Sisters Bridge (part of Glover-Archbold Park); and Missouri Avenue Expressway (1 acre of Fort Drive).

He also argued that the Three Sisters Bridge could not use a portion of the Chesapeake and Ohio Canal property without approval of the railroad company that owned it. Moreover, the District’s plan for a viaduct carrying the East Leg over the Baltimore and Ohio Railroad tracks leading into Union Station violated a 1935 law prohibiting the opening of streets or avenues across railroad tracks leading into Union Station.

Judge Holtzoff issued a ruling on October 24. He began with the claim that the District did not have authority to construct bridges:

This seems to be an astounding proposition, when the Court contemplates the numerous bridges throughout the limits of the District of Columbia. For example, there is a large number of bridges, large and small, across Rock Creek, a beautiful, serpentine stream that serenely and leisurely winds its way through the entire length of Washington. There are bridges over parks, depressed highways and railroad tracks.

Some bridges were simply parts of a highway. He cited Section 101(a) of Title 23, United States Code, which defined “highway” as including roads, streets and parkways, including right-of-way and bridges.

Beyond Section 101, NCPC was expressly authorized to include highways, streets, bridges, viaducts, parkways, thoroughfares, and other means of handling traffic in its plans:

Naturally the Commission would not have been authorized to develop plans for bridges unless, by implication, the District of Columbia was given authority to build them. The Court, therefore, concludes that there can be no doubt that the District of Columbia has power to build bridges.

The argument that approaches to the Three Sisters Bridge would require a portion of Glover-Archbold Park, conveyed to the city to be dedicated as a park, “need receive no further consideration.” The corporation counsel stated “that it is not intended to use any part of the land so dedicated for the approaches to the bridge, and his statement has not been denied or questioned.”

He agreed with plaintiffs that a contract for the Chesapeake and Ohio Canal approved on August 6, 1938, required railroad consent for use of land “for the conveyance of freight or passengers by land.” Judge Holtzoff pointed out that if the District planned to build a bridge approach on the land, the railroad “may maintain an appropriate action in this court.” Taxpayers who are not party to the contract may not do so:

The fact that the contract is with the United States and not with the District of Columbia, makes this contention all the more remote. It has not been suggested that the Baltimore & Ohio Railroad will refuse to consent to the project or has threatened or indicated that it will bring suit to secure the performance of the contract. The Court overrules that objection.

He also considered the claim that bridge approaches would affect the Potomac Palisades, which the United States had acquired for park purposes. Congress, in approving the relevant District code (Section 8-115) in 1932 authorized the District and the United States to transfer jurisdiction of property “for purposes of administration and maintenance under such conditions as may be mutually agreed upon.” As a result, “the Court reaches the conclusion that Section 8-115 authorizes the transfer of park lands for use in connection with the construction of the projects involved in this litigation.”

Section 8-115 also addressed the question raised about a 1912 law (Section 8-133) requiring congressional consent for erection of any building or structure on “any reservation, park or public grounds of the United States within the District of Columbia.” The 1932 law, Section 8-115, prevails over the earlier law addressing the same issue. “In other words, if land of the United States is transferred to the District of Columbia for a use different than that to which it was being put, Section 133 would not apply.”

These findings also applied to the use of parkland for the other freeways. “Therefore, this objection is deemed to be without merit and is overruled.”

As for the law regarding Union Station, the intent of the 1935 Act was “to prevent any further grade crossings” and cannot be construed “as prohibiting the construction of a viaduct over railroad tracks.” The court found, therefore, that “this Act is not applicable and does not bar the construction of a viaduct over the tracks of the Baltimore & Ohio Railroad.”

Having disposed of all the plaintiffs’ arguments, Judge Holtzoff concluded:

The complaint is dismissed for lack of standing to sue as against those defendants who are officers of the United States. It is dismissed as against those defendants who are officials of the District of Columbia as to all of the plaintiffs except those who are suing

as taxpayers of the District of Columbia. The action may be maintained as against the District of Columbia officials by those plaintiffs – and those plaintiffs only – who sue as taxpayers of the municipality. The plaintiffs’ motion for summary judgment is denied.

The cross-motion of the District of Columbia defendants for summary judgment is granted as against the plaintiffs who have standing to sue. The action is dismissed as to the other plaintiffs. [*D.C. Federal of Civic Associations, Inc., v. Thomas F. Airis*, 275 F.Supp. 540 (1967), U.S. District Court, District of Columbia, Civ. A No. 3174-66, October 24, 1967]

Owen indicated that the plaintiffs would appeal Judge Holtzoff’s rulings to the U.S. Court of Appeals.

Judge Holtzoff retired at the end of 1967 and would not be involved in further rulings on the freeway issues.

### **Secretary Boyd’s Position**

By late October, newspapers began reporting rumors of Secretary Boyd’s decision on the Three Sisters Bridge.

On October 29, Flor reported that Norman R. Weiss, manager of AAA’s District division, said he had learned that Secretary Boyd planned to reject the bridge “on grounds that it is not needed.” Claiming he had a “reliable source” in the department, Weiss said, “Boyd’s apparent rejection of the bridge proposal will cripple the Washington area freeway system and set planning back 10 years.” He added that the decision was “based on sheer emotion, catering to a small but vocal anti-freeway group and guided by freeway critics within his office, not on the desires of a vast majority of Washington area residents.”

Federal Highway Administrator Bridwell responded that Secretary Boyd had not made a decision on the bridge, which was still under study.

At the same time, Flor reported, the department was developing an ICE that was due to Congress in January. With the estimate up since the 1965 ICE, the department was looking for ways to cut costs. Flor reported:

DOT has 23 crucial freeway segments which are being opposed in major cities across the nation. There have been many rumors that the department was preparing to eliminate the controversial segments from the national system of interstate defense highways. This would eliminate the 90 percent federal financing and would effectively scuttle the controversial highway projects.

The North-Central Freeway was one of the 23 segments. “DOT is making a major review of the North Central Freeway, and this also is in questionable status.” [Flor, Lee, “U.S. Denies AAA Claim It Has Vetoed Bridge,” *The Sunday Star*, October 29, 1967]

The delayed decision on the Three Sisters Bridge was affecting planning for inclusion of rail rapid transit in the I-66 right-of-way in Virginia. WMATA was planning to put a line in the median from Fairfax Drive in Arlington County past the Capital Beltway to Gallows Road. In addition to delays while waiting for a decision on the bridge, Virginia officials said their schedule was delayed because of plans to use a portion of the Washington and Old Dominion Railroad right-of-way for the highway. The Chesapeake and Ohio Railroad, which owned the unprofitable commuter line, wanted to abandon it and sell the right-of-way, but the ICC had not yet ruled. [Flor, Lee, "Terms Reached For Route 66 Rapid Transit," *The Evening Star*, November 2, 1967]

While speculation continued on Secretary Boyd's decision, Alan M. Voorhees and Associates completed a study for WMATA. Based on plans for a 96-mile rail rapid transit system, the Voorhees study assumed that the system would be expanded to 150 miles by 1990. The consultant then studied the freeway network that NCPC had approved in May 1966. Computer estimates suggested that 141,000 people would use the 150-mile rail rapid transit system daily in 1990 while another 25,000 people would use buses. However, 453,000 people would use only their automobiles for peak hour trips. The 14<sup>th</sup> Street Bridges would be congested and unable to handle any overflow from the Three Sisters Bridge.

This prediction was interpreted as support for the bridge. It also was seen as rejection of the idea that NCPC Chairman Rowe and others favored, namely not building the bridge and instead diverting traffic in the corridor to the Theodore Roosevelt Bridge and to the 14<sup>th</sup> Street Bridge. [Flor, Lee, "New Study Favors 3 Sisters Bridge," *The Sunday Star*, November 5, 1967]

On November 7, Flor reported that a department source was saying that Secretary Boyd was planning to let the new city government decide on the bridge. Secretary Boyd said, "All I can say is that we expect to have something out by the middle of the month in the way of recommendations":

In the past few months, Boyd has made a personal inspection of several cities which are having trouble making decisions on freeway and bridge construction.

Boyd has told these city officials he wants local people to get into the decision-making process so any final decision on freeway location will be supported, the Transportation Department source reported.

Secretary Boyd was aware that Mayor Washington had appointed a transportation task force of outside experts to study the city's transportation needs. If Secretary Boyd announced his decisions in mid-November, he would prejudice the task force's work. Therefore, the source indicated the Secretary might give the city several alternatives, then let the Mayor and city council "go to their drawing boards" to decide which they wanted to pursue. [Flor, Lee, "Boyd May Let D.C. Decide on Bridge," *The Evening Star*, November 7, 1967]

On November 8, the *Star* and *Post* reported that the Department of Transportation had given tentative proposals to the city for review, subject to Secretary Boyd's final decisions. In the *Post*, Wolf Von Eckardt, began an article on Secretary Boyd's pending decision based on comments by aides:

The Three Sisters Bridge is out.

Although Secretary Boyd had told NCPC a bridge was preferable to a tunnel, his staff had concluded that with elimination of the intermediate loop through Glover-Archbold Park and plans for rail rapid transit, the bridge was not needed:

The long-alleged Virginia commuter demand for a river crossing at this point, Boyd's aides say, will not materialize until 1980. By that time, they hope, the proposed area rapid transit system should be completed and meet Virginia commuter needs. If a bridge is later needed, Boyd's aides feel, it probably should be built upstream from Three Sisters.

As for the trucks that were to use the bridge, they could cross the Potomac River on the Theodore Roosevelt Bridge (pending congressional approval in view of the restriction imposed at President Eisenhower's suggestion).

On the Maryland side, the Secretary hoped that NPS would allow trucks on its parkway between the Capital Beltway and the District line so it could carry the I-70S designation. Secretary Udall "seems amenable to the idea":

The Department of Transportation wants to build the Potomac Parkway in a hurry to provide a link between Route 70S in Maryland and downtown Washington. And the Department wants to move on that Parkway in a hurry so as not to stall all freeway projects here for another year.

With I-70S shifted to an alignment along the river, funds designated for I-70S/North Central Freeway north of the I-95 interchange could pay for interchanges for the Georgetown link with the Theodore Roosevelt Bridge and the Potomac River Freeway.

The plan's disadvantage was that more land would be needed along the Georgetown waterfront to bring cars and trucks into the inner city:

The Department of Transportation hopes to assist with "a satisfactory solution" to both the highway and aesthetic problems of the waterfront, informed sources say. No one quite knows whether this means the elevated Whitehurst Freeway will be added to, torn down or whether a new depressed or tunneled highway will be built.

As the *Star* pointed out:

The suggestion that a parkway-type road along the Potomac River should serve as western Maryland's major traffic artery to the city revives a proposal first advanced under the Eisenhower administration in 1955, and later discarded as inadequate.

Secretary Boyd, according to Von Eckardt, also was thinking about canceling the South and North Legs of the Inner Loop:

Instead of these two controversial legs, the new plan would complete the loop by carrying traffic through one or more underground expressways to connect with the North-Central Freeway. One of them is likely to be tunneled under E Street and the Ellipse [south of the White House] in accordance with the Pennsylvania Avenue Commission's plan. Other possibilities are tunneling under K Street or along Independence Avenue and under the Washington Monument grounds.

The hope is that this connector can be consolidated with part of the proposed subway so downtown won't have to be dug up twice.

The fact that the initial 25-mile rail rapid transit network did not include a link in the general area of this freeway proposal would "have to be resolved."

That was only one issue about the not-yet-announced plan. The biggest problem was "whether the new proposal will settle the long freeway dispute or start it all over again." Pro-highway forces would see the plan as a betrayal of the longstanding plans for the freeway network. However, the planners advising Secretary Boyd argued that the plans were blocked anyway by "adamant citizen opposition expressed not only in public hearings but also by the so-called "citizen members" of the National Capital Planning Commission:

The new plan, its proponents say, would at last get the essential elements of the freeway system moving and at the same time give this community sound transportation with a minimum of displacement and disruption.

How this dilemma would be resolved remained to be seen. In the end, the Department of Transportation would have "the big say in what highways will be built" because its FHWA was paying 90 percent for the Interstate freeways – wherever they ended up. [Von Eckardt, Wolf, "Boyd Rejects Three Sisters Span," *The Washington Post and Times Herald*, November 8, 1967; "U.S. Seeks to Abandon Bridge, Inner Loop Plan," *The Evening Star*, November 8, 1967]

Reaction to these unofficial preliminary ideas was swift. In a November 8 editorial called "Highway Robbery," the *Post* said these proposals would tear apart the "precarious 'treaty'" worked out in May 1966. A "notable shortcoming" in the proposals was "the failure to make any provision for limited access routes into the city from the North. Instead, there would be no main artery in the whole section from Interstate 95 in Maryland, westward to George Washington Parkway." The editorial concluded:

At the moment it looks as though the Transportation Department had gone almost all the way back to the Stolzenbach plan, which quite frankly contemplated substituting mass transit for the freeway system. It seems to have embraced very conservative estimates of future traffic requirements, particularly with reference to [the] need for Potomac crossings.

The Transportation Department ought to take its proposals back to the drawing boards. It cannot stop the growth of the area, arrest the rising demands of traffic or enforce an order compelling all citizens to ride a transit system not yet built.

Chairman Natcher warned that if the proposals to abandon a balanced transportation system, including freeways, were adopted, funds for the rail rapid transit would again be in jeopardy:

Once before we refused to authorize rapid transit funds. And on a roll-call vote in the House, members voted 320 to 3 when the District of Columbia budget was presented on final passage.

Our committee is still of the opinion we must have a balanced transportation system and any move to destroy the freeways is a serious mistake.

Two weeks earlier, Representatives Gude and Machen of Maryland and Broyhill and Scott of Virginia had requested a meeting with Secretary Boyd regarding the Three Sisters Bridge. Now they received replies declining the meeting because the department was “at work on this matter and will have a decision at the earliest possible date.” As he had said publicly in recent days, “the Department will be prepared to provide advice on the issues presented for its consideration by approximately the middle of November.” He promised to send them copies of the information as soon as it becomes available.

As a result, they did not have an official description of the proposals, but could react to the news reports. Representative Machen took to the House floor on November 9 to discuss “an incredible situation.” On the same day he and his colleagues received Secretary Boyd’s rejection of a meeting, they read in the *Post* that the Three Sisters Bridge was out. He urged Secretary Boyd to take the *Post*’s “sage advice” to take his ideas back to the drawing board. The Congressman thought Secretary Boyd should “start taking some advice from those of us who have more than a vague inkling of the transportation needs of the metropolitan area.” If the *Post* story about “these unilateral decisions” was accurate, “the Secretary is on a dangerous collision course with a number of Members of Congress and I would not predict that he and his plans will prevail.”

Representative Broyhill was next up on the House floor. He was “shocked” at the newspaper reports. If the Secretary had suggested “constructive alternatives, we would have to consider it”:

But to suggest that further highways, freeways, and river crossings are not needed, and that we would have to rely upon rapid transit in lieu of these projects borders upon stupidity, particularly when the construction and completion of area transit is in the distant future.

Study after study had supported the projects, he said, and “all highway engineers with whom I am familiar agree that these projects are needed”:

The only opposition we have had has come from . . . so called conservationists [a term that referred to what were increasingly being called environmentalists] and members of the National Capital Planning Commission. Now they are using him, the Secretary of the Department of Transportation, as a fall guy to rubberstamp the proposition that they have been putting forth for many years.

The proposals would “create utter chaos,” requiring the Congress to “step into the picture to do the job that the Planning Commission, the Department of Transportation and others in the executive branch of government obviously are not capable of doing.”

Representative Broyhill thought the decision had been made back in May when NCPC asked Secretary Boyd for his view on the Three Sisters Bridge:

It seems to have been rigged from the beginning for Mr. Boyd to decide to scrap the careful planning of many highway experts in favor of a ridiculous set of “possibilities,” many of which were evaluated years ago and discarded as unworkable.

Surely Secretary Boyd and his advisors were aware that if they did not approve the bridge or other planned freeways, Chairman Natcher would refuse to release District matching funds for rail rapid transit. “As recently as today,” Representative Broyhill said, Chairman Natcher “advised me that his position in this regard has not changed”:

This decision concerns me greatly, because not only is our highway system endangered but the subway is threatened as well.

Mr. Boyd’s ill-conceived decision will result in transportation chaos throughout the Washington area.

He was followed by Representative Gude, who discussed “the incredible performance” of the Federal agencies involved in “stalling transportation in the Washington area.” They deserved “a hard look by this body.” The Department of Transportation’s views should worry every Congressman who represents an urban area:

The administration has pledged to make Washington a “showcase for the world.” I fear it will be a showcase with a wall around it. One wonders whose city will get the showcase treatment next.

The Three Sisters Bridge, which was the original reason NCPC asked Secretary Boyd for his views, had always been a stand-in for the entire freeway system:

Thus it is no coincidence that Secretary Boyd, in recommending against the bridge, took the occasion to call for a cutback in the entire proposed system including one of the most vitally needed facets in the State of Maryland – extension of the North Central Freeway into a densely developed area of Montgomery County.

The idea of extending the George Washington Memorial Parkway into the city “is nothing but a sop; that ought to be done anyway.”

These decisions, as reported in the press, were being made “without due consultation with the District, Maryland, or Virginia officials whose interests are vitally at stake. Regional implications are totally overlooked.” Without needed links to the city, the suburbs would “develop more independently, given greater emphasis to lateral road facilities,” all at the city’s expense:

Secretary Boyd has been recommending greater use of express buses on freeways. In the name of sanity, What freeways, Mr. Boyd?

Representative Gude recalled that Secretary Boyd “has proclaimed himself no enemy of freeways, and he argues persuasively for local solutions to transportation problems.” Therefore, the Congressman could “only conclude that he is acting on the basis of [faulty] information in thinking what can only be described as a totally unrealistic position opposing area freeways.”

Secretary Boyd should “take a long and realistic look at the region’s transportation problems, and genuinely consult with area officials on the regional problems and adopt a more constructive approach.” [Three Sisters Bridge/Shock and Amazement at Plans to Abandon the Three Sisters Bridge/The Incredible Performance of the Federal Agencies Responsible for Stalling Transportation in the Washington Area Deserves a Hard look by This Body, *Congressional Record-House*, November 9, 1967, pages 31920-31922]

Senator William B. Spong, Jr. (D-Va.), an attorney and State legislator who had been elected to the Senate in 1966, issued a statement saying the proposal “would in my opinion compound an already bothersome problem of traffic congestion at the Roosevelt crossing.”

David Scull, the outgoing president of the Montgomery County Council, said he would urge his colleagues to oppose the reported plans. Of the elimination of the North-Central Freeway extension into the county, he said, “we’ve got to have that road.” Traffic projections in the corridor were “hair raising enough,” but State and county officials had spent a great deal of funds for studies of the extension. He did not think State officials would let the proposal “just go down the drain.” The only positive idea was extension, finally, of the parkway along the Potomac River into the city. “At least something is being done, and we may be able to get some real use soon of the George Washington Parkway if they construct the Potomac Freeway link.”

[Hailey, Jean R., “Area Officials Attack U.S. Plan To Omit Bridge, Defer Freeway,” *The Washington Post and Times Herald*, November 9, 1967; “Three Sisters ‘Decision’ Hit,” *The Evening Star*, November 9, 1967; “Scull To Oppose D.C. Highway Cut,” *The Baltimore Sun*, November 11, 1967]

Editors at the *Star* responded to the reported proposals on November 12 in an editorial titled “Boyd’s Nonhighway Plan for Washington.” The editors had thought the new Department of Transportation would “stimulate more effective coordination, economy and innovative thinking among the government’s diversified federal aid programs.” It “sounded like a grand idea –

especially for the Nation’s Capital.” Here, at last, was an agency that would “end the Washington area’s senseless freeway controversy.” Surely such an agency, the editors had thought, “would nurture and support the rational agreement on a balanced program of freeways and rail transit facilities which has been tediously put together over a period of years with the blessings of top-level federal officials”:

Instead, the Department's current intention to recommend a virtual cessation of interstate freeway construction in Washington threatens to devastate that fragile political agreement.

It is our understanding that Secretary Alan S. Boyd is not irrevocably wedded to the destructive proposals which surfaced last week. We hope he is not. For they represent a throwback to the discredited theories of C. Darwin Stolzenbach, who believed that the way to get a rail-transit system built in Washington was simply to stop building roads . . . . We believe that Secretary Boyd has been sold a soiled bill of goods by the same little band of anti-highway enthusiasts – some of them members of his present staff – who prompted [sic] Stolzenbach several years ago and who have worked persistently ever since to sabotage the freeway program . . . .

Ironically, Secretary Boyd's advice was sought by other federal agencies last May, in terms of the Washington freeway-transit controversy, on a single project – the Three Sisters Bridge. The proposal to shatter the city's entire interstate freeway program was an unsolicited development which emerged at some point during the subsequent six months – and which was kept carefully under cover until the previous District Commissioners, whose antagonism to any such suggestion was fully predictable, had left office.

The editors suggested:

The Transportation Department seems to harbor a mystical conviction that if you stop building freeways, automobiles will simply disappear. It isn't so. We fervently hope that Washington gets a rail-transit system so attractive in convenience and its service that it draws thousands of motorists every day away from their cars. But a great many others who must come into the city every day are going to continue to drive . . . . If they don't drive on free-flowing highways they are going to jam into the existing street systems of residential neighborhoods and local business areas – with all the disruptive damage that will entail.

Of course, "it is theoretically possible to make roads so unattractive that many people who don't have to come into the city won't come." If businesses and employees leave, too, "the growth of the central core should begin to atrophy," resulting in "a stagnant city." The editors did not know if the Department of Transportation's "half-baked theories are restricted to Washington or whether it also intends to try to impose similar ideas in other American cities."

Perhaps one of these days, officials will "come up with dramatic technological advances which may make present modes of urban transportation obsolete." Until then, the "limited program of freeways and transit now projected, however, is in quite a different category. This program is needed now." Scrapping it or moving "to a point of starting to plan all over again, would be unconscionable." Congress and the White House should make these points "as forcefully as necessary . . . before the situation gets completely out of hand."

On November 25, members of ECTC and other citizens groups met informally with members of the city council: Vice Chairman Fauntroy, Anderson, Haywood, Nevius, and Thompson. The

groups demanded an end to acquisition of right-of-way for the I-70S/I-95 portion of the North Central Freeway between Rhode Island Avenue, NE., and Buchanan Street, NE., just east of the Baltimore and Ohio Railroad tracks. When the Reverend Fauntroy said he could hardly believe the District was buying right-of-way, the citizens showed him the letters warning people they had only 30 days to accept offers for their property or face condemnation proceedings.

Sammie Abbott said ECTC demanded an immediate halt to all freeway construction in the city, a moratorium on condemnation, public hearings on any future freeway plans, and adoption of the Arthur D. Little report to support transit planning. Rail rapid transit, he said, would enable poor Negroes to reach jobs. Doing so would avoid racial violence. "We're not going to let I-95 come into the District of Columbia if we have to lay down in front of the bulldozers with our bodies. There are going to be whites with our black brothers on this."

Chairman Pryor of the Brookland Neighborhood Civic Association said his home at 906 Hamlin Street, NE., was in the path of the freeway. Flor summarized:

When the Brookland area was first integrated years ago, homes sold to Negroes were sold at prices artificially inflated, Pryor said. Now, the prices being offered by the District would leave owners only enough for a small down payment on much more expensive homes in the suburbs, he added.

The District is putting pressure on homeowners in his immediate area [and many] already have sold out, he said.

"Myself, I'm staying until the bulldozers come through," he vowed.

Simon Cain, president of the Lamond-Riggs Civic Association and vice president of the Federation of D.C. Civic Associations, emphasized that District residents were in large-scale revolt against the freeways. The 25 opponents in attendance represented thousands of outraged citizens. The Reverend James Kennelly of St. Francis de Sales Church on Rhode Island Avenue warned that, "We need help in the near future, not two or three months." The Reverend Joseph Gibson of Nash Methodist Church said, "We can't afford to lose the people who are leaving,"

Councilwoman Haywood said, "The only way I see that the Council can represent the District of Columbia is to know what the District of Columbia wants. And the only way I can know that is if I hear it from you." She added, "Don't come here with a hostile attitude at the very first – give us a chance."

Councilman Nevius said he had not seen an invitation to an earlier public meeting the citizen groups held. Citizens urged him, "Get off the council." When he tried to explain, a member of the crowd shouted "Bull," while others shouted, "Get off, get off."

The Reverend Fauntroy said the meeting had been "useful and productive." However, Abbott told him, "This is no excuse for a public hearing."

According to Flor:

One of the persons who appeared most popular with the crowd was not there. Secretary of Transportation Alan S. Boyd, who has recently decided to recommend against building several District freeways, including part of the North Central Freeway, got a standing ovation when his name was mentioned.

Kenneth Kennedy, a leader of several Northeast Washington civic organizations, said citizens should write to Boyd or try to show in some other way how much they approved of his decision. [Flor, Lee, "D.C. Council Asked to Halt Freeway Land Acquisition," *The Sunday Star*, November 26, 1967; White, Jack, Jr., "Freeway Foes Present Case to Council," *The Washington Post and Times Herald*, November 26, 1967]

Wolf Von Eckardt saw the battle over the Three Sisters Bridge in epic terms:

In the late fall of 1967, the history books are likely to record, the Battle of Three Sisters Bridge in Washington, to settle the question whether American cities should be adjusted to automobile traffic or whether automobile traffic should be adjusted to cities, finally approached its climax.

The new Federal Department of Transportation entered the fray with three entirely new contentions. This shifted a befuddling fracas to new ground and revealed it as a contest of fundamental issues.

On one side were highway engineers aided by the National Highway Users Conference. On the other were "a majority of the voteless citizens of Washington, led by the 'citizen members' of the National Capital Planning Commission."

In May 1966, the six Federal representatives on NCPC had formed a coalition against the citizen members, but in October 1966, President Johnson signed the Department of Transportation Act. BPR, with its billions of dollars in Interstate expressway money, "was now under the DOT and subject to the coordination that DOT was charged to evolve.

Last May, NCPC had asked Secretary Boyd to review the need for the bridge. "The BPR had a letter affirming the need for a bridge on Boyd's desk within 24 hours. But Boyd did not sign the letter." Instead he was expected to announce soon that the bridge was not needed. The decision was based on new factors:

As Boyd's staff advisers see them, they are: (1) a provision in the law that established DOT; (2) recent drastic changes in metropolitan development patterns which made questionable the traffic forecasts on which most of the country's urban freeway plans are based, and (3) new studies that open new ways of handling city automobile traffic without freeways.

The new provision was Section 4(f), which would prevent the use of public land unless there was no feasible and prudent alternative to such use. "The bridge, says DOT, affects five such areas. It would take 53.6 acres of public land and damage the scenic, recreational and historic value of Spout Run Park, the George Washington Memorial Parkway, the C & O Canal, Archbold-Glover Park and the Georgetown waterfront. "

The department also doubted the traffic projections. “The D.C. Highway Department forecast in 1959 that traffic from Virginia into the District would increase by 25,000 cars a year over the next eight years. DOT found that it had taken all eight years together for cross-river traffic to increase by that much.” One reason for the “drastic miscalculations” was suburban growth. Homes and jobs were growing in suburban areas, along with department stores, shops, movie theaters, and other facilities that people previously had found only in the city. “This is a national phenomenon that has, according to DOT officials, thrown practically all previous traffic forecasts by America’s city highway departments awry by an average overestimate of at least 25 per cent.”

Of course, rush-hour traffic jams still occurred. People in Montgomery County were not going to be happy that Secretary Boyd wants to delete the I-70S/North-Central Freeway. Von Eckardt noted, parenthetically: “This is being recommended not by antifreeway zealots but by the Bureau of Roads, which feels that \$25 million a mile is simply too expensive for a four-lane highway.” In fact, “Why have a freeway at all?” BPR had published a report in 1962 called “The Wisconsin Avenue Study” showing how traffic flow could be improved by such measures as prohibiting parking, reversible lanes, bus bays and other techniques short of conversion to expressway design. “If the capacity of the other avenues leading to the Maryland suburbs were equally improved, the city could undoubtedly handle any traffic volume likely to come along in the next three decades.”

The National Highway Users Conference was “mobilizing its forces across the Nation for the final Three Sisters battle by warning that ‘DOT’s proposed directive would have far-reaching implications beyond the staggering blow it would strike against the efficient movement of people and goods in the Washington, D.C. area.’”

Von Eckardt concluded:

Secretary Boyd, according to some of his aides, feels that he is striking a blow only against a single-minded technocratic approach and in favor of better cities to live and do business in.

“Freeways run two ways,” one of them said. “The Beltway alone has already lost downtown 10,000 jobs. I don’t think the city can afford to lose any more, not to speak of housing, tax, income and a lot of human values.” [Von Eckardt, Wolf, “Defusing the Capital’s Rush Hours Without a Freeway,” *The Washington Post and Times Herald*, November 26, 1967]

On November 29, Chairman Fallon of the Committee on Public Works announced that Representative Kluczynski, chairman of the Subcommittee on Roads, would hold hearings on the District’s freeway disputes, beginning December 5. Representative Gude said, “This is the first encouraging news since the freeway dispute was reported early this year. I applaud the committee’s plans to investigate the situation here, and its concern as demonstrated by starting off with Washington, D.C.” [Flor, Lee, “Three-Day Hearing On Area Freeways Set for Next Weeks,” *The Evening Star*, November 29, 1967]

(On November 11, Senator Jennings Randolph, chairman of the Committee on Public Works, announced hearings on freeway disputes and national policy in cities:

Following the urban riots of this summer, investigators seeking the whys and wherefores of these great catastrophes found that highway construction in the core city was a serious point of complaint.

Among those factors which most disturb the residents of the ghetto are urban renewal and freeway construction . . . .

(Growing opposition to freeways in major cities suggested that “the laws are inadequate to encourage the full utilization of [city planning] opportunities presented by the highway [Acts] or that the legislative intent to do so is not fully being realized in the highway planning process.”

(The hearings would begin on November 14-16 but continue into 1968 when the Department of Transportation, HUD, and FHWA would testify, but were not focused on the District freeway controversies. [Flor, Lee, “Hearings Set On U.S. Policy On Freeways,” *The Sunday Star*, November 12, 1967])

### **Major Highway Problems in D.C.**

Late in the year, Secretary Boyd asked the department’s General Counsel if the department had the authority to deny Federal funds for the Three Sisters Bridge project. General Counsel Robson responded in a December 4 memorandum that the Secretary had two independent statutory reasons for such a denial. First was Section 109(a) of Title 23, United States Code. It prohibited the Secretary from approving projects if they failed to “adequately meet the existing and probable future traffic needs and conditions in a manner conducive to safety, durability, and economy of maintenance.” The Secretary must reject projects that were not designed or constructed “in accordance with standards best suited to accomplish the foregoing objectives and to conform to the particular needs of each locality.”

Robson wrote:

It is my understanding that the Three Sisters Bridge Proposal in its present form will not adequately meet existing and probable future needs in that its primary effect at the present time will be to transfer a traffic overload from one side of the Potomac to the other without significant reduction in total origin-to-destination time for the great bulk of the peak-hour traffic. Nor has it been established, moreover, that the proposal will “conform to the particular needs of each locality” concerned.

Section 4(f) was the second statutory basis for declining approval:

Under Section 4(f) the Secretary may not approve a project requiring the use of parkland, as the Three Sisters Bridge proposal does, without first determining that there is no feasible and prudent alternative to the use of parkland. As we understand the proceedings to date, no evidence exists upon which the Secretary could base such a determination. Alternative proposals have been made which would appear to be feasible and prudent and

to serve the needs of the communities affected at least as well as would the Bridge proposal. Unless and until such evidence is adduced to demonstrate that such alternatives are not, in fact, feasible and prudent, the Secretary is obliged not to approve the proposal.

The following day, December 5, Secretary Boyd was the first witness before the Subcommittee on Roads hearing on "Major Highway Problems in D.C." Administrator Bridwell accompanied Secretary Boyd.

Secretary Boyd had not yet released a formal statement of his views on the Three Sisters Bridge in response to NCPC's request or on the other freeway issues the department had been considering. Newspaper accounts based on unnamed contacts were the only accounts the public and most officials had of his ideas, whether accurate or not. Thus, Secretary Boyd's testimony was the first time he would go on record expressing his thoughts.

In introducing the hearings, Chairman Kluczynski wanted to clear up "some misinterpretation" of the goal. The chairman, who was from Chicago where he owned a restaurant, a catering business, and a bar called the Syrena, said, "the committee is neither opposed nor in favor of any specific plan, proposal, or suggestion." From the testimony, he hoped to give the three political jurisdictions "a sound base upon which to conduct discussions of potential solutions to the increasingly intolerable traffic conditions in this area." The hearings at this time would be confined to officials, but the committee planned hearings in 1968 to "hear from anyone who wants to be heard." By then, he said, "perhaps some potentially more fruitful and hopefully less controversial proposals will also be before us."

The committee had "no great desire to lay out, block by block, mile by mile, or bridge by bridge, what the highway construction program for the Nation's Capital shall be":

Rather, in holding these hearings the committee hopes to make it clear, first, that delay now must end; second, that no limited interest group will arbitrarily force its own proposals on the area and that by the same token, no one can expect to keep killing off every proposal offered; and finally, that if, by lending the strength of this committee to reasonable and realistic decisions, on the several facts of this problem, final agreement is not reached, the committee will then avail itself of whatever professional counsel it needs to legislate the highway program for this area and be done with it.

He was not interested in pure theory or speculation about a future transit system or a new means of transport. He said, "the problem is here, and it is now. People and commerce and industry and the Nation's Government in this city depend upon automotive transport."

Suburban growth was inevitable. "I do not propose, therefore, to let either apathy or contention or devotion to theory stall essential highway development, thereby forcing the people and the commerce and the industry and the government to the suburbs and in the process killing off the city." He concluded:

The citizens of the United States, *all* of the United States, have a right to expect their Nation's Capital will live and grow, and we intend to see that their expectations are met.

[Major Highway Problems in D.C., Hearings before the Subcommittee on Roads, Committee on Public Works, U.S. House of Representatives, 90<sup>th</sup> Congress, 1<sup>st</sup> Session, Report 90-19, December 5 and 6, 1967, pages 1-2, italics in original]

Secretary Boyd began by summarizing how the Department of Transportation had come to review the city's freeway plans at NCPC's request. He cited Section 4(f) and the similar provision in the Federal-Aid Highway Act of 1966. Taken together, these laws were "a clear indication of public concern as reflected in actions taken by our duly elected officials." Because several of the planned District freeways involved the taking of public land, Section 4(f) and the 1966 Act required Department review.

Although Department reviews prior to requests for formal approval were unusual, he agreed to NCPC's request that he review the proposed Three Sisters Bridge because of the Federal interest in the Potomac River, the uncertainty about implementation of Section 4(f), and his hope "to expedite review of the project." He had asked his staff to review the bridge and its relationship to the freeway program of the District of Columbia. He also had consulted with the Secretary of the Interior:

It is my considered judgment that, even if we resolve the questions related to section 4(f), the present design of the District freeway system, as it related to the Three Sisters Bridge, is inadequate. I could not, therefore, approve the Three Sisters Bridge until several basic questions have been answered.

Administrator Bridwell went through a series of maps showing the evolution of the District's freeway network. He used slides showing the 1950 thoroughfare plan of the National Capital Park and Planning Commission and the 1952 report by the Regional Highway Planning Committee. A slide showed the 1955 Yellow Book map of Washington, D.C.:

The Interstate System in the Washington metropolitan area as envisioned at that time included the Capital Beltway and the Anacostia Freeway on the east bank of the Anacostia River and up roughly over Route 1, and the Kenilworth Avenue segment with a connection to downtown along 11<sup>th</sup> Street SE. Interstate 70S, as then envisioned, followed along the east bank of the Potomac River. The system proposed at this time was in general agreement with the thoroughfares included in the 1950 National Capital Regional Plan.

The Federal-Aid Highway Act of 1956 provided additional mileage for the Interstate System. With this mileage, plus mileage freed as more direct routing was identified for designated routes, the Secretary of Commerce announced on October 18, 1957, additions around the country, including in the District of Columbia. "Mileage addressed in the Washington metropolitan area included a Potomac River crossing at Key Bridge now identified as Interstate Route 266 and a short section in Maryland at the junction of Interstate 495 with Interstate Routes 70S and 270."

(I-270 was a 2-mile route between I-70S and the Capital Beltway. It carried southbound I-70S traffic to the southbound beltway and northbound beltway traffic to I-70S. Other movements

were carried on the I-70S/Capital Beltway link. When I-70S was renumbered I-270, the original I-270 became known as the I-270 Spur.)

Bridwell discussed the changing locations for I-70S, initially along the Potomac River, then in the Wisconsin Avenue corridor as the Northwest Freeway. After the National Capital Transportation Act of 1960 imposed a freeze on freeway and parkway development in the northwest quadrant, NCTA in 1962 proposed combining the North Central and Northeast Freeways as a single route in the railroad corridor. BPR approved revised descriptions for the Interstate System in preparation for the 1965 ICE:

This proposed system included the addition on June 20, 1961, of the southwest leg (I-695) of the inner belt. Similar to the National Capital Transportation Agency proposal a combined routing for I-70S and I-95 in the B. & O. Railroad corridor from the inner loop to Fort Drive was used in computing costs. These are the interstate routes currently approved for the Washington metropolitan area.

When Bridwell concluded his history lesson, Secretary Boyd discussed I-70S/North-Central Freeway, which was now an extension of the North Leg Freeway north of the Capitol. It had been moved from its original Potomac River location to overcome opposition. “The freeway as it is now designed is a tremendously expensive and inadequate artery.” It and the Northeast Freeway (I-95) were six lane freeways that would funnel traffic into the eight lanes of the North Central [Leg] Expressway. “I don’t need to point out to you the congestion, delay, and safety hazard that would be created by this design.”

As for the South Leg of the Inner Loop Freeway, it was to be carried in a six-lane tunnel to join the six-lane section of the Southwest Expressway before it shifted to four lanes:

I should like to point out that the Southwest Expressway was originally designed without taking into account the traffic that would be generated by the south leg tunnel and third 14<sup>th</sup> Street Bridge, which is now underway. Neither of these facilities was even contemplated when the Southwest Expressway was planned.

Mr. Frank Turner, Director of the Bureau of Public Roads, has characterized this tunnel expressway as a “cannon” which will literally fire three lanes of traffic at three lanes which are already on the expressway.

At a cost of \$100 million for 1 mile of tunnel, “this massive expenditure would obtain only a marginal improvement over the surface streets we already have.” In addition, “it would severely overload the Southwest Expressway.”

Secretary Boyd pointed out that the Three Sisters Bridge was intended to provide a route to the city’s northwest, but “no acceptable agreement” had been reached on how traffic would move from the bridge. The proposed K Street expressway did not provide an acceptable solution because its construction would “severely disrupt commercial activity around this area for at least 3 years; and it will not provide a distribution of cars into the inner city.”

In summary, construction of the Three Sisters Bridge at its present location was “unwise at this time.” It would simply “transfer a growing traffic jam from the Virginia side of the Potomac to the interchange at 26<sup>th</sup> and K Streets.”

In view of these concerns, he proposed designation of the George Washington Memorial Parkway as I-70S between Chain Bridge and Georgetown, the facility known as the Palisades Parkway. Motorists in Northwest Washington and Montgomery County would be able to use the parkway for downtown trips. “This, in turn, would lessen the demand for a quick and perhaps ill-advised decision on the precise location of another radial to the Northwest.” He intended to talk with highway officials in the three jurisdictions about his ideas.

Summarizing his views, he emphasized “that the Interstate System in the Washington metropolitan area has not, as some have claimed, been hopelessly bogged down in controversy between local and Federal officials.” The Capital Beltway was one of the first circumferentials to be completed and progress had been made in the District on several completed radial corridors and several others were under construction. Still, “there is much work ahead before we can say that Metropolitan Washington has a balanced transportation network”:

There is no doubt in my mind that even with the subway, improved bus service, and expanded capacity of existing streets, the Washington area will need new and better highways in the years ahead.

Our concern is simply that the highways we build be as carefully designed and as relevant to need as possible so that they provide a foundation for growth in future decades, not an obstacle to that growth.” [pages 2-20]

During the question period, Representative Cramer of Florida, asked if the Secretary was familiar with the *Star*'s November 12 editorial “Boyd's Non-Highway Plan for Washington.” Secretary Boyd said he subscribed to the *Star* and was familiar with the editorial:

Mr. Cramer. It was publicized that the Three Sisters span is out, the Maryland Parkway favored; also the highly publicized Northwest Freeway is out. In trying to analyze your statement, are the bridge and freeway in or out?

Mr. Boyd. Insofar as I and the Department are concerned, the Three Sisters Bridge is out at the moment, the North Central is out at the moment, subject to the questions which I raised and which will be taken up in greater detail with the District Highway Department and the City Council and the Governor and State highway engineer in Maryland.

Representative Cramer asked for clarification on whether location was the problem for “this north link.” Secretary Boyd replied:

That is right. I want to be very clear. I am very much concerned about a north leg, and there will be a north leg. There is no question in my mind about that . . . .

As to the Three Sisters, what I am saying is at the present time until we get this other matter lined up, I don't think it is advisable to build a Three Sisters. I am not saying there

should be no Three Sisters Bridge, but I think we ought to know where we are going and look at the total package.

Representative Cramer gathered that Secretary Boyd's position was tied into WMATA, HUD's transit program, buses and fringe area parking, and subways. He understood that \$20 million had been spent on planning the freeways during the last 20 years. "When do we build highways? This has been planned almost to death." He asked when Congress can expect an answer on the North-Central Freeway and the Three Sisters Bridge? "I think it is quite evident Congress is getting a little bit impatient . . . ."

Secretary Boyd agreed that Congress was getting impatient. "Of course, this is getting to be a normal state with the District freeway system, as I understand it, the way the routing has been changed from time to time." However, he could not give a date when he would be able to say yes or no to either project.

Representative Cramer said the history of the expressways in the Washington area "shows it has been shuffled, reshuffled, juggled and rejuggled about as often as any in the country. It is obvious that the time for decision is imminent." Washington, it was often said, should be a model city, but as far as freeways were concerned, "It is more a model of dissension and indecision and changed position and lack of determination to finish the system." In view of similar concerns in other cities, he continued:

So it seems to me if we do not resolve this problem in the District of Columbia, then we give the city councils and State authorities in other areas – such as New York and Detroit and Boston and Los Angeles – license to fail to make decisions.

The States had agreed to complete their Interstate freeway systems. "So if the District of Columbia can get away with not finished the system, I think it has the effect of destroying the completion of the system in many of these other metropolitan areas, where they, too, are faced with admittedly difficult decisions." He asked the Secretary to expedite the studies to resolve locations soon. "I would hope that notice to the rest of the Nation would be given that there is an agreement to finish the system which is going to be lived up to, not only in the District of Columbia but by other States and metropolitan areas.

Chairman Kluczynski, citing similar problems in his home city of Chicago, agreed with Representative Cramer. "I am willing to give this matter my utmost concern and attention, and the sooner the highway problems are solved, the better." [pages 20-22]

Representative Richard D. McCarthy (D-NY), a journalist and public relations specialist who had won election from a Buffalo district in the 1964 Democratic landslide, asked about the reference to the George Washington Memorial Parkway segment known as the Palisades Parkway. Saying he was familiar with the route, he asked why the parkway stopped suddenly at the edge of a dirt road, "a segment of perhaps 300 or 400 or 500 yards" before reaching Chain Bridge just inside the District line. "Why was it not extended to the Chain Bridge? It could have a lot of utility if that segment had been completed."

Secretary Boyd understood that NPS simply ran out of appropriated funds. Representative McCarthy expressed astonishment. “They just ran out of money? There was no opposition to its extension up to Chain Bridge?” Secretary Boyd replied:

As far as I know. There clearly is a plan which is acceptable to all concerned to build the parkway right into the interchange at 26<sup>th</sup> and K.

Administrator Bridwell clarified:

The Secretary is correct, that the primary problem is that the Park Service has not had the funds to complete the highway. There are several alternative design plans, so that the design is not finally approved. I think the Park Service has taken the attitude that there will not be any problem in resolving the design, once money is available; so money is a primary problem.

Representative McCarthy asked if he understood correctly that the Secretary was now proposing to designate it as an Interstate highway and that the Department of Transportation would provide the funds. Secretary Boyd replied, “Yes, Sir.” That concluded his testimony. [pages 20-23]

Director Thomas F. Airis was the next witness. He was accompanied by Chief Planning Engineer Lloyd Rivard and Dan Hanson, Deputy for Traffic Engineering and Operations. Airis wanted to present a lengthy statement to the subcommittee, but before doing so, he commented on Secretary Boyd’s testimony:

Mr. Airis. Generally I think the planning he reviewed is in accordance with our own thinking. It evolved over a great many years.

I am most gratified to hear that he intends to cooperate and work with the three highway departments. This is very encouraging, and I hope we can speedily get work underway.

I do have the fear, as I have in the past, that what might happen is more and more planning, and less and less construction. I think that is something all of us must guard against.

Mr. Cramer. If I may interject, the Secretary did say he was going to consult with you, but I gather it is after he has told you what he is not going to do and where it is not going to be located.

Mr. Airis. I understand, sir.

Mr. Cramer. That is some consultation. This is my comment; you do not have to comment.

Airis began his statement by pointing out that the Washington area “has been one of the fastest, if not the fastest, growing metropolitan areas in the United States.” With this growth came increasing traffic and congestion on cross-river bridges and local roads. “This is the scope of the problem that the Department I represent has been wrestling with.” The city had a 13-point

program for dealing with traffic, including changes in parking lane restrictions, one-way streets, reversible-flow streets, adoption of left-turn restrictions at important intersections, and removal of streetcar tracks. The highway department used these and other techniques to “obtain greater capacity from its street system.”

The department was not responsible for construction of the rail rapid transit system, but “all prior planning has accepted its ultimate construction as a part of the District’s balanced transportation system need, and the Department actively supports this concept.”

As Secretary Boyd’s and Administrator Bridwell’s testimony demonstrated, the proposed Interstate System for the District “is the logical descendant of all the planning you looked at”:

It is only 29 miles in length; 10 miles are completed and are rendering heavy-duty service, thereby relieving the city streets and helping to remove through-type traffic from residential streets; 5 more miles are under construction, but 14 miles are still in planning stages . . . .

When the system is completed, expressways will comprise only 4.5 percent of the street system, and yet we estimate they will carry 35 percent of all traffic . . . .

As reflected in the earlier testimony, the history of freeway development in the city “is fraught with delays and problems. The very reason for these hearings being held today is the result of one more step in the line of indecision over the past two decades”:

Strangely enough, it is always some new issue or new line of thought which rears its head. Currently, the “ball” is in the hands of the Department of Transportation.

Thinking back to January 1966, he said, “freeway development had reached its alltime [sic] low in the District of Columbia. Planning decisions had become impossible to obtain and new obstacles were being encountered.” He introduced the Federal City Council’s report, *Freeways in the National Capital Region*, describing it as an examination of the historical aspects of the evolving issues. (As noted earlier, the report was introduced into the record, pages 49-111.)

Rivard summarized the planning activities leading to 1966, then said:

We had been hoping for planning decisions for each year, we had been getting the full appropriations from Congress, released both the District money and the Federal money, but all we could obligate because of these planning indecisions was less and less and less each year, so that by 1966 we were down below almost the \$10 million level, and we would be accumulating money year by year by year, so that in 1966 we had \$172 million in our pocket in projects, for example, all the money for the Three Sisters, ready to spend, but no agreement on the project.

Airis took over the presentation, saying that in his 9 years in the District, “I draw the inference that the District is long on planning in its freeway program and short on construction,” ranked next to last. “Actually, we are greatly indebted to Maryland, because Maryland ranks below us.”

He discussed the Arthur D. Little report released in March 1966. “It was a quick review of assumption, methodology, and adequacy of all previous transportation planning, and it was done at the request of the Commissioners’ Policy Advisory Committee. After reviewing the report’s controversial findings, the Policy Advisory Committee made a near unanimous finding on May 25, 1966, “that the freeway system must proceed substantially in accordance with the system” as approved. The agreement was introduced into the record (pages 129-131.)

NCPC approved all elements of the agreement in June 1966, allowing design and property acquisition to begin, while construction started on the North-Central Freeway in the form of the Taylor Street Bridge project to accommodate the freeway and rail rapid transit line:

The PAC agreement provided for an extensive amount of tunneling of the south leg, depressing the eastbound lanes of the Potomac River Freeway in front of Georgetown and adopting the K Street alignment shown, with certain contingencies. Although these changes decreased displacement of businesses and families, they also increased costs by \$200 million.

The result was that the city was “able to obligate in the past fiscal year 1967 about as much as has been obligated in the previous 4 years”:

So far in fiscal year 1968, we have obligated \$26.1 million, and if we obligated the full scheduled amount shown for fiscal year 1968, we still will have to obligate an additional \$600 million by the current 1973 completion date of the program. With prompt decisions on remaining planning, this will be difficult, but not impossible. Without them it will, of course, be impossible.

If the projects did not proceed, the Interstate funds would lapse and be lost to the city. Further, “it is entirely possible that the Federal Government might require return of 40 percent of the 90-10 funding already advanced, since the system would no longer be interstate.” Having to return the funds would cause “financial chaos” for the District’s highway program that was “too horrible to contemplate.”

The city made reasonably good progress until March 1967 when the city asked NCPC to approve the final geometrics for the Three Sisters Bridge. “This is stage 3 approval,” Airis explained.

Airis recounted NCPC Chairman Rowe request to Secretary Boyd regarding a tunnel and her subsequent request to the Secretary that he determine whether the bridge was needed. He mentioned the Section 4(f) issue, adding that the city did not think “the enabling legislation was intended to cover precisely this situation.” Seven months later, “we have no answer.” Despite recent news reports, “the question remains unresolved in the top echelon of the Department of Transportation.” (Airis was apparently continuing with his prepared statement, written before Secretary Boyd’s testimony regarding his findings – which had not been conveyed formally to the area’s officials or highway agencies.)

He summarized the traffic justification for the Three Sisters Bridge and displayed the 10 study reports, compiled at a cost of nearly \$20 million, that emphasized the need for it, including the

1959 Mass Transportation Survey, the 1964 and 1967 ICEs, studies by Wilbur Smith and Associates (1953 and 1955) and comprehensive plans by NCPC (for the Year 2000, released with National Capital Regional Planning Council in 1960, and the draft Year 1985 Comprehensive Plan released in 1967).

The only study, Airis said, that recommended against building the bridge was NCTA's 1962 report. Subsequent studies refuted NCTA's conclusion, including recent WMATA reviews.

The bridge would not result in the relocation of any families. The Commission of Fine Arts had approved the design of the bridge, which would cost about \$15 million. Because of the connection to the Potomac River Freeway, the bridge was essential to providing a "fast heavy-duty ground transportation link to Dulles Airport" that would allow the airport to compete with Washington National Airport.

Airis concluded his comments by observing:

I want to leave with you the thought that, contrary to some irresponsible charges, the District plan does not call for more freeways than any other city in the Nation, including Los Angeles and possibly even in the world.

Washington ranked "approximately in the middle of the 22 major cities":

Gentlemen, we are not proposing an extensive amount of freeways, nor do we have an extensive amount of freeways. We have what we think is a minimal system, and we are convinced it will prove to be an essential part of the balanced transportation system that is required to keep pace with the growth in the District and, for that matter, the entire metropolitan area. [pages 131-145]

During the question period, Representative Cramer asked Airis to confirm that the city had all the funds it needed for the Three Sisters Bridge. "According to Mr. Boyd," the Congressman said, "it looks like the answer is going to be more planning, more programing, more analysis, more spending for planning." Airis replied

I hope not, sir. Maybe I took an optimistic view of Mr. Boyd's testimony, but I would hope not, sire. I hope we can get things moving.

Representative Cramer pointed out that Secretary Boyd had taken 7 months to look at the issue. "And the only answer you have received, is it not, is the article in the newspaper which came out November 8, indicating the Three Sisters Bridge is out." Airis confirmed that the only information he had was that article in the *Post* (Wolf Von Eckardt's "Boyd Rejects 3 Sisters Span, Favors Parkway") and Secretary Boyd's testimony earlier in the day. At Airis's request, Rivard took exception to some of the statements in that article, particularly involving traffic volumes.

Representative Cramer also introduced the *Star* editorial, "Boyd's Nonhighway Plan for Washington" and Von Eckardt's November 26 article, "Defusing the Capital's Rush Hours Without a Freeway." The Congressman summarized the articles:

Of course, Mr. Von Eckhardt's [sic] basic concept seems to be you can keep people from driving automobiles into town by building fewer highways, by forcing them into the parking lots outside the town, and by forcing them to use mass transit systems.

They discussed the K Street alignment for the North Leg, an idea that was included in the Policy Advisory Committee agreement, subject to contingencies. The city had satisfied itself on some issues (not stated), but had not held a public hearing on the proposal. Airis said, "you cannot go really to a public hearing until you know what the corridor is going to serve." The city did not know if the Three Sisters Bridge was going to be built, or where. It did not know if the George Washington Memorial Parkway would be built to Chain Bridge inside the District line. Will I-70S traffic use the North-Central Freeway or an alignment along the Potomac River. "If we can nail these down, we can get at the K Street alignment or the old alternate alignment, whichever is the proper one."

Representative Cramer asked about Secretary Boyd's comment that the bridge would simply transfer traffic jams from Virginia to the District. Airis did not agree with that statement:

We think that, if the bridge is built, certainly then the Potomac River Freeway would be built, and we can get the traffic on into the city. With some of these things, it is a case of which comes first, the chicken or the egg, and you have to start somewhere. The worst possible alternative is to sit back and do nothing.

The Congressman agreed, saying, "Pointing out there may be some problems by doing something does not solve the problem of doing nothing."

They discussed the ramifications of Section 4(f). Representative Cramer asked how much parkland was involved with the bridge. "There is," Airis replied, "about, we estimate off the cuff, 3 acres by the bridge itself." He clarified that the acreage involved air rights in that the bridge would span the 3 acres. On the Virginia side, Airis did not have specific figures, "but it would be a small amount of additional parkway":

Mr. Cramer. We already have the George Washington Parkway program [in Maryland] for that area, do we not?

Mr. Airis. Yes. That is contemplated even in the comment that Mr. Boyd made and showed on the map, somehow, someday, a parkway would come through that area and would go through the Palisades area. His proposal calls for I-70S to come down that way. We frankly think that would be a mistake.

Mr. Cramer. Using the same reasoning, I suppose we should never have built the 14<sup>th</sup> Street Bridge, the Memorial Bridge, the Key Bridge. I do not quite get the difference. You have to have transportation. You already have a number of bridges, and you obviously have to consider esthetics, but that cannot be the controlling factor unless you just decide you are not going to build any more bridges.

Mr. Airis. Sir, we frequently point out that the Washington community is on both sides of the river, and there must be communication between the two sides. We frequently

refer to the fact that in Paris there are over 20 bridges, and they have been done in a rather handsome manner, and I think we will do as well here.

Representative Cramer could not understand the aesthetic problem because “you already have a road that goes along the river there,” referring to the George Washington Memorial Parkway. As someone who lived in the Lake Barcroft area of Falls Church, Virginia, he added:

I am concerned about what is going to happen. I have to drive in and out every day, too. I do not know of a place where there is a more muddled situation relating to highways than the serious traffic congestion in the District of Columbia and the surrounding areas. This is where the Nation’s business is supposed to be carried on.

A way must be found to “get away from the quagmire of indecision in which this highway system has bogged down in the District of Columbia.” The Interstate program was 11 years old, but “if these decisions are not made in the very near future, in the next year or so, what is going to happen in the District of Columbia?” He asked, “How can we hold this up as a model city to the Nation?”:

Mr. Airis. We think it should be built, and we should get going with the rest of the system.

Mr. Cramer. I think you point out a very significant factor in your testimony, which I tried to interrogate the Secretary about briefly, and that is that the District, as well as all the States in the Nation, had to agree at the very outset it would finish the system as programed within the metropolitan areas and elsewhere.

Mr. Airis. We are very worried about that.

Mr. Cramer. If this is not done, the District of Columbia is not conforming to the basic law, is it?

Mr. Airis. No, sir.

That exchange concluded Airis’s testimony. [pages 151-160]

Chairman-Director Wolff was the next witness, accompanied by Joseph D. Buscher, special assistant attorney general, Maryland State Roads Commission. Wolff began by pointing out that the Washington area’s freeway problems were similar to those in Baltimore. “Why? Well, because we are a motor-car oriented economy.” It may not be “an irreversible process [but] we can look forward to greater use of the automobile, even with substantial improvements in public transportation. It is of paramount importance that we realize this fact.” Freeways and mass transportation were compatible, “but freeways and expressways must constitute the backbone of a total transportation system.”

When he took office in March 1967, the commission was “in the middle of a roaring controversy concerning the location of the portion of I-70 known as the North Central Freeway” from its junction with the Capital Beltway in Maryland to the I-95 interchange in the District of

Columbia. He summarized the evolution of the dispute before Maryland, the District, and BPR agreed on an alignment along the Baltimore and Ohio Railroad at a cost of about \$25 million more than the original route. True, the alignment would not provide the required traffic service unless a rail rapid transit line were built in or adjacent to the corridor to induce motorists out of their automobiles. “We feel, however, that this is the best we can now produce to serve the long-felt need for major traffic movement in this corridor.”

Another important issue was the location of I-95 between the Capital Beltway and the District. “Its importance can well be indicated by the fact [that] this proposed portion of I-95 will carry eight lanes of traffic and an ultimate traffic load of 115,300 vehicles per day.” To meet demand, the Baltimore-Washington Parkway/Expressway must be upgraded to expressway standards through its entire length, including additional lanes and reinforced pavement capable of carrying trucks, to divert traffic from I-95.

Wolff also said the Three Sisters Bridge “has long been needed” as a primary link for Virginia, the District of Columbia, and Maryland:

We are convinced that all of these facilities – the Three Sisters Bridge, the North Central Freeway, which is I-70, the eight lane I-95, and the [Baltimore-]Washington Expressway are essential parts of our ultimate freeway network serving the Washington Metropolitan area and constituting the Baltimore-Washington corridor. They are minimum needs, the framework around which a balanced system of mass transportation can be developed.

We should not tolerate further delays in achieving these critical objectives upon which the economic viability of an entire region so heavily depends. We have lost valuable time. We cannot at this late date turn back the hands of the clock. [pages 160-164]

Chairman Kluczynski said he had not intended to hold hearings on this issue in 1967 “but the pressure has been so great on me as chairman of this [sub]committee and also the members of this committee that we felt the situation had reached crisis stage.” He knew that Wolff had heard Secretary Boyd’s testimony. Had Secretary Boyd entered into any agreement with the Maryland State Roads Commission? Wolf replied categorically:

No; we have had no agreement of any kind which might be of a secret nature or confidential nature regarding the entire subject with respect to any part of the freeway and Interstate System.

Representative Cramer asked if Secretary Boyd had consulted with Wolff on the Three Sisters Bridge or North-Central Freeway. Wolff said he had “had no conversation at all” with Secretary Boyd. The roads commission had “attempted through the Bureau of Public Roads to elicit from the Secretary’s office a response to the North Central Freeway,” as it evolved to its present concept. The only response was that the Secretary and his staff were looking at the matter “in the context of the total transportation problem in Washington.” Prior to the newspaper reports in early November on anticipated findings, Maryland had not heard anything about it.

They discussed the traffic deficiencies of the proposed alignment of the North-Central Freeway. Wolff said, "Now, the frailty of this system is that it simply is not adequate to carry the ultimate traffic generation. We confess that that is perfectly true." Asked if BPR had come up with anything better, Wolff replied, "We do not believe anyone has come up with anything better to this point." It has "many problems" but "the most compelling" reason to proceed was that it "minimized utterly the displacement problem."

Wolff failed "to see a cogent reason" for the resistance to the proposal. Representative Cramer suggested, "They just do not want to build a North Central Freeway and they are going to study it to death." Wolff feared the Congressman was right, but hoped he was wrong:

I fail to feel that they are not actually, conscientiously trying to get the best solution. If you are suggesting that there are forces at work which really wish to prevent roads from going in and possibly feel that urban transit by way of rail is the only solution, I can only say, that they have a wish. It is clear to me it will never happen. I hold to the point that I began with, that we are automobile oriented and will remain that way as long as all of those who are in this room remain alive.

It may very well be that we are going to find a way of supplementing the use of the automobile, which to me, represents too typically the end action of America generally. I simply do not see that any of those who would be in favor of rail transit mass transportation as a panacea could hope to see their dreams realized in, let us say a decade or two decades.

Representative Cramer recalled that during debate about the Department of Transportation Act of 1966, Congress was told the new Department of Transportation would "result in less cost, less duplication and more action to get the job done." Now that the department is in operation, "what is the excuse that can be used to ditch part of the system or look and study it to death?" As far as he was concerned, the department's job was "to resolve these problems and finish the job of building the Interstate System." He added, "Washington needs to have a team, with all members on the same side, trying to win the same ball game." Instead, the District had "about six teams fighting each other, apparently. And we end up with a tie; nothing is done."

He asked what happened to the Federal-State partnership on the North-Central Freeway. Wolff admitted, "I have not seen any indication that we have a final word on it. And if I understood the Secretary this morning, there is no final word."

Representative Cramer asked what would happen to the Interstate funds if the North-Central Freeway were not built. Maryland, Wolff replied, could conceivably lose the Federal share of the estimated cost of \$63.5 million.

The Congressman returned to a topic he had discussed with Director Airis. The State had an agreement that in return for 90-percent funding, Maryland would complete its designated Interstate System. If, however, the Department of Transportation continued to delay the project, "you will not be able to conform to that agreement," but "might be asked to repay some of the 90 percent of the money if you have not conformed to the agreement."

Under those conditions, Wolff said, Maryland would not be able to finish its network unless something were put into law to explicitly require each segment. [pages 160-170]

After additional discussion seemed to end Wolff's testimony, Buscher asked to add an observation. He talked about the process in Baltimore where the same routes, I-70 and I-95, were controversial, and the Interstate Design Concept Team was at work.

He also commented on Secretary Boyd's concern about impacts on park land. He referred to the long dispute about building the Capital Beltway across Rock Creek Park in Maryland on land acquired under the Capper-Cramton Act as an alternate to the taking of approximately 30 high-priced houses. Working with the Maryland-National Capital Park and Planning Commission, the State considered the cost of the alternatives. In the end, the Maryland State Roads Commission paid the commission a portion of the cost of acquiring the homes. The commission "took that money and actually acquired additional land for the park land that we took." Something similar might be the solution to the park issue in the District.

Representative Cramer recalled the dispute. He said, "Parkland was one of the basic problems you had on I-495, the Capital Beltway":

Mr. Wolff. Yes, where we have these poor geometrics.

Mr. Buscher. It is the most dangerous section on the Capital Beltway.

Mr. Cramer. Probably one of the most dangerous on the Interstate System. The conservation of park lands and the necessity of the highway, it all relates to that. And the testimony we had during the safety hearings of the Highway Investigating Subcommittee was that this was one of the most dangerous stretches on the Interstate System.

Mr. Buscher. I am ashamed to say that we have had to reduce the speed to 50 miles per hour.

Representative Cramer did not think "safety ought to be tossed out of the window." He also recalled that the number of lanes had to be reduced to cross the park lands. Wolff replied that was correct. "It is just wrong and we know it now."

The Congressman asked if Maryland, Virginia, and the District had consulted with Secretary Boyd. No, Wolff replied, but he and Airis had met with BPR Director Turner on November 24. Representative James C. Cleveland (R-NH), another highway supporter, joined the dialogue to ask what BPR's thoughts were. Although reluctant to characterize another agency's views, Wolff finally said "they felt that the bridge should be deferred." How long? They did not discuss time.

Representative Cleveland asked about Secretary Boyd's assurance that his office was consulting with State and District officials. Wolff replied "that I do not feel that we have been left out entirely." The State had consulted with Turner on two recent occasions about the problems with I-70 and I-95:

Mr. Cleveland. Both of these consultations postdated decisions that were reported in the papers, that action on the Three Sisters Bridge was deferred. Was that consultation or letting you in on something reported in the paper? Maybe we disagree on what a consultation is.

Mr. Wolff. . . . I must say that I had heard at the time I went in to see Mr. Turner, that through the newspapers that there was very serious consideration being given to deleting it.

Representative Cleveland asked Wolff if he could testify that Maryland was consulted before the irrevocable decision on the Three Sisters Bridge was made. Wolff quibbled with the term “irrevocable decision,” prompting a dialogue with Representative Cramer:

Mr. Wolff. I do not know how irrevocable that was. Let me explain something to you. In dealing with the Bureau, there is an element of creative license, if I can call it that. I do not consider it particularly dangerous if someone says, what would you think if we took this or that out. I respond accordingly.

Mr. Cramer. Creative license is not what this member is concerned with. I am concerned about destructive license. What is the next step for the State of Maryland to do under the circumstances?

Mr. Wolff. To fight like hell to keep it in . . . this location. We want it where we have it.

Mr. Cramer. Which the Secretary this morning said was not satisfactory.

Mr. Wolff. That is correct.

Mr. Cramer. So that is the very point I am getting at. This is destructive license. They have not suggested they will find another location or that there is some other way of resolving these problems. Maryland’s hands are tired at the present time under the present circumstances, are they not?

Wolff said that early on, as troubles mounted, “we were trying to get legislation – where we felt in our hearts – that was probably an executive function.” He did not think the State legislature or Congress should make location decisions that were more properly reserved for highway agencies, he tried to defend Secretary Boyd:

You know, as well as I, that he is caught on the tenterhook, on a number of tenterhooks. He knows that he does not have the answer, and he knows that he had got to consult with us. I do not feel that his consultation is complete by any means . . . . I think they have just started talking to us, and I expect they are going to continue. I would be appalled if I would learn today that this was an irrevocable decision.

Representative Cleveland explained the committee’s obligation was to find out if the Secretary was consulting with local government. “This committee is not trying to place roads and place bridges.” Wolff replied, “Please do not do that. I think that would be a terrible thing to try.”

Recalling the first BPR meeting on November 24, after the news reports on the Secretary's decisions, Representative Cleveland said, "I do not call that consultation – to call you in a couple of weeks after the decision has been announced in Washington." He was not interested in legislative action to place bridges, but was concerned about the decisionmaking process. Wolff conceded that the meetings he had cited with BPR regarding the North Central Freeway and I-95 was the total extent of consultation. [pages 171-175]

Chairman Kluczynski recalled Director Airis to the witness table to respond to additional questions from Representative Cramer. He wanted to know if Airis agreed with BPR Director Turner's characterization of the South Leg Freeway as being a "cannon" firing three lanes of traffic onto a crowded Southwest Freeway. "If so, why is it being built that way?"

Airis replied that he did not think Turner meant to make it sound as bad as it seemed. True, the South Leg Freeway from the Lincoln Memorial to the Tidal Basin was a six-lane freeway, but two lanes were linked to Independence Avenue. Thus, only four lanes would connect with the eight-lane Southwest Freeway. Airis thought it would work.

Next, Representative Cramer asked Airis to comment on the North-Central Freeway. Airis agreed with Wolff that the connection would result in "a minimal system" that would require "a lot less displacement." He said, "The design that we had, we think it is one we ought to adopt fully and completely and build."

Representative Cramer asked if Airis agreed with Secretary Boyd that I-70S should be shifted to the Palisades Parkway along the Potomac River. Airis replied:

No, sir. That is the one that I object to. I think the [George Washington Memorial] parkway should be built on into the District of Columbia, but it cannot be built until that Three Sisters Bridge is built in order to get your lane balance in the area. One of the things the Secretary has suggested is to use that for 70-S. I know the folks involved in that Palisades area, and I think that would take more courage than I have to attempt to bring 70-S down the river.

How, Representative Cramer asked, would that affect the George Washington Memorial Parkway, which was not being built to Interstate standards. Airis agreed that it was "not an interstate standard at all, both in the horizontal alinement or in the structural problems."

Representative Cramer summarized that the parkway was "not going to answer the need" for an expressway in the North Central Expressway corridor. Airis agreed, saying, "That is our opinion, sir."

If I-70S were shifted to the Palisades Parkway, Representative Cramer asked, "wouldn't we run into the same problem that Mr. Wolff testified to over to the east, and that is, being a parkway, trucks would not be allowed on it?" Airis, apparently referring to the meeting with Turner that Wolff had mentioned, replied:

That is correct. But there has been some talk. Frankly, when we talked here 2 weeks ago, there was some talk, and I, frankly, don't know how it could be accomplished under the

present regulations to the effect that there would be limited truck traffic placed on the parkway. Now, I don't know how such a thing could be policed, frankly.

The Congressman asked what "limited" meant, but Airis did now know. "It wasn't spelled out, sir, and I, frankly, don't know."

Representative James J. Howard (D-NJ) asked about the South Leg Freeway. If it were not built, what would happen to "the traffic that would be hanging on each end of the roadway?" Airis replied that "this is one of the very, very difficult questions":

The big mosaic shows just exactly the end of that freeway, and it is impossible to take care of the traffic – well, frankly, the traffic does not use the Potomac River Freeway. It cannot.

There are some contemporary connections that we have made to the parkway in the area, but certainly you would not want to funnel through-type traffic right into the Lincoln Memorial parkways there, and we would not recommend it, and I am sure the Park Service would not stand for it.

Representative Cramer summarized:

I suggest that if there was another system in this country serving a metropolitan area that had four dead ends – one, two, three, four – that you have in this system now, in the District of Columbia and Virginia, you would hear howls all the way to Washington about it.

Airis agreed. "I think, sir, they would probably fire the highway engineer":

Mr. Cramer. Yet, this is being perpetrated by the lack of decision by the Department of Transportation itself.

Mr. Airis. I have hopes, as Mr. Wolff, my colleague in Maryland, does, that after this morning things will be broken loose a little bit, I hope anyway. [pages 176-178]

That exchange concluded the first day of the hearing.

News coverage, not surprisingly, focused on Secretary Boyd's comments about his review of the District's freeway plans – he "broke his long silence," as the *Post* put it. The *Post*'s lead paragraph repeated his statement that he thought it would be "unwise at this time to construct the Three Sisters bridge as its planned location." The *Post* and the *Star* went through his testimony about the doubts he had about the bridge, the North-Central Freeway/Northeast Freeway, and the South Leg Freeway tunnel. The reports made clear that he was not ruling any of these projects out, but was calling for more study, as well as completion of the George Washington Memorial Parkway to the city line and the Palisades Parkway to provide the link to the Georgetown waterfront for a connection with the Potomac River Freeway. [Milius, Peter, "3 Major Road Projects Are Unwise, Boyd Says," *The Washington Post and Times Herald*, December 6, 1967;

Flor, Lee, "Boyd Warns of Dangers In D.C. Freeway Plans," *The Evening Star*, December 5, 1967]

On December 6, State Highway Commissioner Fugate of Virginia was the first witness, accompanied by John Harwood, Deputy Commissioner and Chief Engineer. In coming years, Fugate would be the strongest advocate for I-66 and I-266, and his testimony would reflect his aggressive approach.

He began by reading a letter he had written to Secretary Boyd after reading the November 8 article in the *Post* about the decision that the Three Sisters Bridge was not needed. (The letter mentioned that he had written to the Secretary about the bridge on September 26 but had not received a reply.) "Your decision, if the newspaper article is correct, comes as a distinct surprise to those of us who have been engaged in planning for transportation in the Washington metropolitan area in Virginia for many years."

Fugate's letter questioned the applicability of Section 4(f) to the decision on the bridge. He pointed out that Section 4(f) required cooperation and consultation with the State in developing transportation plans and programs. Virginia had "never been consulted in connection with the studies which the Department of Transportation has apparently made." (This was a reference to the first sentence of Section 4(f) calling for cooperation and consultation. The Secretary would rely on the second sentence, which did not include a clear reference to cooperation or consultation, that prohibited the Secretary from approving projects that did not meet the protective criteria.)

He continued:

We protest in the strongest possible terms the arbitrary removal of an interstate route that has been a part of the planning of the Northern Virginia area for many years and which is included in the transportation plan for the Washington metropolitan area of Virginia.

He believed that Secretary Boyd "subscribed to the philosophy" that decisions on any segment of the transportation system "should be based upon maximum consideration being given to the wishes of the state and the area." As a result, Fugate could not "understand a decision to eliminate this route without consultation with the state of Virginia."

The letter concluded:

If a decision has been reached as indicated in the press, I urge you to reconsider before an official announcement is made.

In response to followup letters from Members of Congress, Secretary Boyd stated in a reply on November 30 that he had agreed to the unusual step of reviewing the bridge prior to the request for final approval only "because of the strong Congressional mandate contained in Section 4(f) . . . . I have not yet arrived at a final conclusion."

After seeing these letters, Fugate immediately wrote to Secretary Boyd again. The Secretary's reply to the Congressmen was "the first advice we have received as to the basis of the decision

you were reported by the press to have already made.” Again noting the consultation provision in Section 4(f), Fugate summarized the history of the bridge, dating to June 30, 1960, when I-266 with a bridge across the Potomac River was approved. Everyone knew the bridge would have to cross NPS lands, leading to the agreement on May 25, 1966, with NPS, BPR, and others “for the Spout Run location of the interstate route.” At the time, NPS Director Hartzog approved the agreement because he “apparently did not consider that I-266 was going to do any great damage to the esthetic values of the park lands and the areas of historical significance.”

With the approval of NPS, BPR, and the others, “we had every reason to believe that we were in business,” and proceeded accordingly. The Commission of Fine Arts approved the preliminary bridge design. In addition, Virginia had worked toward the objectives of NPS, which he said wanted to eliminate all but Arlington Cemetery traffic from Arlington Memorial Bridge, and the Defense Department, which wanted to eliminate the connecting loop between the bridge and Jefferson Davis Highway to allow expansion of the cemetery. Traffic projections show clearly that the Roosevelt Bridge could not possibly absorb the commuter traffic which would be forced to move over from Memorial Bridge with elimination of the connecting loop without the added capacity of a Three Sisters Bridge.”

Despite the progress and the State’s cooperation with Federal agencies, “with the creation of the new Department of Transportation, matters suddenly took a change.”

Fugate informed Secretary Boyd that, “These accomplishments appear to us to be adequate compliance with the provisions of Section 4(f).” The letter concluded:

Together with the overwhelming traffic need, which is a matter of record . . . it seems to us there should be no question as to confirming the approval of this route in effect since June 30, 1960.

He agreed with Airis about the urgent need for the bridge:

I think it is particularly noteworthy that the latest traffic study by Alan Voorhees & Associates, made for the Washington Metropolitan Area Transit Authority – this was not a highway study, mind you, this was made by the transit people – confirmed the justification for the bridge, which has been so obvious over a period of many years.

Neither former Administrator Whitton nor anyone in a position of authority in BPR had ever questioned the need for the bridge.

The Federal-State partnership had always been the cornerstone of the Federal-aid highway program. In that spirit, Maryland and Virginia had given priority to the Capital Beltway at the start of the Interstate program, “with the enthusiastic approval of the Bureau of Public Roads.” The result was that the Washington area was one of the first metropolitan areas in the Nation “to gain substantial traffic relief from interstate construction.” He added, “facetiously, if the District had been involved, we would probably still be considering whether or not the beltway was needed.”

The “drastic eliminations and changes” under consideration would, “if carried out, have serious and damaging effects on highway transportation throughout the urban areas of Maryland and Virginia.” As a result, he protested the “emasculatation of the District interstate system.” A decision to eliminate I-266 and the Three Sisters Bridge “in the face of the overwhelming traffic need would be an arbitrary action entirely without justification.” He did not believe that “Congress gave any such mandate in enacting section 4(f).” Any view to the contrary was “in my opinion entirely unsupportable.”

He concluded his statement by expressing the hope that Secretary Boyd would “confirm the decision made in 1960, and confirmed many times since, to build the Three Sisters Bridge on the location and in the manner agreed by the three parties at interest on May 25, 1966.” If he did not do so, Fugate recommended that Congress intervene and require construction of I-266, including the Three Sisters Bridge. [pages 179-185]

Representative Cramer asked if the Governor of Virginia and its Congressmen favored deleting the Three Sisters Bridge. No, they did not. Was Virginia consulted prior to the Secretary’s announcements the day before? No, it was not. What about the meeting with BPR? Virginia did not consider that meeting to be consultation. What did you learn at the meeting? Virginia had learned that, as Secretary Boyd had said on the first day of the hearing, “he certainly looked with favor on making these changes and eliminating this bridge.”

Do you believe the Department of Transportation does not intend to build the bridge? “I think the Secretary practically said that yesterday, did he not?” Did BPR suggest an alternative location or request Virginia’s consultation to solve the problem? “No alternative location was mentioned. There were some alternative locations mentioned for the freeway system in the District and it was decided these would be mulled over.” Did they offer any hope that the bridge might be built at a different location? “I gained the impression that the bridge was pretty well out of the picture.”

Representative Cramer read the first section of Section 4(f) about cooperation and consultation, then asked if Secretary Boyd did that. “This is what occasioned our two letters, that we had not been consulted prior to the decision being made.” The Congressman then read the second sentence regarding prudent and feasible alternatives:

Mr. Cramer. You did get the approval, as I understand this agreement . . . of the National Park Service, did you not?

Mr. Fugate. That is correct, yes, sir.

Mr. Cramer. So as to location and as to minimizing harm to the park, the Park Service was satisfied, is that not correct?

Mr. Fugate. Right.

Mr. Cramer. So the second requirement is clearly met as far as you are concerned?

Mr. Fugate. In our view it was.

Mr. Cramer. Now is there a feasible or prudent alternative? I think your answer to that is, "No"; is that correct?

Mr. Fugate: Three locations in the same area have been studied, have been considered by everyone concerned, and the Spout Run location was the location decided upon and confirmed by this agreement.

Mr. Cramer. And this was agreed to by the Park Service, which has jurisdiction over it and is responsible for preservation of the park land, is that correct?

Mr. Fugate. That is correct, yes, sir.

Mr. Cramer. So it appears that both of the requirements have been fully conformed with?

Mr. Fugate. In our view.

Mr. Cramer. In your view. Well, in my view too. And that subsection 4(f) has been fully complied with.

The Congressman said the Secretary was substituting his judgment not only for that of NPS and the Department of the Interior but the State of Virginia, "without even consulting with them, and using this section as the basis for doing so."

If so, Secretary Boyd was "wholly misconstruing the authority that he claims Congress gave him under section 4(f)." As Representative Cramer recalled, the Committee on Public Works had discussed the matter with the Committee on Government Operations while it was preparing the bill for congressional consideration. The Public Works Committee was "given, at least this Member was given, every assurance that this did not add to the Secretary's authority, it gave him no power to act unilaterally, and was consistent with section 15 of the Federal-Aid Highway Act of 1966."

(Section 15 declared that, as a matter of national policy, the Secretary "shall use maximum effort" to preserve parklands and historic sites; shall cooperate with the States "in developing highway plans and programs which carry out such policy"; and shall not approve any project that requires the use of such land "unless such program includes all possible planning, including consideration of alternatives to the use of such land, to minimize any harm to such park or site resulting from such use.")

In Representative Cramer's view, "the Secretary is going far beyond what Congress intended him to have in the way of powers." Congress had never intended for him to act unilaterally. As for the facts in this case, "he has, in my opinion, no authority to act as he has under section 4(f)."

He asked if the traffic between Virginia and the District could be handled adequately without the Three Sisters Bridge. No, Harwood replied for Fugate, "I don't think it is possible." Would that be true even with the planned rail rapid transit system in place? Even with the transit system, "there would still be a deficiency [by 1990] in the Potomac River crossings to handle the traffic that would desire to cross."

Representative Cramer concluded his question period with a summary. Despite the agreement by NPS regarding parks and the facts that Virginia and the District support the bridge, the previous Federal Highway Administrator agreed about the need, and the transit system will not make it unnecessary – “despite all this, the Secretary saw fit to act unilaterally in deleting the bridge at the present time.” He recommended that the committee take another look at Section 4(f) if Secretary Boyd is going to misconstrue and misuse it. [pages 188-191]

(Superintendent Jett of the NPS’s National Capital Region denied Fugate’s claims about restricting Arlington Memorial Bridge traffic. “We have never had any idea of closing Memorial Bridge to commuters, and couldn’t if we wanted to. It is just incorrect to say the park service is planning to close Memorial Bridge to commuters.” The *Star*’s article about the denial added that Superintendent Jett planned to retire on January 1, 1968. [Flor, Lee, “Plan to Bar Memorial Bridge To Commuters Is Denied,” *The Evening Star*, December 7, 1967]

Later in the question period, Chairman Kluczynski mentioned the morning’s newspapers carrying reports on Secretary Boyd’s testimony the day before. “Do you think by reading those newspapers that the Three Sisters Bridge and the North Central Freeway are dead?” Fugate replied that based on the articles, “the applecart has been pretty well upset if the Secretary’s decisions hold, and I despair of the bridge being built under this present arrangement.”

The chairman said:

Well, for your information . . . that is wide open. We are going to do everything possible to clear up the chaos in the metropolitan area. This is the first area in the country where we have considered this problem. I know many other places in the country have similar problems, but this is the Capital of the Nation, where people come from my district and from all over the country, to this wonderful city, we are going to try to take care of your problems, and we are going to try to help the people from all over the country.  
[pages 193-194]

The remaining witnesses were Members of Congress, beginning with Representative Broyhill. He did not believe that any committee should get into administrative or technical details that belonged in the executive branch. “But the executive branch has failed.” The situation was “ridiculous” and would be “laughable” if it were not so serious. “Of course, what we have here now is a national disgrace insofar as progress on this freeway, highway, and interstate construction is concerned.”

Secretary Boyd had overruled all the studies and surveys “as if they didn’t know what they were doing.” If the Secretary and his advisers were right, Congress ought to “investigate the incompetency that caused the waste of all of these millions of dollars during the past years.”

He did not come before the committee to choose a site for the river crossings; experts had made that decision. His goal was a call to “the people who are responsible [to] get on with the job, construct immediately what has been planned and what has been recommended.”

The issue of the bridge was not the real problem. The real problem was “the contest between the so-called planners or dreamers and highway engineers.” On the one side are the people who are interested only in esthetic values, but “have no regard, no concern whatsoever about the movement of people and goods.” On the other side are “those who have the responsibility of doing something about solving our traffic and transportation problems”:

We have too many people in powerful positions, so to speak, that have a stranglehold over the construction of these facilities that just don't seem to care as to whether we solve this problem or not.

He was in favor of preserving scenic beauty but with so many thousands of people moving about to and from their job, “I don't think we can afford the luxury of just having tree-lined boulevards and walkways and places for the tourists to drive down in complete comfort without any traffic congestion in order to enjoy the beauty of this area.”

He cited the Theodore Roosevelt Bridge as an example. The two sides battled for years because opponents feared it would “destroy the scenic beauty of the Lincoln Memorial. They didn't want to upset the rabbits and reptiles on Theodore Roosevelt Island.” He recalled how the bill passed for the structure, followed by consideration of a tunnel. Congress tried to write additional legislation but “it was really a monstrosity” that was returned to committee:

Now, if the dreamers had prevailed when we were trying to get that Roosevelt Bridge constructed, we would have chaos at the present time, as we are going to have chaos in the future if we don't do something about the Three Sisters Bridge.

Secretary Boyd advocated Interstate designation for the parkway on the Maryland side of the river. “But can we proceed? Because you can't construct the freeway on the other side until you make a final determination as to whether Three Sisters is needed or not needed.” That decision had been made many years ago. “And something should be done about that,” Representative Broyhill said, because of the problem of double-crossers. He did not know if that subject had been raised in the hearings:

But the people of Maryland living out in the Northwest area, or beyond the Northwest area of Washington, find it more feasible to cross the river at Cabin John Bridge, come down the George Washington Memorial Parkway and cross again at the Memorial or 14<sup>th</sup> Street Bridge.

Certainly that is causing a great deal more, many thousands of additional vehicles crossing back and forth every day that could be eliminated.

He hoped the committee would “issue a mandate if necessary to direct these officials to proceed with construction of these projects forthwith.” [pages 196-200]

Questioning of Representative Broyhill was brief, but Representative Cramer did note Chairman Natcher's threat to withhold District matching funds for rail rapid transit if the freeway network did not advance. Representative Broyhill could not confirm it, but believed that would be the

case. He expected “strong resistance to any appropriation for the construction of the subway as long as this highway or freeway construction is held up.” [page 202]

Representative Machen, the next witness, recounted how just 7 months ago, the freeway system seemed ready to go. “Now, as a result of a unilateral decision it appears that the Three Sisters bridge is still hanging in the balance.” The Secretary wants more study. “If no decision is made soon on this project, it will be dead. It will have been planned and studied to death at a cost of millions of dollars.” What he objected to was “this back-door approach by people not interested in a balanced transportation system”:

I reiterate . . . somewhere, somehow along the line, there is a vested interest group or a group of people who seem to be able to continue to fight a rear guard action, notwithstanding the mandates of the engineering departments of the three jurisdictions, notwithstanding the mandates of the District Committee, notwithstanding the demands of the Appropriations Subcommittee for the District of Columbia.

It is this unilateral decision by the johnny-come-latelies in the transportation program that I object to.

He did not favor only freeways; he did not want the District of Columbia to look like Los Angeles. “But we must have the go-ahead for these interstate highway projects as a prelude to the construction of the rapid transit system and the go-ahead must be given now.” Someone has to say “yes” because the area “cannot afford to let a tragic lack of interstate highways choke this metropolitan area to death.”

Representative Robert V. Denney (R-Ne), an attorney and local official who won election to the House in 1966 and was, therefore, new to the committee, asked if Representative Machen could identify who the vested interests were that were holding up the freeway network. Representative Machen replied, “Well, very frankly, and candidly, I think it comes from the Planning Commission . . . . They have always, they have been consistent in fighting this rear-guard action of stopping any of the highway projects.” Referring to I-70S, he said, “They have gradually moved it in and in and in and it keeps everything, everybody off balance.” He did not like to see people dislocated, but “I think we have to think of the common objective of people getting to and from work.”

When Representative Denney suggested “that somewhere there is someone hiding in the woodpile,” Representative Machen agreed. Certain District residents had “convinced the Secretary of the Department of Transportation to bottle up your highway systems.” He wondered, “How could the Bureau of Public Roads, under the Commerce Department, have accepted it 7 months ago, and not now? I think the record is clear.” He hoped Chairman Natcher would follow through on his threat to hold up matching funds for rail rapid transit if the freeway network is delayed. “I hope he does, to be quite frank.”

Representative Cramer referred to a balanced transportation system. He did not agree with those who thought the best idea was to “dry up automobile transportation and use underground mass

transit.” They were, instead, “drying up the city itself” because if people did not want to use transit, they would stay out of the city. “And it seems to me that they are going to end up in suburban shopping centers.” Those who do not want the city to dry up “have got to support or should support a balanced system.” Representative Machen agreed that “they are not going to lick the problem of downtown Washington until they realize they have to have a balanced system.”

Representative Cramer concluded:

It seems to me some master planners are afoot. And maybe they are the ones in the woodpile, the master planners, who feel you can force the vast majority of commuters out of their automobiles and onto the mass transit. I think they are absolutely wrong.  
[pages 204-208]

Representative Gude was the final witness. He appreciated the hearing, but said, “I do feel it is pathetic that a committee of Congress has to get involved in worrying about the particular placement of bridges and highways.”

Numerous studies were “virtually unanimous” in supporting the freeway system, including the Three Sisters Bridge, North-Central Freeway, and the Inner Loop. This was a “minimal system,” as reflected in the fact that under it, the North-Central Freeway was the only link between the District of Columbia and Montgomery County. He accepted this minimal system “particularly in view of the utter failure of the Department of Transportation and local freeway opponents to produce anything resembling a credible alternative.”

He said that “a truly impressive degree of regional agreement” exists on transportation needs, and the agreement “reflects the will of the Congress”:

But why bother? Regional transportation plans developed through a comprehensive planning process are unilaterally dismembered by the Department of Transportation.

Representative Gude saw “strong indications of collusion between freeway opponents on the National Capital Planning Commission and advisors to Secretary Boyd in the sequence of events surrounding his review of the Three Sisters Bridge question.” He was not convinced that the intent of Section 4(f) was to give the Secretary of Transportation unilateral authority. His plan to convert a park road into an Interstate highway was “totally inconsistent” with his assertion of a “substantial Federal interest in the Potomac River and its shoreline.”

He clarified that he was referring to the George Washington Memorial Parkway in Maryland, “a road which goes to nowhere at this point.” The Secretary’s solicitude for items protected by Section 4(f) “somehow vanishes” in the case of the parkway “in the interests of avoiding freeways and bridges.” He wondered “what flexible legal interpretations” would allow trucks to use the parkway or how the parkway would meet the legal requirement that Interstate highways be designed to meet projected traffic volumes in 20 years.

He continued:

Antifreeway bias was clearly evident in the Secretary's speech before the Washington Board of Trade [on] September 26, apparently based on misinformation. Thus it was not surprising that the Secretary, in disclosing his disapproval of the bridge, sought to destroy other freeway plans, too.

Von Eckardt's November 26 article ("Defusing the Capital's Rush Hours Without a Freeway") had "exposed the caliber of information being furnished to the Secretary and the public."

Secretary Boyd had denounced the North-Central Freeway as a "tremendously expensive and inadequate artery":

Its expense stems directly from a routing designed to minimize disruption of existing development – presumably one of the enlightened goals of social considerations. The route and its language represent a compromise; its expense should be considered in light of the absence of other interstate facilities.

The Secretary's argument that two Interstate facilities (I-70S and I-95) feeding into one "will cause some congestion is valid," but simply confirms Representative Gude's observation that "the proposed system is indeed minimal and makes no claim to totally eliminate rush-hour congestion."

Although the Secretary discussed traffic management improvements and transit, including exclusive bus lanes, what was most striking was what he did not say:

He made no mention of his repudiation of the Policy Advisory Committee's agreement of last year to end the decades of delay and move ahead with the freeway program. He offered no explanation or defense. Understandably, the deed is indefensible.

Although Secretary Boyd said the department was "consulting and intends to continue consulting" with State and local officials, this statement was "demonstrably not so." The Congressman and others from the area "have found Mr. Boyd's staff and he personally to be totally unwilling to communicate with us on freeway matters."

The hearings thus far had been effective, if only because they "have elicited the first official and specific statement on our freeways to be wrung from the Department of Transportation." He urged the committee to "continue exploring the situation and assure that locally developed transportation plans are brought to function."

He emphasized the need for balanced transportation and referred to his work as a State Senator in securing Maryland's ratification of the interstate compact creating WMATA:

And I think once again this is being made out in some quarters as a battle between the transit system and an expressway system. I think we absolutely have to have both if we are going to have a satisfactory transportation system in the Washington metropolitan area . . . .

After commenting on the Voorhees traffic projections, Representative Gude concluded:

These highway and transit plans have been developed over a period of 20 years and they have involved a great deal of planning and political negotiation. You cannot just take these highways on and off the maps and the transit plans on and off the maps the way Alexander the Sixth divided the world back in the middle ages, by just drawing a line on a map. It is not that easy. [pages 208-214]

(Pope Alexander VI helped negotiate a treaty that divided the New World discoveries between Portugal and the Crown of Castille (Spain).)

In the brief question period, Representative Cramer agreed with Representative Gude about the inconsistency of canceling the Three Sisters Bridge to protect parkland while advocating an Interstate freeway instead of a parkway. “So I am hopeful your support and the efforts and actions of this committee will possibly result in doing away with the 4(f) designation on this bridge, that maybe we will get underway and into service.” He added, “We have all kinds of wars, we might as well get underway in the war against traffic congestion.” [page 220]

In closing the hearings, Chairman Kluczynski promised that the committee would study the issues under review and submit recommendations at a later date. However, he added in closing:

With respect to the Three Sisters Bridge, and I-266 as presently planned, however, the Chair announces that the committee will state its recommendations before the Congress adjourns for this session, with the expectation that if the Department of Transportation does not accede to those recommendations on or before December 31, 1967, the committee will take whatever legislative action is required to present its recommendations to the Congress for enactment into law. [page 222]

### **Awaiting a Mandate**

Coverage of the final day of the hearing focused on Chairman Kluczynski’s ultimatum. As Lee Flor reported, the chairman said at the start that he had begun the hearings only for fact finding. “But after listening to Boyd and District, Virginia and Maryland highway officials and congressmen, Kluczynski had made up his mind.” He wanted the Three Sisters Bridge.

The legislation could be a standalone bill or part of national highway legislation. Because 1968 was the year for the next biennial Federal-Aid Highway Act, the Committee on Public Works would have a legislative vehicle if the Department of Transportation did not change its position.

According to the *Post*, aides told reporters the committee members would probably send a similar ultimatum to Secretary Boyd regarding the North-Central Freeway:

But the Congressmen reportedly will tell Boyd that he cannot, as he proposed, turn Montgomery County’s section of the George Washington Parkway into an interstate highway and extend it across the District line and down the Potomac River bank to Georgetown.

The aides did not think a similar ultimatum would be sent regarding the South Leg Freeway.

The subcommittee members were “concerned not just about the District highway impasse, but about the precedent that Boyd’s intervention might set,” in view of similar controversies around the country. “Congressmen do not want Boyd moving into these local disputes, particularly if he is not emphatically pro-freeway.”

Chairman Kluczynski predicted that his proposals would pass the House easily. The *Post* added, “They would then go to the Senate where sentiment is not so clear.” [Flor, Lee, “House Group Will Insist on 3 Sisters Span,” *The Evening Star*, December 6, 1967; Milius, Peter, “Hill to Demand Boyd Approve 3 Sisters Span,” *The Washington Post and Times Herald*, December 7, 1967]

*Star* editors suggested that if the Roads Subcommittee had any doubt about the “unconscionable delays” blocking the Three Sisters Bridge, “they were resolved by two days of testimony from Secretary of Transportation Boyd” and area highway officials and congressional representatives. As for Chairman Kluczynski’s statement that “We want that bridge,” the editors said, “All we can add to these excellent words is that it is high time someone in authority said them.”

Secretary Boyd’s “rambling testimony . . . amounted, insofar as the bridge is concerned, merely to another stall.” He did not “come right out and say” he opposed the freeway system. “But he made it perfectly plain that he is not, of his own volition, about to lend his needed support to such a system – a message which he has been passing along informally to various groups around the city, incidentally, for the last month.”

The hearing had “nailed down” a couple of interesting points. First, virtually every Federal agency in town had been “a party to Three Sisters Bridge agreements which Boyd is now eagerly trying to abrogate.” Second, Secretary Boyd had not met his statutory obligation to consult with local officials “before reaching his half-baked conclusions on freeways in the National Capital Area.”

As Chairman Kluczynski, if not Secretary Boyd, understood, “resolution of the Three Sisters Bridge fight is the local means of beginning to unravel the freeway snarl.” The editors hoped Secretary Boyd would “reconsider the bad advice he has received” and support the bridge:

If he fails to do so, however, Chairman Kluczynski should not hesitate to override the objections and press for a direct congressional authorization. [“Kluczynski’s Mandate,” *The Evening Star*, December 7, 1969]

*Post* editors indicated that the Secretary’s testimony “reopens the painful highway controversies that were settled before he arrived on the scene.” Although other ways of solving traffic problems might exist, Secretary Boyd had spoken only “vaguely of them.” If he “has a better, cheaper or more effective way to meet District problems,” he should “put concrete proposals on the table” so they could be considered.

He seemed to be proposing that local streets, with minor improvements, could absorb traffic that would best be on an Interstate freeway. “It is to be doubted that his scheme of using the Potomac

parkways will give the city what a new upper Potomac bridge and Highway 66 promised – a 25-minute route from downtown Washington to Dulles Airport.”

When to advance or modify the freeway plan “put together after more than a decade of study and compromise” could be debated. However, the city “should not be asked to junk its plans until someone has presented an alternative program that holds out some prospect of meeting its needs.” [“Junking Highway Plans,” *The Washington Post and Times Herald*, December 8, 1967]

The reporters who covered the hearings summarized their meaning in followup articles. In the *Post*, Peter Milius observed that Secretary Boyd had not closed the door completely on the Three Sisters Bridge. “He said he is against construction of the bridge ‘at this time’ and ‘at its planned location.’” He wanted to defer its development “until two questions are answered. One is the location and the design of the so-called Inner Loop, the little beltway that may some day circle downtown. The other is the location and design of ‘a northwest arterial route,’ the big road that may some day run from downtown to Montgomery County.”

His point, “put simply, is: Don’t build the bridge at least until you know where people will be able to go once they get off on the District side.”

The *Star*’s Flor pointed out the contrast between Secretary Boyd’s views and those of the Roads Subcommittee. Flor summarized the disputes on the Three Sisters Bridge, North-Central Freeway, and South Leg Freeway. Regarding the South Leg Freeway, Flor cited Secretary Boyd’s observation that BPR Director Turner considered it a “cannon” sending traffic onto an already congested freeway.

This hurt worst of all. This was the supreme commander-in-chief, using highway design arguments to defeat other highway designers.

[Milius, Peter, “Boyd Leaves Door a Bit Ajar, Seeks More Data on Bridge,” *The Washington Post and Times Herald*, December 8, 1967; Flor, Lee, “Boyd Answer on Bridge Clouds Roads Picture,” *The Sunday Star*, December 10, 1967]

## **The Mandate**

While the hearings reflected the continuing freeway debate, Brookland was experiencing the reality. The District’s Real Estate Division had begun earlier in the year to acquire homes for the North-Central Freeway. On December 7, the *Post* reported on the experience in “one of Washington’s few stably integrated communities”:

Brookland is a quiet neighborhood, with older frame and brick one-family houses. Many of its people are older retired families who bought their homes years ago when real estate was cheaper and mortgages not so hard to come by. Almost all would stay now if the Freeway weren’t coming through.

In fact, many whose homes the District did not plan to acquire for the freeway would move anyway. As the Reverend Joe Gipson put it, “Who wants to live next to a freeway? Nobody”:

After fighting the Freeway since 1964 – at the District Building, at hearings before Government agencies, in the courts and in the streets – some Brooklanders have finally given up and moved out. A lucky few have found homes in their old neighborhood, but many more have been forced out of town or into neighborhoods where comparable houses cost twice what the Real Estate Division paid for their old homes.

The average price of the acquired homes was \$15,000.

Recently, RLA opened a relocation assistance office at 2726 10<sup>th</sup> Street, NE., but “it hasn’t been doing much business.” Brooklanders “trust neither the District government nor the RLA”:

Brookland residents lost faith in RLA when they heard about the Tubman School site at 11<sup>th</sup> and Kenyon sts. nw. The Tubman school [sic] is being built on what used to be a block of well kept, middle class homes, the only ones in a sea of slum housing.

Brookland residents see many similarities between the two cases. In both, residents fought the planned construction and lost.

Most who had moved because of the freeway had found new homes on their own, asking RLA to pay only moving expenses up to \$200:

And a few just don’t plan to move. They are hopeful that a suit that failed in U.S. District Court will succeed in the Court of Appeals . . . .

If the suit fails, there are others prepared to use more extreme measures to resist the Freeway. They are members of the Emergency Committee for the Transportation Crisis and some members of Northeast Group Ministry.

The Reverend Gipson thought the freeway could be stopped by convincing Mayor Washington and the city council to kill it. He agreed with ECTC that a rail rapid transit system could solve the traffic problem:

But if all else fails, “we’re prepared to get down in front of the bulldozers with our bodies,” and stop construction, Mr. Gipson added. [White, Jack, Jr., “Brookland’s Settled Calm Disrupted by Freeway Acquisition,” *The Washington Post and Times Herald*, December 7, 1967]

On December 13, Chairman Fallon of the House Committee on Public Roads wrote to Secretary Boyd to demand construction of the Three Sisters Bridge. Chairman Fallon said the committee had been reluctant to get into District highway issues in such detail, but recognized “the undeniable fact that there is apparently no other way to resolve the problems involved.” Without prompt resolution, “there is no hope of ever developing an adequate total transportation system for the District of Columbia metropolitan area.”

The committee, Chairman Fallon wrote, was “unalterably opposed to the designation of any part of the George Washington Memorial Parkway on the District . . . side of the Potomac as part of the interstate system.” Doing so “might very well be an excellent device by which to make

available to the National Park Service the money needed to complete that portion of the parkway.” The money, however, was not a sufficient reason for designating the parkway an Interstate highway that would not be able to carry the trucks that normally would use a freeway. The proposal also raised aesthetic concerns.

In addition, he recommended that the Secretary direct Administrator Bridwell to consider ways to make maximum use of the proposed I-70S right-of-way of the North-Central Freeway, consider the routing and design of I-95 in the city, and evaluate the option of taking the Baltimore-Washington Parkway out of NPS jurisdiction; Maryland and the District of Columbia would take over the parkway and upgrade it to Interstate standards. Further, in view of Secretary Boyd’s stated concern about the South Leg Freeway, Chairman Fallon suggested that Bridwell work with District highway officials to consider alternatives.

The committee regretted forcing the issue on these segments, but the chairman said it also “seems entirely likely that the committee would be faced with the obligation of proceeding similarly with all of the remaining segments of the highway network here . . . .” He added, “the time has long since passed when the developmental well-being of this area can be stalled or even controlled by the wishes of parochial philosophy or single sections of the city.”

Committee members planned to meet with Mayor Washington and the city council before the end of the year “on the assumption that the position of the District government will be favorable.”

Chairman Fallon, despite the committee’s reluctance to get involved in such detail, said:

It may well be that in the end, the Congress will have to bear the brunt of making the “hard, unpopular, political” decisions regarding these matters. If so, so be it. Other possibilities do exist.

The committee invited Secretary Boyd to return to testify in February with the results of these consultations.

During a December 14 press conference, reporters asked Secretary Boyd for reaction to the letter. He said he had received it, but “I have not yet read the letter.” He said, “It would not be appropriate for me to discuss the matter today,” but offered to give a copy of his testimony to the reporters “if you want it.” [Conconi, Charles, “Build Three Sisters Bridge, House Unit Demands of Boyd,” *The Evening Star*, December 14, 1967; “House Unit Insists on 3 Sisters,” *The Washington Post and Times Herald*, December 14, 1967]

*Star* editors called the letter “strong language – but language fully justified by the Department of Transportation’s flagrant failure to support a reasonable freeway network in the Nation’s Capital.” The editors characterized Secretary Boyd’s testimony as consisting of “little more than fuzzy promises of further studies.”

Regarding Secretary Boyd’s concern about how the District would handle traffic crossing the Three Sisters Bridge, the editors pointed out Chairman Fallon’s observation that “ample time” was available to determine how to handle traffic before the bridge is completed – if officials wanted to do so:

Of course he is right. Such problems are not insurmountable. Solutions have not emerged before because freeway opponents within the administration have successfully prevented effective policy decisions from being made.

If Secretary Boyd did not like current proposals, “he has the option, together with the District’s newly-appointed officials, of producing workable alternatives – or leaving the decision to Congress.”

The *Star* editors shared Chairman Fallon’s hope that Secretary Boyd would accept his responsibilities. However, “The chairman has no cause . . . to regret his committee’s forceful intervention.” His conclusion that there was no other way to resolve the dispute “was precisely right.” [“Showdown,” *The Evening Star*, December 19, 1967]

### **The First Budget**

While the hearings were underway, Mayor Washington submitted his first budget proposals to the city council. To address the city’s “fiscal crisis,” his proposed budget of \$580.2 million for FY 1969 included an increase in the sales tax (from 3 cents to 4 cents), an increase in the real estate and personal property levies, and elimination of the sales tax exemption for local telephone service. He also called for legislation that would establish the Federal payment to the city at 25 percent of the District’s local tax revenue. The change would increase the payment from \$68.9 million for the current FY 1968 to \$80.2 million for 1969.

In addition, the FY 1969 budget included funds for the North-Central Freeway and the South Leg Freeway. Reporters asked Deputy Mayor Fletcher if inclusion of this funding in the budget meant Mayor Washington endorsed them. “No, not necessarily,” Fletcher replied. “He may or may not endorse the program later.” He said the budget reflected continuation of the highway program developed by the District commissioners. “No decision has been made to change the previous decision made by the previous District government.” [Sarro, Ronald A. “\$580 Million Budget Asked For Fiscal ’69,” *The Evening Star*, December 5, 1967; “Two Disputed Freeways Included in ’69 Budget,” *The Evening Star*, December 5, 1979]

The city council took up the budget on December 16 with an all-day public hearing. Speakers covered many subjects, including Chairman Hechinger’s proposal that a “commuter tax” be imposed on income earned by Maryland and Virginia residents in the city. Several organizations attacked the proposed tax increases.

However, as the *Post* put it, “freeways and the Council’s legal power to block any further consideration of them, was the principal topic of interest at the District Building hearing.”

Fifteen organizations, described as “from the ghetto and from Georgetown,” demanded an end to construction of the North-Central, South Leg, and Potomac River Freeways, as well as the Three Sisters Bridge. “Comments on freeways went from the serene to the ridiculous, but never included a kind word.” The council heard 26 witnesses, 15 of whom testified on the freeways, “all of them against.”

Dr. Ellis Haworth, budget chairman of the D.C. Federation of Civic Association, said no further development of the North-Central Freeway should take place until all displaced people had not only been compensated, “but have been assured new homes or business facilities comparable to those from which they have been removed. The Committee of 100 on the Federal City’s Kennan pointed out that 30 percent of District land (40,000 acres) is devoted to streets and highways, a trend he said must not continue.

Simon Cain of the Lamond-Riggs Citizens Association and Orville F. Crutchfield of the Le Droit Park Civic Association urged the transfer of the millions of dollars planned for highway construction to meet other “serious needs,” such as restoring funds requested by the school system. Crutchfield warned that residents would “judge the council on how you handle our money” in view of pressure from “vested interests or commuters to the detriment of residents who are supplying the money.”

Grosvenor Chapman of the Georgetown Planning Council warned that the city could not accommodate “any more traffic and pollution . . . without strangulation.” He urged delay of any further action on freeways until Secretary Boyd completed a review of alternatives. He suggested a “motor vehicle parking tax” on commuters who parked 8 hours a day in a commercial establishment.

Sammie Abbott of ECTC received the “only applause of the day” when he called the city’s freeway program “institutional racism” and referred to the men who ran it as “lily-white bureaucrats . . . who live in Maryland and Virginia.”

The *Star* summarized the day:

No one spoke in favor of the freeways . . . . Mayor Washington has maintained that his administration has taken no position on the freeways and that their inclusion in the budget was merely to continue what was started by the old city government until a policy is evolved by the new regime. [Kaiser, Robert G., “Freeways Rapped At Budget Forum,” *The Washington Post and Times Herald*, December 17, 1967; Sarro, Ronald, “Mayor’s Budget Doesn’t Fill ‘Crisis’ Needs of District, Council Told,” *The Sunday Star*, December 17, 1967]

In view of the overwhelmingly negative testimony on freeways, several freeway advocates rushed to testify before the city council on December 19. “However,” the *Star* reported, “the representatives faced an unsympathetic council as they clashed with several lawmakers during the final hearing this morning.”

Harold Wirth of the Rubber and Tire Manufacturers pointed out that only 10 miles of the District’s 29-mile Interstate System had been completed, compared with 75 percent of Maryland’s Interstate network. He called on the District to end the delays, slowdown, and cutbacks and to include funds in the budget for the Inner Loop, Three Sisters Bridge, North-Central Freeway, and the Potomac River Freeway.

He said that businessmen who had moved their operations to the suburbs had told him they would return to the city if the freeway system were completed. When Councilwoman Hayworth challenged that claim, Wirth replied, "They have moved where the freeways are. You have no freeways here. Build freeways and you'll get them back." Wirth cited the automobile dealers who had left the city (from 118 in 1950 to 35 in 1967), but Councilman Nevius said, "I don't agree with you. The car dealers are following their customers who are moving to the suburbs."

According to the *Star*, the "heavy barrage of questions" for Wirth came from Council members Nevius, Thompson, Turner, Haywood, Shackleton, and Chairman Hechinger. Councilwoman Shackleton reminded Wirth that the city council wanted to be responsive to District residents who overwhelmingly rejected the freeways.

Glenn T. Lashley, director of public relations for AAA's District office, told the council that the District ranked 49<sup>th</sup> in obligation of highway funds and had opened only 25 percent of its Interstate mileage. He urged rapid construction of the freeways by 1970 in anticipation of the more than 24 million tourists who were expected to visit the city, 80 percent of them by automobile. Already, traffic across the Potomac River had jumped 73 percent between 1956 and 1966. The Three Sisters Bridge was the "only practical means at hand whereby the Georgetown waterfront can be rehabilitated."

After the public hearing, Nicholas Satterlee of the American Institute of Architects spoke during a session in Chairman Hechinger's office. He urged a halt to allocation of funds for the freeways and advised the council to restudy the District's transportation plans with a goal of a balanced system. He said:

Such action on your part would not be hailed as that of obstructionism. Rather, the council would be assuming its intended role of stewardship over the city's transportation system.

We are convinced that the temporary delay and inconvenience encountered by not building a poorly planned system will be more than offset by gains achieved from building an effective one.

Satterlee promised to provide the institute's recommendations on the freeway network.

At an informal press conference on December 19, Mayor Washington made clear that he would include funds in the budget for the North-Central, Center Leg, and South Leg Freeways. It would not include funds for the Three Sisters Bridge. Deputy Mayor Fletcher said the city was concerned that it would lose the 90-percent funds if the city did not ask for them in the budget without irrevocably committing to their construction. "The final decision has not been made until you let the contracts." [Delaney, Paul, "Highway Backers Battle for Funds," *The Evening Star*, December 19, 1967; "Freeway Funds In Budget Vital, Mayor Declares," *The Evening Star*, December 19, 1967; West, Hollie I., "Mayor Asks Funds for Freeways," *The Washington Post and Times Herald*, December 20, 1967]

*Star* editors stated that Mayor Washington's decision "came at a propitious time," despite the city council's "mixed feelings on the subject." Failing to do so "would constitute an incredible misjudgment of the District's vital stake in gaining a balanced transportation system." Mayor Washington, "who assumed office with little direct exposure to the freeway controversy," was under pressure to curtail freeways, but was wise to insist on "retaining my options," as he put it. In the end, the editors predicted that the facts will result in Mayor Washington's vigorous support for "a reasonable freeway program."

The other fact that freeway critics did not seem to grasp was that there was not the "slightest basis for any belief that local money diverted now from highways might be available for other city needs." District law earmarked revenue from gas and vehicle registration taxes to the Highway Fund to be used for highway expenditures. "They could not be spent for other purposes without a change in the law, and there is no prospect whatever that any such change could win the approval of Congress," which retained approval authority on the District budget and laws. If there was any doubt about that statement, critics needed only consider Chairman Fallon's recent letter to Secretary Boyd or Chairman Natcher's often repeated warning "that he will tolerate no abandonment of the freeway program."

Mayor Washington's explanation "indicates a healthy respect for all these considerations." For the city council to forget that its budgetary recommendations are merely proposals to the White House and to Congress "would place the new city government merely in a position of posturing and most irresponsibly so."

(The editorial did not state that the 90-percent share of funds from the Federal Highway Trust Fund also could not be shifted from Interstate projects to other needs, such as schools. The funds were restricted to use under the Federal-aid highway program.) ["Freeway Funds," *The Evening Star*, December 22, 1967]

On December 20, Chairman Wolff of the Maryland State Roads Commission announced plans to add a fourth lane in each direction to the State's 44-mile portion of the Capital Beltway. He explained that one reason for the project was that Interstate projects in Baltimore were not ready for construction. He was concerned about losing the funds if he did not use them.

A "well-placed source" told the *Post* that the additional beltway lanes across Rock Creek Park might become a factor in the North-Central Freeway battles. Under current plans, that section of the Capital Beltway would carry two numbers, I-495 and I-70S, as a link between I-70S at the Pooks Hill interchange and the I-70S North-Central Freeway interchange.

The source estimated that approval for the additional lanes would be needed from the Maryland-National Capital Park and Planning Commission, the Montgomery County Planning Board, and NCPC. The Maryland planners were expected to approve the widening, but NCPC's views were harder to predict. Chairman Rowe declined to comment in the absence of a formal proposal, but did point out that NCPC always favored the Capital Beltway because it served as a bypass around the city. The source told the *Post* that the defeat of either the beltway widening or the North-Central Freeway "could doom the other." [Angle, Martha, "Maryland to Widen Beltway," *The*

*Evening Star*, December 20, 1967; “I-495 Plan May Affect Freeway,” *The Washington Post and Times Herald*, December 30, 1967]

### **Secretary Boyd’s Response**

During Mayor Washington’s press conference on December 21, reporters asked about his pending meeting with Secretary Boyd. In view of Chairman Fallon’s letter to Secretary Boyd to legislate construction of the freeways, the threat from Chairman Natcher to withhold the city’s matching funds for rail rapid transit, and support from downtown businesses for the freeways, Mayor Washington was under pressure to find a way out of the impasse. He acknowledged that, “this is a very tense, touchy area.” He added, “I don’t have anything formal before me” that required an immediate answer.

Deputy Mayor Fletcher told reporters that the new city government “is certainly going to assert a position” on the freeways but “we’re not about to be stampeded.” Sooner or later, he explained, “we going to have to say this is what we think is the answer.” He knew, however, that when that day came, “the honeymoon will really be over.” [Milius, Peter, “Mayor, Boyd Will Meet on Freeway Issue,” *The Washington Post and Times Herald*, December 22, 1967]

On December 26, Secretary Boyd met with Mayor Washington and Deputy Mayor Fletcher to review the freeway situation. During the nearly 2-hour meeting, they were joined by Secretary Udall, NPS Director Hartzog, former District commissioner Duncan, now a special assistant to Secretary Udall, and Under Secretary Robert Wood of HUD.

After the meeting, participants declined to comment to reporters. However, Assistant Secretary of Transportation for Public Affairs John Sweeney said, “The meeting was held to find those areas of agreement which can be put into words and then reported to the House committee.” He added, “I think we’ve got a pretty good understanding.”

He emphasized that the meeting was not restricted to the Three Sisters Bridge. It concerned the entire freeway question. “I don’t think there is any difference of opinion affecting long-range problems.” He assured reporters that Secretary Boyd would respond to Chairman Fallon by the committee’s deadline. [“Quick Freeway Report Pledged,” *The Washington Post and Times Herald*, December 27, 1967; Delaney, Paul, “Decision on ‘3 Sisters’ By Deadline Is Promised,” *The Evening Star*, December 27, 1967]

On December 28, Secretary Boyd replied to Chairman Fallon. The Secretary explained that the decision on the Three Sisters Bridge was “of interest to other officials of the Government who are concerned about the development of a transportation system in the Washington metropolitan area which will serve the total public interest.” He had met with those officials, he said, listing the participants in his December 26 meeting:

All of us have raised questions about the system which is now proposed. We believe these questions must be thoroughly and quickly analyzed prior to making any final decision on any part of the system, including the Three Sisters Bridge.

Therefore, I must reluctantly inform you that I cannot take any steps that would result in the further processing of the construction plans for the Three Sisters Bridge by December 31.

His brief letter concluded:

I believe that when this analysis of all of the questions has been completed we will be in a position to make final decisions that will satisfy the concern which you and your Committee have legitimately expressed. I know I speak for all of those concerned in the Executive Branch when I pledge you a swift completion of this analysis and a quick submission of proposals.

Reporters immediately sought Chairman Fallon's reaction, but he declined, saying he had not yet read the letter. However, Chairman Kluczynski was ready to comment. He was not willing to accept Secretary Boyd's position that more time was needed. The chairman pointed out that the bridge had been studied for 20 years, with 20 consultants' reports backing the project:

What did he do with the reports – throw them in the waste basket? I'll be darned if I'll let them spend more millions in planning. If they don't do anything by Jan. 15, we will take action.

The second session of the 90<sup>th</sup> Congress would convene on January 15. He was preparing legislation to introduce the following day. "I'm going to poll the whole committee on this. I'm sure the whole committee and everyone in the House will support this legislation." He would begin hearings on the bill on January 22 "and get it on the floor of the House in no time." He added, "There is absolutely no opposition to this bill."

Mayor Washington declined to offer his views on the Three Sisters Bridge or other freeways. He recognized that the segments must somehow link, but acknowledged concerns. He did not want the city to act "until all the views are analyzed," adding, "Anything we do ought to be done expeditiously." [Hoagland, Jim, "Boyd Rejects Three Sisters Bridge Ultimatum," *The Washington Post and Times Herald*, December 30, 1967; Flor, Lee, "Kluczynski Gives Ultimatum To Boyd on 3 Sisters Span," *The Evening Star*, December 30, 1967]

The *Star* was not impressed by Secretary Boyd's response to Chairman Fallon:

Boyd's brief response on Friday was just about as unresponsive as his past performance on the issue . . . . What "questions" require further analysis? Boyd doesn't say, which is hardly surprising. It is difficult to conceive of any legitimate question on this subject which has not been obvious during all the long months the Department of Transportation has been sitting on its hands.

Perhaps Secretary Boyd's procrastination resulted from "a hope that Mayor Washington might be talked into taking the initiative in a move to curtail District freeways." Thus far, the editors indicated, Mayor Washington "has wisely resisted pressures to back him into that corner."

The editors' hope was that Secretary Boyd's "fence-straddling" would serve as "an invitation to proceed with legislation to get the freeway program moving." If so, the Committee on Public Works' action would be "fully justified." ["Unprepared," *The Evening Star*, January 1, 1968]

### **New Year, Old Battles – 1968**

As of January 1, 1968, the District's Real Estate Division had acquired full title for 32 lots, worth \$510,350 in the North-Central Freeway corridor along the railroad tracks between Harmony Cemetery south of Rhode Island Avenue and Taylor Street NE. The division had contracts for another 39 parcels worth \$1.7 million. Offers had gone out for 55 other lots, worth about \$3.7 million. The division also had acquired most of the cemetery at a cost of \$3.4 million. Appraisals were underway on the remainder of the parcels in the corridor. The District estimated that in all, it would need about 295 lots for the freeway to Taylor Street.

Critics such as Kennan of the Committee of 100 on the Federal City wanted the city to withhold its 10-percent share of the purchases, thus ending the acquisition process. Although the purchases had begun when the District commissioners were in office, Kennan said Mayor Washington had supported the North-Central Freeway by allowing the acquisitions to continue.

Kennan also accused the House Public Works Committee of hypocrisy in urging the Department of Transportation to approve construction of the Three Sisters Bridge:

The House Public Works Committee has no business addressing itself to local highway problems – its role ought to be that of overseer of the national highway program.

The works committee is acting contrary to the whole spirit of the highway program, that highway aid is on a reimbursement basis, and is not based on dictation from the federal level. In addition, the works committee's action is outrageous because the committee has not heard all sides of the highway dispute.

Because the District was considered a State under the Federal-aid highway program, Kennan said that even if Congress passed legislation ordering construction of the bridge, the city council had the power to decide against doing so.

Kennan also challenged Chairman Kluczynski's claim that the committee would hold hearings to hear all viewpoints. The committee has already decided what it would do before hearing from critics. [Flor, Lee, "Council Weighs Freeway OK, But D.C.'s Buying the Land," *The Sunday Star*, December 31, 1967; Flor, Lee, "Freeway Foe Hits House Unit's Stand On 3 Sisters Span," *The Evening Star*, January 1, 1968]

During a 2-hour closed meeting on January 2, District officials discussed whether to halt the acquisitions. Council Chairman Hechinger told reporters "we are still looking into it." However, at a later press conference, Mayor Washington denied to reporters that the matter was an issue at all. The acquisitions had been ordered by the District commissioners; the new government could not do anything about past contracts and acquisitions. ["District Defends Buying Of Land for Freeway," *The Evening Star*, January 3, 1968]

On January 3, the city council met to consider Mayor Washington's proposed budget, including continuation of funds for freeways. The *Star* characterized the discussion of the freeway funding as a first for the city council:

During debate on highway allocations, the councilmen engaged each other in arguments for the first time in their two-month history. Heretofore, they have gone to great lengths to keep everything harmonious.

However, harmony within the council lost out to harmony within the city government yesterday.

Councilman Nevius had headed the two-member subcommittee, with Councilman Anderson, that reviewed the freeway budget proposal. Speaking for the subcommittee, Nevius said that 700 middle-income families would be displaced by the North-Central Freeway and they would not receive sufficient compensation that would allow them to buy comparable homes elsewhere. Unlike the middle-income families, the low-income families that were displaced could at least expect help in relocation from RLA. In all, 89 businesses would be acquired.

He said the council had three choices: accept the budget, reject it, or leave the Mayor's options open while advising him to convene a planning team, similar to Baltimore's Urban Design Concept Team, to review the plans. He did not say he supported the options or formally offered them for consideration. However, he said, "I don't think any responsible person will deny there is a need for connecting links to the outer perimeter of the city." With 20 years of planning and \$20 million also invested, "The D.C. government has very little power to change what's already been done." Moreover, Nevius said, "The mayor has indicated he would veto the budget if highway funds are taken out."

Mayor Washington had emphasized that in seeking the funds, he was not taking a position for or against freeway construction. He was, as he had said, "leaving open my options." Eliminating the funds would be taking a position and he did not want to do so at this time. Councilman Turner, who was involved with the Highway Users Conference, led support for the budget proposals. He did not state support for the freeways, but argued that Mayor Washington should have a free hand rather than dividing the city government:

You don't sink half the ship, you sink the whole ship. When we have a champion performing as the Mayor is performing, I think the least we can do is give him support.

In the end, the city council voted 5 to 4 to approve an amendment by Chairman Hechinger in support of the funding. The amendment called for use of the "planning team concept" to restudy the network. It also called for Mayor Washington to report back in 30 days. In supporting the Mayor's proposal, Chairman Hechinger was joined by council members Haywood, Thomas, Turner, and Yeldell.

Council members Anderson, Fauntroy, Nevius, and Shackleton opposed the amendment. Anderson and Shackleton did so because they thought the freeway program should be

reevaluated. Shackleton said the council had a responsibility to the people who had made clear they opposed the freeways.

Vice Chairman Fauntroy opposed the amendment because he wanted to kill the North-Central Freeway. He wanted the land already acquired for the freeway to be sold back to the previous owners if they wanted it. He asked Chairman Hechinger what could be done if Mayor Washington's report did not satisfy the council. The chairman replied, "We could take the highways right off the map since we have to approve urban renewal and street closings. It's our ultimate authority that we could delete them right off the map – if we have the legal right. [West, Hollie I., "Divided Council Leaves Freeways Up to Mayor," *The Washington Post and Times Herald*, January 4, 1968; "Council Supports Mayor on Roads," *The Evening Star*, January 4, 1968]

Although neither Mayor Washington nor the city council claimed their actions meant they supported the freeways, ECTC wanted to make sure its views on the North-Central Freeway were known. Despite 25-degree temperature, ECTC arranged for 50 or so picketers in front of Mayor Washington's home at 408 T Street, NW. Picketers came from ECTC, the Brookland Civic Association, and civil rights groups, including Marion Barry of Pride, Inc. Signs included:

- Mr. Mayor: Stop Walking . . . Start Acting! Stop the Freeways
- Mr. Mayor: What OPTIONS do displaced Negroes have?

Another sign informed Mayor Washington that "the honeymoon is over."

After about 40 minutes, Mayor Washington came outside to talk with the protesters. The protesters demanded that Mayor Washington immediately halt acquisition of property for the North-Central Freeway. They told him the city's highway department was "harassing and intimidating" homeowners to get them to sell. Chairman Pryor of the Brookland Civic Association said he was one of the residents being harassed. Highway department officials had called him repeatedly during the past week trying to set up an appointment to negotiate purchase of his home. He told the mayor, "Our home is not for sale." He added that the city was offering "much too little" to acquire similar homes.

Louis Florento, a white resident of Taylor Street, NE., told the mayor, "I can move to Maryland if the freeway comes through, but my black neighbors have no option."

Mayor Washington replied that the acquisition program began in 1966. "This is not my problem," he said, but added, "I'm making it my problem."

ECTC's Sammie Abbott, who still lived in Takoma Park, Maryland, confronted Mayor Washington, as reported in the *Post*:

Washington: "I have hope that in the days ahead we can do something about the total situation."

Abbott: "What's the total situation?"

Washington: "If you wanted to know, you would have asked the question in another way."

Abbott: "We're going to be here for a long time."

Washington: "I've been here for 50 years and I don't think I'm going anywhere, not even in Maryland."

Later, Mrs. Abbott said that, although residents of Maryland, the Abbotts would be affected by the freeway.

Barry asked the mayor about his feelings on freeways and urban renewal, which he called "urban removal." Mayor Washington replied, "I'll give you my feelings in time."

Before returning to his home, Mayor Washington said he would "make a run" through Brookland to sound out citizen feelings and meet with them in a week. [West, Hollie I., "50 Picket Mayor Over Freeways," *The Washington Post and Times Herald*, January 8, 1968; Spencer, Duncan, "Mayor Picketed at Home," *The Evening Star*, January 8, 1968]

### **Secretary Boyd on Political Clout**

Secretary Boyd discussed the North-Central Freeway when he appeared on WTOP's television program, "Capital Conversations," on January 14. He said he had refused to approve the freeway because the location had been determined not by "where the traffic wants to go":

All the traffic surveys say it should be built along the Wisconsin Avenue corridor. But the people who live along Wisconsin Avenue or have businesses there have much more political clout than the people on the other side of town.

He recalled efforts to build the freeway along the Potomac River shore:

But it was pushed eastward and eastward until political opposition was insufficient to stop it.

He acknowledged that political pressure could not be avoided entirely. "I'm not kidding myself about that at all." However, "We must do better than taking the property of all the poor people and leaving alone people with political pull." The current plan "would displace poor people, Negroes, even though that's not where the highway ought to go."

Highways could be built "to compact themselves reasonably well" through neighborhoods if the air space was used for homes and businesses that would be displaced. "We should not just tear up the homes of poor people and Negroes. We ought to make a determined effort to put freeways where traffic wants to go."

As for the Three Sisters Bridge, he would continue to oppose it until he knew "what's going to happen to the traffic" using it. At present, "there is no provision for a distribution system" to carry the traffic through the northwest section of the city. He understood the "impatience" of

Chairman Kluczynski and others, but he would not approve the bridge until he was certain how it “fits into the District’s highway system.” He would, however, continue to discuss the bridge with Mayor Washington and the city council. “Decisions affecting local transportation should be made locally.”

Secretary Boyd also opposed plans for a tunnel under K Street between Whitehurst Freeway and the Center Leg Freeway. He said that without exits, the tunnel would be “a multi-million dollar or multi-hundred million dollar tomb.” He added, “It doesn’t make a bit of sense to tear up that major artery for several years with no way to get traffic in and out of the tunnel.” [Feinberg, Lawrence, “Boyd Charges Freeway ‘Politics,’” *The Washington Post and Times Herald*, January 15, 1968; Sarro, Ronald, “Boyd Says Politics Sets Freeway Path,” *The Evening Star*, January 15, 1968]

Secretary Boyd’s comments infuriated Representative Gude, who took to the House floor to criticize Boyd’s “incredible compendium of contradictions in defense of his opposition to Washington area freeways.” His reference to traffic surveys favoring the Wisconsin Avenue corridor over the North-Central Freeway corridor “ignores the fact that some experts have said both are needed, as he would know, had he not studiously isolated himself from local freeway experts.” His comment about “where the traffic wants to go” ignored the “paralysis” that would result if the North-Central Freeway were not built.

Decisions on freeway locations in the District were the result of “years of debate” that Secretary Boyd “dismissed as the product of ‘political clout’” even though “in the next breath” he insisted that “decisions affecting local transportation should be made locally”:

He crowns this absurdity by his own moves to block the Three Sisters Bridge, and his own attacks on local freeway planning, of which this morning’s article [in the *Post*] represents the most recent example.

Secretary Boyd’s comments about tearing up the homes of poor people and Negroes were “irresponsible demagoguery” and contradicted his own comments about how air rights could provide better housing for those displaced:

Such statements hardly contribute to the local decisionmaking process by Mayor Washington and the new District government. Just last month Mr. Boyd was talking about converting a park along the Potomac into an interstate highway. One can only wonder what he will recommend next month. [Washington Area Freeways, *Congressional Record-House*, January 15, 1968, pages 17-18]

*Star* editors agreed with Representative Gude. Secretary Boyd’s performance, the editors stated, “would be hard to top for pure demagogic irresponsibility.” His history of the shift of I-70S from the Wisconsin Avenue corridor to the North-Central Freeway “is a flagrant distortion of the history of the North-Central Freeway.” Further, “its racial implications are the most unconscionable of all.” While “political pressures from a variety of sources” played a role in foreclosing construction of the freeway west of Rock Creek Park in the 1950s, traffic studies

“were showing conclusively that the primary freeway needs then, as now, were not along Wisconsin Avenue but east of the park”:

The fact is that the officially-approved transportation plans of those days accordingly gave the highest priority to freeways east of the park *in addition to* relatively modest proposals on the west – not in lieu of them.

Either Boyd is unaware of these facts – which is hard to believe since many of his present subordinates were parties to those previous plans – or he is misrepresenting them deliberately.

Either way, his contention that the growing population in the Silver Spring-Wheaton area who would use the North-Central Freeway would prefer to use a freeway west of Wisconsin Avenue “is patently absurd.” In trying to force the District “to embrace – as its program – his own fallacious conclusions” was “a no less reprehensible game of politics” than the alleged political clout he described:

Washington’s freeway program has stagnated primarily because of the obstructionist tactics of a handful of federal officials who are philosophically opposed to urban freeways. When the new Department of Transportation was created, there were high hopes that its chief, as a cabinet-level coordinator, would get things moving. Boyd, instead, has proved to be a Secretary of Anti-Transportation, and one wonders how much longer the White House will permit this intolerable situation to continue. [“Boyd’s Distortions,” *The Evening Star*, January 18, 1968; italics in original]

As described in the *Star*, Mayor Washington and Assistant Mayor Fletcher met with more than 400 “angry” Brookland residents on January 16 at St. Anthony’s School. The residents complained about the pressure from city highway officials to acquire property for the North-Central Freeway. Highway officials, Gallaudet College Professor Leonard P. Siger said, had signed “death certificates” for 44 homes, with acquisition underway for 287 more.

The mayor told them he had inherited “complex legal issues” that would have to be solved before the city could build or abandon the North-Central Freeway. He said he could “do no more at this point than pledge my support to respond quickly to this sordid situation.” He could not call for a moratorium until the U.S. Court of Appeals resolved the legal issues. He recommended that Brookland citizens associations form a committee to meet with city officials on individual acquisitions.

As the 2-hour meeting was nearing an end, Sammie Abbott jumped on the stage, pointed at the mayor and charged that he was not using his “political clout”:

The mayor, visibly disturbed, stood up and retorted, “I can’t come out in an open meeting and solve all legal problems. I came out here to listen and to understand. No other city commissioner has done that.”

Washington added that he has met “almost daily” with U.S. Transportation Secretary Alan S. Boyd, who is reviewing the freeway issue . . . .

Fletcher commented: “We can promise you we are up to our antlers in this issue. We have a complex legal problem in finding what we can do on a decision made by a previous government.” [Gregory, John, “Can’t Halt Freeway Land-Buying, Mayor Tells Angry Group,” *The Evening Star*, January 17, 1968]

Potomac Watch columnist William Raspberry wrote that while Mayor Washington had included freeway funds in his proposed budget to keep his options open, Secretary Boyd’s comments were making those options “less attractive every day.” The mayor had “made some brilliant moves in his short term,” but for the first time was “stuck with a situation where there is no right move.”

Raspberry agreed with Secretary Boyd’s summary of how the freeway shifted east of Rock Creek Park, but during that time, Mayor Washington was running the city’s housing program. Now, with all that history behind the North-Central Freeway, he became mayor “too late to do much about the planning of the freeway but in perfect time to catch the flak that is certain to fly as soon as he makes any decision at all.”

He apparently had hoped to delay a decision until Secretary Boyd “took it out of his hands.” Then came the Sunday interview program, during which Secretary Boyd said decisions should be made locally, thereby declining “to take the Mayor off the hook.” Secretary Boyd planned to work with Mayor Washington and the city council but “he made it clear that he would leave the decision to them.”

Although shifting the freeway to northwest where it once was would “remove the specter of a government picking on poor folk and Negroes,” it would nevertheless dislocate many people and businesses. “What is needed, really, is a restudy of the entire freeway system, but it is awfully late in the day for that”:

Mayor Washington’s best bet may be to ignore them altogether and rely on his own judgment as to what is best for the city as a whole.

It must be small comfort for him to know that whatever he does – or fails to do – will be wrong. [Raspberrrt, William, “The Mayor Can’t Win On Freeway Decision,” Potomac Watch, *The Washington Post and Times Herald*, January 17, 1968]

## **The GW Link**

Representative Gude arranged a January 3 meeting with Nash Castro, the new NPS regional director, at the dead end of the George Washington Memorial Parkway near Chain Bridge.

Castro agreed to support a 1,300-foot ramp connecting the end of the parkway to MacArthur Boulevard, which the U.S. Army Corps of Engineers owned. The ramp would link the parkway from about 200 feet east of the Little Falls pumping station to the boulevard at Maryland Avenue in the Brookmont subdivision. The Maryland Avenue link was critical because it would remove traffic from the western end of the boulevard that was threatening to crush the underground conduits. The Corps, which had previously agreed to the plan, would strengthen the boulevard at the site of the ramp, but would not have to strengthen the remainder of the boulevard into the city because the conduits were not under that part of the roadway.

The NPS, still unwilling to pave the parkway link until it knew the fate of the Palisades Parkway and Three Sisters Bridge, would gain from the plan. Maryland traffic that was crossing the Potomac River to use the parkway on the Virginia side before crossing into the District, and vice versa, would now have an outlet in Maryland. Castro estimated the ramp, plus some culvert work, would cost \$170,000, a sum he would seek authority for from Congress.

The Federal Government owned most of the land for the ramp, but D.C. Transit System owned a portion that had been used for its abandoned Cabin John trolley line. Representative Gude said he would work with Castro to secure approval from O. Roy Chalk for an easement. Castro would seek NCPC approval for the project.

All parties agreed the ramp would be a temporary substitute for extension of the “parkway to nowhere.” When the freeway fights were resolved, they would plan a permanent end of the parkway.

On January 11, Representative Gude brought NPS and the Corps together to formally agree on the plan, subject to securing the easement from Chalk and approval by NCPC. [“Agencies Agree on GW Link,” *The Washington Post and Times Herald*, January 4, 1968; “Ramp From MacArthur To Parkway Endorsed,” *The Evening Star*, January 4, 1968; “2 Agencies Agree on Parkway Ramp,” *The Washington Post and Times Herald*, January 12, 1968]

The *Star*’s editors applauded Representative Gude’s initiative. “How he did it we’ll never know,” they wrote. The parkway had been finished except for the section that was “utterly inaccessible to anyone” because of “the interminable, asinine fuss over a Three Sisters Bridge.” They applauded Representative Gude for two reasons, one of which was the obvious one “that any further use of the parkway is better than nothing.” The other reason was that once the ramp opened, “one of the jumbo traffic jams of all time will occur on MacArthur Boulevard, especially in the area of Foxhall and Canal Roads.” They hope that “the ensuing howls of anguish in that event should apply some much-needed pressure on Secretary Boyd to settle the silly freeway dispute.”

The *Post* agreed that the link between the “parkway to nowhere” and MacArthur Boulevard “would provide some relief,” but was “a poor substitute for linking this parkway with the yet-to-be-built Palisades Parkway in the District.” The editors warned that, “Serpentine MacArthur Boulevard is no rational alternative. Somehow the seven-year war over the proposed Three Sisters Bridge must be brought to a head so that the essential Palisades Parkway may be speedily constructed.” [“Road to Somewhere,” *The Sunday Star*, January 7, 1968; “Poor Substitute,” *The Washington Post and Times Herald*, January 8, 1968]

## **Work Group Reports**

On January 13, Mayor Washington released the reports of the national work groups he had assembled to explore District issues. He said of participants in the five groups, “It would be difficult for me to overstate my appreciation for their work.” However, “no action has been taken on these proposals. All of our decisions lie ahead.” Inevitably, “some of the suggestions will be accepted, some rejected, and others adopted in some modified form.” Overall, the reports

provided “a package of fresh and stimulating ideas for attacking the city’s major urban problems.”

He emphasized that the reports were “not going to be filed and forgotten”:

Nor are they going to be fed into some slow-grinding municipal machinery, where they will yellow with age before decisions are made.

Instead, using our best resources for analysis and evaluation, we will move as swiftly as possible to make maximum use of all feasible proposals within the range of our possibility and capability.

We are, of course, hoping and expecting to hear from the citizens on these work group reports. The reaction from the community will provide us with an additional valuable tool to weigh and measure the value of these ideas.

The transportation work group addressed the planning problem by recommending that power over freeways and transit should be taken away from NCPC and centralized under the mayor and city council. The city should create a Department of Transportation to carry out the mayor’s and city council’s decisions. The new department would include the parking, motor vehicle, and highway and traffic departments. It would review and study proposals, but would not have veto power.

The department would not include WMATA, which had areawide responsibility. However, the work group suggested that the department assume some responsibility for transit, comparable to transit commissions in other area jurisdictions. At present, the District did not have a transit agency or even a single transit staff official to consider rail rapid transit plans.

The group’s other recommendations included:

- Establish a traffic management center that would, among other things, use computers to adjust traffic signals to speed traffic;
- Develop a continuous planning process that would use transportation decisions to help control city development;
- Use freeway air rights over freeways for housing;
- Create a parking authority to establish and run lots and garages on public and private land, including under the National Mall; and
- Establish a public relations program to bring citizens closer to planning and transportation decisions.

Overall, the work groups addressed “disorganization and fragmentation” by proposing creation of four super agencies. In addition to the department of transportation, the groups proposed agencies or departments for environmental protection, housing and community development, and human resources. Liaison with Federal agencies would be handled by an Office of Metropolitan and National Capital Affairs. [Flor, Lee, “Experts Urge City Control Of Freeway, Transit Plans,” *The Sunday Star*, January 14, 1968; Sarro, Ronald, “New Powers for D.C. Mayor, Four Super

Agencies Proposed,” *The Sunday Star*, January 14, 1968; “Summary of Task Force Reports on City Woes,” *The Washington Post and Times Herald*, January 14, 1968]

### **The 1968 Interstate Cost Estimate**

On January 12, Secretary Boyd submitted the 1968 ICE to Congress as the basis for adjusting the apportionment formula for Interstate construction funds.

The 1965 ICE had estimated the total cost of the Interstate System was \$46.5 billion (Federal share: \$42 billion). The 1968 total was \$56.5 billion (Federal share: \$50.6 billion). Counting all funds used thus far or authorized but not yet expended, FHWA would need an additional \$18,689,119 to complete the Interstate System to full standards.

The difference of \$9.7 billion was attributed to several factors:

- A \$310 million allowance for reserve mileage totaling 31 miles that had been estimated in 1965 at \$5 million per mile, an increase of \$155 million;
- An increase in the allowance for State highway and Public Roads planning, administration, and research and for contingency items;
- Change in cost due to the increase in unit prices;
- Additional interchanges and grade separations, plus improvements in design of ramps and structures;
- Additional lanes, including lanes added as a result of a provision in the Federal-Aid Highway Act of 1966 requiring all segments to have a minimum of four lanes;
- Extra pavement structure on earlier opened sections to accommodate design year traffic;
- Added landscaping, erosion control features, roadside rest areas, and rest facilities;
- Additional safety features on segments under construction, including flatter slopes, wider bridges, additional guardrail, safety posts, and light standards;
- Added safety features on segments previously opened
- System additions and replacement of segments.

Secretary Boyd, in transmitting the estimate to Congress, said, “These estimates . . . represent the best coordinated engineering judgment in this important matter.” [The 1968 Interstate Cost Estimate, Letter from the Secretary of Transportation, Committee on Public Works, U.S. House of Representatives, 90<sup>th</sup> Congress, 2d Session, House Document No. 199, January 15, 1968]

The District’s 29-mile Interstate System had increased from a total estimate of \$545.6 million to \$772.2 million. To complete it, the District would need \$506.7 million, compared with \$408.6 million in 1965.

Maryland’s estimate of the total cost of its Interstate routes was \$1,017 billion, up from \$780 million in 1965. The State had estimated in 1965 that it needed \$524.5 million to complete the network, but in 1968 estimated it needed \$632.9 million.

Virginia’s total estimate had increased from \$1,401 billion in 1965 to \$1,567 billion in the 1968 ICE. However, the amount needed to complete the State’s network had decreased from

\$807.3 million in 1965 to \$684.2 million, reflecting progress on rural segments. [Flor, Lee, “Cost Estimates Soaring For Interstate Roads,” *The Evening Star*, February 5, 1968]

In January 1968, Lee Flor in the *Star* and Jim Hoagland in the *Post* provided readers with summaries of the District’s transportation situation. Flor told readers that, “so many governmental agencies are making decisions about local transportation that it is almost impossible for the public to check these decisions.” He estimated that about \$2.4 billion was planned for the rail rapid system and about that much for highways and buses:

This year, some tough decisions will be made about rapid transit. The Washington area freeway program, already in trouble, may be cut back in a final settlement of disputes which have raged over the years.

Referring to the 95.6-mile rail rapid transit system identified in October 1967, Flor said that WMATA wanted to hear from the public before making a final decision in March on the scope of the network:

The March deadline is important, because Congress this year will be asked for about \$60 million in federal aid, plus about \$29.4 million in direct grants from the District . . . .

If the interstate authority [WMATA] gets clearance and funding from Congress, it wants to break ground for its first subway construction at the proposed 8<sup>th</sup> and G street site or the Judiciary Square station (at E and 5<sup>th</sup> Streets NW). The contract is to be awarded in October, with groundbreaking ceremonies following shortly.

The start would be for the 25-mile system Congress had approved in 1965. For the total system, WMATA expected to issue \$810 million in guaranteed revenue bonds to be repaid from the farebox. “If the number of riders does not come up to expectation, the cities and counties will be responsible for paying off some of the revenue bonds.” If revenue exceeds expectations, the balance would be used to retire the bonds sooner. In addition, WMATA expected to receive \$1.1 billion in Federal transit aid and about \$535 million from bond issuances by local jurisdictions:

At any rate, this year is the “make or break” year for the rapid transit system.

In 1967, most of the “news about freeways was bad – delays, little progress.” The new city council’s support for freeways in the budget was “lukewarm,” while Secretary Boyd had declared several segments “unwise.” A fight had erupted between Secretary Boyd and the House Committee on Public Works over the Three Sisters Bridge and the other segments. “The National Capital Planning Commission, which now has enough anti-freeway votes to block the bridge and the controversial freeway projects, also is on the spot”:

However, the District is proceeding with its Center Leg freeway as far north as H Street NW, between Second and Third Street NW. Also, the District is working on some bridges on the North Central Freeway, and is tying the Southeast Freeway into the Eleventh Street bridges across the Anacostia. [Flor, Lee, “More Decisions Than Speedup Likely in Area Transport,” *The Sunday Star*, January 7, 1968]

Hoagland began his summary:

The District's 20-year war over interstate freeways appears to be entering its most decisive stage.

Highway officials were pushing for approval of the basic network that Director Airis called "essential . . . to keep pace with the growth of the District." Opponents questioned parts of the 29-mile system and were "attacking many of the basic assumptions on which the system is planned." About the only thing everyone agreed on was "that the conflict must be settled now if an orderly transportation system is to be provided for Washington in the future."

He recalled the May 1966 agreement to move forward, followed a year later by NCPC's decision to ask Secretary Boyd if the Three Sisters Bridge was needed. His decisions, revealed during his testimony before the House Subcommittee on Roads, were "taken as an affront by the District Highway Department, which complains bitterly that \$20 million has already been spent studying the system." The dispute left Mayor Washington "the target of opposing pressures" from both sides, with citizens threatening to use their bodies to block bulldozers.

District highway officials believed the time for study was running out. They predicted a doubling of the metropolitan area's population and "that, on past performance, this means traffic on Washington's already congested streets and bridges will double in the same period." Without the new freeways, "chaos will ensue, the [Highway] Department warns."

The Department of Transportation questioned the prediction and the assumption that "anyone in the city should be able to drive at 50 or 60 miles an hour at any time," an assumption that would require "much more concrete than is good for the city":

The Highway Department counters with statistics – and rush-hour photographs – showing that traffic from the suburbs into Washington is already choking existing roads beyond their capacity.

New, ineptly planned roads will aggravate, not solve that problem, Transportation Department aides reply. Boyd says that new roads create traffic, like a vacuum cleaner sucking in dirt.

Actually, the rapid rail system of Washington has been the principal hostage of this freeway war. In 1966, members of the House threatened to kill the proposed subway unless freeways got the go-ahead.

They got it, and the subway system is still alive. But so is the threat of retaliation against the rapid rail forces if the House District Committee decided the freeway system is being slowed.

District highway officials predicted that if they could get started now, they could finish within the 1973 deadline for the Interstate System. Beyond 1973, the District runs the risk of losing 90-percent Federal funding for the freeways. "By then, the subway system would be half finished in the downtown area and thus able to stand on its own." As Hoagland pointed out,

“There is considerable doubt that Congress will actually shut off the interstate system in 1973. It could easily be extended, Department of Transportation experts say”:

They add that cities don't have to take the 90 per cent money just because it's there. The money, they say, could, in effect, ruin a city by speeding traffic through it.

It is with these weapons of conflicting ideas, statistics and assumptions that the battle over specific parts of the freeway system is being fought. The skirmish line is the Three Sisters Bridge.

Airis, Hoagland wrote, was proud that the Commission of Fine Arts had praised the bridge's design, which would span the river between the Key and Chain Bridges without displacing any families. Secretary Boyd argued that the bridge would displace trees and 50 acres of parkland, citing Secretary Udall's conclusion that the bridge was “a major threat to the scenic value” of Potomac Palisades. Airis pointed out that the bridge would take only 5 acres of parkland in the District, and those acres would be replaced although not necessarily in the same area. “From this narrow argument, both sides escalate their cases for and against the bridge, and other disputed segments.”

Airis argued that by 1990, cross-river demand would reach 34,000 vehicles an hour during peak periods, but even with the Three Sisters Bridge, capacity would equal only 30,700 vehicles an hour. Transportation aides pointed out that the four traffic studies the District used for those estimates differed by as much as 30 percent.

Further, District officials did not know what would happen to the traffic leaving the bridge. Building the bridge before decisions were made on traffic outlets would, as Secretary Boyd had said, transfer the traffic jam from Virginia to the District:

Airis derides this as a “chicken-or-the-egg” argument. He says plans for the bridge are more advanced than for a cross-town link for interstate traffic. “When we know where the ends of the systems are, we can nail down the center,” he said.

Department aides clearly fear what the center might be. Whatever its location, the route's designation will be the “North Leg.” Its purpose will be to funnel interstate traffic from Virginia into the Inner Loop, a tiny beltway in downtown Washington and part of the interstate system.

The North Leg has been an even more controversial part of the system than the bridge and is to many the real key to the lingering freeway dispute.

Hoagland summarized the shifting location of the North Leg. Congressional opposition had killed the expressway through Glover-Archbold Park. The substitute, along Florida Avenue and S and T Streets, NW, would have displaced 10,000 people as well as businesses and “would have sliced a corner off the prestigious Cosmos Club.” The May 1966 compromise resulted in shifting the North Leg Freeway to a tunnel under K Street, NW., from 26<sup>th</sup> Street to Mount Vernon Square at 9<sup>th</sup> Street, to a connection with the Inner Loop.

Secretary Boyd, who opposed the Florida Avenue and Glover-Archbold Park routings, argued that without them, the Three Sisters Bridge was an anachronism. “But he is also convinced that the K Street tunnel is unworkable, and that the Highway Department will have to abandon it.” Building the Three Sisters Bridge would be “like pointing a gun at the head of Northwest Washington” and give the city leverage to revive the Glover-Archbold Park and Florida Avenue routing:

That is not so, Airis replies. Neither route would be any more politically feasible after the building of Three Sisters than it is now, he argues. To him, both plans are dead and Three Sisters has nothing to do with them.

The sides disagree on the importance of the bridge to speeding traffic to and from Dulles International Airport. The city argued that the combination of the bridge and I-66 would cut 30 minutes off the 55-minute trip between the airport and downtown Washington:

Boyd’s aides point to the map, trace a finger over the Theodore Roosevelt Bridge, along Interstate 66 and the [Dulles] access road. This route will take two to three minutes longer than the Three Sisters route, they assert. Airis doesn’t agree, saying Roosevelt Bridge will become choked if Three Sisters is not built.

He also argued that without the Three Sisters Bridge and I-266, I-66 would need 10 lanes:

Traffic experts in the Bureau of Public Roads doubt that ten lanes would ever be built in Rosslyn, or that such a need will materialize.

Further, transportation aides argued that 60 percent of traffic leaving the bridge would be destined for the northwest quadrant or the Maryland suburbs west of the District:

That means the K Street tunnel would be useless to them, Boyd’s aides say.

The tunnel would provide no exits between 26<sup>th</sup> Street nw. and the Center Leg of the Inner Loop, near the Capitol. That’s fine if you want to avoid Washington’s downtown, but not so good if you’re coming from Virginia to shop, work or tour downtown, Boyd says.

Boyd agrees that a cross-town link is needed. Without it, the rest of the interstate system already built here, or which is not disputed, would be a white elephant, he concedes.

Critics also argued that business owners along K Street would never tolerate the disruption that building the tunnel would cause:

This argument angers Airis. “I’ve been an engineer for 40 years and I can assure you we can build the tunnel so as not to disrupt the commercial district,” he said.

Secretary Boyd had not endorsed any routing for the North Leg Freeway:

Some of his aides earlier mentioned tying the existing E Street Expressway into the Pennsylvania Avenue Commission's proposal to tunnel under the Ellipse and run the Expressway into downtown.

But Airis contends the E Street plan is unfeasible. He says the existing Expressway is already a heavily traveled feeder road that could not handle crosstown traffic, that the right-of-way needed could not be obtained along and under E Street without knocking down new, large buildings and that grading makes a depressed highway beyond the Ellipse impossible.

One argument for extending the E Street Expressway was that it would help accommodate traffic generated by the new southwest:

Getting them to and from there is the chief justification for the one segment of the freeway system that Boyd says should not be built in any case – the South Leg tunnel.

The mile-long South Leg tunnel connecting the West Leg Freeway with the Southwest Freeway would cost \$100 million or \$10 million a mile. The link could be provided at a lower cost, but NCPC, the Commission of Fine Arts, and others objected on aesthetic grounds:

Even so, it leaves some major engineering problems that have not yet been solved to the Fine Arts Commission's satisfaction – chiefly, how to provide an exhaust shaft without putting it near the Lincoln Memorial and how to save the trees near the Memorial that would be endangered by the tunnel.

Airis dismissed the cost argument against the South Leg Freeway, saying it was “no more proportionately” costly than the eight-lane, half-a-mile long tunnel carrying the Center Leg Tunnel under the Capitol grounds.

Secretary Boyd and BPR pointed out that traffic from the South Leg tunnel and the new 14<sup>th</sup> Street Bridge span would jam the Southwest Freeway that “already is what they call a ‘turbulent’ area, especially at the 12<sup>th</sup> Street and Maine Avenue exits.” As a result, the South Leg Freeway tunnel would provide only “marginal improvement” at a high cost.

Cost and safety were among the reasons why Secretary Boyd also opposed the North-Central Freeway. As with the South Leg Freeway, the high cost of the North-Central Freeway – \$193.5 million or about \$25 million for each of its 8 miles at a time when BPR considered \$10 million a mile “a reasonable price” for urban freeways – was not a result of engineering decisions. “The Highway Department says it has leaned over backward to reduce the displacement of families – cutting the original estimate of 2194 displaced families to 532.”

Secretary Boyd claimed that the North-Central Freeway would be dangerous because it would connect with the Beltway's most dangerous section – the hook between Georgia and Wisconsin Avenues. “Airis has an answer – straighten out the hook, and widen that part of the road.”

Even if that were done, Secretary Boyd pointed out the danger of forcing six lanes of traffic from the North-Central Freeway and six lanes of traffic from the Northeast Freeway into a junction

with the eight lanes of the North Central Freeway near Fort Totten Park. “That’s 12 lanes of traffic whizzing along at 60 miles an hour trying to squeeze into eight, according to Boyd.” The city planned to siphon two lanes of traffic away the Northeast Expressway before it reached the junction, for example by routing the two lanes of traffic under the North-Central Freeway for a link to North Capitol Street, NW.

They North-Central Freeway, highway officials argue, also was needed to keep truck traffic off local streets. Transportation Department aides countered that most of that truck traffic was local and would be on those streets anyway.

Hoagland added:

Boyd has not challenged the Northeast Expressway or the section of the North Central Freeway that continues to the Inner Loop after the Fort Totten Park junction. It is exactly this segment that is the most controversial issue to face the new city government.

Many residents of Brookland, just east of Catholic University, feel the road would shatter one of the city’s most racially heterogeneous neighborhoods. They voice resentment because this road, which originally was to go through Georgetown, has been shifted east into a less affluent area.

Although the freeway survived the preliminary vote in the city council on the FY 1969 budget proposal, “opposition was expressed.”

Highway supporters resented Secretary Boyd’s criticism, but were just as bitter over his alternatives. As an alternative to the Three Sisters Bridge and North-Central Freeway, he favored construction of the Palisades Parkway as an extension of the George Washington Memorial Parkway. The parkway would connect with the Potomac River Freeway, “already partially under construction at 31<sup>st</sup> Street.” This route, Boyd suggested, would carry the I-70S designation presently assigned to the North-Central Freeway and would be built with 90-percent Interstate funds. The Palisades Parkway would be four lanes wide; to avoid damage to the Potomac Palisades, six lanes could not be built:

Making the Palisades a part of the interstate system would, however, give Boyd more leverage in his reported desire to see limited truck traffic on this road.

By opening the Parkway to trucks and also routing them across the Theodore Roosevelt Bridge, which would become part of Interstate 66 in Virginia, Boyd would take some of the sting out of the argument that the North Central and Three Sisters are needed for trucks.

Publicly, Secretary Udall had not said that he would allow trucks on the George Washington Memorial Parkway or the Theodore Roosevelt Bridge, “but he has said so privately”:

Truck traffic is now barred from the Parkway because, according to the Park Service, the road will not support the weight of heavy trucks and buses. The already constructed part of the road would have to be reinforced for heavy trucks.

Udall would also face the charge of “breaking promises” in opening up the Parkway and the Roosevelt Bridge to trucks. But he can counter that opening Roosevelt to trucks has already been endorsed by the Policy Advisory Committee, in its agreement that cleared the way for the freeway system.

Airis would prefer to retain the restriction on truck use of the Theodore Roosevelt Bridge, which was “already congested and cannot handle truck or increased car traffic that failure to build the Three Sisters Bridge would aim at it.”

In closing his summary of the freeway battles, Hoagland returned to the North-Central Freeway, which was designed to meet needs in the northern quadrants of the city between the Baltimore-Washington Parkway and the Potomac River. Based on projections, the city needed 24 to 26 new lanes to accommodate traffic:

The North Central and Northeast Freeways would provide a total of only 14, meaning that there would still be congestion and that the idea on which the need for the new roads is based would not be met. Both the Department of Transportation and Airis agree that 24 lanes of highways cannot be built down that corridor.

This means, the Transportation Department suggests, that a new set of criteria should be found. These criteria give weight to displacement, aesthetic and other urban factors, along with traffic demand.

“Under that argument, you’d never built a highway,” says Airis. “Our assumptions here are the same ones on which the entire interstate system is based. They may not be perfect, but nobody’s come up with any[thing] better so far.” [Hoagland, Jim, “War Over City Freeways Is Entering Decisive Stage,” *The Washington Post and Times Herald*, January 23, 1968]

On January 24, Secretary Boyd addressed the Sigma Delta Chi journalism society at the National Press Club. During a brief question-and-answer session, he was asked about the proposed K Street tunnel. He opposed the tunnel, which would serve only through traffic “because there’s no way on or off.” He asked, “Why tear up the most expensive part of the city so someone can go from Charleston, South Carolina, to Buffalo, New York?” He added:

We’re not going to build highways in urban areas as we have in the past. Cities are for people.

**The D.C. Freeway Revolt and the Coming of Metro**  
**Part 5**  
**After the Court Revolt**

**Table of Contents**

Considering the Three Sisters Bridge .....	2
The U.S. Court of Appeals Acts .....	3
Reaction .....	7
Searching For a Way Forward .....	12
Chairman Natcher's Views .....	22
The Kluczynski Hearing .....	28
Martin Luther King, Jr. ....	50
Seeking Elusive Compromise .....	52
A Layman's Guide .....	54
National Capital Planning Commission's Future .....	63
The City's View .....	72
Return of the Freeway-Subway Rift.....	76
The Administration's 1968 Act .....	78
Planning for the District.....	83
Mandating the Freeways .....	86
Senate Committee Action on the 1968 Act.....	93
Congressional Action.....	96
Completing the 1968 Act.....	104
The Conference Report .....	111
Two Bills in One Day .....	118
Senate Action .....	122
Awaiting Presidential Action.....	128
To Veto or Not to Veto .....	129
Action on the 1968 Act.....	137
Negotiating with Lame Ducks .....	143
Air Rights For City Streets.....	144
The District Plan .....	146
Reaction to the draft Major Thoroughfare Plan .....	151
The Public Speaks, December 3-4, 1968 .....	155
NCPC and the City Council Act .....	160
Taming the Highway Bulldozers .....	167
The Final Days of the Johnson Administration .....	173
The Baltimore-Washington Parkway Gambit.....	175

## **Part 5**

### **After the Court Revolt**

#### **Considering the Three Sisters Bridge**

By late January, Deputy Mayor Fletcher was meeting with Secretary Boyd on the fate of the Three Sisters Bridge. “We hope to have something within the week,” he told reporters. On the basis of those talks, Chairman Kluczynski had agreed to hold off introducing his bill requiring construction of the bridge. He gave the city and Secretary Boyd until the end of the month to announce a “reasonable” solution. He defined “reasonable” as including construction of the bridge.

At month’s end, Fletcher said negotiations would require another week. “The problem is hugely complex. The solution, to be a good one, must not satisfy anyone completely. The solution requires a give and take on all sides.” [Hoagland, Jim, and Carper, Elsie, “Three Sisters Bridge Impasse Seen Broken,” *The Washington Post and Times Herald*, “January 25, 1968; Hoagland, Jim, “City Defers Proposal on 3 Sisters Span,” *The Washington Post and Times Herald*, January 31, 1968]

When NCPC met on February 9, it considered a proposal for a design team, similar to the Interstate design team reviewing Baltimore’s comparable problems with routing of I-95. The team would develop a comprehensive highway plan, including alternatives for the Three Sisters Bridge and North Central Freeway. NCPC members discussed the proposal in a lengthy executive session outside public view, but did not vote on it.

Chairman Rowe refused to talk with reporters about the discussions, but Flor’s sources told him “that she tried unsuccessfully to get the commission to adopt a new transportation plan, to settle the highway dispute, that would have been a clearcut victory for opponents of the highway program.” One reason for delaying the vote was that the NPS representative protested a decision until he had discussed it with Interior Department officials.

Flor wrote that the “intended effect of the action, apparently, was to put the planning commission back into the controversy over freeways.” In recent months, NCPC appointed members had been sidelined while the freeway debate had been dominated by Members of Congress, District officials, and representatives of Cabinet-level departments.

Flor also reported that Deputy Mayor Fletcher and Council Chairman Hechinger, who both attended the meeting, “discussed proposals developed by the District government which call for retention of plans for the Three Sisters Island Bridge.”

In public business, NCPC gave final approval for the National Fisheries Center and Aquarium in East Potomac Park. The approval did not cover the Ponte Vecchio-type bridge across Washington Channel. NPS officials told NCPC they had been unable to attract a bidder to develop the bridge. NCPC had given up hope for the associated underground parking lot beneath the 10<sup>th</sup> Street Mall overlook. Design of the aquarium was underway, with construction expected to begin in mid-1969 if budget cutbacks resulting from the Vietnam War could be resolved.

NCPC heard a presentation from landscape architect Halprin on his master plan for the Anacostia Park and Kingman Lake swimming lagoon near D.C. Stadium. The plan included locks to keep polluted Anacostia River water out and chlorinating the lagoon. The *Post* reported:

One feature of Halprin's master plan calls for a change in alignment of the pending East Leg of the Inner Loop highway system. Instead of an exposed right-of-way to the east of the stadium, Halprin suggests a tunnel to the west.

He also said NPS and District highway officials were studying his master plan.

In addition, NCPC gave final approval to addition of the Spacecraft Operations Building at Goddard Space Flight Center in Greenbelt, Maryland. The center's current 6,779 employees were already complaining about traffic problems on the interchange between the Baltimore-Washington Parkway and the Capital Beltway. More employees in the new operations building would worsen the problems. NPS Director Hartzog suggested that BPR compel the Maryland State Roads Commission to take over the Federal portion of the parkway so it could handle Interstate traffic. [Lewis, Robert J., "Planners Final Okay Given for Aquarium," *The Evening Star*, February 9, 1968]

Elsewhere on February 9, the President's Advisory Council on Historic Preservation adopted a resolution calling for a halt to new highway construction near the Potomac River until alternatives could be studied. The council was concerned that the Three Sisters Bridge would affect several historic sites, including the Chesapeake and Ohio Canal, the Georgetown waterfront, the Lincoln Memorial, and the Potomac Palisades. The *Post* article about the resolution concluded:

Mayor Walter E. Washington and [Secretary] Boyd are working on a compromise proposal in an effort to satisfy Rep. John C. Kluczynski . . . Kluczynski threatened to introduce a bill in Congress to force the building of the Three Sisters Bridge if Boyd continues his opposition. ["Historic Sites Unit Opposed Roads Plan," *The Washington Post and Times Herald*, February 9, 1968]

### **The U.S. Court of Appeals Acts**

On February 10, the U.S. Court of Appeals approved a temporary injunction forbidding "any further action whatever, including the acquisition of land, in connection with the proposed construction of the four highway projects known as the North-Central Freeway, the East Leg, the Three Sisters Bridge, and the Missouri Avenue expressway." Acquisition of right-of-way was underway on the North Central Freeway, but the other projects were in the pre-acquisition planning stage.

During a January 25 hearing, plaintiffs had requested a temporary injunction only on right-of-way acquisition for the North Central Freeway. That the U.S. Court of Appeals went beyond the request to prohibit any action "whatever" on the four freeways encouraged freeway opponents. Robert Kennan of the Committee of 100 on the Federal City, one of the parties to the appeal, reacted by saying, "It seems impossible to me that the Court will not hand down a favorable

decision.” He pointed out that before hearing the appeal on January 25, the court had turned down two requests for temporary injunctions pending a finding. Having now heard the case, the court’s decision to approve the injunction could be interpreted as leading to a finding in support of the appeal.

Reginald Booker, now ECTC chairman, reacted to the temporary injunction as well:

The Emergency Committee on the Transportation Crisis hails this decision and will redouble its efforts to unite the citizens in this fight against unwanted freeways that the highway lobby and its political stooges want to shove down our throats,

Edward J. MacClane, president of the D.C. Federation of Civic Association, called the injunction a victory for the people of Washington. “We have fought these freeways for the past 10 years. The District should not have purchased the homes while the court case was going on.”

Mayor Washington announced that the city would not appeal the injunction. He preferred to wait for the court’s final decision. However, the injunction left Airis with the problem of the Taylor Street Bridge. The bridge was mostly demolished in preparation for a longer bridge across the Baltimore and Ohio Railroad tracks. He ordered a halt to all right-of-way activities, but was uncertain what to do with the bridge project.

On February 12, Corporation Counsel Charles T. Duncan asked the court to modify its temporary injunction to allow the city to complete the Taylor Street Bridge project and permit contractors to finish design and planning contracts for the North-Central and East Leg Freeways. Duncan also sought authority to settle 21 pending acquisition contracts with people who had agreed to sell their property to the city.

The *Post* suggested that the temporary injunction would delay efforts by the District, Secretary Boyd, and others on a compromise plan that would allow the Three Sisters Bridge to proceed:

Deputy Mayor Thomas W. Fletcher said discussions of various proposals will continue.

It was learned yesterday that a draft proposal that the District Building has been circulating calls for building the Three Sisters Bridge and the South Leg Tunnel, and using a design concept team of architects, sociologists and other planners for the other freeway links.

[Von Eckardt, Wolf, and Hoagland, Jim, “Freeways Action Is Enjoined,” *The Washington Post and Times Herald*, February 10, 1968; Flor, Lee, “Court Blocks All D.C. Action On 4 Freeways,” *The Evening Star*, February 10, 1968; “Mayor Won’t Appeal Freeway Order, Awaits Final Ruling,” *The Sunday Star*, February 11, 1968; Valentine, Paul W., “Court Asked To Modify Freeway Ban,” *The Washington Post and Times Herald*, February 13, 1968]

On February 15, 1968, a three-judge panel of the U.S. Court of Appeals rejected Judge Holtzoff’s decision and ordered the District to cease planning and construction of the Three Sisters Bridge, the North-Central Freeway, the East Leg of the Center Loop, and the Missouri Avenue Expressway.

Judges David L. Bazelon, J. Skelly Wright, and Edward A. Tamm found that the primary question was whether the District had complied with the 1893 law, included in Title 7 of District code, on providing a permanent system of highways in the city. “We find that they have not and reverse the District Court judgment denying injunctive relief.” That finding resulted in reaching other issues involved in the appeal.

The ruling summarized the planning requirements of the 1893 law and amendments of that law in the District of Columbia Appropriations Act, 1913 (P.L. 62-201, approved June 26, 1912). The amendments adopted the 1893 planning procedure for changing the street and highway plans for any portion of the District of Columbia:

Another rider to the same Appropriations Act gave the Commissioners power to open and widen new streets and highways which conform to the plans so developed. Thus, following the 1913 Appropriations Act, the District Commissioners were empowered to plan and open highways throughout the District, provided the plans were developed in accordance with the procedures now laid out in Title 7 and the highways built in accordance with the plans. This wide power to plan and build highways is the only general authorization the District Government has to build highways.

In response to the appeal of Judge Holtzoff’s decision, District officials conceded they had not complied with the procedural requirements of the 1893 and 1913 laws. They argued that Congress had given the District the power to proceed by authorizing the freeways and providing funds to the District for Interstate highway construction.

“This argument is without merit,” the court found. None of the laws the District cited specifically mentioned these highways:

Thus, the lump-sum appropriations for street and highway construction did not expressly authorize the construction of these freeway projects. And as the appropriation of money to the District Commissioners for highway construction is entirely consistent with the provisions of Title 7, the appropriations acts cannot be seen to repeal implicitly Title 7 limitations.

Further, Congress’s actions did not ratify administrative actions contrary to Title 7. “Obviously, Congress cannot intend to ratify illegal action of which it is unaware.” Funding actions that do not except Title 7 procedures cannot be taken as evidence of an intention to do so. “Therefore, where the ratification by appropriation argument has been accepted, courts have been careful to demonstrate factors attesting to Congress’ specific knowledge of the disputed administrative action.” In the absence of congressional knowledge and intent, general knowledge of the freeway project “is insufficient to support the ratification by appropriation argument.”

Congressional support for the District freeway program does not imply that Congress intended the District to proceed in violation of Title 7. “Obviously Congress, in appropriating funds, has a right to assume they will be expended according to law.”

The panel also dismissed as without merit the District's argument that Federal-aid highway acts had provided authority for the city to advance the freeway projects without regard for Title 7 because the acts permit the District to receive Federal-aid highway funds. While the purpose of the Federal-aid highway acts is to stimulate and accelerate construction of the Federal-aid highway system, the legislation did not authorize the District, State, or Federal agencies to plan and build highways. That authority stemmed from State, Federal, or local laws such as Title 7. "State and federal courts considering the applicability of state laws to federal-aid highways have agreed that state laws regulating the planning and building of highways were not set aside by the Federal-Aid Highway acts."

Contrary to the District assertions, Federal-aid highway legislation was not inconsistent with Title 7. For example, the acts did not specify a minimum width for Federal-aid highways or concern itself with how State or District governments raised matching funds. "Thus, these D.C. Code provisions have not been impliedly repealed by the subsequent Federal-Aid Highway acts." If Congress had intended to set aside the provisions of Title 7, "it would do so explicitly."

The panel also rejected the District's argument that the Act of 1893 was not intended to cover "wide Interstate Expressways":

To the contrary, we believe that the procedures set out therein are even more important for regulating the "wide Interstate Expressways," for these projects generally affect more people and larger areas of the District than any other type of street and, therefore, are potentially more destructive of aesthetic values and fundamental property rights.

From the very beginning the aesthetic and functional advantages of planning have been afforded the Nation's Capital [and] the entire metropolitan region. To allow the District government to build large expressways without regard for the District highway plan, which was initiated for the express purpose of preserving the L'Enfant street plans, would be inconsistent with history, a strong tradition, and express statutory language.

After dismissing these arguments, the court concluded:

In sum, we believe that the only power the District government has to build roads is that granted by the provisions of Title 7, and we believe that this power extends to all types of highways built within the District. Nothing we have said is in derogation of this vast power, and nothing we have said pertains to the merits of the challenged projects. Rather, we are reversing the District Court decision because, without authorization from Congress, the District appellees have disregarded the relevant statutes in planning and constructing the four freeway projects in suit here.

Although this ruling was by a three-judge panel, the full U.S. Court of Appeals added, *per curiam*, that the ruling was not intended to prevent the District from completing existing contracts. The court specifically cited the contract for the Taylor Street Bridge, which the corporation counsel had stated "serves local traffic needs and must be rebuilt regardless of whether North Central Freeway is constructed." Similarly, the three-judge panel's opinion neither prohibited nor authorized the District "to complete settlement on those contracts of

purchase, already made, where the homeowners, after being advised of this Court's action, indicate a willingness to do so." The addendum did not address design and planning contracts with consultants. [*D.C. Federal of Civic Associations, Inc., v. Thomas F. Airis*, 391 F.2d 478 (1968), U.S. Court of Appeals, District of Columbia Circuit, No. 21416, February 15, 1968]

## **Reaction**

As *The Washington Post* explained:

The effect of the decision is to toss the controversial freeway program to the new city government. The City Council will have to hold new public hearings on these proposed projects, and Mayor Walter E. Washington will have to approve or reject them . . . .

It could take months to prepare detailed maps, hold public hearings in the City Council, wait for the Mayor's decision, and wait for the National Capital Planning Commission to consider and act on the plans one by one. All these steps will be required under yesterday's decision before planning and construction can continue.

The decision did not go into the merits of the heated freeway dispute since it was based on procedural grounds. However, it is clear that the whole freeway issue will now be reopened . . . .

In effect, the decision returned the case to the U.S. District Court. Because the U.S. Court of Appeals had not ruled on the merits of the four projects, initial speculation was that the District would return to the U.S. District Court to request a continuance to allow the city to comply with the provisions of the 1893 highway law.

City officials feared the court's ruling could be extended to other freeways, none of which were developed in accordance with Title 7. However, NCPC Chairman Rowe called the ruling, "A great day for the people of Washington and the face of this beautiful city." [Jewell, David, and Kaiser, Robert G., "Freeway Halt is Ordered," *The Washington Post and Times Herald*, February 16, 1968; "Court Bars 4 Roads Projects Until D.C. Follows Law," *The Evening Star*, February 15, 1968]

Mayor Washington called a meeting on February 16 to consider the ramifications of the decision. Participants included Deputy Mayor Fletcher, City Council Chairman Hechinger, Corporation Counsel Duncan, Director Airis, Acting Director of Administration Kenneth Back, and Isaiah Creswell, legal advisor to the city council. They discussed several options, including appeal of the three-judge panel's decision, seeking congressional action to address the court's concerns, and attempting to comply with the 1893 law.

After the 45-minute meeting, participants declined to speculate on how Mayor Washington would respond to the decision. However, Duncan told reporters the decision had "very wide and far reaching" implications. The "rationale of the decision would apparently apply to all [highway] projects." The opinion could affect the District "legally, economically and from other standpoints." He expected a decision "in the next few days."

One concern was that the decision had ruled only on what it called the primary question, namely whether the city had complied with Title 7. Having concluded, without dispute by the city, that it had not done so, the panel ruled, “it is unnecessary to reach other issues raised on this appeal.” One of the unresolved issues raised by plaintiffs was whether the District had congressional authorization to participate in the Interstate program.

Moreover, even if the District wanted to comply with Title 7, modern conditions might make it impossible. The *Star* recalled the origins of the 1893 law:

The 1893 legislation was drawn up at a time when most of the District was farmland. The city’s boundary on the north was Florida Avenue which today is practically regarded as the boundary of the downtown area.

But a few ambitious real estate developers started subdivisions north of Florida Avenue, and their pattern of streets did not match up with the streets south of Florida. Also there had been a series of court battles and fights over the practice of the District in condemning land in the 1870s for public improvements.

So Congress put stiff requirements in the 1893 legislation to protect property owners.

Section 115 of Title 7 said the District Commissioners were not to submit any highway plan to the planning commission for its approval until after the District Commissioners held hearings. The hearings were designed to give the property owners “embraced” by any such map a chance to comment on its provisions.

The District had held hearings for the Interstate freeway projects, but the hearings had not been heard by the District commissioners as the U.S. Court of Appeals thought required by the 1893 law.

If the District held a hearing in accordance with the 1893 law, the next step, securing NCPC approval, would be problematic. The 6-5 vote that had sustained the May 1966 Policy Advisory Committee agreement had disappeared. The five private citizens on NCPC now could block freeway projects with the help of NPS or in a tie vote.

While the District decided what to do, reaction to the decision continued. ECTC’s Sammie Abbott issued a statement:

For three years we have warned the District government and federal agencies they were proceeding in an illegal and tyrannical fashion . . . the Court of Appeals has put an end to this lawless, inhuman, coercive land-grabbing use of eminent domain to evict people.

He and Booker demanded that Mayor Washington “act immediately and move the people back in their homes.” They urged the city to adopt the Arthur D. Little report. Booker added that District highway officials should be replaced by “black and white District residents who would be responsive to the city’s problems.”

Members of Congress also reacted to the decision. Senator Brewster of Maryland said the “federal interest in the District is so important that it may become necessary for the Congress to specifically authorize the Federal Highway Administration to construct these roads as totally federal projects.” Using the precedent of the NPS parkways, he suggested that the Federal investment might have to be increased to 100 percent of costs. Senator Spong of Virginia said that if the District did not appeal the decision, it would have to comply with the 1893 procedures as quickly as possible. He did not want to criticize the court. “But it is disappointing that the effect of the decree will be to postpone a final decision on the construction of the Three Sisters Bridge between Virginia and the District.

Representative Mathias, who was running for Brewster’s Senate seat, said, “Congressional intervention at this point can be precluded only if the Commissioner, the City Council and the National Capital Planning Commission exert constructive leadership and act immediately.” Representative Gude hoped the District would appeal the decision to the U.S. Supreme Court. “If it chooses not to appeal, I would think Congress would give it a modern instrument by which it can expedite the implementation of its highway program.” He added, “This might well be a pyrrhic victory for the anti-freeway forces, because of the far-reaching implications of the decision . . . .”

Chairman Natcher renewed his threat to withhold the District’s matching funds for the initial 25-mile rail rapid transit system:

Our committee believes that there is a place for both the freeway system and the rapid transit system in our capital city.

In order to meet the tremendous day-to-day growth in traffic, the highway program must be carried out along with the present rapid rail transit plans.

Members of his committee, he said, believed that efforts to halt the highway program would justify withholding the District’s matching funds for the transit system. “Our committee will carefully investigate the requests for both,” he said, with emphasis on “both.”

As the *Star* explained, Chairman Natcher held up District matching funds for the transit system in an effort to persuade NCPC to vote for the freeways. Plaintiffs in the lawsuit had argued that NCTA’s vote for the freeway agreement on NCPC’s key vote in May 1966 was a result, in effect, of congressional blackmail. The U.S. Court of Appeals, having rejected the four freeways based on noncompliance with Title 7, did not address this issue.

[“District Weighs Roads Appeal,” *The Evening Star*, February 16, 1968; Kaiser, Robert G., “Congress May Act to Unblock Freeway Projects,” *The Washington Post and Times Herald*, February 17, 1968; Flor, Lee, and Grigg, William, “Freeways Ban Perils Transit System funds,” *The Evening Star*, February 17, 1968]

One person who did not want credit for the decision was Peter Craig. As the *Post* reported, he had been fighting freeways since 1961, “raising many of the same arguments that prevailed Thursday, but which had been rejected by the District’s Highway Department and former

Commissioners.” Now that he was in the Department of Transportation’s Office of General Counsel, he had severed involvement with the District freeway fighters. He declined to discuss the matter with a reporter, but said too many people were involved to single any one person out for credit:

Mentioning his name at the Highway Department is like waving a red flag in front of a bull. “Peter Craig and that crowd” is a standard dismissal of antifreeway groups by one District official, who asked that he not be quoted . . . .

Craig produced extensive documentation challenging Highway Department traffic studies and backing up his contentions that new roads were not the solution.

One of his documents, entitled “Freeways and Our City,” is the Bible of freeway foes here.

Craig had helped involve Covington and Burling in the case, while attorney Gerald P. Norton and Roberts B. Owen built their case around his documentation:

The victory has one minor point of irritation on the antifreeway side. “Too many people seem to think we dug up an obscure law to win this,” said a lawyer who asked not to be named.

“It’s in the D.C. Code, under ‘Highways.’ Just because a law has been on the books since 1893 doesn’t mean it’s still not good. We’ve been telling the District for at least six years that they should abide by the law.” [“Freeway Fight Led By Lawyer,” *The Washington Post and Times Herald*, February 18, 1968]

The *Post* titled its editorial on the decision: “Freeway Debacle.” The ruling had abolished one solution to the city’s economic and social problems, “but it has not abolished the problems.” Maryland and Virginia were not subject to the 1893 law that the court relied on. As they continued developing their freeway networks, companies “and their jobs are going to emigrate to locations that are served by highways and the central city will become increasingly a place of stagnating commercial enterprises, increasing joblessness and mounting dependence upon relief”:

This is a prospect that may please those who would like to see the simple, pastoral community of the last century restored – buggies, carriages and all. For the moment, they have their victory and most of them will not be around to deal with the misery that will exist in the city if it is permitted to choke in its own traffic.

The prospect of further litigation “is not recommended by the frailty of the statutes.” Further, the “long and painful reconstruction of the program with appropriate hearings promises to slow down an already lagging schedule.” The fragile compromise that resulted in congressional approval of rail rapid transit was “now completely unstuck and probably beyond repair”:

The city may be lucky if it salvages even the transit appropriations, in the face of the refusal of some of the transit supporters to stand by the bargain that for all too brief a time promised to get the community both systems.

Perhaps Congress will “step in and legislate a freeway system for the District.” If Congress took care of those displaced by freeway construction, “this could work.” [“Freeway Debacle,” *The Washington Post and Times Herald*, February 17, 1968]

*Star* editors saw an easy solution that was reflected in the title of their editorial: “An Appeal to Congress.” The Roads Subcommittee of the House Committee on Public Works had indicated it might intervene. “The new ruling by the Court of Appeals in the freeway controversy makes that congressional action a matter of urgent necessity.” The ruling “hangs on a single legal thread,” namely compliance with the 1893 highway law that would drag the city back to horse-and-buggy days.” For example, Title 7 restricted Washington highways to a maximum of 160 feet:

This provision has no relevance whatever to the realities of urban freeway construction in 1968, here or anywhere else. It would be absurd to believe that Congress, in appropriating millions of dollars for the District system, intended that the program should be bound by such ancient restraints.

From a practical standpoint, the law’s “requirements would bog down this city in precisely the sort of confusion and controversy so eagerly sought by those groups whose goal is to defeat any freeway program.” That is why Congress needed to act:

The legal technicality on which this ruling is based can be readily overcome by legislation, and in the process Congress should also eliminate the senseless administrative roadblocks which Secretary of Transportation Alan Boyd has placed in the path of the freeway program.

The editors concluded that “it is not too much to hope that Congress will shield the Nation’s Capital from . . . botched-up judicial interference in Washington’s transportation system – one which, if it stands, will surely produce utter chaos in the very near future.” [“An Appeal to Congress,” *The Evening Star*, February 17, 1968]

*The New York Times* also commented editorially on the decision because of its “far-reaching significance.” The decision turned on a unique feature of District law, but “as often happens in the law, a procedural question really opens up the heart of the matter.” If city officials had been required to take local opinion seriously, they “would have almost certainly rejected this highway master plan which would slash through existing neighborhoods, destroying homes and businesses and radically altering the face of the city.”

The unique significance of the District’s freeway battle had “national significance” because the leaders of the highway lobby “have viewed it as the Dienbienphu of the long guerrilla war between themselves and the anti-freeway forces.” (In 1954, guerilla bands defeated the French in the Battle of Dien Bien Phu, prompting a French departure from Indochina, resulting in a partitioned Vietnam and eventually American involvement in the Vietnam War.)

The reason behind the routing of the North-Central Freeway was “an open secret in Washington,” namely:

This freeway would have run twelve lanes wide through neighborhoods that are mostly low-income or Negro or both. Most of the traffic from the suburbs that this freeway would carry, however, really wants to reach the predominantly white northwest corner of the city. But since white citizens did not want twelve lanes barreling through Georgetown and adjacent neighborhoods, they successfully fought to keep it out, and the route ended up being pushed eastward to poorer Negro neighborhoods.

The court ruling, the editorial suggested, might set a pattern for the Nation:

The bulldozing of Negro and low-income white neighborhoods has to stop. A shift has to come in the use of Federal funds from scandalously expensive freeways – \$25 million a mile in the District of Columbia – to more economical mass transit. [“A Brake to the Bulldozer,” *The New York Times*, February 21, 1968]

### **Searching For a Way Forward**

As Congress began work on the Federal-Aid Highway Act of 1968, one of the many routine and extraordinary questions before it was whether Congress could overturn the Appeals Court ruling. One congressional aide thought Congress could pass a law that superseded those portions of the District code that the court said had been violated. Such a law might allow the District to proceed with the four expressways without the public hearings or decisionmaking that the court had ordered. However, another legal expert pointed out that such legislation would not work. Congress cannot pass legislation making a previous illegal act legal. These experts said the only option was to appeal the decision.

Even the question of jurisdiction was unclear. Pro-highway forces wanted the Committee on Public Works to address the problem. Of course, Representative Kluczynski had advised Secretary Boyd following his testimony that the committee would consider legislation in early 1968 to unsnarl the District’s freeway program. However, anti-highway forces thought the House District Committee had jurisdiction over a decision that turned on a District code. The committee had been critical of the freeway program and, as recently as 3 years earlier, had questioned the legal basis for it. [Flor, Lee, “Freeway Row Goes Before House Unit,” *The Evening Star*, February 19, 1968]

With hearings beginning on the 1968 Act, Chairman Kluczynski renewed his pledged to resolve the issue through legislation. Representatives from the area were cooperating in the drafting of the legislation.

Representative Cramer supported that approach. Lee Flor reported:

Cramer added that the court decision came as a shock to Congress because Congress thought it was granting the new District of Columbia government stronger responsibilities under the District reorganization plan proposed by the Johnson administration . . . .

Representative Cramer said, “It came as a shock that NPCPC would have the final say especially when the City Council is in the picture,” referring to its long opposition to freeways. [Flor, Lee, “House Unit Plans Move To Free Highway Work,” *The Evening Star*, February 20, 1968]

Drew Pearson, whose muckraking Washington Merry-Go-Round column was famous for its critical inside look at public figures, saw the present moment as “one of the most significant battles” of the day in Washington:

It’s the battle of a Florida Cracker, Alan S. Boyd, now Secretary of Transportation, to protect Negro and poor white communities against one of the most powerful lobbies in the nation – the freeway lobby.

No one ever suspected, when Alan Boyd was first recommended by his old University of Florida friend, Sen. George Smathers, that Boyd would turn out to be a sociologist and an opponent of lobbyists. But he has. The freeway lobby hates him, secretly is working to undermine him. It claims he must go.

(Senator Smathers was known for his opposition to civil rights for African-Americans.)

The lobby was concerned because Secretary Boyd had maintained “that freeways are not the sole solution of the transportation problem.” Officials should consider “mass transit, subways, high-speed trains, even monorails.” Worse, he had pointed out that “Negro communities are not the only ones to be relocated to make room for suburban commuter freeways. Wealthier communities should have to move too.” He had cited the North-Central Freeway as an example where, in Pearson’s words, the freeway had been “shifted over from a high-bracket residential community to a low-bracket area, because the white residents pack more political punch than Negroes do.” Pearson quoted Secretary Boyd:

We should not just tear up the homes of poor people and Negroes. We ought to make a determined effort to put freeways where the traffic wants to go . . . . We’re going to have to find a better way to do it than say we’re going to take the property of poor people and let everybody else alone.

The chairman of the Highway Users Conference, Harold Wirth of Firestone Tire and Rubber, had responded, “If these people around Boyd had their way, there wouldn’t be a paved street in Washington.”

In the wake of the U.S. Court of Appeals ruling, Mayor Washington was in the middle of the dispute, as Pearson explained:

Secretary Boyd has said he’ll let him make the decision. This puts Washington in the position of either bowing to white wealth and the powerful highway lobby or siding with the poor members of his own race.

Pearson also commented on some of the congressional supporters of the District freeway program:

- Chairman Fallon, “a potent friend of the highway lobby,” had “just returned from Puerto Rico, where he spent the Christmas holidays with a Public Works subcommittee. Refreshed and tanned, courtesy of the taxpayers, he’s ready to fight the battle of the lobby.”

- Chairman Kluczynski, “a Polish restaurant operator and caterer,” opposed the Highway Beautification Act and “has been a friend of billboards along new highways.” Likewise, he was “a pal of the freeway lobby.”
- Representative Cramer, another “friend of billboards,” operated a laundry in his Florida district, “partly owned by his campaign manager, Jack Insko, who in turn gets a salary of \$15,063.48 from the U.S. taxpayers courtesy of being on Cramer’s Congressional payroll.” The laundry had an \$80,000 contract “to wash the linen for MacDill Air Force Base in Florida.”
- Chairman Natcher, “perhaps most important of all,” illustrated “the inequity of one-man committee rule by threatening to cut off funds for Washington’s new subway if Secretary Boyd continues to block money for D.C. freeways.”

Pearson added, “This is how powerful the freeway lobby is.” The amount of their contributions to “these Congressmen’s campaign funds is not always recorded.” [Pearson, Drew, “D.C. Mayor on Spot in Freeway Fight,” *The Washington Merry-Go-Round*, *The Washington Post*, February 21, 1968]

On February 19, Mayor Washington met with about 15 freeway opponents, including representatives of ECTC, the District Democratic Committee, the Northeast Neighborhood Council, ACT, and, arriving late as usual, PRIDE’s Marion Barry. As summarized in the *Post*, they demanded that the city:

- Remove all freeway items from the city budget.
- Fire Thomas F. Airis, head of the Highway Department, and Lloyd A. Rivard, chief of highway planning and programming.
- Replace Highway Department personnel who live in suburban areas.
- Adopt the Arthur D. Little report calling for building subways first and then looking at the need for freeways.
- Move displaced persons back to their homes with the District assuming all financial obligations.

During “the heated confrontation in his outer office,” Mayor Washington listened as Booker said ECTC had entered a new phase of “militancy and resistance.” Barry said that if peaceful methods did not work, opponents would turn to other methods.

During the meeting, Mayor Washington was friendly toward several participants he knew. But the *Star* reported that “he had engaged in debate with Booker, who described the meeting as ‘not a happy or gala occasion.’”

Earlier in the day, Mayor Washington had said he would open a Neighborhood Assistance Office, at 2726 10<sup>th</sup> Street, NE., to reduce the hardship of people who had sold their homes and arranged to leave before the U.S. Court of Appeals decision. He said the city was not sure where the displaced people had gone, but added, “We’re trying to find the people, identify them and help them.”

When Mayor Washington told the anti-freeway group about the office, they protested that the staff did not include a citizens representative. When he agreed to hire one on the spot, the groups recommended Chairman Pryor of the Brookland Civic Association. Later, Assistant Mayor Fletcher confirmed that Pryor would be hired on a per diem basis. [West, Hollie I., "D.C. to Help Its Freeway 'Refugees,'" *The Washington Post and Times Herald*, February 20, 1968; Delaney, Paul, "Foes of Freeways Visit, D.C. Mayor Hires One," *The Evening Star*, February 20, 1968]

On February 21, Senate Majority Leader Mansfield appeared briefly on the Senate floor to introduce a letter into the record from Mrs. Anne Archbold, one of the donors of Glover-Archbold Park, to Mayor Washington. She said that she had donated the land in 1924 as a memorial to her father, John Dustin Archbold:

It was my purpose that this beautiful wooded valley be preserved perpetually for the benefit and pleasure of the public. Over the years my family and I, together with the Glovers, have had to resist efforts to convert the valley for other than the original purpose. It should remain and be enjoyed by all as a natural sanctuary.

I am told that the Department of Highways is anxious that a Three Sisters Islands Bridge be constructed at the bottom of the Park. I am told that any such construction would lead to a highway project within the Park, which would destroy the purpose for which the land was given. I urge most strongly that the bridge proposal be disapproved, and ask your support to this end.

Senator Mansfield added his hope that Mrs. Archbold's wishes "will be observed and adhered to, because after all, without the Glover-Archbold gift there would be no parkway, no beautiful valley in that part of Washington at this time." He added, "I would not like to see it destroyed." [Preservation of Glover-Archbold Park, *Congressional Record-Senate*, February 21, 1968, page 3750]

(On March 26, 1968, Mrs. Archbold, 94 years old, died of a heart attack at her winter home in Nassau, the Bahamas. Her *Post* obituary referred to her as "a colorful figure in Washington society for more than 45 years." She had many interests, but the article added that, "From 1948 until her death, Mrs. Archbold and the Glover family opposed a series of plans to construct high-speed highways through the wilderness of Glover-Archbold Park." ["Park Donor Anne Archbold, 94, Dies," *The Washington Post and Times Herald*, March 28, 1968])

The *Star* reported on February 23 that during a February 20 victory celebration, attorney Robert Kennan revealed a "secret document" that had been presented during an unreported meeting at the White House on February 9, the day the U.S. Court of Appeals issued its injunction. Officials from the District, HUD, and the Interior Department attended the meeting. According to the document, District officials had been considering three options for restudy of the freeway plan that they perceived as major concessions to anti-freeway forces.

The document stated:

The D.C. Department of Highways and Traffic will review plans for the [North Central] freeway to be absolutely certain that no properties are taken which are not essential and to determine whether the right-of-way could be adjusted to reduce displacement.” The D.C. Department of Real Estate will review its appraisal and acquisition procedures to assure that property owners receive the fair market value for their properties in every case, and to assure that the fair value properly reflects the particular real estate market conditions currently prevailing in the area.

For those families whose homes must be taken for the freeway and for those who wish to remain in the same general area, the Department of Highways and Traffic will attempt to make arrangement to move a reasonable number of homes to available vacant lots in the area.

An immediate review will be made of the I-70-S and I-95 routing through the District and the State of Maryland by the Bureau of Public Roads, the District Government and the Maryland State Roads Commission.

The *Star* reported that during the victory party, “Kennan asked sarcastically, ‘How in the world are you going to move a brick rowhouse on 10<sup>th</sup> Street NE to a vacant lot?’”

The document also indicated the District would redouble its effort to secure air rights legislation to allow development of North-Central Freeway sites “for housing and other community use.”

The document concluded:

These decisions have been made after careful consideration of the many problems connected with the freeway system and after extensive discussions with citizen groups and with the public agencies involved in the program.

The meeting ended abruptly when Director Airis called to inform Deputy Mayor Fletcher about the injunction.

Asked by a reporter, Deputy Mayor Fletcher conceded that the document was real, although he denied that the meeting was “secret.” The document Kennan released described one of the three options considered during the meeting, adding:

“That one was the one decided upon. We were in the midst of negotiation when the injunction was given. We were very close to coming up with some kind of a compromise. I can’t say if we would have announced it within a week, two weeks, or one day” . . . .

He said the three alternatives were under consideration a month ago, and indicated that at the time of the injunction, both District and federal officials were contemplating a complete review of the city’s freeway program . . . .

Fletcher was concerned that the city’s position would be misinterpreted. “We were trying to do the right thing at the time,” he said. “Are we the good guys or the bad guys?”

. . . The document concluded:

These decisions have been made after careful consideration of the many problems connected with the freeway system and after extensive discussions with citizen groups and with the public agencies involved in the program.

[Delaney, Paul, and Groer, Anne, "D.C. Was Set to Pacify Freeway Foes," *The Evening Star*, February 23, 1968]

The *Post* reported on February 25, that Mayor Washington and Corporation Counsel Duncan had reached several conclusions:

There are strong racial overtones to the highway problem. The Mayor and Duncan both accept, at least in part, the validity of freeway opponents' charges that the city wants to build "white men's highways through black men's bedrooms."

If the city decides to appeal, the Mayor is said to believe, people may interpret this as a vote for the white man over the black. The same is seen as true if the city decides to seek legislation to circumvent the effect of the Court of Appeals decision.

On the other hand, Washington and Duncan are aware of the strong Congressional and suburban interest in completion of the basic freeway program. They would like to be able to satisfy these interests without alienating the city's Negro population – a trick they acknowledge may well be impossible.

The city could lose millions of dollars if it acts too hastily to stop work on freeway projects not mentioned in the recent suit. The District could also lose a lot of money if it failed to stop action now on projects that later suits could tie up at more expensive stages

. . . .

The District could overcome most of the problems caused by the Court of Appeals' decision if it followed the procedure the Court said was necessary before freeways are built. But following this trail – culminating in approval by the Mayor, City Council, and National Capital Planning Commission – could take six months to a year, officials believe. [Kaiser, Robert G., "Mayor, Aides to Meet," *The Washington Post*, February 26, 1968]

On March 5, 1968, the city council met to discuss the plan for public hearings. Before the session could begin, the council had to deal with Sammie Abbott. He and five other ECTC members stood before the rostrum and said they would not move until a special meeting on freeways was scheduled. "I put my hands on this bench," Abbott said, "and we will stay here day and night until you decide to call a hearing."

Councilman J. C. Turner, president of the Greater Washington Central Labor Council of the AFL-CIO, jumped to his feet, shouting, "Mr. Chairman, I object to this kind of bullying tactic" and accused Abbott of using similar tactics to interrupt other meetings. Abbott replied, "Listen Turner, I'm familiar with your Jim Crow unions . . . . I'm using union tactics."

When the confrontation ended, the City Council decided on March 13 as the date for the public hearing. [West, Hollie, I., "Council Sets Hearing on Freeway Dispute," *The Washington Post and Times Herald*, March 6, 1968; Delaney, Paul, "D.C. Freeway Fight Reopens," *The Evening Star*, March 5, 1968]

The *Post's* City Life column reported on March 10 that, "The District has decided not to appeal last month's U.S. Court of Appeals decision against further work on four freeway projects here." During a meeting on March 7, Mayor Washington, Deputy Mayor Fletcher, members of the city council, Corporation Counsel Duncan, and highway officials agreed to ask Congress for legislation to resolve the issues:

The City wants new procedures written into law to govern modern freeway construction.

It may also seek clear legal authority to go ahead with half-finished, non-controversial segments like the Center Leg, implicitly threatened by last month's decision.

The corporation counsel's office was drafting the legislation. ["Congress to Get Freeway Plea," City Life, *The Washington Post and Times Herald*, March 10, 1968]

In anticipation of the special meeting on freeways, the Committee of 100 on the Federal City issued a statement on March 12 arguing that District highway officials had misled the Roads Subcommittee in December about the need for the Three Sisters Bridge. According to the statement, the bridge was not needed for 1990 traffic. The analysis of the District's testimony on December 5 and 6 "shows conclusively that the House Committee was misled by the testimony given – testimony which it should have had every reason to believe was from a reliable source."

The committee disputed the Voorhees study, conducted for WMATA, that was the basis for the testimony. The study, the committee's analysis said, had projected transit use without taking into account the planned transit bridge to be added to the 14<sup>th</sup> Street Bridge complex. Other assumptions about 1990 traffic, the analysis claimed, also were invalid. For example, the Chain and Key Bridges could accommodate several hundred more vehicles an hour if the Three Sisters Bridge were not built.

Had the District's testimony been accurate, in the committee's view, the Committee on Public Works would not have issued an ultimatum to Secretary Boyd demanding construction of the bridge. [Flor, Lee, "House Called Misled On Sisters Bridge Need," *The Evening Star*, March 13, 1968]

At 7:45 p.m. on March 13, Chairman John W. Hechinger called the special meeting to order in the District Building's Board Room. As the *Post* put it, "It was almost the last thing he was able to do promptly and very little order materialized." The standing room only crowd was about evenly divided among pro- and anti-freeway forces, with numerous speakers scheduled to make 5-minute presentations on both sides of the issue.

Elizabeth Johnson of the League of Women Voters was the first speaker, intending to explain the league's opposition to the freeways. But ECTC Chairman Booker grabbed the microphone

“shouting that the hearing was no hearing at all, but more of a meeting – and that he was against it.” He yielded the microphone to Abbott, who repeated the charge.

At 8:05, Johnson was still trying to reach the microphone, but Charles I. Cassell grabbed it to speak in support of Booker and Abbott. Cassell, an architect, represented the Black United Front (BUF), a group formed in January 1968 at the suggestion of Stokely Carmichael. Chairman Hechinger called a recess.

As the city council filed out of the room, they heard a chorus of catcalls: “Listen or Resign!”

When the city council came back into the Board Room, they saw that Booker and Abbott were still blocking Johnson from the microphone. Hechinger told them, “behave yourself.” But in the end, Johnson was one of the few scheduled speakers able to make a presentation. “The freeway opponents listened after a fashion, most of them apparently in surprise that she turned out to be on their side.”

Several freeway critics issued open threats, as Lee Flor reported:

The most open threats voiced at last night’s hearing came from W. L. Staton, of Pride, Inc., who attended the hearing in his Pride uniform, green pants and white shirt with his name lettered on the shirt.

Staton said the council would get the city into big trouble if it continued to favor freeway construction. “Big trouble – trouble-trouble,” crowd members shouted.

A member of the crowd shouted that the trouble in Washington would make previous riots in other cities look like “Sunday school stuff.”

Staton reached into his pocket, pulled out a matchbook, and opened it in front of the council. “This will stop it,” he said, as he held the matches up.

A member of the crowd shouted at a pro-freeway speaker that he could expect a Molotov cocktail. Other members of the crowd said they would picket the home of Deputy Mayor Thomas G. Fletcher and would follow him around to church and other activities in an effort to put pressure on him to stop working for freeways.

Hechinger had to use his gavel through most of the meeting, and commented on how the crowd was not honoring witnesses from the pro-freeway side and was not respecting the council.

Hechinger “aroused the crowd’s wrath by asking for the home addresses of the witnesses. They saw this request as a direct attack on Abbott, whose home in Takoma Park, Maryland, was no longer threatened by freeway construction.

When Booker’s time to speak arrived, he turned the microphone around so he could address the crowd. He explained, “I’m going to face the people – not some of those criminals who sit on the

city council.” Freeways, he said, benefit lily-white suburban people at the expense of Negroes in the ghetto.

Marion Barry said the freeway situation was a “race issue” and called the meeting “useless.” If the city did not end the freeways, the result would be riots. Julius W. Hobson, another civil rights advocate, called on the “black men on the Council” to oppose the freeways because they would “put black women and children out on the streets.”

Rear Admiral O. S. Colclough of Downtown Progress “managed a well-heckled five minutes at the mike, but several other scheduled pro-freeway speakers left the meeting early without presenting their views.”

Flor added that the crowd “appeared angry” about reports the District had decided to seek congressional relief from the U.S. Court of Appeals decision. Hechinger denied that the council had decided to seek White House support for legislation “and said the council was not even considering the issue.” [West, Hollie, “Foes Disrupt City Hearing on Freeways,” *The Washington Post and Times Herald*, March 14, 1968; Flor, Lee, “Militants Voice Threats to Council at Freeways Hearing,” *The Evening Star*, March 14, 1968]

By then, Chairman Kluczynski was ready to intervene legislatively. On March 18, he introduced H.R. 16000, a bill to require the construction of certain Interstate routes in the District of Columbia. It proposed to insert a new provision, Section 313, into Title 23, United States Code, that provided:

Notwithstanding any other provision of law, or any court decision or administrative action to the contrary, the Secretary of Transportation and the government of the District of Columbia shall, as soon as possible after the enactment of this section, construct all routes on the Interstate System within the District of Columbia as set forth in the document entitled “1968 Estimate of the Cost of Completion of the National System of Interstate and Defense Highways in the District of Columbia . . . .” Such construction shall be carried out in accordance with all other applicable provisions of this title.

He referred to the bill as a “simple one,” saying:

I have waited several months before I proceeded with legislation in the hopes that this most very important matter . . . could be resolved in an administrative manner. However, after more than 2 months since my statement of December, no further action is forthcoming to resolve the problem.

The Interstate System was “the responsibility of the Congress as well as the States and since the need for the program has been proven throughout the years,” the legislation was needed to accomplish the goals of the Federal-Aid Highway Act of 1956. He planned to hold hearings on the bill, during which “all parties who are interested in testifying on this bill” would be given the opportunity. [Completion of Segments of Interstate System Within The District of Columbia, *Congressional Record-House*, March 18, 1968, pages 6737-6738]

The Highway Users Federation's Wirth predicted the bill would get a lot of support. "This is the Nation's Capital, and belongs to all of the people. Congress is the voice of all the people in the United States speaking."

By contrast, Tilford E. Dudley of the District Democratic Central Committee expected the legislation to arouse opposition. "This legislation would impose highways on the people, regardless of whether they want them, in a dictatorial fashion." Edward J. MacClaine of the District Federation of Civic Associations, called H.R. 16000 "undemocratic. Our opposition to the freeway system is our fight to preserve American homes from the threat of freeways throughout the country . . . . This is a strong-arm power play." [Flor, Lee, "Bill to Finish D.C. Freeways Hailed, Scored," *The Evening Star*, March 19, 1968]

*Star* editors disagreed that the bill was a dictatorial interference in local matters. In view of the U.S. Court of Appeals' reliance on an 1893 highway law for its decision, Congress had a clear responsibility to restate the authority of the city to build highways:

What is needed now is a clear-cut assertion from Congress that the inability of the administration and the District government to advance the program through their own initiative has reached a point of absurdity that is no longer tolerable . . . .

The truth, too long avoided, is that the endless delays, the administrative stalls, the failures of effective decision-making and the so-far-successful efforts of several groups to block the completion of a freeway system here have all left Congress with no alternative but to act.

The editors applauded efforts by Maryland's Chairman Wolff to promote national legislation that would compensate displaced homeowners based on the fair-market value of replacement housing. They also endorsed the pending air rights legislation for the District. Proposals of this type were responsive to the issues as the heart of the debate:

Such proposals, however, will not dent the opposition of those who are blind to the necessity for urban freeways under any circumstances – and we trust the House subcommittee will not permit itself to be diverted from its primary responsibility.

Congress' first obligation is to see that a reasonable freeway program, as part of a balanced system with rail transit, is built. Mayor Washington, for his part, has a strong obligation to assure Congress of his total support in that venture. ["The Freeway Impasse," *The Evening Star*, March 20, 1968]

On March 27, an unnamed District official told reporters that the city had decided to consider resuming work on several freeway projects that were covered by the reasoning of the U.S. Court of Appeals decision, but not explicitly cited. The projects were the 9<sup>th</sup> Street Expressway under the National Mall, interchange "C," and the Center Leg Freeway. Work had proceeded too far to stop on the 9<sup>th</sup> Street Expressway and interchange "C," with all property acquired for the two projects. Officials would have to acquire additional properties for the Center Leg Freeway between Massachusetts Avenue and New York Avenue. ["Some Work On Freeways To

Continue,” *The Evening Star*, March 38, 1968; “2 Freeway Projects Continue,” *The Washington Post and Times Herald*, March 38, 1968]

### **Chairman Natcher’s Views**

While Chairman Kluczynski was preparing for hearings on his District freeway bill, Chairman Natcher began hearings on April 1 to consider the District of Columbia’s appropriations act for FY 1969. Mayor Washington, Deputy Mayor Fletcher, Chairman Hechinger, Vice Chairman Fauntroy, and other District officials were the first witnesses. (Throughout this and later hearings, Chairman Natcher referred to Washington as Commissioner Washington or Mr. Commissioner, his official title.)

The hearing covered all aspects of the city’s budget, but Chairman Natcher made his views clear regarding transportation in a brief comment:

Now here in our Capital City for a number of years we have had problems concerning our freeway and highway system. Mr. Commissioner, the members of this committee have believed for a number of years now that there is a place in our Capital City for both a freeway system and a rapid transit system, and any effort that is made at this time or at any time in the future to kill off the freeway system at the expense of building a rapid transit system is a serious mistake and one that I think the majority of the people in the city do not agree with, and it has been clearly shown to be the true fact all down through the years. As we consider the budget we will take a careful look at the requests for our highways, for our freeway system, and for our rapid transit system. Speaking only for myself, I hope this year we can carry both of these programs. In the past we have had to delete and take out of the budget the money requested for the rapid transit system until we stopped some of the chicanery and efforts that have been made to stop construction of the freeway system. I hope that is not the case this year and I hope we can go along with both systems. [District of Columbia Appropriations for 1969, Hearings Before a Subcommittee of the Committee on Appropriations, House of Representatives, 90<sup>th</sup> Congress, 2d Session, H.R. 18706, Part 1, page 104]

When WMATA officials, including Chairman Gleason and General Graham, appeared before the subcommittee on April 4, Chairman Natcher elaborated on his view. He explained the importance of a balanced transportation system that included freeways and rail rapid transit. “We believe that in order to meet the tremendous day-by-day growth of traffic and highway problems, we must have both systems.” Any effort to hinder one system “to benefit the other was a serious mistake.”

A few years earlier, when problems with freeways occurred, the subcommittee “did a little checking” on how much money had been spent on plans and specifications. He said, “we were amazed to find out just how many million dollars were involved”:

We do not blame you for the efforts that have been made to destroy the freeway system here in the District of Columbia. But one thing that confuses me – and I am speaking only as one member of the committee – is why we now find one or more of the opponents

of the freeway system employed and occupying positions in the new Department of Transportation.

That mistake confused him, especially when he reads newspaper editorials that essentially said, "My Boyd, who do you think you are fooling?" (He apparently was referring to the *Star*'s January 18 editorial "Boyd's Distortions," which did not use that phrase, but criticized his "demagogic irresponsibility" and called him the "Secretary of Anti-Transportation." Chairman Natcher introduced the editorial for the record [part 2, page 44].)

Chairman Natcher referred to 1963, when President Kennedy intervened in the highway program:

I had an opportunity to discuss this matter with him and I informed him that it was a serious mistake to bring the highway program to a complete halt. This was not the way to build a rapid transit system in the city of Washington, and I explained it to him. He was ill advised and his letter followed.

He recalled the subcommittee's efforts through the years to get the freeways built as part of the balanced transportation system:

Two years ago we begged and pleaded with them to continue the freeway system. We said to them, "If you do not do it, we cannot recommend rapid transit money."

On the House floor, he pointed out, the bill that included the delay in matching funds passed with the support of 320 Representatives. Only 3 Representatives voted against it.

He emphasized to General Graham, "There is not a man sitting on this side of the table, General, who has tried to stop the rapid transit program."

Referring to Chairman Kluczynski's bill, Chairman Natcher said it "may solve the freeway matter," but he did not know if or when:

I wanted you and the members of the Washington Metropolitan Area Transit Authority to know that as far as this committee is concerned, and speaking for myself as one member, General, I cannot recommend to this committee that we appropriate money for a rapid transit system if the freeway system in our city is halted. I just cannot recommend it to them.

He realized that NCTA under Administrator McCarter and WMATA had not done anything to stop the freeway system:

You know when Mr. McCarter was on the Planning Commission, he had nerve enough to stand up and vote like a man time after time. And General, if you do not believe it, go back and check the record. They did put pressure on him and he voted right and he voted for the best interests of our capital city.

McCarter had the chairman's respect.

He recalled the evolution of rapid transit proposals. First, he said, came NCTA's 98-mile system at a projected cost of \$1.29 billion. Then they cut it back to the 25-mile bobtail system at \$431 million.

Now WMATA was proposing "89, 98 miles, 110 miles" that was going to cost "not a billion dollars, it is going to run a little over two billion dollars, and General, a whole lot of money is going to be District of Columbia money that they have to borrow out of the Federal Treasury. They do not have it, they have to borrow their share, and it has to be amortized down through the years and paid out of the budget." He was not sure the District could afford it or that the House would vote for it.

He wanted the facts on the table, namely, "you will never pay for it out of the fare box. Go to New York and ask them and go any place and ask them." He admired McCarter for his honest answer when Chairman Natcher asked if the \$1-2 billion cost could come out of the fare box. "You cannot do it," he answered. The taxpayers of the 50 States will end up paying for it. "That is who is going to pay for it."

Meanwhile, if the funding is found, the next thing that will happen is the police department will appear before the subcommittee asking for millions of dollars for a thousand extra officers to cover the rail rapid transit system. "Just as sure as you are sitting there, General, and we know it."

The city deserved the transit system, but he did not know if the taxpayers of the 50 States would "want this much money invested that comes out of the Federal Treasury." He added:

President Kennedy was one of the finest men that ever lived, and I say that to you frankly. One afternoon they called and said he wanted to see me and I went down there, and he said, "Bill, I want to ask you a question. Are they right or wrong about the rapid transit setup and the freeway system?"

I said, "Mr. President, they are wrong about it," and I explained to him why they were wrong about it. He believed, General, that our committee was trying to do right because we are for both systems.

He closed his statement by telling General Graham:

I say to you frankly I cannot as the chairman of this committee recommend rapid transit money to the Congress of the United States if they are going to kill the freeway system here in the city of Washington. [pages 432-437]

On May 2, Director Airis, Chief Rivard, and other officials of the Department of Highways and Traffic appeared before the subcommittee. In an opening statement, Airis discussed all aspects of the department's operations.

On the subject of freeways, he referred to three significant events "that have brought new starts on the freeway construction program to a standstill." The first occurred in May 1967 when the

city asked NCPC for stage 3 approval of the Three Sisters Bridge. Instead, NCPC asked Secretary Boyd to review the need for additional lanes.

In succeeding months as everyone waited for Secretary Boyd's views, "neither the Secretary nor his principal aides have consulted with the highway departments of Maryland, Virginia, or the District of Columbia, although all are vitally concerned if the Secretary is actually contemplating changes in long-established routes." Despite articles in the newspapers about his views, he never really responded directly to NCPC.

During the December hearings before the Roads Subcommittee, Secretary Boyd said he would soon place a few questions before the area's three highway commissions. "He said this should not take very long. This has been almost 5 months ago, and the three highway departments have yet to receive the first piece of correspondence from the Secretary." Airis recalled the mandate from Chairman Fallon, and Secretary Boyd's reply that he was still not ready to render a verdict.

However, on February 29, 1968, Assistant Secretary Mackey wrote to NCPC:

Recent events, including the decision by the Court of Appeals of the District of Columbia have placed these issues in a different perspective, and additional evaluation by the District of Columbia and other units of the government is required to resolve the questions which exist with respect to several highway projects, including I-266. The Department's view is that the questions raised in your letter to the Secretary should be appropriately considered in this evaluation.

Airis said of the first event:

In short, Mr. Chairman, the referral to the Department of Transportation by the National Capital Planning Commission last May has in effect nullified all freeway planning activity for a full year. How long it will continue, of course, we do not know.

The second event was a cutback in obligation authority imposed by the Department of Transportation as part of President Johnson's budget cuts to support funds for the Vietnam War. Just a week earlier, the Department had increased the city's budget, allowing it to proceed with the Center Leg Freeway, interchange "C," and replacing the old 14<sup>th</sup> Street Bridge. "However, from a practical standpoint, we are prohibited from proceeding on two of these projects because of implications resulting from the recent court order."

The final event was the setback brought about by the U.S. Court of Appeals' February 15 decision. It affected the four projects in question but raised doubt "as to the legality of all our freeway projects." He summarized the decision related to the 1893 highway law. "Freeways were, of course, not even known 75 years ago, making those statutes totally unmanageable for a freeway program." He mentioned Chairman Kluczynski's bill "to correct this legal deficiency."

He concluded by discussing the increased cost of completing the Interstate System, and explaining that the city was not close to obligating enough funds to complete the Interstate freeways on schedule. [Part 2, pages 5-12]

Chairman Natcher took this opportunity to begin a long review of the committee's views:

Mr. Airis, as you well know, for a number of years now, the National Capital Planning Commission has decided, for some reason or other, that the freeway system as set up in the District of Columbia should be stopped and brought to a complete halt.

When WMATA appeared before the subcommittee, Chairman Natcher said, he discussed the 7 years of freeway/transit battles. Now that WMATA was planning a 98-mile network, he emphasized to the WMATA officials that they would not be able to pay for it, or the bonds, out of the fare box.

He recalled the editorials about Secretary Boyd and the fact that he has aides who were among the anti-freeway leaders. In view of Secretary Boyd's views and the court decision, "I am unable at this time to make a recommendation to our committee that we go along with a transit request calling for millions of dollars if these people downtown and other organizations are holding up the freeway system and the highway system in the District of Columbia."

He recalled the newspaper editorial, the House vote of 320-to-3, and 7 years of obstruction. Why people opposed the freeways was "beyond me." He said:

We have had interference from almost every source, and I want you to know this, Mr. Airis, that I still think that people who are trying to do this to our Capital City are making a mistake and certainly I, for one, don't intend to go along with them.

He commended Airis for his consistent support of the freeway system, as well as the Engineer Commissioners who "stood up with us and our city":

We have had people on the National Capital Commission [sic] that I thought would have enough courage to stand up and cast votes for our Capital City as they should be cast. I have seen them vote one way and 2 or 3 weeks later vote another way. Now, that is not good. [pages 12-15]

Chairman Natcher asked if the District could complete the Interstate System on schedule. Airis replied:

From a technical and practical standpoint, if we could immediately get an authorization to go forward with the project as the system and the project was originally scheduled, yes; otherwise, no.

The chairman asked for confirmation that the District had spent \$20 million for plans and specifications and for proposals "that have not been placed underway and a lot of this money is money that we will never be able to utilize. We will never obtain any benefits from it by virtue of delay."

Airis confirmed that "\$20 million covers all planning prior to 2 years ago." Part of that amount had resulted in construction, "but a large part has not."

At Chairman Natcher's request, Airis explained when the first appropriation occurred for each leg of the freeway system, as well as the status of each leg:

#### Southeast Freeway

The first appropriation for the freeway was in 1958. Construction began in 1961 and would continue until about 1969 or 1970.

#### Potomac River Freeway

With the first appropriation in 1959, construction began in 1960, but no work was underway at present. "It is tied up with the Three Sisters Bridge and future construction depends on whether or not it goes through." Parts were in use, carrying 15,000-20,000 vehicles a day, "but it should be carrying four or five or six times that amount."

#### North Leg Freeway

Although funds were first appropriated in 1965, construction had not begun. It was "one of the segments that is farthest away from actual construction."

#### The 11<sup>th</sup> Street Bridges

Money was first appropriated in 1962. "Both bridges will be completed in 1969."

#### Interchange "C"

With first appropriations in 1962, "the usable segment over to Barney Circle should be completed, if current thinking is actually implemented, in 1969 or 1970, probably 1970."

#### Center Leg Freeway

Construction began in 1965 after an initial appropriation in 1960. "It is well along but requires some contracts at the lower end in order to make it a usable segment by late 1970."

#### Central Potomac River Bridge

Although funds were appropriated in 1963, no work had begun. "This is, of course, the Three Sisters Bridge to which we are referring and it is now in limbo." The city was holding \$580,000 for the project.

#### Southwest Freeway

Congress first appropriated funds for the freeway in 1954. Construction began in 1957 and it was completed in the early 1960s "except for feeders."

#### North-Central Freeway

With an appropriation in 1965, work began on the Taylor Street Bridge in 1967. “However, the project is currently held up entirely as a result of the lawsuit.

### South Leg of the Inner Loop

Although funds were first appropriated in 1963, the project had undergone several design changes, but “this is one of the projects that is affected by the injunction by implication.”

### East Leg Freeway

Funds were first appropriated in 1963. “No construction work has been done and it is one of the projects that has been included in the injunction, so no work can go ahead on that.” | [pages 20-21]

Chairman Natcher returned to that 320-to-3 vote. Because he had no desire to stop rail rapid transit, he had promised on the House floor before that vote that when the freeway system moved forward, “we would make a recommendation for rapid transit money.” Following the May 1966 NCPC support for the Policy Advisory Committee’s agreement, “we were then free of those shackles they had placed on the freeway system.” He had asked the House to support the transit funds:

We did exactly what we promised we would do. This is our position at this time. We were deceived before and after we turned the transit money loose the freeway system was stopped again.

Since that time, the National Capital Planning Commission, beginning shortly after the time when we released rapid transit money, proceeded to stop the freeway system.

He completed his summary of the situation by referring to Chairman Kluczynski’s effort to overthrow legislatively the U.S. Court of Appeals of the District of Columbia ruling against the freeways. [pages 26-27]

(On March 27, Chairman Natcher held the subcommittee’s annual hearing for citizens and organizations. Witnesses, of course, commented on a range of District government issues. Several witnesses discussed freeways briefly, pro and con, but the testimony was mainly on other subjects. [part 1, pages 734-860])

### **The Kluczynski Hearing**

On April 2, 3, and 4, Representative Kluczynski held hearings on “The Interstate System in the District of Columbia.” He considered the hearings a continuation of those held in late 1967 when the subcommittee heard from government officials. He said he had “an open mind” about what should be included in the District’s Interstate System, but wanted “to hear what everyone has to say.” He had scheduled 80 witnesses for the 3 days. “I hope that each of you will present the highlights of your position in your oral statements; you may, of course, file additional statements for the record.”

The subcommittee's Ranking Republican, Representative Cramer, said, "I think we have a duty to show leadership here." He acknowledged problems "arising that perhaps were not completely foreseen at the time the system was established in 1956." He cited "political considerations," serious relocation problems that everyone should "try to find a solution to," and "serious location problems." The committee had asked the Johnson Administration for recommendations on relocation problems; they submitted a report on what the problems were and the costs, but minus recommendations:

I think these hearings can render a great service in helping point the way for this committee to determine how some legislative help and some of these relocations might be resolved not in 2 or 3 years from now, but now.

He added, however, that Congress had committed to completing the Interstate System, "wherever located," by October 1973.

The District's problems were unique, but had national implications:

It is particularly significant because the whole Nation is looking to the Nation's Capitol [sic] seeing the problems that exist, following its lack of leadership in many instances and some other major metropolitan areas are saying, political leaders and such, planners and so forth, that Washington is not solving its problem and why should we be in such a hurry to solve ours . . . . I think we have a duty to show leadership here . . . .

The hearings could "render a great service" in helping resolve the District's unique problems, which included "a circuit court of appeals decision that is apparently having the effect of causing complete stagnation relating to resolving these problems in the District and it involves an 1892 law [sic], involving the limitation of 160 feet of right-of-way; laws that have been on the books for years that obviously need review." [The Interstate System in the District of Columbia, Hearings on H.R. 16000 before the Subcommittee on Roads, Committee on Public Works, House of Representatives, 90<sup>th</sup> Congress, 2<sup>nd</sup> Session, Committee Print 90-26, April 2, 3, 4, 1968, pages 2-3]

The first witness was ECTC's Cassel, an architect. He said ECTC "deplores this proposal to strip the new city government of one of the independent functions that it now has, that of conducting its own highway development program." Following the court ruling in the suit brought in part by ECTC, the city could have appealed to the Supreme Court or considered a new highway program. "Neither course was followed." Instead, H.R. 16000 implied that "it is in the public interest to circumvent the law and to nullify the Court ruling." He said:

A resumption of planned freeway construction in this city would result in continued property taking, disadvantages to people of modest means, widespread family dislocation, and the destruction of existing and potential neighborhood political entities.

For a minority community that had suffered "long years of exploitation, neglect, and abuse," Cassel said, forcing these freeways on the District "is the stuff that civil disorder is made of and bayonets and Stoner guns" cannot overcome the public's response to the damage done by the

freeways. He attributed H.R. 16000 and the support behind it to the “road gang,” which he described as “freeway proponents who insist on creating more massive concrete canyons containing accelerated treadmills for rapidly dumping pollution-generating vehicles into a downtown area which is already hopelessly congested during rush hours.”

The issue, Cassel said, was “clearly black and white, with insignificant areas of gray: Black and white in the sense that freeways solve no problems and create only additional burdens”:

It is also black and white in the sense that they are white men’s roads through black men’s homes. The convenience, illusory as it is, would be for white, not District residents to speed through black communities and to the waiting bottleneck in the center city. Now, ironically, the black victims of this heartless property taking would have limited or no access to the freeways.

The resulting anger, disgust, scorn, and distrust of government on the part of the victims should be obvious to us all by now.

When Cassel concluded his statement, Representative Kluczynski asked if Representative Cramer had any questions or comments. Representative Cramer replied that, “I do not intend to dignify his statement by asking any questions.” He said Congress had passed the 1893 law, and could consider whether a change was needed. He rejected the notion that “this is some sort of a vendetta against a certain group of people” and added that problems could be worked out. “I must say my personal reaction is that you do not accomplish much by coming before a committee of Congress to make a presentation such as you have.” [pages 4-6]

During the question period, Cassel made clear that he wanted to stop further freeways. He was not interested in suggesting alternative locations for them. He believed that rail rapid transit was the answer to the District’s congestion problems. He granted that the Congress had enacted the 1893 highway law and could change it, but he hoped it would not do so. [pages 6-12]

Reginald Booker, ECTC’s chairman, told the subcommittee:

We say no more white man’s roads through black bedrooms. This is the resounding battle cry of those people who I should say are poor black people and white people, black mostly who are fighting against the freeway bulldozer.

After citing freeway battles in Philadelphia, Nashville, San Francisco, and Cambridge, Massachusetts, he said, “the entire freeway program as we can see it here is a case of racism, whether this is by accident or by design it happens to be this way.” He cited Secretary Boyd as referring to the “freeway here in Washington” as “a classic example of racism”:

With the freeway originally being planned to come down the Wisconsin Avenue corridor and being shifted essentially because of the fact of the people and the business interests who reside on Wisconsin Avenue are white, it then was shifted to a black area and again as Secretary Alan Boyd said, this was done on the premise that the people on Wisconsin Avenue had people cowed and the area which it was shifted to, the people did not have what he called political acumen.

He summarized the Little report as concluding that the best alternative was to build the subway and then see what else was needed. He added that the District government was suppressing the report:

The District government also refuses to release this report to the public because of the fact that the report states most emphatically that the solution to the transportation crisis in the District of Columbia is not a massive freeway system which would bring havoc into the community, but a mass rapid rail transit system.

He described the members of the city council as President Johnson's "ranchhands because the people in Washington did not vote for them," and said they were attempting to circumvent the U.S. Court of Appeals' decision through H.R. 16000.

The city had even, Booker said, refused to hold public hearings on the freeway question as directed by the court. Challenged on that point, he dismissed the city council hearing on March 13 as a meeting, not a hearing. [pages 13-14]

On questioning, he stated that the numbers of people displaced by the freeways do not "really represent the misery that is brought to families" whose homes are acquired. Asked if he had figures on the number of displaced white families, Booker replied that in urban areas, the Interstate System "invariably boils down to the fact that the freeway always comes through black communities." Told that color had nothing to do with location, Booker said that the planners and architects involved in the highway program in Washington were "lily white":

You see, the question here is simply one of the fact that black people are never in on the planning stages of the freeway or highway from the beginning stage until the ending stage.

Here is a situation where black people and poor white people, they do not have control of their destiny and this is one of the issues here we are talking about. [pages 14-17]

Sammie Abbott was the next witness. He explained that his home at 7308 Birch Avenue in Takoma Park, Maryland, was in the path of the third lane of the North-Central Freeway, "as is also the magnificent home of my widowed mother-in-law, lovingly built for her by my bricklayer father-in-law." He was, therefore, not an interloper in District freeway debates.

He questioned why they had gathered "in this sanctified chamber of legislative brainpower and wisdom." On this point, he quoted a broadcast interview the day after H.R. 16000 had been introduced, during which Chairman Kluczynski had explained, "We've got to get the traffic moving." The day he introduced the bill had been rainy. Traffic was tied up "and our office staff was more than an hour late coming to work." Abbott said that their lateness "may be reason enough to question, to chastise, and maybe fire those employees that give some lame excuses for being late to work, but it is sure not enough reason to engulf the Nation's Capital in freeways eight and 10 lanes wide." The lateness of congressional staff "does not in the slightest reduce the destructive and debilitating effect of freeways upon citizens whose taxes I may add here, pay for the salaries of Congressmen and their staffs."

Abbott also suggested that the reason for H.R. 16000 and the hearings was “to get Congressman [sic] Gude and Broyhill off your back.” He was, Abbott said, there to help with this problem by letting Chairman Kluczynski know that contrary to what the two Congressmen may have told him, “instead of an overwhelming demand for freeways in the suburbs, there is an overwhelming demand against freeways in Montgomery County.” He cited the public hearing in March 1965 (“the only legally constituted public hearing according to the rules of the Interstate Highway Act that has been held in the metropolitan area”), during which not one citizen organization approved the freeways.

As for the District, he said:

On no other issue have there been such a unity and action involved [sic], from the affluent Georgetown and Foxhall Road areas to the black power champions of the ghettos, from the federation of civic associations to its counterpart, the citizens associations, the one issue which has united rich and poor, black and white, renter and homeowner, has been the fight to save the Nation’s Capital from the destructive octopus, the freeway.

Regarding the official hearings in February (“and we are putting quotes around the word official”), he called them “an empty farce.” Highway lobby representatives supported the freeways, but every other witness opposed them.

Moreover, former Engineer Commissioner Duke, in a deposition related to the citizens’ lawsuit before leaving for Vietnam, admitted that “not a single Commissioner had read a single paragraph of a single page of the transcript nor had they attended a single meeting. Abbott asked, “Now, what kind of a hearing was that?”:

The 1893 law was specifically guaranteeing the right of the citizens to public hearings and if you read the court decision you can see why the District of Columbia and the Government agencies involved were afraid to take it to the Supreme Court because it is pointed out in there that the District of Columbia more than any other State in the Union by virtue of being voteless [in Congress], must have the umbrella of public hearings and the right to petition and the right to speak.

So, if in this act, H.R. 16000, you attempt to override this, you will be, in effect, taking away from the District of Columbia the one right, you see, one of the vital rights guaranteed in the first amendment. I say it is the right to petition which involves this, you see.

The fact that the District commissioners neither attended the hearing nor read the transcript was “a shameful episode in the history of the District Government” and he urged the committee not “to buttress up an invalid freeway system that has reached the state it has now on an edifice built on the denials of the citizens’ rights.”

To date, neither Mayor Washington nor the city council had come out in favor of the freeways. Secretary Boyd said he would be guided by the mayor and city government, as had Public Works Chairman Fallon. Chairman Kluczynski had been quoted recently as saying the purpose of the

legislation “was to smoke out the District officials and the Department of Transportation.” Abbott asked if Chairman Kluczynski did not realize “that what you are doing is to try and separate these local officials from the very people, the very constituents here if you want to call them that, who are now unanimously opposed to freeways?”

Abbott said that if an individual white racist blew up “an individual Negro’s home by dynamite, he would be universally condemned,” but when the government “unleashes a set of bulldozers to drive thousands of families from their homes, demolishing established and integrated communities then only the victims object.” This “institutional white racism” is easily understood in the case of the District where 15 of the top planners were white and 13 of them live in the Maryland or Virginia suburbs.

He ended his testimony by saying:

In conclusion, the black population is not going to allow any more dislocations, disruptions, and destruction of its communities. I think this was made clear by earlier speakers. I will say, Mr. Chairman, that neither will their white neighbors.

We are united in this joint effort to uphold the ancient dictum a man’s home is his castle, interlopers beware.

What I am doing myself, Mr. Chairman, and I am putting it as precisely as I can, will the subcommittee continue to advocate and build urban freeways which by now in 1968 we know means to build the incendiary causes, the very objective set of conditions that will result from revolts, riots, or call them what you will, by a frustrated, disillusioned and bitter citizenry [sic].

No man, black or white, with an ounce of manhood is going to allow such unwanted and unneeded, unproven freeways to continue to spread like a cancer after we have seen the damage they do.

It is in the tradition of our United States that in defense of our private property, our homes, and communities we will stand united against the encroachments of highway lobbies and public officials who distort and misuse the right of eminent domain, taking our homes for freeways is not in the common good, not within the true meaning of eminent domain.

We read about citizens arming themselves every day against individual crime. I am telling this committee here that I am getting myself a shotgun to defend my home and posting a sign for all highway appraisers and officials to beware of. [pages 18-31]

These early witnesses faced aggressive, skeptical questioning from the subcommittee. At one point, Representative Frank M. Clark (D-Pa.), tried to put Abbott on the spot when he spoke of the need for mass transit, but Abbott, who would be arrested 34 times during his anti-freeway years, was not easily intimidated:

Mr. Clark. How did you get up here today?

Mr. Abbott. Oh, look, I was asked that. I came by horse and buggy. I got it parked right outside. I anticipated that. I was exaggerating.

Mr. Clark. Mr. Abbott, I asked you a perfectly honest question.

Mr. Abbott. I came piggyback and my wife carried me.

Mr. Clark. I say, sir, I asked you a direct question and I want a direct answer.

Mr. Abbott. I came by subway. I used the Senate subway. If it is good enough for the Senators, it is good enough for me. End of question.

Mr. Clark. How did you get to the Senate?

Mr. Abbott. I hiked.

Mr. Clark. Mr. Chairman, I want him to answer this question.

Mr. Abbott. I take the fifth amendment.

Mr. Clark. Then we should adjourn this meeting.

Mr. Abbott. I came by car, sir. You ought to know that, just like you came.

Mr. Clark. Why didn't you come by bus?

Mr. Abbott. The fact I came by car has no relevancy. I have no other way of coming.

What do you want me to do, come by pogo stick? [pages 26-27; number of arrests, Leveys, page 16]

Other witnesses on the first day included:

- Edward J. MacClane, president, District of Columbia Federation of Civic Associations – opposed the bill. “Since 1960, our organization has opposed the construction of freeways through the Glover-Archbold Park, the north leg of the inner loop, and 11<sup>th</sup> Street SE. The federation is unalterably opposed to the North-Central Freeway and the Three Sisters Bridge.” The main objection was to “the displacement of thousands of District residents from their homes and many small businesses.”
- Floyd H. Agostinelli, North East Neighborhood Council – He expressed “unequivocal opposition to H.R. 16000” because the District’s transportation problems “are inexplicably tied to serious economic, racial, and other social problem areas.” They must be taken into account in considering transportation options.
- Thomas P. Rooney, Assembly of the Full Faculty, Catholic University of America – opposed inclusion of I-95 through northeast Washington in the freeway network, noting that no public hearings had been held on the route, no justifications given for routing the Maine-to-Florida truck route through the city, no study had been conducted on the health and environmental impacts of the freeway, and no replacement housing was available. “Again, if you are talking about ghetto and impacted areas, relocation money means nothing because there is no low-income housing in Washington, D.C. More housing has been torn down by urban renewal, freeways, and commercial development in the District of Columbia than has been put up.”
- Frederic Heutte, executive committee, Catholic Interracial Council of Washington, D.C. – Council members, “along with all concerned citizens . . . had believed that the controversy surrounding the ill-conceived interstate freeway program for the National Capital had been settled on February 15,” by the U.S. Court of Appeals decision. “We oppose the basic plan of the forces of greed, thirsting for all that highway trust fund

money to build unneeded and unwanted freeways, freeways which serve the interests of money only and pollute our air and environment, serve also as ‘Chinese walls’ to divide our community physically, socially, spiritually, into ghettos, black and white, rich and poor.”

- Professor Leonard P. Siger, Gallaudet College – He supported “a compelling necessity on the part of Congress . . . to find a way of reconciling the seemingly contrary nature” of the Federal-aid highway program and meeting the area’s transportation needs. Without taking a stand on the bill, Dr. Siger offered to visit with the engineers who may have a “career problem” and with the committee members who “may have a political problem.”
- John Immer, chairman, D.C. Federation of Citizens Associations – The group opposed H.R. 16000 “as a matter of principle as interfering with the orderly process of planning in the District of Columbia.” The bill would leave District residents “helplessly exposed to a splurge of highway projects.” Assuming that some members of the committee supported home rule, “how can those members cry for home rule as they stomp in the dust those who protest the taking of their homes?”
- Colonel Robert F. Evans, U.S. Army (Retired), president, Citizens Association of Georgetown – “This association has long opposed the construction of the Three Sisters Bridge not only as destructive of one of the most beautiful scenic vistas in the metropolitan area but also as a menace to the future of Georgetown.” Given the area’s desire for restoration of the waterfront, “construction of a superhighway through this area whether on stilts, at surface level, or in a cut, would block this long-sought objective.”
- Dr. Edward L. Maillet, Brookland Area Coordinating Council – He considered H.R. 16000 “a singularly bad piece of proposed legislation, even a dangerous one.” The council would be “vehemently opposed” to the bill even if Brookland “were not so directly affected” because the “implications of this proposed legislation reach beyond any one neighborhood of Washington, D.C.; indeed they extend beyond any one city.”
- Simon Cain, president, Lamond-Riggs Citizens Association – The association was “unalterably and inexorably opposed to the current freeway plan for the District of Columbia.” The committee was trying to impose “these injustices upon us.” He said, “I never thought that I would see the day when the Congress of these United States would move to ratify such an illegal action as that about which we are speaking – namely, the court suit and the highway program for the District of Columbia—and thereby become a party thereto. God forbid.”
- Bernard W. Pryor, Brookland Neighborhood Civic Association – Brookland residents “live in an area that is being harassed by the Highway Department to get us out of our homes to let the freeway monstrosity come through and break up our neighborhood”:  
The Government is supporting a program to kick the Negro in the teeth by taxing them to pay for freeways they do not want and cannot use. The system of freeways throughout the country seems to be directed through Negro areas, to destroy the unity of whatever political status they possess.
- James E. Drake, president, Foxhall Village Community Association – He was not opposed “to the interstate program per se,” but he opposed the Three Sisters Bridge because of its impact of the community and Glover-Archbold Park. The association opposes H.R. 16000 because it would require construction of the bridge, abridges citizen

rights, and would overturn a court decision that the people of the District “have a right . . . to be heard just as do the citizens of any State in the Union.”

- Grover Chapman and Robert Kennan, Jr., Committee of 100 on the Federal City – They disagreed with statements about the Three Sisters Bridge by “Mr. Thomas Airis of Potomac, Md . . . and Mr. Lloyd Rivard, of Alexandria, Va.,” for example disputing that any of the 10 studies Airis displayed during his testimony “provided any justification” for the bridge. Kennan questioned the traffic projections, including the latest report by Alan M. Voorhees and Associates, and suggested that the committee’s review demonstrates that “there will be no need in 1990 for a bridge across the Potomac River at Three Sisters Islands, but rather at some location between the 14<sup>th</sup> Street and Woodrow Wilson Bridges.”
- Alfred J. Zmuda, Metropolitan Citizens Council for Rapid Transit – Favored the rail rapid transit plan because “additional freeways, parkways, and bridges will not contribute to the solution of the primary transportation problem in the area.” He cited gross errors in traffic projections. “Freeways and parkways play no significant role in rapid movement of people as they are too inefficient,” since rail rapid transit “can take as many people as 20 lanes of highway.”
- Harry J. Quintana, 2MJQ (Black Advocate Planners) – He did not express a position on H.R. 16000, but advocated improved bus service instead of rail rapid transit. He referred to two types of transit: “very clean, conveniently timed, courteously operated” systems for middle to high income residents who owned private vehicles and “very crowded, irregularly timed system, manned by sadistic uninformed cattle ranchers” for the low income who “receive few public amenities, and exert no influence over their fate within the classical context of law and order.”

One additional witness was unfamiliar with H.R. 16000 and the issues that led to it. Avon N. Williams, Jr., of the law firm of Lobby and Williams in Nashville, Tennessee, had visited a member of the committee staff, heard about the hearing, and agreed to testify without a statement. He represented the Nashville I-40 Steering Committee in its court battle to stop I-40 from being built through the African-American community in North Nashville. The route would separate historically black colleges and take out homes and businesses along the entire length of Jefferson Street, which was the “main business drag for Negroes”:

In this general area lie approximately 234 Negro businesses of all types, excluding big business of course, excluding industrial business, but businesses like barbershops, shopping centers, a Negro savings and loan association, if you please, Negro insurance companies; practically all that Negroes have worked and slaved for in their segregated condition for more time than I care to remember, is in effect being devastated by this highway.

The District Court rejected the defendants’ case, “but in turning us down said that it doubted very gravely the wisdom of the selection of this particular route and admitted the tremendous damage that was being done to the only Negro business and educational community in Nashville.” The U.S. Court of Appeals of the Sixth District also turned the plaintiffs down, but “admitted the same thing.” He had appealed the case to the U.S. Supreme Court in October 1967, but did not yet have a ruling.

He was not clear on the role of the committee in these matters:

I would say to you that, from the standpoint of a lawyer representing Negroes in a southern community, that there are a concatenation of forces which are working to completely resegregate the Negro in our community. Unfortunately, these forces are aided by Federal legislation in its implementation. Unfortunately, the people who operate the Urban Renewal agencies, the housing authorities, the State highway departments in the State of Tennessee have no interest whatsoever in the legitimate aspirations of the Negro to be a part of the mainstream of American life.

Applause broke out at that, forcing Chairman Kluczynski to warn that, "There will be no demonstrations."

Williams continued by assuring the chairman that if he went to Tennessee, he would not "find a single Negro in any policymaking position or any position where he could do anything about – that is anything seriously about – anything important that happens in the planning of anything that has to do with municipal life and the development of human relations and human beings and the commercial, education or political society in the State."

The Federal Government had made no effort to judge the economic or social impacts of the routing of I-40, or any effort to determine if the State had attempted to judge it. The Federal Government "has let us down in this particular area of public works; that it has not, ladies and gentlemen, if you please, made a reasonable effort to see that what is happening down there is done fairly and that it conforms to the spirit of the United States of America."

When Representative Cramer pointed out the need for Interstate highways, Williams guessed that the people supporting Interstate highways in his area were all business people who have an interest in it. "I do not think you will find probably a majority of the people who feel that way," in view of racial discrimination:

And this is something with which the entire Nation is going to have to come to grips, is present in Nashville, I am sure it is present here in Washington, and that is the activities of the real estate interests in building massive white residential subdivisions in the suburban areas of communities which they sell only to white people and which are built primarily for the benefit of the white, burgeoning white labor and middle classes, to the exclusion of Negroes. And, yet, they want the interstate because they have to have some high-speed method of transportation into town.

I say to you that, you asked me what can the Federal Government do and I think one thing that Congress could write into the legislation would be a requirement that before an interstate highway is routed through any area that there be some kind of a realistic survey or analysis made of that area by people competent to do so, by engineers, architects, city or social planners, civil rights people, if you please, human relations people, people who are interested in the development of this country from the standpoint of our loving one another and getting along as human beings, rather than purely from the commercial

chamber of commerce standpoint which stands forth with great starkness in Nashville that a highway should be routed so as to benefit the commercial community.

Secondly, and in the course of this, you see, this would imply, if you had this kind of a team, you might never get a highway through the heart of town.

Representative Cramer asked if these issues were raised at the public hearing for I-40 in Nashville. Williams denied that a public hearing took place in accordance with the law. The hearing was held on May 15, 1957, at 9 or 10 a.m. in the courthouse, with notices posted in the main post office and five branch post offices, "not one of which was in a Negro community." The nearest was "in a white slum community adjacent to the Negro community, posted in the post office along with the FBI posters." The transcript identified only public officials who spoke because, according to one of those officials, "the questions came from the back, and [the recording equipment] just was not adequate to pick that up." Only about 10 people attended the hearing and the mayor at the time, who presided, could not recall that any were Negro. "That hearing is no more the kind of hearing contemplated by Congress than anything."

Representative Cramer pointed out the 3C planning requirement that went into effect in 1965. Congress had not been "oblivious" to the need for comprehensive planning. Williams said he had a memorandum from Administrator Bridwell denying that I-40 in Nashville was covered by that requirement.

In closing, Williams agreed that "your ideals are fine," but when the money gets to the States, it might be used "a little differently than Congress intended." [pages 31-45]

(The Supreme Court declined to hear the appeal that Williams had mentioned. As is usual with such decisions, the Supreme Court did not explain why it did not take up the appeal, but the result was that the U.S. Court of Appeals' decision went into effect.)

*The Washington Post* characterized the first day of hearings as "more than six hours of unanimous and sometimes emotional testimony . . . against a bill to force completion of the District's proposed freeway system." ["Freeway Foes Assail House Bill," *The Washington Post and Times Herald*, April 3, 1968]

On April 3, the lead witness was Nicholas Satterlee, chairman, Committee on Legislation, American Institute of Architects:

We oppose this legislation because, if enacted, it would force upon the District an ill-conceived and misrepresented highway plan based on motives and assumptions not consistent with the principles of the Federal Interstate System.

In addition, we oppose this legislation because it seeks to ignore a basic democratic principle; namely, that the people have a right through public hearings and discussion, to play a part in the highway planning process.

He emphasized that the organization was not opposed to highways. It favored a balanced transportation system in which "highways are an essential element." However, major change

was needed nationally in how these transportation corridors were selected. He recommended a three-part planning team consisting of “a decision team, city and Federal agency representatives, and a design team, architects, engineers, economist, sociologists, et cetera.” Such teams had worked in Cincinnati on its downtown plan and were at work in other cities, including Baltimore, Chicago, New York, and Seattle. As for Washington:

The present stalemate would seem to be a golden opportunity for the city to develop promptly a responsive team process of its own that will assure us of a truly comprehensive urban transportation.

The end result could well be what was hoped for in streamlining the District’s government: A coherent response to the total urban environment of the Nation’s capital.

The investment of the short time needed will buy back the public confidence, the lack of which is the true reason for 20 years of acrid debate. [pages 113-119]

Through the course of the day, many witnesses opposed H.R. 16000, including Arlingtonians for the Preservation of the Potomac Palisades, Izaak Walton League of America, National Audubon Society, Wilderness Society, and Greater Washington Citizens for Clean Air Society,

During the testimony of James Deane, special consultant on roads for the National Audubon Society, Representative Richard D. McCarthy (D-NY) engaged in a testy exchange with Chairman Kluczynski. A native of Buffalo, Representative McCarthy had been a reporter for the *Buffalo Evening News* and a public relations official for the National Gypsum Company before winning election to the House in 1964. The exchange occurred after Deane described some of the destructive impacts of the city’s freeway network, built and unbuilt:

The National Audubon Society submits that Congress should not advance a destructive trend, but should instead reexamine the premises of the proposal before you. The society believes that the public interest would be better served in Washington and in America’s other growing metropolises [sic] by putting less reliance on a proliferation of giant freeways and more on creating efficient metropolitan mass transportation.

The National Audubon Society respectfully urges that this proposed legislation be abandoned.

Representative McCarthy agreed with Deane that H.R. 16000 had national implications because it “ignites an issue that has been smoldering for a long time”:

I share your viewpoint on it; and if this bill is steam-rolled through, it is going to have far-reaching implications . . . . I certainly respect the chairman and understand his reasoning for introducing the bill; but I would think it has a very good chance of passage [unless] we can have support from more organizations like yours.

Chairman Kluczynski pointed out that since Representative McCarthy had served on the Public Works Committee for a number of years, “I’m sure he knows I have never steam-rolled a bill,” adding:

That is not my intention nor is it the purpose of these hearings. We want to hear everybody, whether he is for or against this legislation. After these hearings, we will sit in the subcommittee in executive session, and we will go over all the testimony that has been presented by witnesses. [page 138]

The first witness in support of the bill was Jay Pilzer, counsel, Yellow Cab Company of D.C., Inc.:

The need for the development of a good freeway system and thoroughfare system that will carry the interstate travel off of the city streets is absolutely critical. We cannot provide adequate service to the use of service transportation without unloading these streets of the traffic that is coming in from interstate and across through the district. [sic]

Some of the objections to the plan were “unrealistic.” The streets were “clogged with inappropriate traffic of usual and attempted high-speed nature – it is not very high-speed when you get on the streets; but it is not consistent with the development of residential streets.” He favored connections and loops, but especially the Three Sisters Bridge, which would “unload a great deal of traffic which apparently is being congested into the approaches to the existing crossings.” [pages 142-150]

Sanford Slavin, president of Princemont Construction Corporation of Rockville, also supported the bill. The freeway plan had been subject to “too much confusion and delay in getting the necessary segments of the Interstate System under construction.” As a result, he had been forced to lay off employees, many of them from minority groups. “The men need the jobs; we need the contracts; the District of Columbia needs the roads . . .” Members of Congress could make that happen. [pages 152-154]

Another contractor, Arthur Cox, president of Corson and Gruman Company, also cited the need for jobs to keep his workers employed, but said:

It seems to me that it would be hard to devise any program which could be more beneficial to the problems of this city than this vast public works program of this Nation. The interstate freeway system would not only be of benefit to the transportation system in the city of Washington, but it would generate \$100 million worth of employment for people who need the work now. [pages 154-155]

The day ended with testimony from The Reverend Gipson, treasurer of Upper Northeast Group Ministry, an alliance of 22 ministers in northeast Washington. He also was a member of ECTC. He began by saying of the ministries:

With no exception these organizations are opposed to the freeways and highways when they are incidental or accidental tools of evil perpetrated against our communities. We stand opposed to freeways when they destroy communities, dislocate our economy, and uproot citizens whom they essentially do not benefit.

His group was not “brandishing swords, knives or guns” to force congressional action. “We asked the courts to hear us and they responded favorably. We ask you to do the same.” If Congress would not do so, what other course of action was open to the community? He asked:

What good does talk about freedom of circumstance or equality of opportunity mean while we continue to institutionalize barriers and disregard the general welfare of the city dweller. What good is talk of reducing tensions and building a stable inner city, when we continue to bulldoze and destroy our communities. What good is talk of participatory democracy while we leave so many without a voice in highway places . . . .

He introduced a statement by the group that began:

No local public issue evokes a more anguished or unanimous cry of protest from the black people of Washington than the freeway issue. A massive Interstate Highway System, planned, promoted, and designed primarily to serve white residents of the suburbs, threatens to take away their homes, blight their neighborhoods and isolate them in the inner city. The freeway system will destroy the residences of more than 1900 families, mostly Negro and mostly low and middle income, displace more than 120 businesses employing more than 4,000 persons, and consume more than 120 acres of park land.

It would remove \$400,000 a year in real estate taxes from the District treasury and cost, overall, \$50,778,000 more in “money that might be better spent for better employment opportunities, education, welfare services and housing.” Approval of the 97-mile Metro rail system, and an experiment with express bus service from Virginia “offer assurance that it is no longer necessary for the people of the District to provide most commuters from the suburbs with the means to drive their cars to work.”

Now was “a moment of truth.” The statement said that, “White men’s highways through black men’s homes have a permanent symbolic significance, and there is increasing evidence of a direct relationship between racial discrimination in transportation planning and the bloodshed that took place in Watts, New Haven, and Newark.” The U.S. Court of Appeals ruling “offers [a] unique opportunity for re-evaluation of the whole freeway program in the light of desires and needs of the people of Washington today.”

The Reverend Gipson concluded:

Mr. Chairman, we seek to restore respect for law and order, particularly of the hostile group who feel the lawmakers disregard their interests and desires. We are seeking to call our youth to cooperate with police and civil agencies whom they feel repress them at every point. We are seeking to build a better society. We need your help. We pray God will give it by rejecting this proposed legislation.

Representative Cramer was the sole questioner. Was the Reverend Gipson recommending that all highway construction be halted in view of the court decision? Yes, and he also thought that the old Taylor Street bridge should be restored. Should noncontroversial city street projects also

be halted? They would not oppose upgrading existing structures, but “in terms of new highways bringing additional traffic, we are opposed to it.”

The Congressman pointed out that the court ruling would stop all types of construction, even some improvements of present facilities. The court, the Reverend Gipson replied, had done “a good thing” by stopping construction. The District could have talked to the defendants in “terms by which they could continue this,” but “they sought to do nothing.”

As far as Representative Cramer was concerned, the bill was a “good-faith effort to try to find a solution to some of these problems.” The court finding affected all highways in the city, and Congress had the power to do something about it. “I tend to think that those who filed the suit may not have realized that that would be the total effect.” The Reverend Gipson pointed out that the suit named specific highways, not all highways, and those were the ones the plaintiffs were most concerned about.

Referring to the statement about using the funds for other purposes, Representative Cramer said this was another example of how the ministers did not have “a full understanding . . . of the limitations relating to highway construction.” The Reverend Gipson replied that he believed Congress could make decisions to benefit the District, despite precedents for how funds have been used. “We feel that we cannot adequately administer in these areas where we have not the funds and where the funds are available they are used for other things.” The Congressman pointed out that if the funds were not used for highways, the District would lose them. “It would go to somebody else.”

He then referred to the statement that mentioned white men’s highways through black men’s homes. It was “interesting to me” that no organized objection was raised “when these white men’s highways were going through white men’s communities.” About 90 percent of all the homes and businesses displaced by the Interstate freeways had been in white communities. “And what would be your response to that?” The Reverend Gipson replied:

My response to that, Mr. Congressman, is that the replacement value gained by white residents for their homes was of such a nature they did not see fit to raise any objections.

This has not been true in terms of blacks selling their property and trying to rebuy – let’s get the next issue, too – that the oppressive housing codes of the surrounding areas have forced compacting of Negroes into these areas and has reduced the real estate possibilities for them; and at the same time where the surrounding counties, such as Montgomery, have such a high real estate value, those same people cannot afford to move from their present locations to the other places.

Representative Cramer acknowledged that this was one of the “very serious problems,” and it affected many cities, not just the District of Columbia:

We have no prospects of solution, and that one of the considerations I think we should seriously talk about is: What is the disparity relating to relocation and condemnation problems?

Is there a disparity? If so, we should give some consideration to it; so certainly this committee is not oblivious to the point you make.

He added, however, that the issue “is not a racial question at all, it is a question of the value of the property today, the present law and power of condemnation, and what can be paid under the law.”

The Reverend Gipson asked if Representative Cramer would help make solutions possible “before we make more problems by continuing highways?” The Congressman replied, “This is what the hearings are all about, as far as I am concerned, Reverend.” [pages 156-161]

The *Post* summarized the second day by saying the committee heard from “12 witnesses . . . nine of them opposed to the bill.” The account noted the exchange between Representatives Kluczynski and McCarthy, but added:

Another subcommittee source said yesterday that the antifreeway witnesses who have dominated hearings so far are having an effect, and that some major changes may be made in the Federal highway law this year. “They’re making some good points.”

Moreover, members recognized that the issues being raised were also being raised in other cities around the country. “Several subcommittee members have indicated that they look upon the District as a kind of test case.” [Milius, Peter, “Move to Unsnag Freeways Seen,” *The Washington Post and Times Herald*, April 4, 1968]

On April 4, the final day of the hearings, the first witness was Lieutenant General Elwood R. Quesada (U.S. Air Force, Retired). Having served as Federal Aviation Administrator (1958-1961), General Quesada testified about how he had helped select the site for Dulles International Airport. Access was an important factor, with “a requirement of being within 30 minutes of downtown Washington.” He helped design an access road, linked to I-66:

The point I am attempting to make . . . is that at that time we anticipated and planned for U.S. Highway 66 [sic] proceeding to the Potomac River at a point unknown to us, however, upstream of what is known as Key Bridge.

He doubted the airport would have been built where it is if not for knowledge of that planned bridge. The bridge the planners had in mind would eventually become the Three Sisters Bridge. He added that, “one very strong consideration that was in our minds then was that we did not want to use the U.S. Park Service highway on the south bank of the Potomac River which is called the George Washington Memorial Parkway.” [pages 163-166]

Representative Scott, who had cosponsored H.R. 16000, told the subcommittee that, “those persons residing within the District who oppose highways are doing a disservice to their city.” For the “inner city” to survive, officials must find a way for suburban motorists to get in and out of the city to the suburbs. The alternative was that more people and businesses would move out of the city.

He supported completion of I-66 and I-266:

The completion of this interstate highway will also provide better access to Dulles International Airport.

I appreciate a beautiful Potomac and the esthetic values of our capital, but no one can get much satisfaction out of the beautiful Potomac when they can only see it from an automobile that is stalled in a line of traffic because there is not adequate access into the city.

The District should be allowed to proceed with its freeway plans while development of the rail rapid transit system continues as quickly as possible “so that there will not be the need for additional highways after the planned metro system is completed in 1980.” He added, “My constituents certainly do not want to wait until 1980 before they can travel in and out of Washington with reasonable comfort.” [pages 168-169]

Representative Cleveland told Representative Scott that these hearings were not about a special case involving only the District of Columbia. Many cities were having similar problems, as demonstrated by recent hearings by the Senate Committee on Public Works on moving people in urban areas. Representative Cleveland had testified during the Senate hearing with John Morton, New Hampshire’s highway commissioner:

I notice in Mr. Morton’s testimony he reminded the Senate committee that at the time the Jefferson Memorial was being built, some of the good ladies of Washington, D.C., were sort of boycotting it and filling in the excavation as fast as the engineers were taking it out because they thought the building of the Jefferson Memorial would desecrate the Potomac and ruin that part of the city.

Time has proven the people who had thought it was going to ruin the city were wrong. [page 170]

Charles Coon of the Metropolitan Washington Board of Trade testified in support of a balanced transportation system, and that thinking the rail rapid transit system would meet the metropolitan area’s needs was “self-defeating.” He said, “freeways and rapid transit together are required to achieve an adequate level of mass transportation for Washington.” Subways moved people, but not goods. “If we should fail to build freeways we will be saying that the needs of the District will be well served without any new high capacity highway connections between the center city and the surrounding areas.” If that happens, the District “would become isolated from the rest of the National Capital area as suburban areas expand and establish their own economic independence.”

He urged the subcommittee to ensure construction of the routes identified in H.R. 16000:

This road system from the core of the city to the Capital Beltway would attract appropriate business development in the city. By connecting it with the suburbs it will maintain the District as a center of economic life in our area.

Otherwise, commerce would concentrate along the Capital Beltway and congestion “would become truly intolerable, making our Nation’s Capital less attractive as a city to visit and a community in which to live and work.”

Given the District’s lack of success in getting freeways under construction, the board recommended that Congress “direct that the freeway system be built.” [page 173-175]

Miles L. Colean, chairman, Transportation Committee of the Federal City Council, testified in support of the bill, calling it “not only timely, but urgent.” The bill addressed the problem of compliance with the 1893 highway act by ensuring the District had to comply with Title 23, United States Code, which it been doing prior to the U.S. Court of Appeals decision.

He also addressed the problem of displaced residents. They should be paid a fair price for their homes, but he added that it “would be true economy – as well as justice – if those displaced were given compensation sufficient for them to acquire a comparable home to the one they must vacate in the same or a similar neighborhood.” The government should assist them in finding such homes.

He concluded:

It seems a pity that somewhere along the long road we have traveled thus far, debating the freeway proposals and doing nothing about them, that this urgent situation could not have been resolved. It is a shame that the time and energy of the Congress of the United States must be used in resolving such a local problem. But it is apparent something must be done and soon – before a crisis of such proportion arises that panic sets in and a hasty and inappropriate system of roads is quickly laid down without thought to proper planning.

It is in the power of Congress to avert such a crisis by approving the bill introduced by Congressman Kluczynski. The Federal City Council is hopeful that this will be done. [pages 176-197]

Harold E. Wirth, Rubber and Tire Manufacturers, told the subcommittee he had been present “since the first opening of your very wonderful hearings,” and wanted to comment on a few points raised. He began naming some of the cities that “do have a very fine working transportation program with freeways,” including Atlanta, Chicago, Cleveland, Dallas and Houston, New Orleans, Pittsburgh, Salt Lake City, and San Antonio.

He disputed the idea that rail rapid transit alone would solve the area’s transportation problems. Those making such a statement were assuming that the entire problem was “a people-traffic problem.” On the contrary, the rail rapid transit system “was designed to carry never more than 25 percent of the total people traffic [sic] in the 1980-1990 period.” That cannot possibly solve the problem.

Some anti-freeway speakers have stated that the District had not held public hearings. He had personally appeared before 12 public hearings, and that was only some of those held.

He disputed the idea that freeways caused urban riots such as the riot in Watts:

The difficulties there broke out without either a mass transit system or a freeway system and now the good people of Los Angeles, in order to help the Watts situation and allow these people to get out of that ghetto area and into an area where they can obtain employment, is now building a freeway into the Watts area. They are also going to build bus rapid transit lines into the Watts area.

He addressed those who stated that “the 1893 law was essential and should not be repealed”:

[The] 1893 law was put on the books of this Government by the Congress in its wisdom at a time when not one automobile was driving on the streets of the Nation’s Capital, when the Nation’s Capital extended only to Florida Avenue on the northwest, and in its wisdom, Congress was trying to allow the people of the District of Columbia to extend its area from Florida Avenue on out to the line where Maryland ceded this land to the Federal Government for the use of all of the people in the United States.

He agreed that displacing families was “a real difficulty.” However, of the 1,753 families that would be displaced by the entire freeway system, almost one-third of the homes had been acquired. “So, we only need about two-thirds more to complete the entire freeway program.” Considering the millions of trips that would take place on the freeway system, “it is in the spirit of democracy, of our democracy, to discommode 1,753 people to accommodate 400 million.” He added:

Those people who are losing their homes have a case. I personally believe that if we have to take Jim Smith’s house for a freeway then we must provide Jim Smith with a new home – even using highway funds to do it

After the years of debate, the District of Columbia was in 48<sup>th</sup> place among all States in completing its Interstate System, “with only 36 percent of its meager and minimal 29.8 miles of programmed freeway open.” (Utah was 49<sup>th</sup> and Hawaii was 50<sup>th</sup>.) “This is a disgraceful position.”

The Nation’s Capital belonged to all 200 million Americans, not just those who live in the city. “This is a sacred trust you hold in your hands.” Wirth said the recent court ruling was “the greatest hindrance to public transportation in Washington’s history and what happens in Washington is an example to other cities around the Nation”:

The very people who are fighting freeways are the ones who will benefit most from them,

Construction would provide 8,000 to 10,000 jobs, many of them available “for so-called hard-core unemployed. Here appears to be the sought after opportunity to solve both the transportation and unemployment problems simultaneously.”

In closing, he cited the 20 years of planning at a cost of \$20 million. “Let us get on with the work. We are pleading with you committee members to give priority and preference to H.R 16000 for the future of the metropolitan community, our Capital of the United States.” [pages 190-195]

The hearing concluded with short statements by many witnesses, some in favor of the bill, some opposed, with very little questioning from subcommittee members. However, the appearance of James F. Bromley, chairman of the North Bethesda Congress of Citizens Associations, gave Representative McCarthy an opportunity to discuss his views.

The association was a group of 12 citizens associations in Montgomery County that Bromley said favored a balanced transportation system that included rapid transit and the freeway network advanced by H.R. 16000:

Automobiles and buses are undeniably here to stay as the most convenient method of transporting people directly from their homes to their jobs and back again. Rapid transit, for all its virtues, cannot provide this same essential degree of convenience and therefore must necessarily supplement, not supplant, automobiles and highways.

Otherwise, the District would experience an “ever-worsening arteriosclerotic effect, the presently overcrowded condition of the existing roads and highways in both the suburbs and the city will continue equally to strangle both the suburbanites’ efforts to drive to their jobs downtown and the efforts of city residents to drive to suburban areas to jobs for which there is substantially an increasing demand.” The Capital Beltway would continue to attract businesses that otherwise would stay in the District. For suburbanites and District residents, “the freeways will help everyone and they must be built.”

For the freeways to be built, some city homeowners must be displaced by freeway construction. To ensure they “share in the freeway benefits,” Bromley suggested they be compensated based on the replacement value of their homes rather than their fair market value under eminent domain. He cited the “pace-setting example” of a recently enacted Maryland law “authorizing replacement cost payments to Maryland homeowners displaced by freeway projects of up to \$5,000 above the fair market value of their homes.” On behalf of the association, he urged prompt passage of H.R. 16000 “so that these desperately needed freeways will at last become a reality.”

Representative McCarthy pointed out that while attending the sessions of Congress, he lived in Bethesda “and I know there are many people out there who do not subscribe to what you say.” Bromley’s testimony suggested that he believed “these are simply roads to the District for suburbanites.”

Bromley suggested the freeway network was mutually beneficial, but Representative McCarthy referred to the “virtually unanimous opposition from organizations representing over 200,000 residents of the District.” He explained:

My own experience in Buffalo would seem to suggest that many of these people who need job opportunities out in the suburbs – and I will grant certainly that there is certainly a lot of new industry located in the suburbs – most of them don’t have private vehicular transportation, but that they would utilize some form of public transportation in order to get out to these job opportunities.

Bromley said he supported rapid transit “but we do not believe that it would serve the entire need.” The automobile was “the most convenient method of transportation” and allowed access to jobs throughout an area.”

Representative McCarthy replied:

My own experience goes just counter to that. As a matter of fact, in Buffalo we have this problem. There are job opportunities in the suburbs, but the people who would like to capitalize on those opportunities do not have any method of getting there, although we do have an expressway system in the Buffalo area. And what they are doing now is – a test case, I understand the first in the country – where working with the public bus company, they are trying to provide new routes that would take the people out of the ghetto into the suburban areas.

When Bromley began to reply by saying, “Well, bus transportation,” Representative McCarthy interrupted to say, “It is bus transportation that they are going to rely on, not the private automobile.” Bromley emphasized, “I might say that these roads would be as available to bus transportation as automobiles, too. I certainly would favor that as well.” [pages 251-252; the section of witnesses not detailed here: pages 296-274]

Representative Gude was the final witness. He assured the subcommittee that while the hearing was about freeways in the District of Columbia, the issue affected the entire metropolitan area. The hearings had highlighted needs that the committee needed to address “from the point of view of the specific area and its related social and economic effects.” He was referring to the problem of relocating families, businesses, and public institutions. He was proud of his home State because, as Bromley had stated, Maryland had established “a formula to insure an increased remuneration over the fair market value for those homes displaced in critically needed areas.” This law may not be the full solution, but it was a step in the right direction.

Air rights legislation for the District was needed. It would “provide greater area for relocation of housing in both public and private buildings over and around the highway facilities.”

Representative Gude strongly supported rail rapid transit, especially for Montgomery County. However, to those who thought it would solve the problem without freeway construction, he referred to the statement by “the general manager of the transit authority [who] has stated the need for the full implementation of the freeway system.” In view of the many critics who put so much faith in rail rapid transit, Representative Gude encouraged the subcommittee to ask General Graham to comment. [pages 274-176]

Chairman Kluczynski closed the hearing with a few observations. He had introduced H.R. 16000 “to provide as broad a vehicle as possible for comment by the people who are concerned.” The committee’s action on this matter “may be quite different” from what was in H.R. 16000. He stressed that “the committee has not made up its mind about any specific part of this highway system.”

The hearing had achieved at least part of his objective in that “we have heard considerable testimony concerning the need for changes in the approach to relocation of freeways, a subject that has been of serious and growing concern to me for many months.” In addition, the hearings had performed “a very worthwhile service in making it clear that responsible officials at all levels must be prepared to act on these matters, that inaction cannot continue.”

Finally, he thanked all the witnesses and those who submitted statements for the record. “The committee will consider carefully all of the testimony presented and we appreciate the interest and patience the witnesses have demonstrated.” [page 276]

The final day of hearings lasted 6 hours, with proponents of H.R. 16000 dominating the proceedings. The *Post* reported:

Freeway opponents, outnumbered for the first time in the three-day affair, repeated earlier arguments about the impact of the roads on inner-city neighborhoods, particularly Brookland, which is in the path of the proposed North Central Freeway

The *Star* reported that the subcommittee’s members appeared to be convinced of two things:

- (1) A freeway system must be built here, despite considerable citizen opposition, to prevent the city from becoming an island of decaying business and joblessness.
- (2) The victims of this progress - the displaced residents in the paths of these freeways – must have more consideration and greater financial help.

While the hearings were underway, District officials developed a compromise bill that they hoped would bring about a truce in the freeway wars. The *Post* said the bill “lies between the Kluczynski bill and the U.S. Court of Appeals order” and would:

- Authorize completion of the three noncontroversial segments, the center leg, the 9<sup>th</sup> Street Expressway and interchange C, which would extend the Southeast Expressway east to Barney Circle.
- Establish new procedures for the remaining segments of the federally aided highway network.

Under these new procedures, plans for each new segment would go to the City Council for approval. The Council would have to hold public hearings, then could make whatever changes it wished.

The plans would then go to the Mayor. He could either send them on to the Department of Transportation for approval and the necessary Federal funds, or could veto them. The Council could override a veto by a three-fourths vote, just as it now can override the Mayor on city budget items.

As in the past, the plans would be subject to review but not approval, by the National Capital Planning Commission.

The city proposal would authorize somewhat higher payments than before to owner-occupants of homes in the paths of freeways.

District officials hoped the proposal would “buy time to work out new routes and designs for controversial segments that might win wider acceptance than the present ones.” They had sent the proposal to the Bureau of the Budget for clearance.

A spokesman for the committee said the bill would be welcomed:

The subcommittee is no longer wedded to its original bill. The bill has been a vehicle for hearings but as a result of the testimony today and in the last two days you may find the final bill to be considerably different.

The *Star* explained how the city’s compromise bill came about:

Agreement on the sweeping measure was finally reached Tuesday [April 2] in a meeting between Mayor Washington and the city council, after a series of meetings set up by Council Chairman John Hechinger.

After Hechinger met with representatives of the Committee of 100 on the Federal City, one of the plaintiffs in the successful court suit, lawyers representing the city council, the administration worked the proposal into final shape.

As drafted, the bill would not affect the four projects covered by the U.S. Court of Appeals decision, but would allow projects already under construction to continue (the Center Leg Freeway in front of the Capitol, the 9<sup>th</sup> Street Freeway, and interchange “C”). Although Kennan of the Committee of 100 refused to comment on the issue for the committee, “one source said that the committee probably would not balk if several projects, already nearly completed, were finished.” Kennan would say only that final agreement had not been reached. [Delaney, Paul, and Flor, Lee, “District Proposes Plan To Finish Road Projects,” *The Evening Star*, April 4, 1968; Milius, Peter, “City Drafts Bill Seeking Truce on Freeways,” *The Washington Post and Times Herald*, April 5, 1968; Grigg, William, “Hearings Point Up Need for Roads, Aid to Displaced,” *The Evening Star*, April 5, 1968]

### **Martin Luther King, Jr.**

On April 4, a little after 6 p.m., James Earl Ray assassinated Dr. Martin Luther King, Jr., in Memphis, Tennessee. In Washington as elsewhere, news of the assassination set off unrest and riots. The evening of April 4, crowds in the District of Columbia gathered as police tried to control the tense situation. The *Post* reported:

Tense, milling crowds of Negroes . . . swarmed along 14<sup>th</sup> Street’s inner-city strip last night and early today, wrecking and looting stores and heckling policemen.

Hundreds of people in clusters, at first embittered, moved haphazardly through the area and baited police into the use of tear gas at one major fire. It started as a parade that Stokely Carmichael and others began and later could not control . . . .

Serious fires broke out in at least six areas, the worst a blaze shortly after 2 a.m. in the 2600 block of 14<sup>th</sup> Street that burned out the interior of the Empire Supermarket at 2601 14<sup>th</sup> and an adjacent building before firemen arrived.

As problems erupted and officials tried to quell the damage and destruction, a different type of protest was attempted elsewhere:

Last night, after the hearing, Sammie Abbott, a vocal critic of freeway plans, gathered with ten companions in front of the home of Mayor Walter E. Washington at 408 T st. nw. The gathering was planned as a protest against the freeways; it evolved, instead, into a memorial service for the Rev. Dr. Martin Luther King. [Milius, Peter, "City Drafts bill Seeking Truce on Freeways," *The Washington Post and Times Herald*, April 5, 1968; "14<sup>th</sup> Street Sealed Off; Fires Set," *The Washington Post and Times Herald*, April 5, 1968]

Gutheim and Lee summarized the impact of the riots in the District of Columbia:

In Washington portions of the city were burned and looted, thirteen people died, and property damage was widespread. The crisis lasted five days, from April 4 through April 8. Nearly 13,600 federal troops and national guards were called up to protect the city. Destruction was concentrated in three major sections. On 7<sup>th</sup> Street between Mount Vernon Place and Florida Avenue, 263 buildings were damaged. Near 14<sup>th</sup> Street and Park Road, 275 businesses were damaged. On H Street in Northeast Washington, between 2<sup>nd</sup> and 15<sup>th</sup> streets, 90 buildings were damaged. The resulting loss of homes and jobs was matched by the destruction of property, the larger disruption of community services, and the damage to the city's morale. As in the earlier civil disturbances in Watts in Los Angeles, it was immediately clear in Washington that the task of reconstruction would not be easy and that reconstruction plans would not find any ready consensus . . . .

Total property damage was calculated at \$57.6 million, which included the value of looted and burned inventories of goods as well as real property damage. Nearly half of the damage was in the 7<sup>th</sup> Street corridor, the historic route that long ago had connected the Potomac port to the Baltimore turnpike.

NCPC and the city council studied the riots to find the causes, beyond the assassination, and how to address the economic, physical, and social impacts. Based on public hearings, the city council found that "the lack of housing, employment and other opportunities for ghetto residents were . . . the basic factors contributing to the disturbances." Gutheim and Lee wrote that as the city tried to reconstruct the damaged areas, "there was a pervasive if less clearly expressed view that the opportunity for fundamental changes in land use, transportation, recreation open space, and other physical characteristics of the damaged areas should not be thrown away." [Gutheim and Lee, pages 313-315]

## Seeking Elusive Compromise

As life in the city returned to normal, ECTC confronted Chairman Hechinger on the fifth floor of the District Building on April 13. They demanded that Mayor Washington and the city council attend a meeting on Tuesday, April 16, to discuss the freeway situation. They objected to congressional efforts to pass legislation to force construction of the four freeways blocked by the court decision. The Reverend Gibson of Nash Methodist Church said the city officials were “acting like the court order doesn’t exist.” The time had come, he said, for District officials to “stop pussyfooting about freeways” and shift the funds to other forms of transportation.

Officials agreed to a meeting on Thursday, April 18, in the city council’s chamber. Asked by reporters if ECTC was concerned that the chamber might be in use for some other purpose, Reverend Gibson replied, “the availability of the room makes no difference. We’ll be here and demand they be here.”

Because the chamber was previously booked, ECTC agreed to a meeting on Saturday, April 20. ECTC said Mayor Washington and the city council were expected to attend. “There will be no time limit on speakers, he said.” [“Freeway Foes Demand Hearing by Councilmen,” *The Sunday Star*, April 14, 1968; “Freeways Session Set For Saturday,” *The Evening Star*, April 17, 1968]

Secretary Boyd, in a speech on April 18 to the 12<sup>th</sup> Highway Transportation Congress in Washington, lamented the difficulties of advancing urban Interstate segments around the country:

About one-half of the scheduled 6,000 metropolitan miles of that system remains unbuilt. And in city after city, progress toward building the remaining miles has either slowed to a rush-hour crawl or come to a complete stop.

He listed some of the cities that were “still bearing the bruises from bitter freeway fights: Atlanta, Boston, Chicago, Cleveland, the District of Columbia, Indianapolis, Milwaukee, New Orleans, New York City, Philadelphia, San Antonio, San Francisco, Seattle, and St. Paul:

It’s getting to the point where it’s almost as hard to get an urban freeway through as it is a rapid-transit bond issue.

It is no longer simply a question of a few stubborn individuals lying down in front of bulldozers or tying themselves to trees. The people holding up the completion of our urban freeway program represent a very substantial cross-section of the urban leadership community – including mayors and city managers.

Route selection was at the heart of the problem:

If we don’t include the total needs and desires of our cities in planning urban highways – and not just the needs of the highway user in the narrow sense of the word – then let there be no mistake: Our cities are going to find it increasingly difficult to get the highways through.

The highway program and the industry that supports it would “flourish to the extent to which they meet the total needs of our society—not as narrowly conceived by any special interest, but as broadly conceived by the citizenry.” The three keys were:

First, each urban area itself must decide what kind of transportation system best serves and suits its particular needs.

Second, any assessment of the role of any segment of our urban systems must be made in the context of the system as a whole.

Third, and most important, we cannot make decisions on urban transportation systems without giving first and full consideration to the impact those systems will have on the total human environment in which they must operate.

In short, “cities are for people, and so are transportation systems.”

He cited Baltimore, with its design concept team, as an example of how some of the deadlocks could be broken. The outcome was unknown at that point, and the team “was set up rather late in the game, after the routes, for example, were already established,” and was not able to consider alternatives such as mass transit. Still, he was encouraged by the results thus far in finding ways “for improving and enhancing the life of an entire neighborhood.”

Even with the results not fully known, “I am convinced that it is only from efforts such as this, in cities across the country, that we can arrive at acceptable solutions to our urban transportation problems.” The results, he acknowledged, would cost more money, possibly adding as much as 1.5 percent to the total cost of the Baltimore segment being studied:

But let me also point out that, in the long run, the roadblocks that major American cities seem increasingly determined to place in the path of freeways they do not want will be far more costly . . . .

So it would seem that a brief delay for planning review would cost less than a long delay for quarreling over route and design – in or out of court.

On April 23, Secretary Boyd held a news conference to announce that he would soon submit the Johnson Administration’s proposal for the Federal-Aid Highway Act of 1968, the regular 2-year reauthorization of the Federal-aid highway program. One major departure in the proposal involved a new formula for right-of-way acquisition. He understood that Congress would like to “change the ground rules under which homeowners, farmers, businessmen, and others are compensated for property that is purchased for highways.” He added that, “Fair market value does not always cover the cost of changing houses, setting up a new business in another location, or starting a new farm.”

In addition, Secretary Boyd said the bill would propose to increase Interstate construction funds by \$8 billion and extend the deadline for completing the Interstate System to 1974. TOPICS would be funded at \$250 million a year, while the Federal Government would pay 75 percent of the cost of fringe parking facilities associated with mass transit systems serving cities with

populations greater than 50,000. [“Boyd Asks ’74 Deadline On Highways,” *The Washington Post and Times Herald*, April 23, 1968; Flor, Lee, Flor, Lee, “‘Bonus’ for Those Displaced by Highways Urged by Boyd,” *The Evening Star*, April 24, 1968]

*Star* editors appreciated the proposed changes, but lamented:

Rather than benefitting the District of Columbia as they will other cities and other metropolitan areas, however, these developments merely heighten frustrations in the Nation’s Capital – where the freeway program, for reasons having nothing to do with dollars, has been brought to a complete halt.

The ultimate irony is that Secretary Boyd has been in the vanguard of those directly responsible for this deplorable state of affairs. He has joined the anti-urban freeway forces in sabotaging the Washington program while proposing nothing approaching an adequate alternative. And the new city government, for its part, has timidly done nothing whatever of significance to move the program off dead-center.

Unless Congress acted “directly and firmly” to move the freeways forward, the District’s “moderate freeway system” with its links to Maryland and Virginia would not materialize. “In that event the plans for a logical, reasonable balance of highway and rail transit facilities so long advocated and so urgently needed in this region will simply slip down the drain.” [“Freeway Frustrations,” *The Evening Star*, April 26, 1968]

### **A Layman’s Guide**

The May 1968 issue of *Washingtonian Magazine* contained “A Layman’s Who’s Who on the Freeway Donnybrook” by Judith Hennessee. It began:

After twenty years and twenty million dollars worth of reports, studies, and plans, a large part of the District highway program is sitting behind barricades somewhere in limbo.

The Three Sisters Bridge and North-Central Freeway, the “two biggest bones of contention,” were blocked by “court injunction and the intervention of Department of Transportation Secretary Alan Boyd, and what will happen next is anyone’s guess”:

Through the years, the squiggles on the maps have moved around with such startling rapidity that it became difficult to know where the freeway would strike next. At one stage, from 1960 to 1965, the North Leg, West Section, would have cut through the Cosmos Club, the Phillips Collection, and Boy Scout Headquarters.

With each successive change, the sides have become more and more polarized, the meeting grounds fewer and fewer, and now the battle has degenerated into an acrimonious name-calling contest. The opposition is either crass, crazy, racist, or unpatriotic, depending on where it stands.

On one side was “a national Goliath” of highway interests, including “their captive Congressmen, as well as those who believe in freeways as a way of life.” Against them are

neighborhood groups, small businesses, the Committee of 100 on the Federal City, ECTC, and the Democratic Central Committee:

They see a voracious dragon, carving through the city, gobbling up people, neighborhoods, parks, land, leaving in its wake the homeless and dispossessed, pollution, miles of concrete twisted like spaghetti, a city of monuments, devoid of life.

Whatever the specifics of the debate, the arguments came down “to a basic philosophical approach – what kind of a city do you want?”

The debate over the Three Sisters Bridge was typical. Director Airis said the bridge met “our four major criteria – need, cost, esthetics, displacement . . . . The project passes all four tests better than anything, but, to the opposition, it’s a symbol of the system.” Opponents disagreed on all four criteria. And while Secretary Boyd was not convinced of the need, “he has not damned all freeways.” Instead, he thought the need for the system as currently shown on the map had not been established “and the design of the whole must be approved before going ahead with parts of it; and the cost must be reckoned in terms of people, as well as dollars.”

To help readers who were having trouble keeping up with the protagonists, Hennessee offered thumbnail sketches of each party.

#### Democratic Central Committee

The committee, “representing about 150,000 politically impotent voters in the city,” had been testifying against freeways for years as the bulldozers kept rolling:

“No one cares,” said Helen Leavitt, chairman of the Planning and Housing Committee, “and nobody wants freeways. Not a single citizens group in the District – or in Arlington – is in favor of them. I took a survey of precinct chairmen in 1965, and over eighty percent of them were absolutely against freeways. They wanted a subway. Mrs. Leavitt plunged into the fray late in 1964 when the North Leg, West Section, of the Inner Loop (one of the abandoned plans) was mapped to bisect her house.

The central committee opposed “freeways in all directions.” Families were uprooted, businesses displaced or forced into the suburbs, “leaving behind a corps of unemployed.” The tax base was diminished. Freeways added to air pollution, were ugly, and sliced up neighborhoods “creating a Chinese Wall.” They were “immoral, unesthetic, uneconomic, and unhealthy. And, it turned out, some of them were also illegal.”

The committee “found a soul mate in Peter Craig,” who “is either the hero or the villain of the story, depending on your freeway sympathies.” He found the 1893 highway law in Title 7 of the District Code, the one that led to the court injunction “that froze four freeways in their tracks.”

#### D.C. Highway Department

Each side has its own set of statistics, almost as if a little factory were manufacturing them to order, which they hurl at each other like brickbats.

The District Highway Department was the “biggest statistical generator of them all,” most of them emerging “from the drawing board of Lloyd Rivard,” the planning chief. Airis cited population growth, big new office buildings, and the resulting traffic increase:

When you add together all this procreation, the sum is a terrific amount of traffic generation downtown.

“That is pretty much the people talking,” Airis said. “Not the anti-freeway advocates or property owners. That’s the public-at-large talking.”

He said the 29-mile freeway network was a “minimum system” for meeting the growing need. Without the Anacostia Freeway and Southwest Freeway, the thousands of vehicles they carry would be on city streets. Freeways constituted only 2.8 percent of the 1,100 miles of city street surface. Airis said:

Yet they are carrying fifteen and a half percent of all traffic. The city streets still carry eighty-four and a half percent. This is improper. We need to get that traffic off the streets and onto the expressways.

If all 29 miles were built, he said, the freeways would comprise only 4.5 percent of roads in the city, but would “carry a whopping thirty-five percent of all traffic. That’s the reason for freeways.”

#### Harold Wirth and Highway Users

Harold Wirth was the “foremost freeway enthusiast.” He was local head of the Firestone Tire and Rubber Company, chairman of the Washington Representatives of the Rubber and Tire Manufacturers, and chairman of the Metropolitan Area Highway Users Conference.

He had loved automobiles his entire life, but that was not why he was a freeway advocate:

I do this for one purpose. I’m due to retire soon. I’m not going to use the freeways, and they won’t mean anything to me, but someday the young people will thank us. I love this Nation’s Capital, and I think it deserves better consideration than some people are giving it today for its future well-being and progress. We are free Americans, and we like to control our transportation. That’s my motivation.

“The progressive people,” he added, “are for freeways.” The Highway Users Conference, consisting of highway business interests, represented anyone who owns a car. “We have an obligation to you” to ensure that each car owner’s highway user taxes get what they paid for. That revenue, Wirth believes, must be used for highway construction “and never, under any circumstances, converted to other public uses, not even traffic police or lights.”

Wirth, like everyone who favored freeways, believed in a balanced transportation system “even though he believes it will be the greatest tax boondoggle on people who can afford to pay, for people who can’t.” Everyone agrees about the need for mass transit, he pointed out. “But mass transit carries *absolutely no goods*. Trucks bring everything. When people get that through their

heads they won't fight it." Even after rail rapid transit was provided, people will still ride their automobiles "because someone comes to their front door and picks them up. *They are not going to give that up.*"

As for the urban ghettos, the Highway Users Conference "subscribes to the view that freeways built through it are the best thing that could possibly happen to the poor, bringing to them the benefits of mobility":

And yet, the very people for whom the freeway will do the most good speak the most vociferously against its construction. "It seems ridiculous that a poor colored maid has to take two and a half hours to get from Anacostia to where she works in Montgomery County because there are no freeways to get her through town, or through a loop out of the downtown section that will get traffic out that doesn't want to be there. But her bus has to go through the heart of downtown. It's asinine. It's completely stupid. We are way behind every metropolitan area in the country. We are the only city of our size without one freeway in the heart of the city.

The District needed "the same shot of adrenaline the beltway provided for the suburbs." Los Angeles was "everyone's favorite comparative, and there, said Wirth, the freeways brought an enormous building boom, and the tax base went straight up in the air":

Let's face it – which will bring in the most tax money – a squalid eight-room house with rats and garbage with two people living in a room, or a great big building in which there is an industry alongside of a freeway? But we've got to uproot one to get the other.

The people whose homes were going to be taken for a freeway had a right to protest. "But this is a democracy, and the few have always had to sacrifice for the many."

#### Emergency Committee on the Transportation Crisis

In contrast with Wirth, ECTC was "a loosely knit but militant cross section of civic organizations (Brookland, Lamond-Riggs, South Manor) and ministers, as adamantly opposed to freeways as the builders, planners, and businessmen are for them":

The Emergency Committee had its genesis three years ago when Sam Abbott, its publicity director, came home to dinner one night and was told by his wife that an eight-lane freeway (I-95, the North Central Freeway [sic]) was scheduled to run through their Takoma Park living room.

Philosophically, the committee looks to Lewis Mumford, Jane Jacobs, and General James Gavin. "The greatest danger we face is uncontrolled technology, the role of the so-called expert."

The quote is from General Gavin. After retiring from the U.S. Army, General James M. Gavin became vice president of Arthur D. Little, Inc., in 1958. He became president in 1960 and remained with the consultant until retiring in 1977.

Hennessee continued:

A flamboyant tendency to disrupt City Council meetings to dramatize the race issue has placed the committee somewhat beyond the pale of respectability, but that's the least of their concerns. They're fighting a war against "the scourge," and anything goes.

Abbott accused the highway department of "institutional racism." The department responds with formulas, origin-and-destination studies, Hennessee wrote:

It is always least expensive to go through parks or the poorer sections of the city. It is also the least politically objectionable way; until very recently, black political power simply wasn't.

Referring to Watts, Abbott said the "revolt" (ECTC would not call it a "riot") was a direct result of the freeways of Los Angeles. His explanation employed the same example as Wirth had used:

"It was a two-hour trip for a laborer or a domestic in Watts to get to the available jobs. It's like that in the District now." The freeway won't solve the problem, even if hundreds of express buses speed out of the slums and across the city because the slums won't be there anymore. They'll have been replaced by shiny new unaffordable urban renewal projects.

He rejected "the voguish" design team concept. "He said it was like "calling in a plastic surgeon after the operation to remove the scars. A few petunias planted on top of a ditch won't change the vicious character of the ditch."

As for freeway advocates' support for a balanced transportation system:

Abbott said, "it's as sincere as a prostitute speaking of love. The only subways we have are under the Senate and House, and we have all these roads, with four thousand cars per square mile. Our first job is to correct this imbalance. Freeways would only add to it. Stop the freeways, build the subways first, then evaluate the necessity for more freeways."

Bernard and Vera Pryor

Most of the displacements thus far were for the North-Central Freeway in Brookland, "an integrated neighborhood of single-family homes and treelined [sic] streets." It was "an old, stable community with two politically aware civic organizations, affiliated with the Emergency Committee, that know how to make noises in the right direction." The Pryors of the Brookland Civic Association had received "the full flavor of District condemnation proceedings":

The appraisers – when they were allowed inside – offered a "fair market value," which turned out to be what the homeowners had paid for their houses ten years ago. Those who refused were subjected to a barrage of intimidating phone calls and letters threatening condemnation. Those who acquiesced put down payments on other, more expensive houses. The Pryors went to City Hall, but neither the Mayor nor the Assistant

Mayor, Thomas Fletcher, could offer anything more than sympathy. “Comparable housing,” guaranteed by law to the displacees, just wasn’t to be had.

The Pryors saw it as a race problem. When a community became mostly Negro over time, “just when it’s paid for and people are all settled, the power structure comes along with urban renewal or a new school or some kind of public thing.” Pryor cited the new southwest as an example. The displaced had owned their homes. “They didn’t give them enough money or take care of their mortgages. They didn’t care. A lot of them had to double up in other communities, causing crowding. That’s how a nice community goes down. That’s what pushes the slums around.”

#### Mayor Washington

Although Mayor Washington had hired Pryor to help displacees from Brookland, area residents “consider that the Mayor has given them little more than double-talk.” In his defense, Hennessee pointed out that he was trapped “in the middle with a headache inherited from the three-commissioner system.” Moreover, he was being pressured to favor freeways by the highway interests, Congress, and “Thomas Fletcher . . . who cannot conceive of any major city without its quota of freeways.” Mayor Washington also knew that “if Congress legislates to force the freeway program through, at least part of the veneer of District government will be stripped away.”

#### Federal City Council

The late Philip Graham, publisher of the *Post*, was “the original guiding spirit of the Federal City Council.” It was composed of “Important People” who created “a positive-thinking organization”:

It is almost never against anything constructive, but back in 1960 it did oppose the planned North West Freeway in the Wisconsin Avenue Corridor. Savagely attacked by everyone throughout the length and breadth of Wisconsin Avenue for the havoc it would wreak – it would have meant, for instance, lopping off part of the Chevy Chase Club’s golf course – the Northwest Freeway vanished in the language of the National Capital Transportation Act of 1960 which said that no freeway more than two lanes wide could be built west of 12<sup>th</sup> Street, N.W., for five years.

Like ECTC today, the Federal City Council said of the freeway at the time that “it was senseless to build it until *after* the subway was built, in order to give mass transit a fair trial.” Hennessee added:

Of the members (called trustees) of the council, less than half live in the District, all of them west of Rock Creek Park. The rest live in the suburbs.

General Prentiss, the former District engineer commissioner, was vice president of project planning, particularly transportation policy. His sister was married to Ben McKelway, who chaired “the editorial board of the *Star*, which, like the *Post*, believes freeways are irresistible.”

The Federal City Council generally manages “to avoid newspaper publicity, good or bad,” but that changed following release of the Arthur D. Little report in April 1966. Although the council, like Engineer Commissioner Duke, was in “a state of shock,” it hired Lloyd Rivard of the Automotive Safety Foundation to work with two former District Highway Department officials, Director Aitken and Douglas Brinkley, on a second report that was turned over to “a closed, nighttime hearing before the subcommittee on the District of the House Committee on Appropriations.”

Based on that report, Chairman Natcher withheld subway appropriations until NCTA Administrator McCarter voted in support of freeways. With the support of McCarter and NPS Director Hartzog, NCPC voted 6-5 in favor of the Policy Advisory Committee’s plan:

Soon after, Rivard and General Prentiss’s son, William Clark Prentiss, got jobs with the Highway Department, Rivard as chief planning engineer, and Prentiss as an assistant engineering commissioner to Duke.

Although NCPC Chairman Rowe had been outmaneuvered, she took advantage of her opportunity to reverse the decision with the arrival of Secretary Boyd. “Boyd’s reaction – dumping Three Sisters for the present – was all the anti-freeway people could have hoped for.”

#### Downtown Progress

In the interest of the city and in reversing the flight to suburbia, “the Federal City Council in 1960, put its head together with the National Capital Planning Commission and came up with Downtown Progress, a technical planning agency privately financed by the department stores, banks, and business groups.” Executive Director Knox Banner said, “Our job is to get others to do things – to get public agencies to do things we think appropriate for the community.” They accomplished this by conducting studies, such as the study the organization did of air-rights housing and commercial buildings along the Center Leg Freeway.

The idea, Hennessee wrote, was: “Progress equals growth, and without freeways there can be neither”:

The argument goes like this: as the region grows, more suburban people drive in. The freeway (including the Inner Loop around downtown), in its function as a bypass, helps the downtown area by getting traffic off the local streets, making it easier to get around.

Trucks that did not need to be in the District would use the Capital Beltway as a bypass:

“The trade-off,” said Melvin Levine, planning director of Downtown Progress, “is a residential area with through traffic on the streets and congestion, or a freeway removing through traffic from local streets. Without growth, more things will move out to the suburbs, resulting in higher taxes for the poor, the very people who are fighting freeways.” Also, unlike the subway, it’s a user-pay system, and isn’t a burden on the local tax base. The whole package produced more building, more business, more visitors, more sales, and more employment, especially in construction.

The subway was essential, too, and should be built as soon as possible:

“We would like to see the highest percentage of people using rail,” said Banner, “but the facts are different. We’d be tickled if it could be ninety percent, but people make individual choices.”

If people insisted on driving downtown, parking was the problem “and the solution to that is the Tydings Bill.” It had become, however, “another source of friction between the pro- and anti-forces.” The Federal City Council and Downtown Progress supported the bill:

The primary antagonistic response is to the eminent domain clause which could result in condemnation of more businesses, homes, and parks, to accommodate, and therefore invite, more cars.

#### Committee of 100 on the Federal City

Founded in 1923 by Frederic A. Delano, the Committee of 100’s main interests were planning, conservation, and preservation. Chairman Chapman was a Georgetown architect “and most of its members are professional people, businessmen, Government employees, conservationists.”

Unlike other pro- or anti- groups, the committee likes some freeways (the South Leg Freeway tunnel) and would like to replace others (razing the Whitehurst Freeway and tunneling the Potomac River Freeway under the Georgetown waterfront), but opposes the North-Central Freeway and Three Sisters Bridge:

It would like the subway built immediately; fringe parking at the edge of the city, with express bus service downtown; and it very much questions the economics of the air-rights solution to housing for displaced people. A platform covering the freeway costs more than the land for the freeway does, and it’s therefore impossible to put up low-income housing outside of urban renewal areas.

Kennan, the lawyer who chaired the roads committee, said, “The need for most of the freeways has not been established,” a view shared by his predecessor, Peter Craig. Hennessee wrote that Craig “spent six years disestablishing the Highway Department’s origin-and-destination studies and data:

Craig, an entire research organization in himself, went back to the source, the work sheets of those twenty million dollars worth of consultants’ reports, and came to the conclusion that the Highway Department’s statistics were full of helium.

Not only that, but none of the reports actually showed the need for a Three Sisters Bridge. And most of them didn’t recommend the North Central Freeway, either . . . .

His statistics proved that freeways running through cities increase congestion, add to the suburban population, and, by bypassing downtown, accomplish nothing for business. In freewayless areas like the Northwest, traffic jams are comparatively fewer – encouraged by the lack of a highway, more people have been riding buses. And in the North Central

Corridor, traffic has decreased without a freeway. The number of cars there in 1965 was closer to the number in 1955 than to the 1955 forecast of what traffic would be in 1965.

Not everyone appreciated Craig's "private library of raw data," his testimony, or his report, *Freeways and Our City*:

Craig and talked and testified to get his view across until his name became anathema to the freeway people, especially certain Congressmen, who are livid at Boyd, and think he has been brainwashed by Craig. "There is an individual," said Representative Broyhill, a member of the House District Committee, "at the right arm of the Secretary of Transportation, who has shut his mind against any additional river crossing. This person hasn't a fraction of the ability of the traffic engineers and highway experts who have made a profession out of this field."

### Congress

For the District of Columbia, Hennessee wrote, Congress had a "dual role of national and local arbiter," as well as "a proprietary interest in seeing that the Federal Interstate Highway program not be bogged down in a network of local city streets."

The House Committee on Public Works, which had sponsored the Federal-Aid Highway Act of 1956, held a hearing on the District's Interstate System "barely a month after Boyd dropped his bombshell on the Three Sisters Bridge last November." Although the issue would seem to be better suited to the House District Committee, the Public Works Committee members apparently did not trust that committee:

For example, District committee chairman John McMillan of South Carolina, is known to be very skeptical of the Highway Department's freeway statistics; and Basil L. Whitener of North Carolina is very fond of the mass transit idea. William L. Dawson of Illinois is so antagonistic to freeways that he put into the Congressional Record the entire Court of Appeals decision, and published a scathing minority report on a 1965 bill authorizing the District to borrow more money for highways.

Representative Broyhill supported the freeway plan even though "not a single Virginia citizens group has come out in favor of freeways." He said, "I don't believe this many experts over this period of time after this many surveys can be wrong. The people opposed to it are people who just don't want to move. They haven't got expert credentials." He cited conversations with the presidents of a leading business association, a leading department store, and a leading bank who supported freeways – and more parking facilities. "They want ways to get people in. Who among the opposition can match these three people in their stake in the economic well-being of our Nation's Capital? They haven't got a quarter invested."

His counterparts in Maryland agreed, noting that the North-Central Freeway was to be Montgomery County's only District freeway. Representative Machen said, "I don't want the Washington metropolitan area to look like Los Angeles." However, breaking the logjam was imperative "for the benefit of the hundreds and thousands of highway commuters in this area.

We cannot afford to let a tragic lack of interstate highways choke this metropolitan area to death.”

Chairman Natcher felt so strongly about a balanced transportation system for the District “that he flatly refused to appropriate any money for the subway until the freeway goes full speed ahead.” He did not believe the subway should be used to destroy the freeway system planned 12 years earlier.

Hennessee added that WMATA, “sensing a certain skepticism towards mass transit’s potential as a congestion reliever, has been holding its breath, hoping nobody will notice it until the freeway furor dies down.”

Chairman Kluczynski’s subcommittee was “weighing the merits of legislating the court injunction out of existence” by ignoring the U.S. Court of Appeals, the Transportation Department, and the District government and ordering the city to build the freeway system. As Representative Broyhill put it, “We can change the law so that no more hearings need to be held.” The problem with that idea, Hennessee wrote, was:

For the purposes of the Highway Act, the District is considered a state, and no Congressman in his right mind would want to establish a precedent allowing the Federal Government to override local governments on local affairs. If it’s done here, it could happen in any state.

Still, the 10-cent Interstate Construction dollar “has inflamed a good many Congressional imaginations, and the very idea of halting the program is inconceivable, a shocking waste. This don’t-look-a-gift-horse-in-the-mouth philosophy, rather than actual need, is at the root of the freeway fever. [Hennessee, Judith, “A Layman’s Who’s Who on the Freeway Donnybrook,” *Washingtonian Magazine*, May 1968, pages 42-49, italics in original]

### **National Capital Planning Commission’s Future**

With the District of Columbia’s new government in place, NCPC’s future was uncertain. Throughout the year, newspapers reported on the idea of abolishing or transforming NCPC and turning its responsibilities over to the new District of Columbia government.

In January 1968, Mayor Washington’s work group reports had recommended a change to give the city control over the planning function. On January 21, the *Post* reported that a “three-sided effort is being launched to reorganize the National Capital Planning Commission”:

A reliable source indicated yesterday that the push for reorganization, which is certain to be opposed by Commission members and staff, is also a key to the eight-month delay in appointing a new Commission chairman.

Mrs. James H. Rowe, Jr., whose five-year term expired last April, is sitting as chairman until President Johnson appoints a successor. But it was reported that the President is not eager to make a change while reorganization plans are being discussed at various levels.

Senator Tydings was planning legislation to change NCPC's authority, possibly to restrict it to Federal projects, thus leaving the city to plan its own public works.

Bureau of the Budget officials, according to congressional sources, were "on the hook" to shift NCPC and other autonomous agencies, such as RLA, under city control:

The Bureau is said to be considering the idea of turning over all Federal planning in Washington to an existing executive agency, such as the Interior Department, or to substitute a new agency for the Planning Commission.

The Washington Center for Metropolitan Studies was expected to release a 150-page report on NCPC in February:

Royce Hanson, who is president of the Center and is reported to be the leading candidate to succeed Mrs. Rowe, said, "The municipal planning functions of the Commission should be transferred to the municipal government." [Hoagland, Jim, "3 Plans for NCPC in Making," *The Washington Post and Times Herald*, January 21, 1968]

On February 11, the *Post* published a portrait of NCPC Chairman Rowe. Chairman "Libby" Rowe lived with her husband, "lawyer and Democratic organizer James H. Rowe," in Cleveland Park, "where she does much of her Commission work, by portable typewriter, pen and telephone."

She was, of course, known as a "foe of freeways," but she considered that term a misnomer:

She likes the Capital Beltway, for one, "even though it was routed through Rock Creek Park." This is because it has acted as a "distributor and a bypass."

She consistently stressed the virtues of beauty and functional efficiency:

Where the Nation's Capital is concerned, she maintains, the two are inseparable and no judge of what is good in urban planning for the city that is the seat of National Government will ever grant a divorce.

She believed that Washington, like other cities, was facing "the challenge to urban life of freeways. It is just that they have to be tamed when they come into a city. It is a question of values. Interstate traffic has no place in the Nation's Capital":

When they do not hog parkland, alter the characteristics of a neighborhood or block the Capital's magnificent vistas, she is no longer freeways' foe.

Going underground to prevent the isolation of a church from its congregation or of a school from its students, is a far better way, Mrs. Rowe believes. In her opinion, the Southeast Freeway's 11<sup>th</sup> st. interchange "never should have happened."

Hundreds of people were displaced, even though the proposed acreage was reduced from 40 to about 10, and the character of the neighborhood was changed so that Mrs. Rowe

now says, “The fabric is torn apart. I don’t know what that end of the city is going to look like.”

She was encouraged by the anti-freeway citizen activism:

“I am hoping that the community will find it unacceptable,” she says, pointing out that it is being opposed by citizens groups “east and west, north and south, white and Negro, low and high income, everyone from a retired colonel to Marion Barry.”

She would prefer to put land back on the tax rolls instead of removing it from them. She would prefer to see Virginia traffic routed over the 14<sup>th</sup> Street Bridges and the “presently under-used Roosevelt Island Bridge.” Actually, she still believed the Theodore Roosevelt Bridge should have been a tunnel:

“Bridges,” she says emphatically, “are symbols of the success or failure of a highway program.” By this standard, the controversial Three Sisters Bridge, which would take “untold acres of park land on both sides of the river,” is “wrong.”

She strongly favored the subway, and had since she took office in 1961:

Besides unsnarling traffic and making life more comfortable, as well as tidier for residents, it will add a big visitors’ center at Union Station (with rail use underground). It will also spark the rise of new neighborhoods around its cross-town and uptown stations.

These will include both commercial and residential development, and with good planning and careful zoning the clusters should help to distribute Washington’s growing population and offset a spread to the northwest.

As for those calling for abolition of NCPC, she did not agree:

Washington, next to New York, has the highest concentration of downtown employment of any city in the United States, she points out. Despite the exodus to the suburbs, “we will have a vital city center. Because of Federal employment and all the services – the restaurants, shops and professional organizations that exist here that keep people downtown – our downtown, although it can be improved, is in better shape than that of many cities.

It is because of this Federal role that she is opposed to a current proposal to split the functions of the Commission between the District Government and the Interior Department.

What she liked most about her tenure is “the change in attitude that has taken place.” She compared the 1950s-era redevelopment of southwest, which disregarded the displaced people, to the ongoing redevelopment of Shaw, where renewal was being done with and for the residents. As a result, it will be “handsomer, better, more livable but not so expensive that people who live there can no longer afford to live there.” She added, “This is the single thing that has pleased me

most. The ingredient of city planning is people rather than buildings.” [Shelton, Elizabeth, “Planner Believes in Low Road,” *The Washington Post and Times Herald*, February 11, 1968]

On February 15, Senator Tydings introduced his bill proposing creation of the Agency for Planning and Development under the supervision of the District mayor. The new agency would handle the local functions of NCPC, RLA, and the National Capital Housing Authority. In a speech on the Senate floor, he said the potential for America’s cities depended on “the rational and effective use of planning and development tools by the local jurisdiction.” Planning “brings about the rational use of available social, economic, and demographic information on conditions and needs to develop future patterns and objectives for the city’s growth.”

Other cities have been able to benefit from such planning, but the District government “stands at the opposite pole” from those cities. Planning for the District was “so highly fragmented as to make virtually impossible the establishment, let alone the execution of a cohesive and consistent policy.” The problem was “the profusion of independent agencies, each of which enjoys some authority for planning, or some development function.”

Although NCPC had no power to initiate or implement projects, “it can effectively block them through its review procedure,” which gives it the ability to implement its plans only by rejecting those of other agencies in the city:

But even here, this rejection can and is frequently ignored. The net effect is that planning in the District of Columbia which is supposed to act to rationalize development for the future is unable to have any real influence on the shaping of the city.

He said of his bill:

This legislation reflects two basic objectives, the centralization and strengthening of the planning and redevelopment functions of the municipal government to make it more capable of developing and carrying out coordinated and rational policies and the involvement of the citizens in that process. Traditionally, these two objectives have not been sufficiently reconciled. This legislation attempts to strike a sufficient balance between the two to make them not only compatible but complementary.

His legislation also called for creation of an Office of Federal Development “with responsibility for devising, in consultation with Council of Governments and the local jurisdictions, of a Federal site and Government facilities plans.” As an example of the need for such an agency, he cited “the Atomic Energy Commission building on a site where no major highway or other form of transportation reached for a couple of years after the building had been completed.”

(President Eisenhower participated in the dedication ceremony for the new Atomic Energy Commission headquarters in Germantown, Montgomery County, Maryland, on November 8, 1957. The main building, with one more yet to be built, was on 109 acres at the intersection of Maryland Route 118 and U.S. 240, about 25 miles from downtown Washington. President Eisenhower took a helicopter to the ceremony. At the time, U.S. 240 was on a new alignment that would become I-70S, then I-270, although paving had not been completed before employees

began moving into the building in January 1958. [“President to Dedicate AEC Building Friday; Strauss to Preside at Big Fete,” *The Evening Star*, November 6, 1957; “President Stresses Peace At AEC Dedication,” *The Evening Star*, November 9, 1957; McGuckian, page 152])

The bill was referred to the Committee on the District of Columbia. [S-2976 – Introduction of Bill Relating to the Reorganization of Planning in the District of Columbia, *Congressional Record-Senate*, February 15, 1968, pages 3130-3133]

Later that month, the *Post* reported that Assistant Budget Bureau Director Harold Seidman and Deputy Mayor Fletcher were on Capitol Hill seeking congressional reaction to a three-page summary of a reorganization plan that would abolish NCPC. Under the plan, “the District government would be given control over its own planning organization.” The summary stated that the proposal would give the mayor “those functions of the NCPC related to the development of comprehensive plans for the District of Columbia.” The plans would be subject to city council approval, thus ensuring that “citizen participation in the planning process would be enhanced.”

Because NCPC’s Federal functions would be transferred to a new Federal Capital Area Planning Agency, the Federal Government’s interest “would be protected by requiring that elements of the comprehensive plan affecting Federal developments and projects or the preservation of important natural and historical features be subject to approval by the Federal Capital planning administrator,” who would be subject to presidential appointment and Senate confirmation.

The *Post* pointed out that the “plan is also bound up in the city’s continuing freeway dispute. NCPC has consistently blocked freeway construction here, and Mrs. Rowe is an outspoken opponent of freeways.” Under the plan, the city council would be “approving new highway plans.”

President Johnson had not yet approved the proposal, which “still faces formidable opposition” from Chairman Rowe, “wife of a close friend of the President.” The article added, “The proposal could be part of the President’s expected message to Congress on the District late this month.” [Carper, Elsie, and Milius, Peter, “Plan Is Drawn Up To Abolish NCPC,” *The Washington Post and Times Herald*, February 21, 1968]

In the days before President Johnson’s message, the Bureau of the Budget modified its plan to retain NCPC, which would be able to veto parts of the city’s comprehensive plan affecting Federal, natural, and historic areas. NCPC would be able to review city highway and urban renewal plans but not veto them. In addition, NCPC would consist only of five private citizens appointed by the President. The ex-officio agency heads would no longer participate.

The *Post* reported that NCPC opposed the plan, with NCPC Vice Chairman Loughheim saying, “We consider it unworkable”:

“It’s impossible to make that division,” Loughheim said, pointing out that there is some kind of Federal involvement in almost every section of the city . . . . Where do you draw the line?

Separating the Federal from the local interest “is not orderly planning.” He supported the idea of the city having a strong planning function but with NCPC having final authority.

NCPC member Edwards said:

There has to be an agency with a mandate for overall planning. More than 43 per cent of the land in the central city is in Federal use.

The Commission is not subject to the same kind of political pressure the District government would be if planning power were in the Mayor and Council. The Commission can handle the Federal establishment as well.

Member Conrad Wirth, the former NPS director, said the plan would “create a double-headed monster. There would be more disputes than there are now.”

Similarly, member Thiry said:

[NCPC] is badly needed for the preservation of the Greater Washington area and the L’Enfant plan. There is a great coordinating job that has to be done by some coordinating agency. If it isn’t done there will be bedlam.

Reporters could not reach Chairman Rowe for comment. [Milius, Peter, “U.S. Shifts Proposal On Planning Roles, Would Retain NCPC,” *The Washington Post and Times Herald*, March 8, 1968; Milius, Peter, “NCPC Opposes Plan To Split Its Power,” *The Washington Post and Times Herald*, March 9, 1968]

President Johnson sent his District of Columbia message to Congress on March 13. It called for giving the city new tools to fight crime, improve courts, enhance enforcement of the housing code, establish community school centers, and ease restrictions on child labor laws.

The message did not mention freeways or rail rapid transit. It also did not touch on NCPC. According to the *Star*:

A presidential aide said at the briefing that the reported reorganization expected for the NCPC was delayed because complex issues must be ironed out before reorganization legislation is sent to the Congress.

He said it was doubtful that the plan to give the city its own planning authority would be ready this year. [Sarro, Ronald, and Conconi, Charles, “Johnson Offers Congress Broad New Plan for D.C.,” *The Evening Star*, March 13, 1968]

As the Johnson Administration was considering the future of NCPC, subcommittees of the House and Senate Committees on Appropriations were considering the Department of the Interior and Related Agencies Appropriations for 1969. NCPC was one of the related agencies.

On March 11, Chairman Rowe and other NCPC leaders appeared before the House subcommittee. While the testimony was largely about the funds NCPC needed for its activities,

Chairman Julia Hansen brought up the subject of NCPC's future. She asked Chairman Rowe about the delay in appointing her successor. Rowe confirmed that her appointment had run out a year earlier and that she had asked President Johnson not to reappoint her:

I felt that 6 years was a long time. But it was just at the time when the District government was being reorganized and there were so many questions up in the air that I said I would stay on for a few months and I am still here.

Although Chairman Hansen had not seen anything official on the abolition of NCPC, she asked Rowe to "give us any idea you can of what the future may hold":

Mrs. Rowe. Well, I believe that the abolition of the Planning Commission which you read about in the papers is not in the books. There may well be some functions which are properly municipal functions and are now in the Planning Commission that may be transferred to the new District government. The entity of the Planning Commission itself, I believe, from everything I know, will be maintained and---

Mrs. Hansen. Well, if maintained, but what authority would it have?

Mrs. Rowe. Well, its greatest measure of authority, Mrs. Hansen, is in the Federal field, in the planning of the Federal Establishment in the city and the area.

Chairman Hansen asked how the Federal establishment can be disassociated with "the total complexion of the city." She added that without the Federal Government "there would not be a city here." It would be "an undrained swamp." Congress favored the philosophy of self-government, but she wanted to be sure "the entire picture is crystal clear" on which responsibilities belong where "so that there cannot be impingement upon the Federal domain or the Federal interest just for the sake of a political expediency at some distant time":

We, as a Federal City, are international and national and it is not purely a parochial matter.

This is why I don't contemplate any dissolution of a National Capital Planning Agency [sic] that is related to the Federal establishment. The Federal Government can become the creature and the captive of the city government, because many things that happen in city government are not particularly meaningful to the development and advancement of the Federal Government, such as beauty, design, planning, or development.

Without good relations between the Federal and city government, the pressure to move the Nation's capital, or at least many of its functions, outside the current capital would increase:

All of our States are constantly on the move to find the kind of industry that the Federal Government is that guarantees a stable payroll. No other city in the United States has this particular advantage that Washington has.

Chairman Rowe agreed with Chairman Hansen “wholeheartedly.” The situation was unique. “We have a great city and it is the Nation’s Capital, and there must be planning through the Planning Commission which provides a place for the municipal and the Federal to meet.”

She praised the mayor, deputy mayor, and city council as “dedicated people,” but Chairman Hansen interrupted to say, “Mayors come and go. The Federal City remains.” She praised Mayor Washington, but added that in an elective government, the voters could choose different leaders who will try to tell the Federal Government what to do. She asked if Chairman Rowe agreed that “if Federal planning breaks down and if the colloquy fails and these joint, mutual discussions, the Federal institutions will move to [an] increasingly greater degree beyond the borders of the Federal City.” Chairman Rowe agreed.

Chairman Hansen continued:

Having had a long familiarity with campaigns and with politics, I know how easy it can be for someone to adopt a war cry – if I am elected, I will do this. You can see Pennsylvania Avenue eliminated in one fell swoop given the proper set of circumstances or you could see any other group of buildings eliminated by the expediciencies of the moment.

[Department of the Interior and Related Agencies Appropriations for 1969, Hearings Before a Subcommittee of the Committee on Appropriations, U.S. House of Representatives, 90<sup>th</sup> Congress, 2d Session, Part 3, pages 32-34. The subcommittee conducted the hearing in executive session, with the report not released until the week of April 29.]

Chairman Rowe appeared before a subcommittee of the Senate Committee on Appropriations on March 13, the same day as President Johnson’s message to Congress on the District. Chairman Carl Hayden asked Chairman Rowe to comment on press reports about reorganization of NCPC. She replied, “There have been conversations within the administration, Mr. Chairman. To my knowledge, no conclusion has yet been reached.” She added that NCPC officials had worked with the city government in the past, and they were “very pleased with the reorganized District government” and its dedicated leaders. “And we anticipate working very closely with the District.” However, on the specific question, “I am sorry. I have no answer.” [Department of the Interior and Related Agencies Appropriations for Fiscal Year 1969, Hearings Before a Subcommittee of the Committee on Appropriations, United States Senate, 90<sup>th</sup> Congress, 2d Session on H.T. 17354, part 2, page 2220]

*Star* editors addressed President Johnson’s message on March 14. In “a single flourish of rhetoric,” the message addressed “the total problems of the city.” It highlighted “the weaknesses of leadership, as well as the strengths”:

It seems incredible, for example, that the President while paying minute attention to many problems of lesser concern, failed to devote a single sentence in his lengthy message to the District’s transportation crisis—which happens at the moment to be its most divisive issue.

Approval of a rail rapid transit system was “a very significant political feat,” but the message was silent on efforts to secure funding for it. “Not a word.” President Johnson also “favored the city’s critical freeway impasse with the same silent treatment”:

This was a severe disappointment, which makes the necessity for Congress to straighten out the mess – if the White House will not act – more urgent than ever. The fiasco at last night’s City Council hearing should certainly stimulate efforts in this direction.

(This was hearing that prompted the *Post* to report that Chairman Hechinger began the hearing on time: “It was almost the last thing he was able to do promptly and very little order materialized.”)

The editors also criticized President Johnson for not addressing city planning, especially in view of reports in recent weeks that the White House was circulating reorganization plans. The editors accepted the spokesman’s observation that officials had not yet worked out the details, but the “absence of a reorganization plan involving the planning commission is being widely regarded as a personal victory for the NCPC chairman, Mrs. Elizabeth Rowe.” In the editors’ view, she was “not giving the NCPC effective leadership, and she ought to be replaced.” However, “the problem of planning organization goes deeper than that”:

The fact is that any new system of planning must be based on a method of reconciling differing local and federal interests, and no proposal which we have seen thus far fully meets that need. [“State of the City,” *The Evening Star*, March 14, 1968]

Elsewhere in the *Star* on that same day, an article reported that the idea of shifting NCPC’s functions to the city government “apparently has been killed for this year.” President Johnson’s failure to mention it in his message reflected this apparent reality. (President Johnson signed an order transferring control of the National Capital Housing Authority to the mayor’s executive functions and asked Congress to do the same with the D.C. Recreation Board and RLA.)

Senator Tydings said, “We’ll continue to explore the desirability of reorganizing the planning apparatus of the District.” Although Representative Gude appreciated President Johnson’s comments on the city’s school problem, he said the message “sent over the appetizer but not the main course.” Representative Nelsen of the District Committee said the absence of the NCPC proposal left him “wondering . . . in view of the preliminary work. It had a great deal of merit.” [“Move to Give D.C. Control Of Planning Appears Dead,” *The Evening Star*, March 14, 1968]

The Washington Center for Metropolitan Studies finally released Douglas Harman’s study of the city’s planning apparatus on April 15. It recommended abolishing NCPC and transferring its functions to the city government. Over the years NCPC “tended to be an institutional enemy of the District government.” In view of the new District government, NCPC’s “continued involvement in municipal politics could create further hostility between it and the District of Columbia government.” He said:

The new mayor and City Council should now be charged with planning responsibilities through the transfer of municipal planning functions to [the] District government. City

planning in Washington is too important to be delegated to an independent, Federal planning commission.

The report traced the effort to separate planning and politics, but in the long run, the planners were outside the will of the people.

In a press conference, Harman said he did not expect any problem:

He said the planning commission was apprehensive because of efforts earlier this year to abolish it and have its municipal planning programs transferred to the city government.

Therefore, the planning commission will wait until it is asked to make a decision, and then may assert its authority, Harman said. [Flor, Lee, "Study Calls For Abolition Of Capital Planning Board," *The Evening Star*, April 15, 1968; "Planning for D.C.," *The Washington Post and Times Herald*, April 16, 1968]

### **The City's View**

On April 18, Deputy Mayor Fletcher signed a letter to Chairman Fallon opposing H.R. 16000. The city, Fletcher wrote, "strongly recommends against enactment" of the bill. Officials were "very much concerned about the effect that enactment of the Kluczynski bill would have on the District's ability to plan an effective highway system to meet the city's needs and to allow maximum citizen participation."

H.R. 16000 would undercut the ability of citizens to "meaningfully participate" in "the city's decisions regarding development of highways affecting their vital interests." Public involvement could best be assured "if the final authority to determine the highway system . . . rests with the District of Columbia Council as the body most responsive to the wishes and needs of the community."

As an alternative, Fletcher recommended adoption of a bill the city had prepared and that he forwarded to Chairman Fallon. The *Star* described the bill:

The city government made its position clear today by submitting proposed new legislation to assure its major control over new projects, to assure construction of three highways not directly affected by the court decision, to guarantee maximum citizen participation in highway planning and to provide bonus payments of up to \$5,000 to help displaced families get adequate housing . . . . The supplemental payments would be made only for owner-occupied single or two-family houses.

The three freeways not covered by the U.S. Court of Appeals ruling, but that "might be considered to be subject to the same legal cloud," were the 9<sup>th</sup> Street Expressway from the Southwest Freeway to Constitution Avenue; the Center Leg of the Inner Loop from the Southwest Freeway to New York Avenue; and interchange "C" from 6<sup>th</sup> Street, SE., to Barney Circle, where it linked with the 11<sup>th</sup> Street Bridge:

The city's legislative proposal would require Mayor Washington to submit a new highway plan to the council, which would hold public hearings . . . . The council could approve, modify or disapprove the mayor's proposals. The mayor would have veto power over council changes, and the council could override vetoes as it is empowered to do on the city's budget.

The bill also would change the role of NCPC, which would have only an advisory role. Mayor Washington would consult with NCPC before submitting his plan to the city council, which also would seek NCPC's advice. However, NCPC's views would not be binding on the council. [Sarro, Ronald, "District Asks Congress For Freeway Control," *The Evening Star*, April 19, 1968; Kaiser, Robert G., "City's Freeways Bill Asks Council Role," *The Washington Post and Times Herald*, April 20, 1968]

As soon as the city's bill was released, ECTC demanded a meeting with Mayor Washington, Deputy Mayor Fletcher, and the city council. In an informal 3-hour public hearing on April 20 before an audience of about 125 people, Vice Chairman Cassell told the officials they were headed "the wrong way" on freeways. ECTC rejected the compromise and promised to return to court to block two more projects: the Center Leg and interchange "C."

Mayor Washington responded that the city thought continuing the three freeways was a "reasonable position." He explained, "We want to complete the items that are practically completed," while leaving the remainder of the system to be "looked at again" before decisions on them are made. By putting decisions in the hands of city officials, they would be "making some headway," unlike in the Kluczynski bill.

Hechinger agreed, saying that if the city had not submitted its compromise bill, Congress could "jam it down our throats. No decision has been made to construct anything that is not substantially completed":

He said that the Center Leg and Interchange C could be built as independent units; neither could lead necessarily to further construction, he said.

He also noted that, under the court order, the city could still build freeways, simply by starting over and following the procedures now in the code.

The city bill, he went on, merely sets up new procedures, and under these the Council could still vote not to build any more freeways.

But if the Public Works Committee bill goes through, said Hechinger, there will be no alternatives, and no citizen participation in planning the rest of the system.

ECTC said the city's bill was an attempt to sugarcoat rather than kill the freeways. Booker told the city officials, "There is no compromise on the freeways." He urged the city to cancel all the freeways and build the subway first. Cassell said of the three projects, "You can't take a portion of a badly conceived program and continue it simply because it was started." They, along with Sammie Abbott, objected that the bill called for citizen participation in consideration of "freeway routes." No further consideration should be given to freeways.

Abbott said, “The bill says citizens can participate in the planning of freeways. The hell with that. We’re going to participate in the stopping of freeways.” He added that the Center Leg Freeway and interchange “C” would lead logically to further freeway construction. ECTC intended to go back to court to seek an injunction on further consideration of the city’s bill.

He and other speakers said the additional \$5,000 for displaced families amounted to bribery. They warned that continuing the freeway program could lead to civil disorder, something the city had such recent experience with in the wake of Dr. King’s assassination.

Mayor Washington replied that he favored the higher payment, adding, “I believe it ought to be applied to all forms of relocation.” [Sarro, Ronald, “Withdraw Freeway Bill, Citizen Unit Asks D.C.,” *The Evening Star*, April 20, 1968; Milius, Peter, “Freeway Foes Reject Compromise,” *The Washington Post and Times Herald*, April 21, 1968; Sarro, Ronald, “Foes of Freeways Seek Court Ban on 2 More Projects,” *The Sunday Star*, April 21, 1968]

The *Star* reported that the “meeting with city officials was calm, contrasting with a similar session last month which was punctuated with outburst and disorder.” The *Post* agreed that the meeting was “polite.” [Sarro, Ronald, “Foes of Freeways Seek Court Ban on 2 More Projects” and “Withdraw Freeway Bill, Citizen Unit Asks D.C.,” *The Sunday Star*, April 21, 1968; Milius, Peter, “Freeway Foes Reject Compromise,” *The Washington Post and Times Herald*, April 21, 1968]

*Star* editors called their editorial on the city’s plan a “Freeway Surrender”:

Mayor Walter Washington, who has performed so ably in many other areas, has chosen to back away from his responsibilities toward transportation in the District . . . . Mayor Washington failed to recognize the urgent need to complete an adequate system.

The city’s bill did not contain a deadline for the mayor to initiate further proposals, or on the city council’s action on the proposal:

It takes no account of the factual determinations which already have emerged from years of highway planning. There is not a word of reference to the concept of an inner loop network which is vital to the future of the city. It offers, furthermore, no means whatever to resolve the conflicting views which inevitably occur among the influential federal and local officials involved in freeway decision-making.

Officials who opposed the freeways had delayed their construction for years. “What reason is there to feel that this impasse would be broken under a much more complex procedure?” As for citizen opponents, they “make it plain that their goal is not improved freeway planning but no freeways at all – not even a completion of those already begun.”

Adoption of H.R. 16000 was “essential at this point” to direct the city to build the remaining freeways “starting with the Three Sisters bridge and its connecting Palisades Parkway near the Georgetown waterfront.”

The editors praised some elements of the city's bill, "especially its sensible provisions for more liberal relocation assistance, which should be incorporated in the congressional legislation":

The Public Works Committee, however, should not hesitate to insist that certain projects must be built – as indeed Chairman Fallon and his subcommittee chairman, Representative Kluczynski, were prepared to do several months ago. If that determination should waver now, there will be little hope that this region's balanced transportation needs will be met. ["Freeway Surrender," *The Evening Star*, April 23, 1968]

On April 27, MacClane of the District Federation of Civic Association denied the federation planned to return to court to expand its lawsuit to block the three freeways under construction. He said that ECTC, while friendly to the suit, was not a party to it. ECTC leaders "were speaking for themselves." The parties to the suit thought that expanding it to projects under construction would be a poor strategy. [Flor, Lee, "Foes of Freeways Won't Ask Court To Ban Other Jobs," *The Sunday Star*, April 28, 1968]

In another matter, Lee Flor reported that Secretary Boyd had formally replied to NCPC request for a review of the Three Sisters Bridge. "The department's reply is ambiguous but concludes that the new District government and the planning commission will have to make up their own minds about the bridge." [Flor, lee, "Foes of Freeways Won't Ask Court To Ban Other Jobs," *The Sunday Star*, April 28, 1968]

On April 30, after a 2-hour meeting with ECTC officials, Mayor Washington announced the city would restudy several points in its proposed substitute for H.R. 16000. Mayor Washington and Deputy Mayor Fletcher were joined, an hour into the meeting, by Chairman Hechinger. Representing ECTC were Booker, Cassell, Willie David, John Carter, and Linwood Chatman.

According to the *Star*:

Booker commented prior to [the meeting] that the committee wanted assurances that no new highways would be constructed. He said that according to the city's proposal the counsel still could say that freeways could be built.

After the meeting, participants declined to describe what happened except in general terms. It was, they agreed, a "very good meeting" that left participants "optimistic" about the future. Mayor Washington summarized the meeting by saying that ECTC "made some very sound observations and we will restudy our proposal." [Delaney, Paul, "D.C. Will Take Another Look At Freeways," *The Evening Star*, May 1, 1968]

On May 7, the District of Columbia held a primary election. The ballot contained nine items in addition to the nominees for President. One of the questions was:

Shall the Democratic Party support legislation providing that before a new highway in the District of Columbia can be authorized, it must be approved in a referendum conducted in the District?

Around 94,000 Democratic voters supported the referendum idea, while only about 5,000 voted against it. This vote would be seen by anti-highway groups as proof that District voters overwhelmingly opposed freeways.

### **Return of the Freeway-Subway Rift**

General Graham and WMATA officials had testified before Chairman Hansen's subcommittee immediately after NCPC's appearance on March 11. They made clear that WMATA's top priority was construction of the 25-mile basic rail rapid transit system that Congress had approved.

In a prepared statement, General Graham pointed out that WMATA was working with the TPB, the area's 3C metropolitan planning organization under the Federal-Aid Highway Act of 1962:

This Board . . . has the objective of assuring that all plans for regional transportation are properly coordinated. One assumption basic to plans for the regional rapid transit system is that highway programs for the District of Columbia and of other [interstate] compact jurisdictions will be consummated. Rapid rail transit is considered to be a necessary element within the overall complex of a balanced regional transportation system.  
[page 91]

General Graham told the subcommittee about WMATA's plans to award the first construction contracts during the first quarter of FY 1969 which would begin on July 1, 1968:

Moving on to construction, ground breaking this October is planned to take place at Judiciary Square . . . . One contract extends from Third and D Streets, to 10<sup>th</sup> and G Streets, including the Judiciary Square and Eighth and G Street stations. The other contract extends from 15<sup>th</sup> and G Streets to Connecticut Avenue at K Street. [page 97]

Chairman Hansen mentioned "the usual controversy" common to "every major city in the United States, relative to freeways and subway transit." She believed in a balanced transportation system containing both, but she asked General Graham, "Is this coordination completely solved?"

Mr. Graham. I think completely, Madam Chairman. The Authority has planned a rapid transit system that will be efficient, convenient, safe, and attractive. While we are not responsible for highway planning, we respect the expertise of the area highway departments and the transportation planning board that I mentioned earlier in planning the area's highway program. So we assume that the current plans for the area should proceed, the current highway plans, and we have made the assumption that the highway network is in there in determining our traffic and revenue assumptions.

Mrs. Hansen. As you quite realize, transportation can never be considered as separate segments. Transportation is a totality. Your roads and freeways act as feeders to develop the highest potential of your transit system. A subway system can ameliorate the perplexing problems of freeways and doesn't add to the crowding of your city streets.  
I am glad----

Mr. Graham. That is absolutely right.

Mrs. Hansen. ----you have recognized the needs of the freeway system because it is a component part of the total transportation system. [page 99]

Later, she asked where WMATA fit in the “serious dissension today with regard to the development of the freeway system in the District of Columbia”:

Mr. Graham. I do not think there is much more to say, except that we have often called this regional system a motor age rapid transit system. By this we mean that 70 percent of our riders, when this system is complete, will come to the transit stations by highway, either by bus or private car, by driving their car and parking or being driven by others, to these stations. We are absolutely dependent for our success on an adequate highway network.

Mrs. Hansen. Adequate highway network and adequate parking.

General Graham. Yes. Our regional system includes 29,000 spaces, parking spaces, at the outlying stations for people to leave their private cars. [page 152]

Chairman Hansen also asked how withholding the District’s matching funds for the rail transit system would affect the construction schedule. General Graham said, “This again would jeopardize or forcibly delay the train operating dates.” All action to begin construction, such as general engineering and architectural contracts, would have to be suspended:

An extended delay would jeopardize meeting the operational date, or preclude meeting the date. If these funds were not available for a year, it is estimated that the delay would increase basic system costs by approximately \$25 million. Excessive delay would also render completed plans obsolete to some extent and could call for redesign of certain portions. [page 164]

During a May 3 meeting of the WMATA board, Chairman Gleason worried that the planned system was being “used as a whipping boy in the highway situation,” referring, without saying so, to Chairman Natcher’s threat to withhold District matching funds. He was particularly upset that freeway opponents suggested that the new rail rapid transit system alone could handle peak period traffic. “This is absolutely false . . . we have recognized that mass transit alone cannot take care of commuter needs for transportation.” WMATA was operating on the concept of a balanced transportation system of freeways and rail transit lines.

Councilwoman Shackleton, who served as an alternative WMATA director, replied, “I really don’t believe in blackmailing one for the other.” She said that tying the two modes together was “not healthy, not relevant” and she was “sorry this came up.”

Lee Flor recalled for readers that Gleason had once served as attorney to one of the anti-freeway groups, the Save Takoma Park Committee:

Reminded of this today, Gleason said he had never claimed that the rapid transit system “would eliminate the need for all freeways.”

Gleason said he left the anti-freeway groups “because there was growing evidence that really these people were not even in favor of mass transit.” [Flor, Lee, “Don’t Make Us Whipping Boy On Freeways, Rail Unit Asks,” *The Evening Star*, May 3, 1968; Eisen, Jack, “Road Rift Seen Peril to Metro,” *The Washington Post and Times Herald*, May 4, 1968]

### **The Administration’s 1968 Act**

When the House Subcommittee on Roads held hearings on the Federal-Aid Highway Act of 1968, Secretary Boyd, accompanied by Administrator Bridwell and other department officials, appeared on May 23 to discuss the Administration’s bill. The bill contained the usual provisions related to the Federal-aid highway program, but also a measure to extend completion of the Interstate System to 1974 and to add \$8.340 billion to Interstate Construction authorizations. Secretary Boyd said:

That will give us a final cost figure for the Interstate System of approximately \$50.640 billion.

The administration bill would revise the schedule of authorization of appropriations to make possible the completion of the 41,000-mile Interstate Highway System . . . . About 6,000 miles of the Interstate System are in metropolitan areas and about half of that mileage remains unbuilt, partly because of its high cost and partly because people who live in the cities have asked us to take another look at the functions of an urban highway from their standpoint. This we have done and some of the results are evident in this proposed legislation.

On a more comprehensive basis than ever before, this omnibus bill recognizes that population trends have made city problems national problems, and therefore provides Federal funds for various solutions to urban highway programs.

He was referring to funds for TOPICS and other programs intended to improve urban traffic flow. [Hearings before the Subcommittee on Roads, Committee on Public Works, U.S. House of Representatives, 90<sup>th</sup> Congress, 2<sup>nd</sup> Session, on H.R. 17134 and Related Bills, Committee Print 90-30, 1968, page 131]

The bill did not include a provision on District freeways or, despite his press conference a month earlier, a provision on right-of-way acquisition (other than an innovative measure allowing advance acquisition of property to prevent its development prior to the anticipated taking for a highway). He said of right-of-way reform:

Not part of the administration bill, but basic to it is a necessity for devising a new formula for compensation of homeowners dislocated by Federal-aid highway construction.

The Administration had decided to take a governmentwide approach as reflected in an earlier statement by Deputy Director Phillip S. Hughes of the Bureau of the Budget before the Senate Subcommittee on Government Operations concerning relocation payments, advisory assistance, and assurance of availability of standard housing.

Administrator Bridwell summarized the principal points of the Hughes statement from the standpoint of the Federal-aid highway program, although Hughes was referring to all Federal acquisition activities:

That each State would be responsible for assuring that it will provide fair and reasonable relocation payments, rent supplements, and replacement housing payments prior to the approval of projects by the Secretary under section 106, that is, relocation assistance programs would be offered – that relocation assistance in the form of advice, help to individuals in finding replacement housing. And that a State highway department could rely upon any other State or local organization having an established organization for conducting relocation assistance programs to carry out this responsibility. That the Federal share of the cost of this program would be in the same proportion as, in this instance, the highway program to which it applied.

The Secretary would have the authority to establish criteria for decent, safe, and sanitary housing for relocatees, and that would determine the eligibility for any one of the assistance programs – namely, rent supplement or a replacement assistance amount. The replacement assistance amount would be limited to a maximum of \$5,000, and the amount that a relocatee could claim would be that amount of difference between what he received for the purchased or condemned property under the traditional fair market system and the amount that he would have to pay for a decent, safe, and sanitary replacement dwelling. [pages 132, 145]

The Administration's bill contained other features that Secretary Boyd highlighted. One was related to the fact that under Reorganization Plan No. 2, to be signed on July 1, 1968, President Johnson would transfer administration of mass transit programs from HUD to the Department of Transportation:

To coordinate the urban highway program with the urban mass transit program being transferred to our Department July 1, we are proposing for the first time to provide Federal assistance for fringe parking in large urban areas . . . . The administration bill . . . would make it possible for us to pay 75 percent of the cost of fringe parking spaces if they were tied in with mass transit systems that would distribute people to the downtown area. Such parking facilities would have to be adjacent to Federal-aid highways serving urban areas of more than 50,000 population. [page 132]

He also mentioned:

Another "first" in the bill would make it possible for States to spend up to 2 percent of their allocation for advance acquisition of property for highways. The law now forbids this. As a result, highway planners often are forced to watch industrial or commercial

construction proceed on land they know is part of a long-range highway program. This bill would make it possible for them to buy land as many as 7 years in advance of actual need. It will cut eventual costs in many cases and will make it easier for cities to practice effective land-use planning. [page 133]

During Secretary Boyd's testimony, subcommittee members asked about many subjects, but not the District freeway controversy. Chairman Fallon raised the subject of delays in completing urban Interstate segments, but from the standpoint of the State highway agencies:

What is apparently happening is that the executive branch no longer accepts the concept of the relationship that has been going on for years between the local level and the Federal level. They seem to be exercising their will and control more and more all the time to a point where the States are complaining that it impedes progress of not only location but construction, planning, and engineering.

Secretary Boyd was not aware the concern, noting that he normally spoke with governors rather than highway officials. He mentioned some of the cities where he had been directly involved at the request of the governor or city, including Chairman Fallon's home city of Baltimore, but did not include the District of Columbia in the list. He explained:

Secretary Boyd. Now, my philosophy is one that I want to make very clear – as long as I am Secretary of Transportation, I expect to pursue this philosophy – that is that insofar as transportation in a city is concerned, the mayor and city council have a definite voice in what that transportation should be.

Mr. Fallon. I found that out in Baltimore.

Secretary Boyd. I have asked in every case where we have become involved in these local situations for the Governor to provide us with his views because I believe that, no matter what I happen to think about the wisdom or unwisdom on any particular design, location, or anything else, the people who are going to use it and live with it should have the final say.

He said the reason Chairman Fallon received complaints from State highway officials was that they "haven't bothered to get in touch with me":

One of the things that I must admit that scratches me a little bit is some highway officials in this country put out information about what I do and what I think which has no relation to the fact and they never come talk to me about it.

Representative Cramer asked Secretary Boyd for a list of cases where he overruled the State road agency regarding the location of the highway or related problems. Secretary Boyd submitted a list, noting that he excluded the District of Columbia because the committee was familiar with the situation. The four cases cited where BPR/FHWA rulings were preventing State proposals from fully advancing were:

- BPR required restudy of an 80-mile section of I-35 from Williams, Iowa, to Albert Lea, Minnesota. “The location ultimately approved was similar to that recommended by Mason City, Iowa.”
- FHWA requested additional study of the need for the Boston Inner Belt (I-695) after the State submitted its recommendation for a routing through Cambridge, which opposed the plan “This study is now underway.”
- BPR asked the Pennsylvania Department of Highways to abandon planning and right-of-way acquisition in Philadelphia for an interchange between the proposed Crosstown Expressway and I-95. “This expressway has been strongly opposed by Philadelphia officials because of displacement problems.”
- FHWA withdrew a 1958 BPR location approval and asked the California Division of Highways to recommend an alternative location for a 4.2-mile segment of I-280 in San Mateo County through watershed lands along Upper Crystal Springs Reservoir that were owned by the city of San Francisco. [pages 153-154]

When Airis testified on June 4, he discussed H.R. 16000 briefly and at greater length commented on issues associated with right-of-way acquisition, which he said was “one of the most crucial problems which affects the Interstate Highway System within the urban areas . . . .” He added that “one of the other aids in overcoming this relocation problem concerned with urban Interstate Freeways lies in the joint use concept of utilizing space over and under the freeways.” He mentioned the legislation the city was seeking and urged its adoption and said he supported fringe parking, but added that because it supported transit use, the facilities should not be funded out of the Highway Trust Fund. [pages 485-490]

Representative Robert C. McEwen (R-NY) asked Airis about a recent incident that closed Whitehurst Freeway. On the night of Thursday-Friday, May 30-31, the elevated freeway had been closed because a 216-foot high smokestack at the adjacent city-owned abandoned Capital Transit power plant had sustained a lengthy crack. Until the top of the smokestack could be removed, the danger that it might topple onto the freeway kept the road closed. The result on Friday was what a *Star* editorial called, “One of the worst traffic jams in anyone’s memory,” as traffic had to be diverted on an emergency basis to the Key and Roosevelt Bridges as well as onto M Street, Canal Road, and MacArthur Boulevard. On Saturday, a crane completed demolition of the smokestack around 1 p.m., allowing traffic to return to Whitehurst Freeway.

Airis told Representative McEwen that the closure of Whitehurst Freeway caused “some really magnificent and horrible traffic jams.” They demonstrated “that we really need some more bridge capacity across the river”:

What is happening now is we are running at capacity in the present bridges nearly all the time during any type of rush hour, and we had some really bad traffic jams all the time that we had the Whitehurst Freeway closed, except, of course, during the night hours.

Representative McEwen said he hoped “that those who think there is no need for additional crossings of the river and those who question the need of highways in this urban area will take a look at the result that flowed from the closing of this one artery, the Whitehurst Freeway.”

Airis agreed, adding:

Of course you compare this Nation's Capital here, where we have several bridges, but compared to Paris, they have 20-some bridges, and I have often pointed out that Paris is a beautiful city.

This dialogue was bringing Airis's testimony to an end. However, Chairman Kluczynski told Airis that, "I hope you do not think this legislation [H.R. 16000] is dead" because "we are planning to put the District roads into the highway bill." He explained, "I have been around a long time and I see no maneuvering on H.R. 16000." The President would probably veto a separate District highway bill, but if it were part of the Federal-Aid Highway Act of 1968, he would likely approve the bill regardless of any reservations he might have about the District freeway provision:

I assure you that the chairman and many members of the committee know that if you do not build the roads here in the District that money is going to go someplace else. I want it to go right here in the District of Columbia, where it belongs and that is why we are very interested in relocating these people, people who are opposed to this legislation. [pages 493-494; "The Crack That Closed A Freeway," *The Evening Star*, May 31, 1968; "Cracked Smokestack Razed, Whitehurst Freeway Is Open," *The Sunday Star*, June 2, 1968]

Later, he assured reporters that the Three Sisters Bridge would be in the bill. "Nobody's going to change my mind," he said, adding that, "95 per cent [of his House subcommittee members] will be with me." The bill also was likely to include the Potomac River Expressway, which was linked to the bridge, the North-Central Freeway, and East Leg of the Inner Loop Freeway. The *Star* pointed out:

Kluczynski seemed less enthusiastic about two tunnels contained in the original District highway plan. One would go under the Lincoln Memorial and Tidal Basin. The other would bridge traffic into the city under K Street. [Milius, Peter, "3 Sisters to Be Put in 'Veto-Proof' Bill," *The Washington Post and Times Herald*, June 5, 1968; Elder, Shirley, "A 'Veto-Proof' Order Sought on 3 Sisters," *The Evening Star*, June 5, 1968]

Secretary Boyd and his colleagues testified before the Subcommittee on Roads, Senate Committee on Public Works on June 5. They discussed the same issues as before the House subcommittee, again without discussing the District freeways; the subject was not part of the bills the Senate subcommittee was considering. Director Airis did not testify before the Senate subcommittee. [Federal-Aid Highway Act of 1968, Hearings Before the Subcommittee on Roads, Committee on Public Works, United States Senate, 90<sup>th</sup> Congress, 2d Session on S. 2888, S. 3381, and S. 3418, pages 155-184]

## Planning for the District

During the early operation of the city council, Chairman Hechinger established committees on an ad hoc basis as needs arose. In May, he confirmed that councilmembers had decided to form standing committees. He declined to explain the decision, but the *Star* reported:

However, another source reported that ad hoc committees have not provided the continuity, the leadership or the force needed to make the body a more effective voice in the District government.

“The council has sometimes found itself naming two and three different committees on the same subject,” the source said. “Ad hoc committees tend to fragment power, even take away some power.

“The fear in the beginning – fears expressed mostly by the administration – was the individual councilmen serving as chairmen of standing committees would gain too much power and thus present too many problems to the administration. As things stand now, the ad hoc committees don’t have too much punch,” the source said.

While Chairman Hechinger worked to establish the committees, they could be put into effect by striking Section 21 of the council’s rules of procedures, which stated: “There will be no standing committees. From time to time the council shall sit as a committee of the whole.”

The city council established 14 permanent committees in early June, including:

- Committee on Highways and Transportation: Chairman Fauntroy and members Shackleton and Yeldell.
- Committee on Planning: Chairman Fauntroy and members Nevius and Shackleton.
- Committee on Housing and Urban Development: Chairman Nevius and members Fauntroy, Thompson, and Turner.

The council decided to convert two ad hoc committees to permanent:

- Committee on Citizen Information and Complaints: Chairman Shackleton and members Anderson, Thompson, and Yeldell.
- Committee on Consumer Affairs: Chairman Hechinger and members Anderson, Shackleton, and Turner. [Delaney, Paul, “Council Shifts To Standing Committees,” *The Evening Star*, May 6, 1968; “14 Committees Set Up By D.C. City Council,” *The Evening Star*, June 6, 1968]

On June 15, 1968, President Johnson named Philip G. Hammer, a white city planner, to head NCPC, replacing Chairman Rowe. The President also named James O. Gibson, a social scientist, to replace Walter Louchheim, whose term also had expired a year earlier in April. Both were members of the Potomac Institute, Inc., a nonprofit civil rights organization.

Hammer, a 54-year old native of Philadelphia, was president of urban consultant Hammer, Greene, Siler Associates. He had graduated from the University of North Carolina in political

science and economics, and received a Harvard master's degree in economics. He had been heavily involved in city planning since 1950 when he directed a committee that reorganized the governments of Atlanta and Fulton County, Georgia. His firm, which had an office that opened in 1954 at 1140 Connecticut Avenue, NW., had conducted studies for over 140 cities and metropolitan areas on housing markets, retail and commercial locations, land development, urban renewal and bond issues.

His wife, Jane Ross of Charlotte, North Carolina, was a national director of the Inner-City project and served on the board of directors of the education fund of the League of Women Voters. The Hammers, who had three sons, lived at 5152 Manning Place, NW., in the Palisades area near MacArthur Boulevard.

Gibson, a 34-year old African-American, had been born in Atlanta. He graduated from Duquesne University in Pittsburgh and did graduate work at Atlanta University in Georgia and Temple University in Philadelphia. After serving in the U.S. Army, he worked in civil rights organizations in Atlanta before moving to Indianapolis as program director of a settlement house named Flanner House. He also served as consultant to Mayor Richard G. Hatcher of Gary, Indiana, while continuing to work on ghetto problems.

He moved to the District of Columbia in 1964 to direct the Neighborhood Development Center No. 2, a Federal juvenile delinquency-prevention project. He joined the Potomac Institute in 1966, working on equal opportunity and civil rights issues.

He and his wife Kathryn, an art student at American University, lived at 2409 Ordway Street, NW., in Cleveland Park near Connecticut Avenue.

Outgoing Chairman Rowe said she knew Hammer and Gibson and "thinks they're great." She anticipated that they would continue what she considered NCPC's greatest accomplishment during her tenure: an emphasis on planning for people.

As the *Star* explained:

One of the largest tasks facing the planning commission is the completion of the comprehensive plan for 1985, which is supposed to be a detailed blueprint for housing and location of federal and private employment centers in the District.

Since 1962, the planning commission has been trying to decide on the 1985 plan, but has been delayed by disputes over freeway location and housing policies.

As noted earlier, the White House had delaying the appointments while it considered abolishing NCPC. However, the White House dropped the plan at the urging of Chairman Rowe, who argued, in the *Post's* words, "that the Commission has been the main bulwark against wholesale freeway construction here and has been instrumental in preserving the city's traditional character." The *Post* continued:

As for the freeway issue – which has sparked deep citizen emotions – many city officials are said to feel that opposition to highways could subside if proper protections are assured for those relocated, and if designs can be made less massive and geographically divisive.

These considerations would involve increased emphasis and expertise in developing methods of guaranteeing housing equity, and proven relocation protections. [Hornig, Roberta, “Johnson Names D.C. Planner National Capital Plans Chief,” *The Sunday Star*, June 16, 1968; Asher, Robert L., “Urban Experts Join NCPC; Mrs. Rowe, Louchheim Out,” *The Washington Post and Times Herald*, June 16, 1968]

Hammer told reporters he wanted NCPC to be a strong tool for Mayor Washington in facing community controversies, including the freeway disputes. His top priority would be “rebuilding the slum areas of Washington,” including the areas destroyed by the April rioting after the assassination of Dr. King. He was not a foe of all urban freeways, but believed that they must fit a city’s overall makeup and help solve social and economic problems. He sidestepped reporters’ questions about whether he opposed the District’s freeway plans, saying his position would depend upon a detailed study.

Gibson also wanted to strengthen the new city government. As for freeways, he declined to offer a position:

“The freeway controversy, Model Cities, rebuilding areas affected by the civil disturbances and the Fort Lincoln project – all these are important issues,” he said.

Asked about his position on freeways, he said, “It is necessary to guard against the kind of abuses the highways and freeways have represented in many places. I feel that this now is and will continue to be a very hot issue.” [“New Chairman Eyes Big Local Role for NCPC,” *The Washington Post and Times Herald*, June 18, 1968]

Hammer and Gibson took their oaths of office on July 11. Hammer said that planning for the Washington area “must be compatible with the federal interest.” He was concerned about the “problems of the Inner City – the social and economic problems of the ghetto.” He also was “concerned about the efficiency of this city, and other cities and how to make cities work.”

He said his consulting firm was involved in many Washington area projects, including an economic impact study for the North Leg of the Inner Loop Freeway. The firm had not done any work on the study or received payment for it, and he was considering whether to break the contract to free him for any decisions related to the subject. He said he would not vote, or participate in discussions, of any projects that his firm had studied. He also would avoid future contracts that might pose a conflict of interest.

The *Post* report concluded:

Commission members attended a ceremony at James Bryce Park, Massachusetts and Wisconsin Avenues nw., at which Interior Secretary Stewart L. Udall, National Park Director George B. Hartzog, Jr. and Mrs. Rowe planted a littleleaf linden tree honoring

the outgoing chairman. [Eisen, Jack, "NCPC Strengthens Ties to City Regime," *The Washington Post and Times Herald*, July 12, 1968]

### **Mandating the Freeways**

The House Committee on Public Works completed work on the Federal-Aid Highway Act of 1968 on June 25 and issued its report on the bill, H.R. 17134. Section 22 of the committee bill added Section 313 ("Interstate routes in the District of Columbia") to Title 23, United States Code. It provided that notwithstanding "any other provision of law, or any court decision or administrative action to the contrary," the Secretary of Transportation and District were to construct, "as soon as possible after the enactment of this section," all Interstate sections described in the 1968 ICE. "Such construction shall be carried out in accordance with all other applicable provisions of this title." [Federal-Aid Highway Act of 1968, Report of the Committee on Public Works, U.S. House of Representatives, to accompany H.R. 17134, 90<sup>th</sup> Congress, 2d Session, House Report No. 1584, June 25, 1968, page 35]

The committee's report on the bill explained that, "The continued life of the city is dependent upon an adequate comprehensive transportation system." In Washington as elsewhere, "automotive transport is the Nation's major social and economic lifeline," with adequate highways needed. Construction of rapid rail transit was needed, too, but it would serve only a portion of the area's transportation needs. "The movement of goods and services in the area cannot be handled at all by the mass transportation system, nor can access to the area's airports . . . ."

The District's Interstate System has been planned and replanned over 20 years, but "most of it remains to be built." Meanwhile, the city had acquired much of the right-of-way and designed the routes "with the maximum possible consideration for community and aesthetic values."

As for critics of the freeway network, the report said:

The opponents of the Interstate System within the District of Columbia rely, for the most part, on emotionalism and outdated information. They are opposed, not to the building of specific Interstate routes within the District, but to the building of any new highway facilities within the District. The national and the economic requirements aside, safety consideration[s] alone preclude the dispersal of the traffic these routes will carry onto existing streets in residential areas, which is what the opponents of the Interstate System recommend.

The Department of Transportation, the report continued, had intervened in the controversy, but "backed out of it, leaving it to action by the city's government," which "is evidently unable to act to cope with the situation":

Quite obviously, the area within the District of Columbia boundaries cannot be left to eventual isolation from the rest of the Washington Metropolitan Area; the national interest simply will not permit that. Absent action by either the local government or the executive branch, the Congress must act.

Section 22 required construction, as soon as possible, “of all routes on the Interstate System within the District of Columbia as set forth in the document entitled ‘1968 Estimate of the Cost of Completion of the National System of Interstate and Defense Highways in the District of Columbia’”:

- The Three Sisters Bridge, I-266 (section B1 to B2).
- The Potomac River Freeway, I-266 (section B2 to B4).
- The east leg of the inner loop, I-295 (section C2 to C4).
- The east leg of the inner loop, I-295 (section C4 to C6).
- The center leg of the inner loop, I-95 (section A6 to C4).
- Interchange C, I-695 (section A5.1 to A5.2) and I-295 (section A4 to C2).
- The Northeast-North Central Freeway, I-95 (section C7 to C12).
- The Northeast Freeway, I-95, (section C12 to C13).
- The North Central Freeway, I-70S (section C1 to C2)(table E-2).
- The south leg of the inner loop, I-695 (section B1 to B6).
- The north leg west section of the inner loop, I-66 (section A3.3 to A3.11) and the north leg central section of the inner loop, I-95 (section C4 to C7).

Regarding the Three Sisters Bridge, the report stated that “immediately upon completion of construction of that facility, the Highway Department of the District of Columbia [must] relinquish to the National Park Service the right-of-way through Glover-Archbold Park that it presently holds.” [“Federal-Aid Highway Act of 1968,” pages 17-18]

Section 23 of the bill added a chapter 5 to Title 23 on “Highway Relocation Assistance” consistent with the Administration proposal but limited to Federal-aid highway projects. The report on Section 22 stated:

Relocation assistance provided in H.R. 17134 as here reported should be helpful in relieving most of the remaining problems with respect to certain other routes. [“Federal-Aid Highway Act of 1968,” pages 19-22]

Section 22 provoked a lengthy dissent from Representatives McCarthy, Schwengel, and Jerome R. Waldie (D-Ca.) urging deletion of the provision. They elaborated on five reasons for their opposition:

Section 22 Violates a Rules of the House Governing the Jurisdiction of This Committee and Creates A Precedent for Pork-Barrel Highway Legislation.

They referred to the 1913 creation of the House Committee on Roads. A Rules Committee resolution on the committee’s jurisdiction stated:

*Provided*, That it shall not be in order for any bill providing general legislation in relation to roads to contain any provision for any specific road, nor for any bill in relation to a specific road to embrace a provision in relation to any other specific road.

The purpose of this provision was that “Members would not be permitted to load it down with specific roads,” as the first chairman of the committee, Representative Dorsey Shackelford of Missouri, explained. On June 2, 1913, the House consented to the resolution without a recorded vote, thereby agreeing to creation of a Committee on Roads. [Committee on Roads, *Congressional Record-House*, June 2, 1913, pages 1856-1860]

Even though Section 22 did not name the specific roads, it did so by citing the 1968 ICE, which did identify them:

It is impossible to conceive of any more specific provision for specific roads in a bill providing general legislation in relation to roads.

Members of Congress lack the planning and engineering expertise to have the last word on the necessity, desirability, location, and design of interstate highways. These decisions were wisely left to local governments and local experts under the Federal-Aid Highway Act. Federal and State highway administrators have worked together for decades to create [a] professional partnership in implementing the greatest public works program in highways. But it is a partnership, not a dictatorship. If highway controversies were resolved in Congress through the device of amendments to the Federal-Aid Highway Act, this partnership would be destroyed and the interstate highway program would be undermined. [page 53-54]

The minority cited the second reason for their dissent:

Section 22 Would Sanction a Program Which Has Been Illegal Almost From Its Inception and Which the U.S. Court Of Appeals Has Excoriated and Enjoined.

The Congressmen were referring to the U.S. Court of Appeals’ ruling on February 15, 1968, enjoining the District of Columbia from constructing four major highway projects until it complied with the 1893 District law on highway development. The former District government had wanted to proceed without regard to the 1893 requirements, such as its hearing requirements, but “the present District government has taken a completely different view”:

It has noted that these projects are widely opposed throughout the community. Therefore, the incumbent District government has formally notified this committee that it strongly opposes the proposed section 22 on the ground that this action would deprive the citizens of the District of Columbia of any opportunity “to participate meaningfully in the city’s decisions regarding development of highways affecting their vital interest.”

They referred to Deputy Mayor Fletcher’s April 18 letter informing Chairman Fallon that “the government of the District of Columbia strongly recommends” against enactment of the Kluczynski bill:

The committee is also aware that the District government has proposed an alternative legislative solution designed to allow democratic procedures in the highway planning process. This committee has not even held hearings on this alternative to the proposed section 22. Instead, the proposed section 22 would direct the immediate construction of

these widely criticized highway projects without even pausing to consider either the views of the District of Columbia government or the citizens which it represents. It is hard to conceive of action more conducive to disrespect for the law in the District of Columbia than legislation which disregards and destroys the longstanding right of the people of the District to participate in the planning of highways in their city, a right which a Federal court upheld only a few months ago.

Their third point was:

The Drastic Effects of the Proposed Highway Program in the Nation's Capital Will Desecrate the City and Gravely Harm Its Businesses and Its People.

The recent hearings "show that the District's highway program has become a Frankenstein monster which devours far too great a proportion of the District's limited land and financial resources."

Since 1940, the city had spent about \$500 million on new highway construction. Some of the construction was useful, "but much has been overly destructive of homes, businesses, parks, and the best features of decent life in the city. Continuation of this course will bring civic disaster."

The city had lost one-third of its population since 1940, with highways and parking lots replacing row houses – leading to a desperate housing shortage. "More than 60 percent of the central business district is now devoted to highways and off-street storage of motor vehicles." About 30 percent of city land was preempted by highways, while only 35 percent was privately owned, tax yielding property. The sprawl was prompting businesses to move to the suburbs:

In return for its investment, the city has received increased smog, more traffic fatalities, a drastic loss of patronage in its public transit system, an ever-worsening housing crisis, and permanent scars on residential neighborhoods and monumental areas where older highways have been widened or new highways forced through to make room for more auto commuters.

In the National Capital Transportation Act of 1960, Congress rejected the highway plan proposed by the 1959 Mass Transportation Survey (MTS). Now, Section 22 proposes to force construction of more or less the same plan Congress had rejected.

Since release of the MTS and its congressional rejection, the District's problems had only worsened:

The plain and unvarnished fact is that the highway program will, as the Senate Committee said when it reported the NCTA legislation in 1960 (S. Rep 1631, 86<sup>th</sup> Cong., p. 5), "wreck the city – it will demolish residential neighborhoods, violate parks and playgrounds, desecrate the monumental portions of the Nation's Capital, and remove much valuable property from the tax rolls." Many thousands of District families will be unnecessarily displaced, and the burden of this forced dislocation will bear heaviest, and cause untold hardship, on low-income and middle-income families. The majority of these

families will be nonwhite, and the difficulties they would have in obtaining substitute housing are well known.

The city already had a waiting list of thousands for public housing. Even the enlightened right-of-way acquisition measures in H.R. 17134 were not sufficient because the relocation assistance “will not solve the housing shortage [in the city] or make the refugees from Washington’s freeways more welcome in the suburbs.”

Fourth, the minority report argued:

The Proposed Highway Program Is Totally Lacking in Planning Justification. It Is Overexpanded And Unnecessary. The Expenditures It Will Require Are Wholly Unjustifiable, Especially in These Days of Budgetary Stringency.

Major highway plans since 1940 were based on the premise the city would address its transportation needs with highways. That concept changed with development of plans for the Metro system. “It is obvious, however, that the highway program now being proposed openly mocks and repudiates these planning decisions.” Most of the freeways added since 1960 were radial highways that would serve only suburban commuting needs in direct competition with the planned Metro lines.

The District Highway Department had not provided “sound and detailed justification for the highway program” to the committee. “The reason for that failure is not hard to find.” Here, the three Congressmen cited the Arthur D. Little report’s analysis of traffic projections:

Because of basic deficiencies in data and traffic forecasting techniques, and because transportation planning has been “carried out with inadequate regard for long-range economic and social impact” (p. x), the Little report recommended that the District government “delay action on all proposals for extending the District’s freeway network until the highway plan has been reexamined” (p. xi). The recommendations of the Arthur D. Little report should have been followed. They were not followed. There was no valid reason or justification for not following them.

Finally, the Congressmen wrote:

The Highway Plans Are Widely Opposed by Virtually All Elements of The Community.

The “singular and overriding” fact the hearings revealed was “the unanimity of civic opposition to the present District of Columbia highway program”:

Never in the history of this committee has there been such an outpouring of civic protest against a highway program. Groups that ordinarily have little in common on other public issues stood shoulder to shoulder in opposition.

This opposition was initially limited to the city’s northwest quadrant, leading to the prohibition on freeway construction included in the National Capital Transportation Act of 1960, since extended. The predicted negative consequences of the prohibition had not proven to be correct:

Even though there has been no major arterial highway improvement west of Rock Creek or north of M Street since 1950, the predicted “strangulation” and “blight” from traffic growth has not materialized in this area. Growth in vehicular traffic in the northwest quadrant during the past decade has been virtually nonexistent. This area alone has not suffered material losses in transit patronage. And, contrary to claims that such a “do nothing” policy on highways would cause deterioration of property values, the tax appraisals in this area increased 14 percent between 1960 and 1965 compared with an increase of 18 percent elsewhere in the city.

They referred to the “unanimous opposition from civic groups” during the hearings on H.R. 16000:

This overwhelming civic protest against accelerated highway construction within the District of Columbia is not a device to promote rapid transit by “killing” freeways. The numerous hearings by the House District Committee since 1958 on Washington’s knotty transportation problems confirm that public opposition to new highway construction arises from a concern about their neighborhood, their city, and their taxes. Such opposition predated serious consideration of rapid transit plans, and it is destined to continue regardless of decisions on rapid transit development.

The three Representatives concluded the minority report:

Transportation determines the fabric and character of our cities. Transportation facilities can serve or dominate the people who live in them. Transportation planning can enforce separation of the races or encourage freedom and mobility. Above all, decisions concerning transportation must reflect the needs and desires of the people who are affected by them. Congress should not thrust an unwanted interstate highway system upon the people of the District.

Section 22 of H.R. 17134 would create a dangerous precedent. It would overturn a court decision in order to impose upon the people of the District an overexpanded [sic] highway system that is harmful to the nation’s Capital socially, economically, and aesthetically, a highway program that lacks both planning justification and essential community support.

We urge that section 22 be deleted from H.R. 17134.

*Post* editors applauded the Public Works Committee’s action in ordering the District “to go ahead with its controversial freeway network without further wrangling”:

At this point many objective observers find it impossible to believe that any law will end the dispute. But there is a powerful argument for Congress to go as far as it can in making the policy decision even if it cannot at this time resolve all the controversial details.

The freeways must “be carefully integrated” with the new rail rapid transit system, but even if that system fulfills all “the great expectations associated with it . . . this rapidly growing city will

need these minimal highway projects to reduce congestion and keep heavy traffic off residential streets.”

Changes in right-of-way acquisition procedures in the bill, including higher relocation payments for families and businesses, were especially helpful in being able to address concerns in the District:

Highways are for the benefit of the entire community. Their construction should not impose a special burden on those who have the misfortune to be living where the road must go.

Congress had been slow to apply the “just compensation” concept included in the 5<sup>th</sup> Amendment to the Constitution to the highway program. The editors concluded that “the mammoth highways bill that has now been set into motion through the legislative pipeline should not be passed without it.” [“D.C. Freeway Network,” *The Washington Post and Times Herald*, June 21, 1968]

Another provision of the bill, Section 17, addressed preservation of park lands in an attempt to reconcile Title 23, United States Code, Section 138 (“Preservation of parklands”) and Section 4(f) of the Department of Transportation Act of 1966. The two provisions were similar, but Section 138, introduced in the Federal-Aid Highway Act of 1966, had been watered down during congressional consideration. After declaring a national policy in support of preserving parklands and historic sites, it provided:

The Secretary shall cooperate with the States in developing highway plans and programs which carry out such policy. After July 1, 1968, the Secretary shall not approve under section 105 of this title any program for a project which requires the use for such project of any land from a Federal, State, or local government park or historic site unless such program includes all possible planning, *including consideration of alternatives* to the use of such land, to minimize any harm to such park or site resulting from such use. [Italics in original]

By contrast, Section 4(f) prohibited the Secretary from approving any transportation project affecting parks, historic sites, recreation areas, or wildlife and waterfowl refuges unless no feasible and prudent alternative to the use existed and “all possible planning to minimize harm” to the site had taken place.

The House report on the 1968 Act stated that “it is the committee’s opinion that the language of section 138, titled 23, as basic highway law, should be controlling.” Section 17, therefore, conformed the language. Parks, historic sites, and the other cited areas “have very real value”:

No rational person would suggest, however, that that value is the only one to be considered in a judgment as to the best public interest. In weighing alternatives for highway location, equal consideration must be given to other factors – to whether people will be displaced; to whether existing communities will be disrupted; to whether the established demand for adequate transportation facilities for people, goods, and services will be met; and to the preferences of the people of the area involved. Preservation for

use is sound conservation philosophy, and it is in that perspective that both section 138 and section 4(f) should be administered. [page 12]

The committee endorsed the “consideration of alternatives” standard.

As Representative McCarthy pointed out in an additional views statement objecting to Section 17:

What does it mean when an engineer states that he has “considered” an alternative? It could mean he has given all of 5 minutes thought to an alternative but remains firmly convinced that the route through a park is best because it is the straightest line or requires the least land acquisition. Such attitudes have been advanced in some cities, such as New Orleans, San Francisco Washington – and such attitudes have helped magnify the opposition to urban freeway construction. [page 63-64]

### **Senate Committee Action on the 1968 Act**

On June 22, Director Airis appeared before the Senate Appropriations Subcommittee on the District regarding the District’s FY 1969 appropriations act. Senator Proxmire conducted the hearing in the absence of the subcommittee chairman, Senator Byrd.

Airis endorsed the District freeway measure in the House Public Works Committee’s Federal-Aid Highway Act of 1968. He charged that freeway actions were being based on too many “political decisions,” instead of the “sound engineering principles” that should govern them. The U.S. Court of Appeals ruling distressed him, but he said the House bill would “overcome this legal hurdle” and allow the city to get back to work on the four facilities that were the subjects of the ruling.

He was particularly critical of the Department of Transportation. In the spring of 1967, Secretary Boyd had undertaken a review of the Three Sisters Bridge and, in December 1967, had promised to involve the area’s three highway departments. Based on Secretary Boyd’s statements, Airis had expected local officials to be involved in the department’s decisions:

The highway departments of Maryland, Virginia and the District of Columbia are all vitally concerned if the Secretary is really contemplating changes in long established routes. [But] insofar as we can determine, neither the secretary nor his principal aides have consulted any of the three departments on this question.

We fear that the trend is toward making all decisions on the District’s freeway system on the basis of political expediency.

Further, “unless our engineers and planners are brought into the review process, it is difficult to understand how the Secretary of Transportation can arrive at responsible decisions.” If this communications gap continued, the results would be a “chaotic transportation situation.”

As an example, he cited redevelopment of the city’s southwest quadrant. “Gigantic traffic generating facilities” were under construction in the form of Federal office buildings that would

employ 95,000 people. He also cited housing developments and a Department of Defense building in the Bolling-Anacostia area, construction in Foggy Bottom, housing and other construction at the National Training School site, the Visitors Center at Union Station, and the Southeast Federal Center in the vicinity of the Navy Yard. Without the planned freeways, traffic would be forced onto residential streets where it would endanger children. "Traffic conditions on the city streets will become chaotic."

Senator Proxmire asked about opposition from citizens in the path of the freeways. Airis replied, "Here it's been a little more vociferous than anywhere I've been." The right-of-way provisions in the House bill, along with the enhanced relocation payments, would help. As for those who thought the freeways should be held up until the rail rapid transit system was in place, he said that "each system of transportation should stand on its own feet" and not be pitted "one against the other."

Despite Airis's support for the House provision, a spokesman for the Senate Public Works Committee told reporters that the committee would not include a comparable measure in its bills on the Federal-Aid Highway Act. After the House and Senate pass their bills, the spokesman said, the issue "probably will be decided in conference" while working out a compromise bill. [Grigg, William, "D.C. Warns on Freeways," *The Sunday Star*, June 23, 1968; Asher, Robert L., "D.C. Roads Chief Supports Finishing Freeways Here," *The Washington Post and Times Herald*, June 23, 1968]

As predicted, the Senate Committee on Public Works did not include a provision on the District freeway controversies in its bill, approved on June 28, but at Senator Tydings' initiative, the Senate committee's bill included a Title III—the District of Columbia Parking Facilities Act. This measure was substantially identical to the Tydings bills the Senate had passed in three previous years. Title III would create a Parking Board and a Parking Advisory Council. The board would consist of the District Commissioner (mayor) and the chairman and vice chairman of the city council. The council would include 11 members representing government and the public, with an appointed administrator.

The Parking Board would acquire property for the operation of off-street parking facilities. It would have the authority to condemn properties, but could not use the authority to acquire existing parking facilities except to enlarge them. The board could build and operate parking facilities, lease property for development of parking facilities, and lease or sell parking facilities.

In addition, the board, in cooperation with agencies and local governments, could establish fringe parking lots in the area, including outside the District. It also would control parking meters in the city.

Title III authorized the board to finance its operations by issuing and selling tax-exempt revenue bonds, limited to \$50 million at any point, that would not be guaranteed by, nor in any way obligations of, the Federal or District Governments.

Another provision in Title III required that buildings constructed in the central business district include parking facilities on or off the premises. The Zoning Commission could waive this

requirement if a property was too small for parking or if parking facilities would interfere with the flow of traffic. In that case, however, the owner would make a comparable payment to the board.

The Parking Advisory Council would make periodic comprehensive reports on parking and advise the board on its role in the balanced transportation system. [“Federal-Aid Highway Act of 1968, Report of the Committee on Public Works, United States Senate, 90<sup>th</sup> Congress, 2d Session, Report No. 1340, June 29, 1968, pages 35-36]

The committee also addressed the contrast between the strict language of Section 4(f) and the less binding Section 138 of Title 23. The committee left Section 4(f) and Section 138 in tact:

The committee is firmly committed to the protection of vital park lands, parks, historic sites, and the like. We would emphasize that everything possible should be done to insure their being kept free of damage or destruction by reason of highway construction. The committee would, however, put equal emphasis on the statutory language which provides that in the event no feasible and prudent alternative exists, that efforts be made to minimize damage. To that end, the amendment contained in section 114 of S. 3418, as reported, which would expand the definition of “construction costs,” should be helpful.

Under the bill, definition of “construction costs” in Title 23, United States Code, Section 101 (“Definitions and declaration of policy”) would be expanded to include “the costs of adjustments to reduce adverse economic, social, environmental and other impact caused by a project.” In changing the definition, the committee recognized the importance of protecting the areas covered by Section 4(f)/Section 138, but “there are other high priority items which must also be weighed in the balance”:

The committee is extremely concerned that the highway program be carried out in such a manner as to reduce in all instances the harsh impact on people which results from the dislocation and displacement by reason of highway construction. Therefore, the use of park lands properly protected and with damage minimized by the most sophisticated construction techniques is to be preferred to the movement of large number of people. [pages 18-19]

Two members offered their individual views. Senator Spong, who was perennially dissatisfied with delays in regional highway construction affecting Virginia, said he regretted that the bill did not cover certain highway projects in the Washington area. The situation had “reached a stalemate, and congressional action is a necessity.”

He was particularly interested in the Three Sisters Bridge. The bridge was “essential to the proper development of Dulles International Airport,” which was planned with the bridge in mind and would “remain relatively idle while Washington National Airport will become even more congested” without the bridge.

To clear up “the clouded authority of District officials,” he recommended an authorization to permit construction of the bridge, the Georgetown waterfront highway, the Maryland section of

the George Washington Memorial Parkway, and completion of the Center Leg through New York Avenue to Brentwood Road and the East Leg from 11<sup>th</sup> Street to a point just south of East Capitol Street. [page 47]

Senator John Sherman Cooper (R-Ky.) strongly supported the committee's bill, which he considered "one of the most constructive measures to be recommended to the Senate during my service on the committee." However, he had heard that the Senate might consider an amendment to advance the District's freeway system:

This is a complex and difficult subject, involved in controversy; the committee has held no hearings on it. I have stated my belief that we should not enter this field, for the location and planning of highways is not within the competence of the committee of the Congress. The policy of reserving to the States and affected local jurisdictions the determinations of highway planning and route locations has proved to be a wise one.

If the Committee wished to get involved, Senator Cooper urged hearings to receive testimony from the District, planning bodies, and FHWA. [pages 48-49]

### **Congressional Action**

With House and Senate votes pending on the 1968 Act, the *Post* and *Star* supported Section 22 of the House bill.

The *Post* called the stalled projects "essential to give this city a modern transportation system." The planned rapid transit system was needed, too, of course, but even if it "fulfills the great expectations associated with it," the city would still need "these minimal highway projects to reduce congestion and keep heavy traffic off residential streets." The other provision in the bill for just compensation for highway relocatees made Section 22 even more desirable. Still, the *Post* said:

At this point many objective observers find it impossible to believe that any law will end the dispute.

The *Star* saw Section 22 as ending "the ridiculous controversy over Washington freeways." The views of the three dissenting members of the Committee on Public Works suggested a floor fight over the provision. However, their arguments "have added nothing new to the tired old tirades of those people who seem to believe that the best way to deal with automobiles is to ignore them." Any "unbiased forum" would reach the same conclusion as the committee that "a reasonable freeway program must proceed, as a necessary complement to a proposed rail transit system." ["District of Columbia Freeway Network," *The Washington Post and Times Herald*, June 21, 1968; "Congress Must Act," *The Evening Star*, June 30, 1968]

The Senate approved its version of the 1968 Act on July 1. Because the Senate Committee on Public Works had not included a comparable measure in its bill, the District's freeway controversy was discussed only briefly during the floor debate. Majority Leader Mansfield raised the issue to register his views on the Three Sisters Bridge:

Not being a highway engineer, I am not fully informed as to all of the technical factors that pertain to the selection of routes for highways and bridges. I am nevertheless not persuaded that the Three Sisters Bridge is the only solution to traffic problems in this area.

As in the past, he explained his concern that the bridge would “pose a permanent threat to Glover-Archbold Park”:

The Secretary of Transportation also testified last December that “the major justification for the Three Sisters Bridge involved its tying into two major corridors of traffic, one an intermediate loop.” Plans for an intermediate beltway through the length of Glover-Archbold Park are not now being actively promoted, but construction of the bridge would revive them.”

After discussing his objections to the bridge, he noted that a provision similar to Section 22 was not included in the Senate bill. “I hope that any such provision can be taken out of the House bill in the conference.”

Senator Case agreed. Section 22 was “just another effort on the part of those who would destroy the parks of this city and use them for purposes other than parks.” [*Congressional Record-Senate*, July 1, 1968, pages 19548-19549]

On a related topic, Senator Ralph W. Yarborough (D-Tx.) said the Senate bill was important for what it contained, but also for what it did not contain. It did not contain the change the House Public Works Committee had proposed to resolve the differences in the comparable Section 4(f) and Section 138. He had sponsored Section 4(f) and its earlier legislative variations, he said, as far back as 1958. Now, he saw that the House was proposing to take “from the Secretary of Transportation his authority to protect our parklands and our historical sites.” He applauded the Senate Public Works Committee for reaffirming the national policy. [pages 19549-19550]

Senator Henry M. Jackson (D.-Wa.) also raised the subject, pointing out that under the House bill, officials “would merely be required to ‘consider’ alternatives”:

It is highly important, in my judgment, to carry on the previously expressed intent of Congress on this question of the balance that must be struck between expanding transportation systems and the preservation of our public parklands.

He introduced a letter from Secretary Boyd dated July 1 to House Speaker McCormack about the House bill. It addressed several provisions of the House bill, including the provision modifying Section 4(f) by substituting the Section 138 language:

[The] Department opposes the proposed amendment at this time – little more than a year after the effective date of section 4(f). The Department is aware of no problems which have arisen in the course of administering the present language, nor does the Committee Report refer to any. We think the present language of section 4(f) is a clear statement of the Congressional purpose. Accordingly, there would appear to be no reason to amend it at this time.

With Senator Randolph's support, Senator Jackson proposed to amend Section 138 to adopt the Section 4(f) language. The Senate approved the amendment without a roll call vote. [pages 19529-19531]

(Secretary Boyd's letter to Speaker McCormack did not address Section 22 regarding the District freeways.)

Senator Spong introduced and the Senate adopted an amendment that authorized the District of Columbia to participate in the Highway Relocation Assistance program. He also introduced an amendment authorizing the District Commissioner (mayor) to transfer land to the Interior Department as replacement for park, parkway, and playground lands transferred to the District for public purposes. Senator Spong explained that the point of the amendment was to "aid in highway construction in the District of Columbia." The Senate adopted the amendment. [pages 19532-19533]

Finally, the Senate approved the bill without a recorded vote. [pages 19552]

On July 1, the House of Representatives began considering the Federal-Aid Highway Act of 1968. As the House reviewed provisions of the bill, Representative McCarthy took the House floor to express his concerns:

Section 17 would substitute for the standard "no feasible and prudent alternative" a vague requirement that planning include "consideration of alternatives" to the use of land in a park, recreation area, wildlife or waterfowl refuge, or historic site.

What does "consideration of alternatives" mean? How much consideration to what kinds of alternatives? The amendment might permit a highway engineer to glance at an alternative to a proposed highway – an alternative that is more costly but does not slice through a park – and rejecting the alternative use of parkland will keep down his acquisition costs. Section 17 is totally inconsistent with the intent of Congress to preserve and enhance this Nation's countryside by providing an explicit standard to guide the Secretary of Transportation's decisions. It should, therefore, be rejected.

Next, he turned to Section 22, stating the arguments in the additional views appended to the Public Works Committee's report. It would, he said, "establish a precedent for forcing urban highway construction over the opposition of local citizens and local governments." Citing controversies in other large cities, he said, "None is more bitter than the highway controversy in the Nation's Capital." Citizens battled District officials for a decade, but the new city government was trying to give citizens "opportunities for greater participation in making decisions about the highways that affect them."

In approving the Interstate System, Congress did not intend to "overrule local decisions concerning the necessity, desirability, location, and design of Federal-aid highways." That was, however, precisely what Section 22 did:

If this section is enacted, it will become a precedent for a rather simple solution to urban freeway controversies. Each time a cost estimate is made, we shall be overrun by State

highway officials who seek special legislation to overcome opposition to their urban freeway proposals back home. There is no reason why the Congress should legislate specific highway plans for the District or any other State.

He pointed out that the District's freeways had never received the public hearing required by the February court ruling, but Section 22 denied citizens their right to be heard. Still, the near unanimous rejection of the plans was well documented. The 3-days of hearings in April by the Subcommittee on Roads "demonstrated that most of the people of the District want a voice in the planning process, not a moratorium on highway construction. He also cited the vote during the May primary in which "Democrats voted 19 to 1 to oppose freeway construction unless the plans are submitted for popular vote in a referendum."

Section 22 ignored the District government's proposal to enhance citizen participation in the planning process and the city's objection to the measure. The District, he said, had proposed an alternative designed "to enhance democratic procedures in the highway planning process":

Because section 22 would depart from the democratic process, the District government strongly recommended against its enactment. There is no reason why these decisions cannot be made by the people of the District of Columbia and their government. There is no overriding national interest involved that calls for congressional intervention at this time.

Transportation presented hard choices that were vital to any city. He quoted Secretary Boyd:

Before a city can decide what kind of transportation it needs, it must decide what kind of city it wants to be. It must decide what kind of life and work and recreation it wants to offer its citizens.

Representative McCarthy said that the highway plans that Congress would force on the District of Columbia "would mutilate the Nation's Capital and gravely harm its businesses and its people." The plans "would commit the city of Washington to an auto-dominant transportation system for the foreseeable future."

He pointed out that Secretary Boyd had called the North-Central Freeway a "tremendously expensive and inadequate artery." Secretary Boyd also had said of the Three Sisters Bridge that it simply transferred the traffic jam from one side of the Potomac River to the other. Representative McCarthy recalled that Director of Public Roads Turner had "characterized the proposed South Leg tunnel under the Lincoln Memorial grounds as a 'cannon' which will literally fire three lanes of traffic at three lanes already on the Southwest Expressway":

On the basis of this testimony alone, we should hesitate to direct the District to construct these highways as soon as possible.

In conclusion, section 22 would be a precedent for imposing controversial highways on protesting citizens in cities throughout the country and would seek to eliminate democratic planning procedures for the very highways that have the greatest impact upon the people of the District. The highway plans to which section 22 refers lack essential

support in the community and in the District government. They are excessively damaging to the Nation's capital. For these reasons, section 22 should be stricken from the bill. [Federal-Aid Highway Act of 1968, *Congressional Record-House*, July 1, 1968, pages 19409-19411]

Representative Gude spoke briefly in support of Section 22. After spending \$20 million on planning for the freeway network, he said, the time had come to begin construction:

There is broad support for a freeway network balanced with a mass transit system and other components of a modern transportation system, such as fringe parking and utilization of air rights. If we fail to provide an adequate balance of expressways and mass transit the suburbs of Metropolitan Washington will flourish along the beltway and other expressways while the core city will deteriorate and decline.

He asked permission to reprint the supportive editorials from the *Post* and *Star*. [page 19411]

On July 2, Representative McCarthy introduced his amendment striking Section 17, which would "discard a meaningful and effective conservation policy and substitute a meaningless and vague admonition." Section 17 "would give the highway engineers and others virtual carte blanche if they chose to go through any park, national park, recreational area, wildlife area, or whatever . . . ." Referring to Senate support for Section 4(f), he said, "I do not know why this body should be the anticonservation body, when the other body yesterday felt so strongly that they actually were redundant." The House completed its work on July 2 without voting on the amendment to strike Section 17. [*Congressional Record-House*, July 2, 1968, pages 19756-19758]

Before debate on the bill began on July 3, Representative Gude pointed out in extended remarks, that time for debate of amendments would be limited. Therefore, he wanted to call his colleagues' attention to the *Post* and *Star* editorials he had introduced into the record on July 1. They were in "full support of the projects for the District of Columbia and have stated very precisely the reasons why we should enact a highway system for the District of Columbia as proposed by this legislation."

Representative McCarthy asked Representative Gude if he would "accept the idea that these newspapers are not completely disinterested in this matter?" As a former newspaperman, he understood that the newspapers were interested in the city "and the newspapers which they sell and which are delivered by truck."

Representative Gude responded that both newspapers "have a great compassion and interest for the inner city of Washington and for the problems which exist in this area." As for special interests, they can be found in any field, including the construction of rail facilities and underground facilities for mass transit. In his opinion, "a great deal of this depends upon whose ox is gored." The fact that these two "respected national newspapers" support Section 22 "merits our most careful consideration."

Representative Machen, also in extended remarks introduced due to the rule on limited debate, stressed the importance of Section 22. It would "break this logjam and obtain a balanced

transportation system for the city of Washington, D.C., before it is too late.” After Secretary Boyd “stopped a freeway program that had been approved by all agencies responsible for the highway program, including those in Maryland and Virginia,” the four Representatives from the adjacent area had met with “all interested parties . . . to resolve the question.” He urged his colleagues not to strike Section 22. [The Federal-Aid Highway Act of 1968 As It Affects the District of Columbia, *Congressional Record-House*, July 3, 1968, pages 19913-19914]

The debate on July 3 began with Representative McCarthy’s amendment to delete Section 17. Representative Cramer, the pro-highway member of the Committee on Public Works, offered an amendment to the amendment. It inserted “federally owned” before the list of protected facilities in Section 4(f) and called on the Secretary of Transportation to reject projects unless “such program or project includes all possible planning, including feasible and prudent alternatives to the use of such land, to minimize any harm to such park, recreation area, wildlife and waterfowl refuge, or historic site resulting from such use.”

Representative Cramer considered his amendment a “home rule, States rights” provision. Section 4(f) applied to “every county, city, and local community, park, recreation area, fishing area, estuarine area, and so forth.” His amendment would limit the provision to Federal facilities. After some discussion, the House adopted the Cramer amendment to the McCarthy amendment, then adopted the amended McCarthy amendment. [Federal-Aid Highway Act of 1968, *Congressional Record-House*, July 3, 1968, pages 19914-19917]

After the House considered other provisions, Representative McCarthy offered his amendment striking Section 22. He briefly restated his arguments from the House Report and his comments on July 1.

Chairman Fallon dismissed these arguments. They were the same arguments that had been “used throughout this country by people who are just against construction of the highways.” Based on his committee’s hearings, he said:

Not only is the interstate program at a complete stalemate in the District but furthermore a cloud has been placed over the entire highway program in our Nation’s Capital.

The February court ruling, which applied to only four projects, “in reality, stopped all highway construction in the District” because of “a technicality included in an outdated 1893 law” that had been enacted “before the birth of the motor vehicle.”

Congress had ample precedent in intervening in Washington area transportation facilities, having passed special laws in recent years for construction of the Woodrow Wilson Memorial Bridge, the Theodore Roosevelt Bridge, and the new 14<sup>th</sup> Street Bridge. He urged his colleagues to retain Section 22 in the final bill:

Rather than destroy our Nation’s Capital, this sorely needed interstate highway program in the District will enhance this city’s transportation system.

In extended remarks, Representative Machen supported the District provision, which would guarantee that the city “will have a balanced transportation system of freeways and rapid rail

transit.” The delays in the city were affecting the surrounding counties, where “many freeway projects in the suburban areas are being held up because of the continuing controversy and agonizing among some District citizens over the freeway system.”

Further, he specifically blamed Secretary Boyd for the impasse:

It took only one unilateral action by the Secretary of Transportation to cause the chaos that we are now attempting to correct. It is unfortunate that this public official listened to a handful of vociferous critics, and not to the broad spectrum of community interests who, in a responsible manner, have approved the balanced system. This public official has flown in the face of the responsible and responsive leaders of this community, including the major daily newspapers which have editorially spoken out for the balanced system . . . .

[It] is time for Congress to break the logjam on the District of Columbia freeway system. It is a tragedy that this problem has reached the point of congressional intervention, but we are acting on it and the District of Columbia freeway system shall be completed as planned so the balanced transportation can become a reality as soon as possible.

Section 22 was the result of an unfortunate situation:

It is, indeed, tragic that we in the Congress, as area Congressmen, have to come down here and ask all of you to break a logjam, where millions of dollars have been spent, and roads stop at the District line. It is tragic that we cannot complete this balanced transportation system that would help all of us.

Representative Broyhill also supported Section 22. He regretted that Congress had to intervene, but “the committee had no choice” in view of “all the procrastination and delay” in the city:

These programs and projects have been delayed for 22 years. We have had more than 26 separate studies, costing more than \$20 million of the highway system in the National Capital area.

He particularly endorsed the Three Sisters Bridge, which he said was vital for the success of Dulles International Airport. He saw the District fight this way:

The situation seems to boil down to a conflict between the dreamer-planners who envision tree-lined boulevards for Washington with only a few sightseeing minibuses or even horse-drawn carriages in sight, as opposed to the practical people who must provide for movement of people and goods. I am afraid our new Department of Transportation has too many of the former group on its staff.

Chairman Kluczynski told his colleagues that Section 22 “is absolutely essential to the future well-being of the Nation’s Capital.” Most of the land for the freeways had been purchased. For example, he said that on the North-Central Freeway fewer than 500 people, about 122 families, “remain to be relocated.”

He rejected the notion that the U.S. Court of Appeals opposed the freeways. The three judges had “very emphatically stated that they did not take issue with any of the projects involved, but only with the procedures.” Congress, in turn, had “appropriated money for it every year for years.” It also had supported rail rapid transit, which was essential for the freeway network to work effectively.

Critics suggested that the freeways would cause people and businesses to leave the city:

What is true – and this is the most important part of this whole controversy – is that if these highways are not built, both families and business, and particularly business, will be moving out and Washington as a living, operating city will cease to exist . . . . If Congress does not act, and approve section 22, we will have for all intents and purposes destroyed Washington, because as I understand the situation, the construction of the mass transit system is dependent upon progress in constructing a truly comprehensive transportation system for the District, including its highways . . . .

I believe in this country, and in the magnificent Capital City we have. I would like to keep it living and growing and moving ahead, and I think that is what my fellow Members want, too.

Representative Gude defended Section 22, clarifying that neither Archbold-Glover Park nor Rock Creek Park were involved at all. He pointed out that Maryland commuters had to employ “double-crossing,” which he defined:

For instance, the people from Montgomery County cross over into Virginia and come down the Virginia side of the Potomac and ultimately cross the river again to the District of Columbia.

The availability of freeways/parkways into the city on the Maryland side of the river would end “double-crossing.”

He also pointed out that in the absence of freeways, commuter and truck traffic was using neighborhood streets:

Under these conditions in many instances the highway engineers can do nothing except to widen the streets, chop down trees and tear up the lawns. Now, is that making for a more beautiful and finer Washington?

Representative McCarthy pointed out that “what really is at stake is a much broader concept than even the District of Columbia faces.” The question was “what are we going to do about transportation in the 20 or 30 largest cities in the United States of America.”

The House rejected the McCarthy amendment without a recorded vote. [pages 19919-19924]

Later that day, the House approved the Federal-Aid Highway Act of 1968 by voice vote. The bill included the Cramer amendment limiting Section 4(f) to federally owned resources. It retained

Section 22 to force construction of the District freeways but dropped the Senate's Title III authorizing creation of a District parking authority.

The bill also extended the time for completing the Interstate System to June 30, 1974, a 2-year extension that provided for completion in a total of 18 years. The Administration had proposed the change. The Administration also had proposed, and the House approved, using the 1968 ICE to apportion Interstate funds for FYs 1970 and 1971. The House also accepted the Administration bill's proposal that the date of the final ICE would be January 12, 1970. It would be used to apportion funds for FYs 1972 through 1974. (The Senate had not included the 2-year extension in its approved bill; it called for the 1970 ICE but provided for its use in apportioning funds only in FY 1972.)

In addition, the House bill modified the statutory mileage limitation on the Interstate System to 44,000 miles (up from 41,000 authorized by the Federal-Aid Highway Act of 1956). Neither the Administration bill nor the Senate bill included the extension. [*Congressional Record-House*, July 3, 1968, pages 19945-19950]

On July 6, Mayor Washington wrote to the chairmen of the House and Senate Public Works Committees to object to Section 22. He said "it was a great disappointment" that the House bill included "a section which requires the District to build a freeway system in accordance with a predetermined plan. It is our feeling that the transportation system within an urban community, especially the Nation's Capital, should be decided by the local government after an expression by the citizens of the community."

He continued:

The action of the House of Representatives would remove self-determination from our city government's authority. It is also regrettable that Congress would direct that a specific freeway system be built in any of the urban centers of our country.

We respectfully urge that the House and Senate review this provision in conference and remove the mandate for a specific system in the District. ["District Chiefs Criticize House on Freeway Bill," *The Evening Star*, July 8, 1968; "City Asks House to Drop Directive For Specific Freeway Plan Here," *The Washington Post and Times Herald*, July 9, 1968; Mayor Washington's letter is reprinted in Federal-Aid Highway Act of 1968 – Conference Report, *Congressional Record-Senate*, July 29, 1968, page 24034]

### **Completing the 1968 Act**

The House and Senate appointed members to the conference to resolve differences between the two bills. The House appointed:

- Chairman Fallon (D-Md.)
- Chairman Kluczynski (D-Ill.)
- Representative Cramer (R-Fl.)
- Representative Harsha (R-Oh.)

- Representative James C. Wright (D-Tx.)
- Representative Ed Edmondson (D-Ok.)
- Representative Donald Clausen (R-Ca.)

The conferees did not include the three critics who had strongly opposed Section 22 in the House report, Representatives McCarthy, Schwengel, and Waldie.

The Senate appointed:

- Chairman Randolph (D-WV)
- Senator Ernest Gruening (D-Ak.)
- Senator Everett Jordan (D-NC)
- Senator Birch E. Bayh (D-In.)
- Senator Stephen M. Young (D-Oh.)
- Senator John Sherman Cooper (R-Ky.)
- Senator Hiram L. Fong (R-Hi.)
- Senator Len B. Jordan (R-Id.)

As they began their work on July 10, reporters discussed the stakes. In a News Analysis, the *Post's* Jack Eisen began:

Washington's long-sought subway system now is facing a crisis so severe that top rapid transit officials fear the system may be delayed for years or even lost entirely.

WMATA did not believe that Chairman Natcher was bluffing when he threatened to withhold appropriations for the District's matching share of subway funds unless the city began construction of the remaining freeways:

If this occurs, transit officials fear that bond referendums scheduled this fall in three suburban Maryland and Virginia counties probably will be doomed to failure . . . . Loss of these elections in turn threatens stagnation and possible disintegration of the area's transit-planning structure, the officials believe, and shelving – perhaps losing – a public investment of about \$30 million in plans and property.

In contrast with the optimism at WMATA earlier in the year following approval of the 97-mile, \$2.5 billion Metro transit system, Chairman Gleason emerged from a closed board discussion on July 5 “with a warning that President Johnson's personal intervention probably will be necessary to keep the program on the tracks.”

The February decision of the U.S. Court of Appeals and Secretary Boyd's assessment of the freeway program “already had cast a long shadow across the plan.”

Chairman Natcher “was proceeding in the belief that the long-raging highway dispute had been settled.” However, the Democratic Party referendum during the District's primary “made it clear that a majority of Washingtonians opposed super highways as a threat to residential neighborhoods and a source of unwanted traffic congestion and air pollution.”

NCPC Chairman Rowe was “in their camp,” but she was retiring on July 11. Her successor, incoming Chairman Hammer, “is uncommitted on the issue.”

Chairman Natcher had not commented on the freeway provision in the House bill, but he knew WMATA believed that the rail network could not solve the region’s transportation problems without the freeways. He also knew that freeway opponents wanted to substitute the rail transit network for the freeways or at least halt all freeway construction until the rail system was completed. “That,” Eisen wrote, “would come around 1980 at the soonest.”

Although anti-freeway forces considered Chairman Natcher’s threat to be “blackmail,” they also thought he would “sound warnings, as he did at closed subcommittee hearings, but will give in and provide money at the last possible moment.”

General Graham said that withholding the matching funds would be “a major tragedy when we’re so ready to go . . . . It’s just going to be a damn shame if we don’t go ahead.” He recalled the optimism in the spring. “It was not long ago that people were talking about when the system would be built,” he said. “Now they are talking about if it will.”

If the matching funds were available, WMATA would be ready to advertise for bids in August on the first segment of the G Street subway, with groundbreaking expected in October. [Eisen, Jack, “Freeway Conflict Threatens Subways,” News Analysis, *The Washington Post and Times Herald*, July 8, 1968]

Lee Flor, in a *Star* Interpretive Report, wrote that the fate of the rail rapid transit system “could well rest on the outcome of Senate-House conference committee meetings this week,” even though the transit system was not mentioned in either the Senate or House versions of the 1968 Act. With the conference underway, “It may be several days before the compromise conference report is issued.”

Flor recalled Chairman Natcher’s threat that he was unable to recommend appropriations for the District matching funds for rail rapid transit construction while opponents were holding up the freeway system. Meanwhile, his subcommittee was holding the District of Columbia appropriations bill for FY 1969 pending congressional action on the District revenue act that would determine the additional revenue available to the city. As a result, he had time to restore the transit matching funds. “Now, if the Senate-House conferees approve the version with the freeway mandate, Natcher may change his mind.”

Meanwhile, Chairman Hansen’s Interior Department appropriations subcommittee, which had jurisdiction over WMATA, had approved \$34.7 million in Federal funds for the subway system:

However, it stuck a provision in its report that none of the money could be used unless the Natcher subcommittee approved matching funds in District money.

This provision gives Natcher complete veto over subway money. Without the Hansen provision, the transit authority would be able to start construction with the \$34.7 million.

If the final 1968 Act retained the freeway mandate, “it may put Natcher on the spot”:

Transit supporters may be able to point to the congressional mandate and say it means the freeway system will be built. Therefore, Natcher may feel he should approve subway funds, since he has said he favors both freeway and rapid transit programs here as part of a balanced transportation system. [Flor, Lee, "Area's Transportation Future Is 'In Conference,'" Interpretive Report, *The Evening Star*, July 11, 1968]

The Interior Department appropriations bill was delayed, but the amount included in the pending House and Senate bills was about 20 percent less than requested. Jack Eisen wrote:

Even if Natcher yields, the most his unit can now vote is \$21.9 million. When leftover money from the past fiscal year is added in, the Transit Authority would have \$68.8 million for this year's capital outlay program.

This reduced amount would hamper acquisition of right-of-way and delay construction of the subway section from 14<sup>th</sup> and G Streets to Connecticut Avenue and K Street, NW., beneath the Treasury Building forecourt and Lafayette and Farragut Squares.

Eisen also reported that on July 5, WMATA's board received a report on some of the construction problems it would encounter. Emil Press of DeLeuw, Cather and Company said that under the planned Metro Center station at the intersection of 12<sup>th</sup> and G Streets, NW., WMATA faced the biggest challenge:

"I doubt seriously that there is any place in the world that is so delicate from a telephone standpoint," Press reported. At least 171 underground cable-carrying ducts are there, including many that connect Government offices with the downtown telephone central office.

Graham said such problems may result in more deep tunneling instead of relatively shallow cut-and-cover construction. [Eisen, Jack, "Cut in Federal Funds to Delay D.C. Subway," *The Washington Post and Times Herald*, July 6, 1968]

(During this period, station names were tentative. Initially, WMATA considered street names for the stations, but architect Harry Weese convinced the board that names referring to nearby places would be more evocative. In 1969, General Graham adopted four criteria that would "indicate location distinctively and briefly." Some names were natural, such as Bethesda, DuPont Circle, Rosslyn, and Pentagon. Others might be named by one coordinate, such as Backlick Road and Georgia Avenue, or by traditional or colorful words, such as Foggy Bottom and Navy Yard. Names were to be limited to two words, but preferably one.

(On December 9, 1971, after "months of sound and fury," as the *Star* put it, the board finished naming the 82 Metro stations. [Schrag, pages 256-257; Eisen, Jack, "Metro Board Prepares to Name Its 82 Stations," *The Washington Post and Times Herald*, August 10, 1971; Eisen, Jack, "Hill Hearing Expected Soon On Metro Bonds Guarantee," *The Washington Post and Times Herald*, December 10, 1971; Barnes, Fred, "Name Game Ends," *The Evening Star*, December 10, 1971])

After the House approved the District of Columbia Revenue Act of 1968, Chairman Natcher released the subcommittee's bill. The Committee on Appropriations approved the Natcher bill on July 18 and issued its report. In a section of the report titled "Highway and Rail Rapid Transit Programs," Chairman Natcher made his views clear. He began:

For a number of years the members of this Committee have expressed the belief that there is a place for both a freeway system and a rapid transit system in the Capital City. Since 1962 a series of delays and obstacles to the construction of the authorized projects have occurred.

The Three Sisters Bridge had been "continuously blocked":

Progress was made in 1966 in breaking the planning logjam but in 1967 the newly created Department of Transportation came into the picture to such an extent that the Three Sisters Bridge project was used by that department as a means by which the entire Interstate highway program in the District of Columbia was blocked.

The U.S. Court of Appeals ruling had blocked four freeway projects, including the bridge. The ruling threw "a legal cloud" on other freeway projects not covered by the lawsuit. Overall, the report estimated that a total of more than \$200 million in authorized and appropriated funds was being held. In addition, the delays were inevitably increasing the cost of the freeways.

The Committee on Appropriations had often stated its support "for both a freeway system and a rapid transit system in the Capital City." Both were needed "to meet the tremendous day-by-day growth of traffic and population in the metropolitan area." The report recalled the events of 1966 when the committee was holding up subway funds, but a "slight breakthrough" allowed the committee to release the funds in conference:

A similar situation exists currently and until the freeway system is allowed to proceed the committee is again reluctant to provide additional funds for the construction of the rail rapid transit system by the Washington Metropolitan Area Transit Authority, and has accordingly denied the \$27,574,000 requested for the District of Columbia's share of capital outlay for the rail rapid transit system.

By contrast, the committee appropriated District funds for several freeway projects:

- Center Leg, Inner Loop Freeway - \$1,620,000
- Interchange "C," Inner Loop - \$300,000
- Northeast-North Central Freeway - \$1,100,000
- East Leg, Inner Loop Freeway - \$1,008,000
- Potomac River Freeway - \$850,000
- South Leg, Inner Loop Freeway - \$130,000

In the agency-by-agency section, the report said of WMATA that, "No funds have been allowed for the District's share of capital outlay for the rail rapid transit system." [District of Columbia

Appropriation Bill, 1969, U.S. House of Representatives, 90<sup>th</sup> Congress, 2d Session, Report No. 1729, July 18, 1968, pages 6-7, 23, 26]

WMATA Chairman Gleason called the move “disheartening but not surprising”:

This community now faces a proposition of neither or both. Mr. Natcher is for both and so am I.

I am hopeful that conference action will remove the obstacles that stand in the way of progress for both. [Elder, Shirley, “D.C. Schools, Subway Funds Cut,” *The Evening Star*, July 18, 1968]

In the wake of Chairman Natcher’s action, *Star* editors wrote:

Unless this vitally important program is to be put on ice, perhaps indefinitely, the essential thing now is to break the deadlock and thereby free the transit funds.

During conference on the Federal-Aid Highway Act of 1968, “it is of high importance that the mandatory language be retained intact by the conferees.” First, the language would overturn the U.S. Court of Appeals’ decision. Second “and more important,” it “should persuade Representative Natcher to approve the appropriation of the transit money.”

Otherwise, “transit construction is hopelessly stalled.” If WMATA had to postpone the planned October groundbreaking, “the transit program will run into very serious and possibly insuperable difficulties in nearby Maryland and Virginia.” [“Freeway Deadlock,” *The Sunday Star*, July 21, 1968]

As the House-Senate conference continued, reports began to emerge that the House provision forcing the District to complete its freeway system was leading to an impasse. The *Star* reported on July 13 that House conferees were “adamant” and “ready to sit for days” to retain the District provision, according to an unidentified source. Although one of the conferees, Senator Cooper, had objected strongly to the provision, other Senate conferees “have not expressed as much concern about the issue as he.”

The Senate conferees were more concerned about the House provision weakening Section 4(f):

Secretary of Transportation Alan Boyd has asked both House and Senate leaders of the conference to soften the District directive and leave the District government with greater flexibility to change the freeway plans allowing further hearings.

Title III of the Senate bill, establishing a parking board, “appears acceptable to the House conferees – as long as they get their highway directive.” [“House Conferees Adamant On D.C. Freeway Directive,” *The Evening Star*, July 13, 1968]

Drew Pearson and Jack Anderson published a column saying that the House Public Works action on the bill “illustrates the need” for strict enforcement of a recently adopted House code of ethical conduct. The House version of the 1968 Act was “one of the most lobby-dominated bills

of this session.” The bill “was rammed through the Public Works Committee” by Chairman Fallon (“always a friend of the highway lobby”), Chairman Kluczynski (“the devout friend of the highway lobby”), and Representative Cramer (“another concrete champion”).

The columnists listed “what the lobbyists managed to do” to the House highway bill. The bill removed protections of parks, wildlife refuges, and historic sites “against the invasion of the highways.” It directed construction of freeways in the District of Columbia notwithstanding the ruling of the U.S. Court of Appeals. “This provision sets the precedent for the entire Nation and is probably unconstitutional since it infringes on the power of the courts.” The bill also cut funding for the Highway Beautification Act of 1965 (“a direct slap at Mrs. Johnson”) and added 3,000 miles to the Interstate System:

The Senate, in contrast, has passed a fairly good highway bill.

The two conflicting measures now have gone to conference. Thruway lobbyists and their champions on the House Committee rushed the joint conferences before the public could become aware of what had happened. [Pearson, Drew, and Anderson, Jack, “Highway Lobby Rolls Roughshod,” *The Washington Merry-Go-Round*, *The Washington Post and Times Herald*, July 15, 1968]

On July 24, newspapers reported tentative agreement on the critical issues during the conference committee’s eighth meeting. The Senate had agreed to a modified House mandate on the District freeways. Under the tentative agreement, the District would be ordered to build the Three Sisters Bridge, the Potomac River Freeway along the Georgetown waterfront, the Center Leg (under construction) from the Southwest Freeway to New York Avenue, and the East Leg as far north as Bladensburg Road, NE. However, the city would have time to restudy the North-Central Freeway, the South Leg beneath the Lincoln Memorial grounds and the Tidal Basin, and the North Leg of the Inner Loop (still identified as a tunnel under K Street). The District would be required to submit a report to Congress within 18 months on the studies.

Conferees, according to the reports, had dropped Title III, but had agreed to reconsider. They also had tentatively agreed to reduce the expansion of the Interstate System to 1,500 miles. [Milius, Peter, and Carper, Elsie, “Hill Pushes Plan to Order D.C. Roads,” *The Washington Post and Times Herald*, July 24, 1968; Grigg, William, “Freeway Bill Conferees Back Softened Directive,” *The Evening Star*, July 24, 1968]

As if to heighten the tension, Chairman Tydings and his colleagues on the Senate District Committee wrote on July 23 to warn the city council that the freeway impasse was “undermining any hope for a subway.” The impasse was threatening the regional compact in support of the rail rapid transit system. The letter said that, “despite our mutual frustration, there is no time left for beating the air or for unrealistic posturing.” The question was not if the area would have subways or freeways, “but whether we will ever have rapid transit at all.” [“Senate Unit Cites Peril in Metro Delay,” *City Life*, *The Washington Post and Times Herald*, July 24, 1969]

## The Conference Report

On July 19, Secretary Boyd wrote to Chairman Randolph. Secretary Boyd had received a call from Senator Cooper asking for the Department of Transportation's views on the provision in the House bill on the District of Columbia freeways.

The Senator had "asked me particularly for my views as to whether or not major problems would be encountered in the construction of the East Leg and the Center Leg." Secretary Boyd did not believe any major problems would be encountered on the East Leg as its construction continued northward to the East Capital Street Bridge.

As for the Center Leg, "there are important reasons why construction . . . cannot, at this time, proceed beyond New York Avenue." The Center Leg could be extended north a few blocks to Brentwood Road, NW., just south of Brookland, but beyond that point, the extension of the Center Leg would require an interchange with the North-Central Freeway. If the expressway were not continued north, traffic would have to be diverted onto an expressway in the New York Avenue corridor:

I have been advised by the District of Columbia Government that, because of the interchange problem, until a decision is made as to the location and design of the North Leg [sic], construction of the Center Leg north of New York Avenue is not feasible. Accordingly, the District Government believes and I concur in its position, that it would not be desirable, at this time, to legislate construction of the Center Leg beyond New York Avenue.

He did not want to comment in detail on other segments:

In fact, during our investigation into the District highway program it has become obvious to us in the Department that it is not possible to make useful summary judgements [sic] about any of the projects individually. They must be viewed as parts of a system, the entirety of which – and not its individual components – must be designed so as to best meet the requirements of the city and the region.

Secretary Boyd illustrated this problem by discussing two of the more controversial projects, beginning with the South Leg tunnel. It would, he wrote, funnel traffic onto the Southwest Expressway, "which is already overcrowded at peak hours and which was not designed with a South leg [sic] in mind." In view of traffic flow and the complexity of interchanges required in the 14<sup>th</sup> Street area, "I continue to believe that the South Leg is inordinately expensive relative to the benefits that would be realized from it. Attempting to graft it into the system would create more problems than it would solve, and I do not think it is a wise use of Federal funds."

The Three Sisters Bridge was the other segment that illustrated the difficulty of discussing individual projects:

It appears to me that on no issue is the record more misinterpreted than in the case of the Three Sisters Bridge. There is no doubt that the construction of that facility poses serious questions with respect to its impact upon the environment.

Too little attention, he wrote, had been paid to the bridge's role as a link in the metropolitan area:

As I have said before, to construct the Three Sisters Bridge without at the same time making provisions for a North Leg and an adequate downtown distribution system is to transfer a traffic jam from one side of the Potomac to the other. Construction of the Three Sisters Bridge as an isolated project will serve little purpose. It is for this reason that I maintain that the District Government must be allowed the flexibility to design and construct, as a package, a system for movement across the Potomac and along the waterfront and for both through movement and circulation in the downtown business district. I do not, therefore, think it would be desirable to require by statute construction of the Three Sisters Bridge.

In response to a direct question from Senator Cooper, Secretary Boyd addressed a comment often made in support of the bridge. He enclosed a summary of assumptions on access from the city to Dulles International Airport. "It indicates conclusively that the location of Dulles Airport at its present site was in no way based upon an assumption the Three Sisters Bridge would be constructed." [Federal-Aid Highway Act of 1968 – Conference Report, *Congressional Record-Senate*, July 29, 1968, page 24034]

Conferees released their report on the Federal-Aid Highway Act of 1968 on July 25. The District freeway provisions were contained in Section 23 of the new bill.

Section 23(a) stated that, "Notwithstanding any other provision of law, or any court decision or administrative action to the contrary, the Secretary of Transportation and the government of the District of Columbia shall, in addition to those routes already under construction, construct all routes on the Interstate System within the District of Columbia," as set forth in the 1968 ICE. "Such construction shall be undertaken as soon as possible after the date of enactment of this Act, except as otherwise provided in this section, and shall be carried out in accordance with all applicable provisions of title 23 of the United States Code."

Section 23(b) stated that within 30 days after enactment of the legislation, the District "shall commence work" on:

- Three Sisters Bridge, I-266 (Section B1 to B2).
- Potomac River Freeway I-266 (Section B2 to B4).
- Center Leg of the Inner Loop, I-95 (Section A6 to C4), terminating at New York Avenue.
- East Leg of the Inner Loop, I-295 (Section C1 to C4), terminating at Bladensburg Road

Section 23(c) stated that for projects in the 1968 ICE not specified in (b), the District of Columbia government and the Secretary of Transportation "shall report to Congress no later than 18 months after the date of enactment of this section their recommendations with respect to such projects including any recommended alternative routes or plans, and if no such recommendations are submitted within such 18-month period then the Secretary of Transportation and the government of the District of Columbia shall construct such routes, as soon as possible thereafter, as required by subsection (a) of this section."

Section 23(d) assured the District's ability to employ the highway relocation assistance established by Section 30 of the 1968 Act.

Section 23(e) authorized the District Commissioner (mayor) "to acquire by purchase, donation, condemnation or otherwise, real property for transfer to the Secretary of the Interior in exchange or as replacement for park, parkway, and playground lands transferred to the District of Columbia for a public purpose pursuant to section 1 of the Act of May 20, 1932 . . . and the Commissioner is further authorized to transfer to the United States title to property so acquired."

(Section 1 of the Act of May 20, 1932 (P.L. 72-143) authorized Federal and District authorities to transfer jurisdiction over parts or all of their administered "properties among or between themselves for purposes of administration and maintenance under such conditions as may be mutually agreed upon." Prior to consummation, the National Capital Park and Planning Commission (later renamed NCPC) shall recommend the proposed transfer. The authorities concerned shall report all such transfers to Congress. Section 2 stated that nothing in the Act was intended to repeal any other law authorizing transfer of jurisdiction among Federal and District authorities.)

Finally, Section 23(f) authorized payment to be made by the Commissioner, and received by the Interior Secretary, "in lieu of property transferred pursuant to subsection (e) of this section." This amount "shall represent the cost to the Secretary of the Interior of acquiring real property suitable for replacement of the property so transferred as agreed upon between the Commissioner and the head of said agency and shall be available for the acquiring of the replacement property."

The conference report included a Statement of Managers on the Part of the House "in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report." The statement, signed only by the House conferees, discussed the compromises reflected in the proposed statutory provisions.

Regarding the Three Sisters Bridge, the statement summarized its history – the Policy Advisory Committee's 1966 agreement as to the location of the bridge, the Commission of Fine Arts' approval of the design, NCPC's approval of the general alignment on September 15, 1966, and the geometrics on May 2, 1967, subject to review by the Department of Transportation, and the Department's February 1968 letter returning the decision to local prerogatives:

The bridge location and geometrics shall therefore proceed as presented to the National Capital Planning Commission in September 1966 and May of 1967 with no further actions required by that or any other body.

With respect to the scheduling of construction, the Congress directs that the first substructure contracts be advertised for construction within 90 days of the enactment of this legislation.

Immediately upon completion of construction of the bridge, the District of Columbia shall relinquish to the National Park Service the right-of-way through Glover Archbold [sic]

Park that it presently holds. The design of the bridge does not require intrusion on the Park and the Congress directs that no intrusion of the Park take place.

The statement's discussion of the I-266/Potomac River Freeway stated that the District was to "proceed immediately into the final design stage" on the section of I-266 from the Three Sisters Bridge to approximately 31<sup>st</sup> Street, NW. In addition, "right-of-way acquisition shall be resumed immediately on those parcels remaining to be acquired which are required for the facility and which have already been authorized by the Bureau of Public Roads":

The project shall be built from its eastern extremity at the already completed portion of the Potomac River Freeway at Thirty First Street westward to the Three Sisters Bridge in the vicinity of the intersection of Foxhall Road and Canal Road. It shall be an eight lane facility consisting of two four-lane roadways.

The statement specified the routing of the two four-lane roadways:

The westbound roadway will proceed as an elevated structure from Thirty First Street along the present Whitehurst Freeway to a point just west of Key Bridge where it will proceed *under* the existing C & O Canal to an alinement between the present Canal Road and Georgetown University. It will then proceed past the vicinity of the intersection of Foxhall Road and MacArthur Boulevard to join the westbound lane of the Three Sisters Bridge.

The east bound roadway shall proceed from the terminus of the existing completed elevated section of the Potomac River Freeway at Thirty First Street dropping as soon as possible, consistent with Interstate standards, into a tunnel section under the Georgetown waterfront and proceeding westward *under* the C & O Canal to an alinement immediately parallel to the westbound roadway between the existing Canal Road and Georgetown University. The alinement will then proceed westerly to the eastbound roadway of the Three Sisters Bridge. [Italics in original]

In the vicinity of the Three Sisters Bridge, the statement indicated, "there will be provided ramp connections to the proposed Palisades Parkway which is the extension of the already completed section of the George Washington Memorial Parkway." In addition, "Provision shall be made for connections from the Palisades Parkway to the intersection of Foxhall Road and MacArthur Boulevard":

Canal Road which presently follows directly adjacent to the C & O Canal shall be relocated from Key Bridge to the intersection of Foxhall Road and MacArthur Boulevard by placing it between the Potomac River Freeway and Georgetown University on a high level which will overlook the beauty and splendor of the C & O Canal and this reach of the Potomac River.

The District Department of Highways was to "proceed to design this entire facility, by use of consultants or otherwise, to begin no later than sixty days from enactment of this legislation. Construction shall commence in a logical sequence as soon as designs have been prepared."

Regarding the Center Leg, the statement observed that it was “already under construction, in various stages” and should be completed to New York Avenue. The Center Leg would terminate at New York Avenue “until plans are completed for its continuation and connection with other parts of the system to be approved at a later date.”

Interchange “C,” the statement summarized, was “in various stages of design and construction from 6<sup>th</sup> Street, S.E., to and including Barney Circle.” Construction was to continue on schedule:

The project shall proceed as an eight-lane roadway from Barney Circle to just south of the East Capitol Street Bridge and thence northerly as a six lane facility.

It was to comply with the alignment and geometrics approved by NCPC on September 15, 1966:

It shall proceed northerly from Barney Circle adjacent to the Congressional Cemetery and thence to the east of the D.C. Stadium and under the west approaches to the East Capitol Street Bridge. Access shall be provided to the D.C. Stadium parking areas as indicated in the plan presented to the National Capital Planning Commission. The alinement shall proceed northward under Benning Road and immediately east of the proposed athletic field in the Spingarn High School complex. In the vicinity of the Arboretum at Maryland Avenue an interchange will be provided in conjunction with proposals by the Arboretum for a new entrance treatment at that location. The alinement will then proceed slightly onto Arboretum lands to avoid residences along M Street in accordance with agreements already arrived at with the Arboretum. The design of the terminus at Bladensburg Road will take into account the possibility of extension of this project as a tunnel under Mt. Olivet Road.

The District was to direct the design consultant, already under contract for the section between Barney Road and Benning Road, “to resume work, with the first construction contract to be advertised within 90 days of enactment of this legislation.”

For the section from Benning Road to Bladensburg Road, the city was immediately to begin negotiations for a design contract that would get underway within 60 days of enactment:

Construction on this part of the project shall commence as soon as plans have been prepared. The alinement for this portion of the route shall be as presented at a public hearing in January of 1967 and subsequently approved by the National Capital Planning Commission on February 9, 1967 and the D.C. Board of Commissioners on March 9, 1967.

The statement added that this plan had the approval of NCPC, NPS, “and to the extent required, the Fine Arts Commission”:

The plan contemplates rebuilding the existing golf course in the Kingman Lake area, and the development of an extensive recreation area, involving a marina on the Anacostia River, ball diamonds, etc. The Congress expects that these plans will be carried to full completion at the earliest possible date.

All Federal agencies affected by these plans were “to expedite any actions on their part to meet the time schedule set forth herein.”

As for the other segments in the 1968 ICE, the District and the Secretary of Transportation were “directed to study those projects and report to the Congress within 18 months from the date of enactment their recommendations with respect to such projects, including any recommended alternative routes or plans, so that the remainder of the Interstate System within the District of Columbia may be appropriately authorized.” If the District and Secretary did not submit recommendations within 18 months, “then the Secretary of Transportation and the government of the District of Columbia are required to construct the routes.”

Although these congressional directives by the managers of the House were part of the legislative history of the Federal-Aid Highway Act of 1968, they were not statutory and, therefore, not binding.

As for authorizing the District to participate in the new relocation provisions, the statement continued:

The committee cannot overemphasize the importance of these relocation provisions to the District of Columbia situation, as well as that of many other urban areas.

The conferees also agreed to a 1,500-mile extension of the mileage limitation on routes eligible for construction under the Interstate program. The report explained that:

The Interstate System now stands at 41,000 miles. All of it has been designated, and less than 15 miles remain for making adjustments of any kind.

The report discussed the designation process under the Federal-Aid Highway Acts of 1940 and 1956, noting that “no provision was made for flexibility which would make it possible to meet the tremendous changes that have taken place in population and development in many sections of the nation.” Several cities of 100,000 population were not on an Interstate route. “In addition, because of these and other factors, there are critical gaps in the System which will prevent its efficient functioning as the nation’s major continuous interconnected highway network.”

The missing links, “virtually everyone” recognized, must be built. The report cited the extension of I-75 from its present terminus in Tampa-St. Petersburg to Miami as one of several examples. The States were to submit proposals to the Secretary of Transportation, who was to approve allocation of the mileage within the new limitation. The States were to decide whether construction of the missing links took priority over currently designated segments:

These 1500 miles, to the extent they are used, will increase the ultimate cost of the system, but they will also provide essential flexibility in maintaining the usefulness and efficiency of the entire Interstate System, and its ability to meet the purpose for which it is being constructed. That flexibility is desperately needed now, on an interim basis, pending the time when the Congress determines what the long-range future highway program will be.

The conferees agreed to extend the time for completion of the Interstate System to June 30, 1974.

The conferees amended Section 138 of Title 23, United States Code, to contain the same language as Section 4(f) of the Department of Transportation Act. The key part of the provision read:

After the effective date of the Federal-Aid Highway Act of 1968, the Secretary shall not approve any program or project which requires the use of any publicly owned land from a public park, recreation area, or wildlife and waterfowl refuge of national, State, or local significance as determined by the Federal, State, or local officials having jurisdiction thereof, or any land from an historic site of national, State, or local significance as so determined by such officials unless (1) there is no feasible and prudent alternative to the use of such land, and (2) such program includes all possible planning to minimize harm to such park, recreational area, wildlife and waterfowl refuge, or historic site resulting from such use.

The report explained how the conferees expected Section 138 and the identical Section 4(f) to be interpreted:

This amendment of both relevant sections of law is intended to make it unmistakably clear that *neither* section constitutes a mandatory prohibition against the use of the enumerated lands, but rather, is a discretionary authority which must be used with both wisdom and reason. The Congress does not believe, for example, that substantial numbers of people should be required to move in order to preserve these lands, or that clearly enunciated local preferences should be overruled on the basis of this authority. [Italics in original]

Although the House conferees had yielded on the House provision weakening Section 4(f) and Section 138, they secured this nonstatutory explanatory language that reflected their views.

(According to an internal history by the Department of Transportation explained:

The last clause was inserted after several members of Congress took exception to Secretary Boyd's decision to veto the use of Brackenridge Park in San Antonio, Texas for a freeway, despite the fact that the San Antonio City Council and the voters of San Antonio in a local referendum indicated that the use of the park for highway purposes was desired.

(For information on the San Antonio freeway dispute, see *Busting the Trust: Unraveling the Highway Trust Fund 1968-1978* on this Web site.)

Conferees dropped Title III, Senator Tydings' parking bill. The statement of managers did not explain why. [Federal-Aid Highway Act of 1968, Conference Report to Accompany S. 3418, U.S. House of Representatives, 90<sup>th</sup> Congress, 2d Session, Report No. 1799, July 25, 1968; Conference Report on S. 3418, Federal-Aid Highway Act of 1968, *Congressional Record-House*, July 26, 1968, pages 23692-23704]

## Two Bills in One Day

On July 26, the House of Representatives acted on two bills affecting the District's freeway program. First, Representative Natcher introduced the District of Columbia Appropriations Act, 1969. After discussing appropriations for many District activities, Representative Natcher turned to the freeway program. He explained the committee's support for freeway and rapid transit systems. The freeways, however, had faced a series of delays and obstacles beginning in 1962.

He cited the example of the Three Sisters Bridge as "the focal point" of the freeway network, saying it had "been continuously blocked." He went through its history, including the Department of Transportation's use of the bridge "as a means by which the entire interstate highway program in the District of Columbia was blocked." He cited the February ruling of the U.S. Court of Appeals, which blocked four projects. "The District has held, however . . . that a legal cloud has been thrown over all freeway projects and thus no further freeway projects will be started without specific authorizing legislation." These delays, he pointed out, "have resulted in increased projects costs [sic] which are cause for considerable concern."

His committee's position was "still unchanged." He recalled that in 1966, the committee had denied funding for the rapid transit system:

A slight breakthrough did occur . . . and funds were obligated for the highway program. As a result, the rapid transit funds were agreed to in conference. A similar situation exists currently and until the freeway system is allowed to proceed the committee is again reluctant to provide additional funds for the construction of the rail rapid transit system by the Washington Metropolitan Area Transit Authority, and has accordingly denied the \$27,575,000 requested for the District of Columbia's share of capital outlay for the rapid transit system.

Representative Broyhill asked for assurance that if the freeway logjam were broken that the rapid transit funds would be restored. Representative Natcher replied that, "As soon as the freeway system goes [sic] underway, beyond recall, our committee will recommend the appropriation of construction funds for the rail rapid transit system."

Representative Machen commended Chairman Natcher for his decision to support a balanced transportation system that included freeways. The area was a "tragic situation" where millions of dollars had been spent on planning, but so many of the planned freeways had not been built. "It has been through a rearguard action by a few [opponents] that have blocked not only the will of Congress, but the consensus of Congress in going ahead with a balance [sic] transportation system."

Representative Gude also commended Chairman Natcher's decision. The area needed the freeway system that "the House has overwhelmingly endorsed":

The delay of both systems has already meant additional cost for the taxpayers of our Washington metropolitan area as well as the Nation . . . . The cost of delay in building

both systems when measured in terms of inadequate transportation for business, industry, workers, and the public in general is incalculable but obviously great.

Chairman Kluczynski assured his colleagues that “the gentleman from Kentucky is a man of his word.” He said:

As the gentleman has explained, there is over \$200 million laying here for the construction of highways, and there is nothing being done for the residents of the area or for the thousands of visitors to get in and out of Washington.

He pointed out that the House would soon be voting on the conference report on the Federal-Aid Highway Act of 1968, as a result of which “we will be able to use those highway funds.”

After discussing other aspects of the District appropriations bill, the House approved the bill without a recorded vote. [District of Columbia Appropriations, 1969, *Congressional Record-House*, July 26, 1968, pages 23629-23731]

Later that day, Chairman Fallon introduced the conference report on the Federal-Aid Highway Act of 1968. House conferees, he said, had worked with their Senate counterparts to produce “one of the finest road construction programs that we have ever been able to present”:

I believe we are presenting to you a bill that is not only a workable bill but one which will go a long way toward relieving the congestion in traffic that exists today and promote safety on the highways as well as helping to build up the economy of this country, which is so important and vital to the future of America.

After “great give and take,” the conferees had agreed on the final bill unanimously. He described briefly its many elements, including:

We also think we have taken care of the problems relating to parklands, the District of Columbia highway program, and other features . . . .

One of the most important programs contained in this legislation is a meaningful relocation program, one that is essential for proper highway development and one which will take care of individuals, businesses, or organizations which are forced to relocate because of highway construction. Proper compensation is afforded to these groups under the terms of the relocation section in this report.

Chairman Kluczynski followed to say he thought every member of the House could justly share his satisfaction with the bill. “There has been a lot of publicity about it, and most of the publicity has centered around its less significant sections.” In a quick summary, he said the bill included “what is beyond question the most progressive and soundly written relocation program the Federal Government has ever undertaken.” Further:

It actually strengthens the position of the States and local governments in the protection of parklands, historic areas, and similar lands. It makes it possible to resolve the strangling deadlock on transportation in the Nation’s Capital.

Following discussion of other provisions, Representative McCarthy asked Representative Wright how conferees dealt with District highways. Representative Wright explained that the House, in its bill, had directed the District to construct its entire network of Interstate highways, but the Senate bill had not included a provision on the District freeways:

The compromise which was agreed to in conference directs the immediate construction of those segments on which there is relatively little controversy; namely, the parkway along the riverfront, the north central leg [sic] and the east leg of the expressway and the Three Sisters Bridge.

As regards the rest, the bill directs a study to be made within 18 months and a report to be made not later than January 1970, by the District government as to its plans, intentions, and programs for the remainder.

Representative McCarthy moved on to another subject, amendment of the Highway Beautification Act of 1965, a much more controversial topic nationally than the District freeway provision. Conferees had rejected the House's weakening of the measure, for example by making outdoor advertising control voluntary and providing no program funds. Conferees continued the program, but authorized program funds only for FY 1970.

At one point, Representative Samuel S. Stratton (D-NY) said he was not opposed to highway beauty, but was concerned that restrictions on outdoor advertising would "mean curtains and bankruptcy for thousands of small tourist businessmen across the country" because they could not afford to advertise on the big billboards erected beyond the limits covered by the 1965 Act. He wanted to hold up on the program until Congress had a chance "to stop, look, and listen" on this issue. He wanted the beautification funds in the bill to be deleted.

As debate on the Federal-Aid Highway Act of 1968 neared an end, he offered an amendment to recommit the bill to the Conference Committee for further consideration of the issue. The House rejected the amendment, 98-166.

According to the transcript of the debate, no one other than Representative McCarthy commented on the District freeway situation before the House adopted the report by voice vote. [Conference Report on S. 3418, Federal-Aid Highway Act of 1968, *Congressional Record-House*, July 26, 1968, pages 23704-23714; the McCarthy-Wright dialogue is on page 23710; the Stratton discussion of the Highway Beautification Act is on pages 23710-23711]

House approval prompted District highway officials to tell reporters that the city was ready to start construction "almost right away." Deputy Director Rivard of the division of planning and programming said tests had been completed on sinking piers for the Three Sisters Bridge. The city would advertise the construction contract within 90 days of the bill's enactment. The city also would let a contract within 90 days for design of the Potomac River Freeway as described in the conference report. Construction was underway on the eight-lane underground section of the Center Leg, with the tunnel completed to Massachusetts Avenue and construction begun south of the Capitol. Remaining contracts, Rivard said, "will be let shortly." A consultant was under

contract for extension of the East Leg to Bladensburg Road. [“City to Rush Roads After Hill Order,” *The Washington Post and Times Herald*, July 28, 1968]

On July 28, the *Star* published a lengthy editorial on the congressional call for action on freeways. It began:

Congress’ forceful directive to the District of Columbia and to federal agencies to stop sabotaging Washington’s freeway program – and to get it built, is an unusual action, justified by an extraordinary set of circumstances.

The editors disagreed with Senator Cooper’s suggestion that the provision was an improper intrusion into District affairs. “This is intrusion in the same sense that a patient parent finally takes a firm hand with a group of children who persist, after endless warnings, in trying to tear the house apart.”

For years, “the bureaucratic response to Washington’s urgent need for a modern highway system has been to march forthrightly away from the problem.” Federal and city officials had demonstrated “a total inability to reach firm decisions.” A group of influential citizens had engaged in “persistent, deliberate delaying tactics,” while Secretary Boyd, “who was the logical man to reconcile these difficulties, has merely made them worse.” Finally, Congress had stepped into action “because there was no other way to end this foolishness. It is high time.”

The conferees, modifying the sharp directive in the House bill, “allowed a considerable amount of administrative flexibility, and there is an element of danger in these concessions.” The bill was “entirely reasonable,” but for the District freeway provision to work, it required “a great deal of good-faith cooperation by precisely those officials who in the past have failed to act.”

Chairman Natcher had made clear that until the freeway program was advancing “beyond recall,” he would not recommend District matching funds for the subway. The rearguard tactics would not be tolerated.

As for Mayor Washington, he had “juggled the freeway issue like a hot potato, in a futile effort to try to placate all parties in the controversy.” Given pressures from Congress, NCPC, Secretary Boyd, “and from militant citizens who objected to roads which would encroach on their local neighborhoods,” Mayor Washington had not been able to accomplish the balancing act. The congressional action “eases that dilemma” by providing the mayor with “the means, if he chooses to use them, both to build a freeway system and to answer any of the objections previously raised which warrant answers.”

Congress had given the city 18 months to resolve issues involving the North-Central Freeway, the most troubled of the freeway segments. Mayor Washington had sought “precisely this sort of authority in order to assure himself that the best interests of the community were being served.” Now that he would have the power under the 1968 Act, “he has an obligation to use it constructively.”

Much of the criticism of the freeway network was based on relocation of homes and businesses in the path of the highways:

The new legislation, however, makes federal dollars available to pay up to \$5,000 in excess of fair market value for private homes taken, and it authorizes \$1,500 payments to displaced lessees and renters who previously received nothing. These reforms are the most liberal of any governmental program involving the powers of eminent domain. They should help immeasurably to alleviate the hardships of freeway displacements.

The editors regretted that the conferees did not add the South Leg Freeway to the list of freeways designated for immediate construction. "Because of its great cost, this project, along with remaining elements of the system, were lumped in the category for which the directive ordered firm construction decisions 18 months from now." The 18-month period would allow for public discussion surrounding each of the freeways.

The editorial concluded:

It would be foolish to assume at this point that the opposition to freeway construction will simply dry up and blow away. What Congress has made plain is that this opposition must no longer be permitted to stifle improvements which are vital to the life of the Capital City.

If Mayor Washington also accepts this sensible, necessary premise, and works earnestly for its fulfillment, the balanced transportation system this city requires will emerge. If he should fail to do so, the results will be disastrous. ["Congress Calls for Action on the Freeways," *The Sunday Star*, July 28, 1968]

### **Senate Action**

The Senate debated the Federal-Aid Highway Act of 1968 on July 29. At the start, Majority Leader Mansfield asked to speak because he had another engagement that would keep him away for much of the debate. He understood the importance of the Interstate System to the States and the District of Columbia, but Section 23 "concerns me somewhat" because it "seems to be creating a precedent insofar as the District of Columbia is concerned in placing the Congress in the role of a highway engineer, a precedent we might well extend to the 50 States of the Union."

He was particularly opposed to the Three Sisters Bridge "because of the fear that approaches to this bridge would invade Glover-Archbold Park and, also, would be the first step in an effort to construct a highway through this park." The Glover and Archbold families, he reminded his colleagues, had donated the land in perpetuity for use as a recreation area. Now he had a telegram from Miss Moira Archbold, daughter of one of the original donors, urging him to oppose the bridge for those reasons. He had been assured recently that the bridge would not affect the park and he would like to receive reassurance on the record.

Senator Randolph assured him by citing the conference report, which stated that as soon as the bridge was completed, the District would have to relinquish to the National Park Service the right-of-way through the park that the city presently held. The report added that, "The design of the bridge does not require intrusion on the park and the Congress directs that no intrusion of the park take place."

In that case, Senator Mansfield asked what the plan was for carrying traffic off the bridge into the city. Chairman Randolph said the Potomac River Freeway “would be an outlet for the Three Sisters Bridge in connection with the entrance into the District of Columbia.” Moreover, access to Dulles International Airport was “an important reason” for construction of the bridge.

Finally, Senator Mansfield asked “what assurances can we have against future invasion of this park land?” Chairman Randolph replied that in addition to the directive in the conference report that the city transfer its title to a path through the park to NPS, the amendment to Section 138, incorporating the identical language of Section 4(f), “would give the assurance that the distinguished majority leader is asking for.”

Senator Mansfield was not fully assured by his colloquy with Chairman Randolph. “As I have indicated, this park must be protected and the construction of this bridge will, certainly, be a temptation for the highway builders who want to construct a roadbed through the park and on up Wisconsin Avenue.” In addition to the highway builders, “even Georgetown University, several years ago, was desirous of obtaining some of the acreage at the bottom of the park, toward Canal Road and the Potomac River”:

I hoped we would not succumb too much to the people who believe in highways, ribbons of concrete, various kinds of curlicues, question marks, and what-not; that I would hope in this congested part of our country, which will become more and more congested as time goes on, the Senator from Montana – speaking as a temporary resident of the District of Columbia – would like to state that we should pay more attention to the preservation of open spaces and clear areas than has been the case to date. With the passage of time, space is simply going to become more and more needed and necessary as recreational areas for the people of the District, including citizens in the surrounding States of Maryland and Virginia.

Chairman Randolph again assured the majority leader that conferees had agreed that the Three Sisters Bridge was to be built “in such a way that it will not now, or in the future, result in any encroachment on Glover-Archbold Park.”

Before leaving, the Majority Leader added:

May I say one thing in conclusion? I do happen to be interested in Glover-Archbold Park because I live two blocks away. My property does not abut the parkway.

Chairman Randolph, who lived at 4608 Reservoir Road, NW., noted, “I also live two blocks away.”

With Senator Mansfield’s departure for his meeting, Senator Spong asked to speak about the importance of the bridge and I-266. With Washington National Airport having exceeded its capacity, the bridge and I-266 “would facilitate the utilization of the air transportation potential of Dulles.” For the record, he introduced a resolution adopted by the Virginia General Assembly urging the State’s congressional delegation to “exert all possible efforts to assure the prompt authorization for carrying out plans originally approved” in 1966 to “construct these integral

segments of the Interstate highway system.” Senator Spong appreciated the efforts of the conferees to ensure this recommendation would be carried out.

The Senators discussed other sections of the bill until Senator Dominick, who served on the Senate District Committee, asked about the District of Columbia provision. The fight, he said, over the District freeways had been going on for a long time. “All of a sudden we find that in this conference report Congress is ordering, against the wishes of a great number of people, that the full program go forward.” He feared they were “putting the cart before the horse” in the absence of “any provisions as yet for adequate parking within the District”:

I, for one, do not want to see us turn the District of Columbia into a pad of concrete. I realize the Senate bill did not have this provision in it, that the House bill did. Now as a result of the conference we are saddled with it. I wonder whether the Senator could give me any enlightenment on that matter.

Chairman Randolph said that some of the freeways were “not controversial in nature,” and none of the controversial ones were in the conference report. “We have attempted to move as best we could with realism and with regard for the nearby States of Maryland and Virginia as well as the District.”

In view of the controversy, Senate conferees “approached this matter with reluctance, with reservation, and with restraint.” They did not believe “this was a matter that should be handled in a national highway act.” However, in the interest of comity and completing the bill, “we proposed certain language changes in the House bill.” In “the give-and-take which ensued,” the committee was able to agree on the provision. They specified construction of four projects, three of which they believed were “relatively noncontroversial and can be accomplished with a minimum of disruption and dislocation.”

They knew that the fourth, the Three Sisters Bridge, was controversial, but also that it was “vital to the development of proper access to Dulles International Airport” as well as Virginia’s development of I-66.

Senator Dominick doubted the claim about access to Dulles International Airpoint, in view of the Capital Beltway, Dolley Madison Boulevard (State Route 123), and the current seven bridges across the Potomac River. He also asked how many people would be displaced by the Potomac River Freeway and the Center Leg. Chairman Randolph did not know the exact number of displacees. “It will be more, let us say, a partial disruption of commercial activity. I think of the rendering plant involved. I do not believe people will be dislocated to a great degree.”

Senator Dominick agreed with elimination of the Georgetown rendering plant. Further west, however, “there are some rather heavily populated residential areas.” What about dislocation in that area? Chairman Randolph did not “believe many residents will be involved in the dislocation.”

The reason Senator Dominick raised the question was the issue of traffic projections over the next 10 years. According to information the city’s highway engineers provided to the Senate

District Committee, “there is not going to be a significant increase, and if we can handle the present traffic load, is there a need for spending all these funds in this type of activity? Does not this hamper our efforts to maintain a city with some scenic beauty, instead of developing a mass of concrete?” Chairman Randolph’s response referred only to the bill’s relocation aid provision.

If the Senate rejected the conference report, Senator Dominick asked, would the Senate be able to persuade the House to delete the provision? Chairman Randolph replied that “on this matter there would be no yielding on the part of House conferees. I am sure of this”:

They have, of course, discharged their conferees, by the House vote on the conference report, and there is, therefore, no way of sending this report back to conference. It must be voted up or down.

The Senate conferees had “done the best we could in this conference report.” He added:

I must disagree with those persons who say there is not going to be much more traffic moving in and out of the District of Columbia. I wish to state strongly that in my view there will be much more traffic.

Senator Cooper, one of the conferees, said the District freeway provision was “one of great controversy in the conference.” He had opposed the section “from the beginning to the end” and had not signed the conference report and could not vote for the bill because of this provision and the section that authorized the Secretary to designate 1,500 miles of additional Interstate routes. “I must say that the conferees from the House never showed the slightest inclination to change on this section.

Further, he was “amazed” by the report of the managers of the conference. The bill directed the District of Columbia and Secretary of Transportation to take certain actions:

In the manager’s report, they lay down directions almost like a construction company, how to proceed with the construction. I think this is wholly wrong, and it is wholly wrong for the Congress to direct a political subdivision to make a certain choice of roads. It is wrong.

The District provision in the House bill was, Senator Cooper said, the one provision “the House conferees were not going to yield on.”

Debate continued on other provisions, but after receiving assurance regarding the identical language in Section 138 and Section 4(f), Senator Jackson asked about the Potomac River Freeway. Based on the language calling for it to go under the C&O Canal, he wanted to ensure NPS would be involved to protect its resource. “I take it that there has been no change in the basic provisions of the law and the policy in regard to that situation.” Chairman Randolph confirmed that, “There has been no change.”

Senator Jackson referred to the report language calling for eight lanes, not the six lanes as had been discussed. Chairman Randolph replied, “The number of lanes has not been determined.” Senator Jackson wanted to be sure the Interior Secretary “has an opportunity to go over the final

design” and that nothing in the bill, such as modifications related to Section 4(f), “would change in any manner this relationship and authority that has existed, as it pertains to the Department of the Interior and the Department of Transportation.” Chairman Randolph replied by quoting the language stating, “It shall be carried out in accordance with applicable provisions of title 23 of the United States Code.”

Senator Cooper addressed the Senate in detail regarding his opposition to the District provision:

We must get this matter clear. These are projects on the Interstate and Defense Highway System. They are multi-lane freeways within this city, massive and wide, with interchanges and access and exit ramps, and of limited access – which means they must be elevated or have overpasses to accommodate intersecting streets.

He pointed out that Secretary Boyd, Mayor Washington, and Chairman Hechinger of the city council opposed the measure. After introducing their letters, Senator Cooper said, “On the merits, the Department of Transportation and the Bureau of Public Roads opposed the construction of these legs.”

Chairman Randolph corrected him. The department opposed them, not BPR, but Senator Cooper did not agree, in view of Director Turner’s comment that they would “literally fire three lanes of traffic at three lanes which are already on the expressway.” True, as Chairman Randolph pointed out, Turner was referring only to the South Leg, which the bill did not require the city to build, but the freeways were interconnected:

To construct the Three Sisters Bridge or several legs, without knowing what the total system should be, would be an improper way to proceed with the job. It could be very wasteful, and possibly not accomplish even the traffic objectives.

Moreover, while Senator Cooper respected the members of the House Committee on Public Works, he did not believe the members had “the technical or engineering expertise to lay out a system of roads in the District of Columbia.” And yet that is what the statement of conference managers did, as if it were an order “given by a great construction firm as to the way these roads should be built.”

He also opposed the measure because it was a bad precedent. Instead of letting State and local officials resolve differences through the normal means, “it would direct the State highway department or, in this case of the District of Columbia, its Department of Highways, how to lay out projects and additions to its system.”

Finally, he was concerned that the congressional directive would prevent the people from expressing “their judgments as to the economic, social, and environmental impacts of the system, under a democratic process.” Despite the U.S. Court of Appeals finding about citizen involvement, the House had simply said that notwithstanding any law or court decision, the Secretary of Transportation and the city must “go ahead and build these roads as we want them built – no matter whether it be dangerous to the character of the city; no matter whether this is

what the people want, the poor as well as the rich – go ahead and build them, as a few people sitting in Congress want them built.”

Majority Leader Mansfield, who had returned from his engagement, asked, “What special qualifications do the members of the Committee on Public Works in the House have to entitle them to lay down dictum of that nature?” Senator Cooper replied, “There may be an engineer among them, but they do not have the expertise . . . nor do we”

The Majority Leader asked if Congress could impose its judgment on the States as well as the District of Columbia. “Certainly,” Senator Cooper replied. He doubted they would, but because the District was considered a State under Title 23, the precedent was there for intervention in State controversies.

If the committee wanted to build a freeway through Glover-Archbold Park, Senator Mansfield asked, could the Congress do so? “Yes,” answered Senator Cooper, “because there is the inherent power of Congress to override.” Senator Mansfield asked what was the point of a private group or family bequeathing property to the District for use in perpetuity for recreation if Congress could simply overrule the purpose.

Senator Cooper started to agree, saying “there is no guarantee except Congress,” but Chairman Randolph interrupted to point out that Glover-Archbold Park was not affected by the bill. True, as Senator Mansfield quickly pointed out, but some groups wanted to use it for a highway. “They were interested. We are not allowing it.”

The problem with that statement, Senator Cooper said, was that “in the future, Congress could direct them to run the highway through this park, or any other.” A clearly exasperated Chairman Randolph assured Senators Mansfield and Cooper, “What is proposed to be laid down will not go through the park.”

Senator Cooper reiterated his plan to vote against the conference report:

I do not pretend to know about the merits of these legs. If the proper procedure is followed, the bodies concerned might come up with the same project, even though the Department of Transportation has indicated to the contrary at this point. But I oppose the idea of Congress arrogating to itself the wisdom or the authority to attempt to lay down a road system in the District of Columbia, in any other State, or in any other city in the United States. I think it is a local matter.

In conference, he had proposed substitute language directing the Secretary of Transportation and the District to make any necessary changes and proceed with construction as soon as possible in accordance with the Federal-Aid Highway Act and Title 7 of the District Code. “But the House conferees insisted upon their own position, which resulted in the language now contained in the conference report.” He strongly supported many other provisions of the 1968 Act, but because of Section 23 and the 1,500-mile extension of the Interstate System, he would oppose the conference report. [Federal-Aid Highway Act of 1968 – Conference Report, *Congressional Record-Senate*, July 29, 1968, pages 24023-24036]

Following the debate, the Senate approved the Federal-Aid Highway Act of 1968 by a vote of 66 to 6.

After the vote, Senator Tydings inserted a statement regarding the air rights legislation that had passed the Senate but was awaiting action in the House. "I am today writing Mayor Washington and appropriate members of the House District Committee urging action on this legislation as soon as possible." With Congress having directed the city to proceed with freeway construction, he said:

. . . it would be very unfortunate to lose the opportunity for utilization of the freeway airspace in projects which would help alleviate the consequences for people of the freeway program such as the loss of low-income housing, destruction of neighborhood parks, and increased parking congestion. Utilization of freeway airspace for commercial facilities could also produce needed jobs and revenues for the District. [*Congressional Record-Senate*, July 29, 1968, pages 24038]

### **Awaiting Presidential Action**

Congress was moving through bills it could complete before adjourning for the political conventions to nominate presidential candidates for the November election.

The District of Columbia Appropriations Act, 1969, was one of the bills. The conference report on the bill reached the House floor on August 2. Chairman Natcher had prevailed regarding funding for rail rapid transit.

In response to an inquiry from Representative Gross, he told his colleagues that the District had requested \$27,574,000, but the committee with jurisdiction over WMATA had reduced the amount to \$21,886,000. He explained that while the committee believed the District needed freeways and rapid transit, "under no circumstances would we recommend to the House a rapid transit system cost, under the authorization, \$431,000,000 when they have stopped the freeway system":

Both systems are important and will benefit our Capital City. As soon as the freeway program goes underway, beyond recall then we will come back to the House and request that construction funds for rapid transit be approved.

There is no money in this bill for construction for rapid transit.

The Interior Department appropriations bill for FY 1969 included "a stipulation to the effect that the share of the Federal Government would not be appropriated and would not be expended until the District of Columbia's share was forthcoming." It would not be forthcoming until the freeway system was under construction beyond recall.

In view of Representative Gross's concern about the cost of the transit plan, Chairman Natcher said that when Congress approved the 25.3-mile bill, those in charge of the bill claimed the bobtail system would cost \$431 million, with the District providing \$50 million and the rest to be raised by bonds:

That is the subway that was authorized by the Congress.

I want the distinguished gentleman from Iowa to know that on March 1 of this year this agency agreed to a subway [system] that would entail a total cost of about \$2.5 billion.

He assured Representative Gross that WMATA would have to come back to Congress to secure approval of the higher amount.

The House approved the conference report without a recorded vote. The Senate approved the bill, also without a recorded vote, the same day. [Conference Report on H.R. 18706, District of Columbia Appropriations 1969, *Congressional Record-House*, August 2, 1968, pages 25024-25025; District of Columbia Appropriation Bill, 1969-Conference Report, *Congressional Record-Senate*, August 2, 1968, page 24976]

At home in Texas, President Johnson signed the appropriations bill into law on August 10, 1968 (P.L. 90-473). He issued a signing statement, but did not discuss the freeway-transit aspect of the bill.

### **To Veto or Not to Veto**

By then, objections were being raised about the Federal-Aid Highway Act of 1968 because of Section 24, its provision on the District freeways.

Secretary of the Interior Udall, almost immediately after congressional action, said he might recommend that the President veto the bill. “Yes,” he told reporters at a press conference, “it’s a possibility.” He objected to the Three Sisters Bridge, but his concern went beyond that. Highways should be a local decision, and it was “most unfortunate” to have Congress dictating construction. “There’s not a single Congressman – and I was a Congressman – that wouldn’t be outraged if Congress passed such a bill in his city,” telling the city “how and where and when” to build a highway.

He acknowledged that congressional meddling in the District of Columbia was “a burden this city has to bear” in the absence of home rule, but the idea “raises a very serious question of policy that was hardly discussed during consideration of the highway bill by Congress.” He added:

Most Congressmen don’t give much of a damn about conservation values. Unless people get in and fight, good projects [sic] will be damaged by highway projects in the wrong places.

MacClane of the D.C. Federation of Civic Associations sent a telegram on July 31 urging President Johnson to veto the bill. [“Udall Hints He’ll Urge Veto of Highway Bill,” *The Washington Post and Times Herald*, July 31, 1968; “Udall Studies Call for Veto Of Road Bill,” *The Evening Star*, July 31, 1968]

On August 5, the *Post* published a letter from Representative Machen responding to the July 15 Pearson-Anderson column insinuating that he supported the legislation because of contributions

from the highway lobby. (The column included him in a list of area Members of Congress who helped Chairman Kluczynski pass the bill as it was being “rammed through” the House Public Works Committee and the House.) He wanted to make clear that he fully supported construction of the District freeway system as part of a balanced transportation system. The provision in the 1968 Act “will benefit hundreds of thousands of highway commuters in the area and prevent the city from being choked to death because of a lack of highways.”

The decision to withhold appropriations for the District’s matching share of transit construction “points up once more how strongly we in the Congress feel about the need for a balanced transportation system in the District.” He concluded:

The only “lobbyists” I have had any contact with on this matter have been my constituents and they are tired of the inadequate access which the current transportation system affords to the city. I voted for the Federal Aid Highway bill because I believe the District needs a balanced transportation system. [Representative Machen, Hervey G., “Rep. Machen on Highways,” Letters to the Editor, *The Washington Post and Times Herald*, August 5, 1968]

Representative Machen’s letter prompted a reply from MacClane. “Mr. Machen’s point of view is completely the opposite of the writer’s.” MacClane had “no apologies for my determined stand against the construction of the Three Sisters Bridge and the North Central Freeway”:

Though I am totally opposed to the above projects, if the District is forced to proceed with this construction I would then be opposed to building the subway – a project which I am 100 per cent in favor of – because the population of the metropolitan area is not large enough to support a subway system in competition with a freeway. Any attempt to build both projects would create a white elephant of greater dimension than Dulles Airport. I am sure Mr. Machen would vigorously oppose a freeway that would uproot his constituents unless he desires to be an ex-Congressman. [MacClane, Edward J., “Against the Freeways,” Letters to the Editor, *The Washington Post and Times Herald*, August 8, 1968]

By contrast, *Post* editors supported the provision in the 1968 Act. “At long last, the impasse over the District of Columbia’s freeway program appears to be broken.” Barring a “veto that is unlikely and would be undesirable,” construction could begin within 3 months. “This should clear the way for resolving the rest of the freeway controversy and for making a start on the area’s subway system.”

The editors agreed with Senator Cooper that Congress did not possess the expertise to dictate highway locations and ought to leave those decisions to local officials:

But under the circumstances that have stalled the highway program in this city for years, Congress had little choice. It either had to spell out the details of the highway program itself or run the risk of another round of indecisive meandering in the city’s bureaucratic maze.

Beyond the four freeway segments ordered to construction, the city would have 18 months to resolve difficult issues associated with the remainder of the freeway system. “Thus it is time for Mayor Washington and all the rest of those officials and agencies who have a hand in the transportation problem to sit down and get on with their work.” The legislation strengthened their hand by placing the primary responsibility on them “for keeping control of fundamentally local problems in the hands of local government.”

The editors anticipated that as soon as construction began, “the House of Representatives will honor the commitment of several of its members to provide funds to start work on the subway.” They were troubled by the colloquy between Chairman Natcher and Representative Gross during consideration of the District appropriations bill for 1969 on August 2. It suggested that “the subway system, as current planned, is still in trouble”:

Some Congressmen seem to have failed to grasp the fact that the Washington area has to be treated as a whole in planning transportation and want to return to the idea of a small subway system stopping at the District borders. That idea might have had some merit in 1940 or even 1950 when the District was more than half of the area’s population. But now that the District has less than a third of the population (and its share is shrinking steadily), the subway system must be a regional one if it is to have a substantial impact in reducing the need for even more freeways. [“Congress and the Freeways,” *The Washington Post and Times Herald*, August 6, 1968]

The District government was seriously considering whether to ask President Johnson to veto the bill. Chairman Hechinger was working on the question with Mayor Washington, who had not decided what the city should do. “However,” the *Star* reported, “other sources reported city officials are going over the text of a proposal that recommends a veto”:

In the document now under consideration, the city raises strong objections to the House-originated action that would force the city to begin construction within 30 days after the bill goes into effect.

“Officials have been going over the language of the statement because there is some pretty strong stuff in it,” one source stated. “And there is the dual problem of the city presuming to tell the President what to do and also of asking him to kill an otherwise good bill.” [“District May Propose Veto of Highway Act,” *The Evening Star*, August 7, 1968]

Lee Flor and William Grigg, writing in the *Star*, worried that the bill “created some informal deadlines which transit and highway planners may have trouble meeting. The result could be a deadlock, with no start of the rapid transit system this fall, and more problems for the bitterly opposed Freeway [sic] construction program.”

If the provision is retained and the bill is approved, the District would have 30 days to advertise the freeways for construction:

This means the District could have only a few days after the signing of the bill before it would have to convince Natcher that the freeway projects were under way “beyond recall.”

As a practical matter, the District normally would need several weeks to prepare PS&E for the contracts, then allow time for contractors to submit bids, for the bids to be reviewed by the District and FHWA, and the contracts awarded. Other obstacles to meeting the 30-day mandate included the prospect that freeway opponents might seek an injunction to block local action. Further, although the provision waives Federal laws and court orders, the Johnson Administration “apparently is not absolutely bound to obey this legislative edict.”

Another issue was that Arlington County could go to court arguing that I-266, which was to cross the Potomac River on the Three Sisters Bridge, required land from Spout Run Park. Partly because of that encroachment, the Department of the Interior was expected to ask President Johnson to veto the bill.

Arlington County Board Chairman Thomas W. Richards had sent a telegram to President Johnson urging a veto. The bridge, the telegram stated, “would mean the loss of much of the beautiful Spout Run Parkway in Arlington and would mar the beauty of the Potomac Palisades.”

The result could be that any hope that WMATA had for a groundbreaking on the subway in October could be frustrated simply by timing. [Flor, Lee, and Grigg, William, “Federal Road Bill Deadlines Pose New Peril to Plans,” *The Evening Star*, August 11, 1968; Griffiths, Harriet, “Arlington to Study Moves In Three Sisters Bridge Suit,” *The Sunday Star*, August 25, 1968]

Chairman Gleason, a member of the Montgomery County Council, addressed the impasse during an August 13 council meeting. According to *The Baltimore Sun*, “Barely hiding his anger and frustration at the last-minute congressional refusal” to appropriate funds for the subway, he said, “there is no rational judgment that would dictate holding up one form of transportation for another.” Meeting with Mayor Washington and Secretary Boyd, he had told them that “we believed that Congress was not kidding” when it passed legislation to mandate freeway construction and refused to approve District matching funds for Metro. He planned to meet with area Members of Congress on August 16 to seek help in freeing the funds. [Rovner, Sandy, “Funds Sought For Subway,” *The Baltimore Sun*, August 14, 1968]

On August 16, Mayor Washington and Chairman Hechinger sent a letter to the Bureau of the Budget urging that the Federal-Aid Highway Act of 1968 “not be approved.” The letter did not use the word “veto” but was, according to Lee Flor, “stronger than a first draft which was prepared Thursday.” The stronger language, he said, was “stimulated by citizen reaction to reports of the first draft.” He added that NCPC “reportedly has taken a similar position.” [Flor, Lee, “Mayor Asks For Veto of Roads Bill,” *The Evening Star*, August 17, 1968]

At the strategy session convened by Chairman Gleason on August 16, area Congressmen agreed to fight for release of the subway funds, but warned that a presidential veto of the Federal-Aid Highway Act of 1968 would result in further delay in subway construction. Representative Broyhill said that Chairman Natcher and his allies on the District appropriations subcommittee

were “determined that the subway system is not going to be used to block the Three Sisters Bridge or other highway projects.” Chairman Natcher might move on the funds if President Johnson signed the bill, but “if the President vetoes the bill, we might as well forget any appropriations . . . this year” for rail rapid transit.

Representative Gude agreed that a veto “would be disastrous” for Metro in view of Chairman Natcher’s threat, and urged his colleagues to contact President Johnson, as he had, to urge approval of the bill. Whatever happened with the bill, he joined with Representative Broyhill and Senator Brewster in promising to for everything they could to restore the District matching funds.

Representative Broyhill also warned of another peril to Metro, namely WMATA’s approval of the 97-mile rail rapid transit system that would cost \$2.5 billion. Instead of the \$100 million approved for the bobtail system, the expanded network would require \$1.1 billion in Federal construction funds based on the standard UMTA matching formula. He anticipated objections from Members of Congress from other areas of the country who already questioned the increasing cost of the bobtail network. General Graham reminded the group that WMATA’s priority was the bobtail segments the Congress had approved in 1965. [“LBJ Veto of Roads Bill Seen Periling Subway,” *The Washington Post and Times Herald*, August 17, 1968]

By August 18, Lee Flor and Jack Eisen were speculating on the President’s decision based on sources. Flor reported that transportation officials did not expect President Johnson to veto the bill, which authorized billions for Federal-aid highway projects around the country, while vastly improving relocation assistance for those displaced by the projects and funding the Highway Beautification Act.

The District decision to ask that the President not approve the bill was based on the language in the bill stating that “notwithstanding any other provision of law, or any court order decision or administrative action to the contrary.” This language interfered with the city’s desire that it decide on the future of the freeway network.

Although the language seemed all inclusive, Flor said that “according to precedent, the administration could ignore the clearly stated legislative mandate”:

For example, in 1949 Congress directed President Truman to create a 58-group Air Force. The President signed the appropriations legislation containing the directive but declared he would only have 48 groups. And the chairmen of the Senate and House appropriations committees backed him up.

Just two months ago, President Johnson signed the omnibus crime bill and told federal agencies not to use the liberal wire-tapping authority contained in the bill, except in cases of national security.

Similarly, the President could direct the Department of Transportation not to carry out the congressional mandate to build the freeway project. [sic]

Of course, such an action would leave WMATA “behind the 8-ball,” subject to Chairman Natcher’s opposition to releasing the District matching funds. Flor suggested that options included asking the House Appropriations Subcommittee to release \$47 million in Federal transit funds already appropriated, minus the stipulation that it could be spent only if Chairman Natcher’s subcommittee voted to approve the matching funds. Alternatively, President Johnson “might give the local subway builders federal money from his own contingency funds, on the grounds the Congress already has voted authorization of the subway.” [Flor, Lee, “Johnson Might Ignore D.C. Freeway Mandate,” *The Sunday Star*, August 18, 1968]

Eisen reported strong speculation that President Johnson might pocket veto the bill “rather than get caught in a three-way crossfire among District, road-building and conservation interests.” Normally, if a President does not sign a bill within the 10-day Constitutional period (Sunday excepted) after receiving it, it becomes law. Of course, he could veto the bill, send a message to Congress explaining his objections, and Congress could override the veto by two-thirds votes in the House and Senate, or fail to do so, thus killing the bill. However, if the President were to take no action within the deadline, but Congress had adjourned, the bill would not become law unless Congress, when it returns, passes the bill again and presents it to the President again for signature.

This non-action, known as a pocket veto, was possible in this case because on the 10<sup>th</sup> day (not counting Sunday) after the White House received the bill, August 23, Congress had adjourned for the presidential conventions and its annual August recess. A pocket veto would kill the entire bill, but Congress could pass the bill after returning without the troublesome provisions.

Eisen reported:

Unconfirmed but persistent reports circulated yesterday that both Transportation Secretary Alan S. Boyd and Interior Secretary Stewart I. Udall, whose domain includes the National Park Service, had asked the President to reject the measure.

He described the city’s letter asking that the bill “not be approved”:

The final language, omitting the word “veto,” lent credence to the speculation over a pocket veto. The possibility was mentioned by both backers and opponents of the bill.

Transit backers feared a veto would kill any chance that Chairman Natcher would release the District matching funds for the bobtail system. They were worried that the letter from Mayor Washington and Chairman Hechinger “would stiffen Natcher’s resistance to any subway money this year.”

The mayor’s objections, Eisen reported, centered on the requirement to build the four freeways “precisely as planned earlier, without leeway for changes he thinks are desirable”:

A key highway official said, however, that he was certain that route or design changes could be made administratively to accommodate the problems that concern the Mayor.

Sammie Abbott said that ECTC approved the letter from Mayor Washington and Chairman Hechinger because it proved “they are not political eunuchs.” He warned that ECTC would mobilize citywide efforts to block construction if President Johnson signed the bill. The group also would go to court to test the constitutionality of congressional action overriding a decision by the U.S. Court of Appeals:

Abbott attacked Natcher’s transit fund freeze as “blackmail,” or more appropriately “whitemail,” since it attempts to coerce Washington’s Negroes into supporting disruptive roads [that would benefit white suburbanites]. [Eisen, Jack, “Pocket Veto Is Hinted If President Wants To Kill Highway Bill,” *The Washington Post and Times Herald*, August 18, 1968]

*Star* editors had a different reaction to the letter. In the leaked draft on Thursday, August 15, Mayor Washington “had wisely refrained” from calling for a veto “until the very last moment”:

By late Friday, in a switch that surprised a number of other city officials, he decided to ask that the bill be “not approved.”

We are surprised, too – and disappointed. For the mayor’s performance is inimical to the best interest of this community.

Why this change of heart? According to one source, the mayor caved in to arguments that the directive (1) would authorize certain projects that might better be discarded or revised, (2) would increase “dissension” within the local community and (3) would undermine the city government’s right to make its own “self determination” as to the future of the freeway program.

Congress, however, knew that “left to its own devices,” the city had no reason “to get a balanced transit-freeway system.” At least under the three-commissioner government of years past, the commissioners tried to overcome the obstacles blocking the freeways. Under the mayor-city council government, the obstacles “have grown worse.”

Congress had not dictated a new freeway network, but only ordered construction of the long-planned network, with “considerable planning flexibility” on some controversial segments. The editors stated that “the President should not hesitate to sign the highway bill this week, and to instruct his subordinates, both District and federal, to cooperate with the Congress in a spirit of good faith.” [“Wrong Move,” *The Evening Star*, August 19, 1968]

The editors of the *Post* agreed. “Although the issues involved are not simple, it seems that the weight of arguments is in favor of Presidential approval of the bill insofar as his decision rests on the impact the bill will have in Washington.” Perhaps Congress exceeded its ordinary limits and expertise in mandating construction of specific freeways:

But the situation in the District is hardly an ordinary one and it is hard to blame Congress for wanting to settle a question that the various official bodies in the District have been unable to settle even after a decade of argument.

The editors disagreed with city officials who believed that Congress was infringing on their authority. "It would be precisely that if the present city government were responsible for the mess in which the freeway program is now entangled." The present city government did not exist when the mess evolved to the present moment.

Unfortunately, the editors wrote, the freeway situation was combined with the subway in view of congressional action to deny access to District matching funds. "There is no reason why the two should be linked except for the history of indecision in the District." While the linkage lasted, "every indication that the District government will drag its feet on freeways is simply an additional incentive to delay in starting construction on the subway as well." Unless both were begun and additional downtown parking provided, "the District will have a traffic problem in the foreseeable future that will make the one in New York City look simple." ["Freeways and the President," *The Washington Post and Times Herald*, August 20, 1968]

On August 20, the city council approved Mayor Washington's request to Congress for a \$30 million supplemental appropriation for FY 1969. Of this amount, \$21.8 million was for the District matching share for rail rapid transit construction, while the balance was to initiate the Fort Lincoln urban renewal project. During consideration of the request, council members discussed the city's action in asking President Johnson not to approve the 1968 Act. Schuyler Lowe, the former city budget official who was now with WMATA, told the city council that a veto would "create a very critical situation" with subways and Chairman Natcher. "We certainly would hope that somehow, some way, we could work out an arrangement" to begin subway construction if President Johnson were to take the city's advice to not approve the bill.

Councilman Turner, the former official of the Highway Users Conference, recalled that the city council had unanimously favored the city's draft bill giving the city government the authority to decide the fate of the freeway system. Congress had, he reminded his colleagues, refused to accept the proposal. Now, a presidential veto "may cause a deterioration of the relations between the D.C. government and Congress."

Councilwoman Shackleton said that "freeways should not be tied up with the subway system." Vice Chairman Fauntroy argued that, "Whenever you employ blackmail you are going to have a deterioration of relations."

The *Star* reported:

Meanwhile, sources indicated last night that the District actually sent two letters to the Bureau of the Budget last week. The first letter, reportedly sent Thursday, merely said the District could not approve of the highway bill.

The second, sent Friday and pre-empting the first, urged the President to "disapprove" the measure. The two letters, and two polls of council members by Chairman John W. Hechinger, caused considerable confusion among council members.

Turner was known to have been angered by the veto posture. But several of his colleagues said they believe the eight other council members favored recommending veto.

The vote on the Thursday letter had been 5 to 3, with Vice Chairman Fauntroy out of town. The vote on the Friday letter had been 5 to 4. [Sarro, Ronald, "Restore Cut Funds, D.C. Asks Congress," *The Evening Star*, August 21, 1968]

### **Action on the 1968 Act**

President Johnson left Washington for his Texas ranch on August 23, still undecided what to do about the Federal-Aid Highway Act of 1968. His press secretary, George Christian, told reporters that President Johnson still had "some individuals he needs to discuss it with." If he did not act by 12:01, August 24, the bill would be pocket vetoed. ["President Acts Today On Freeway Program," *The Evening Star*, August 23, 1968]

President Johnson almost decided against signing the bill, largely because of Section 23. At his Texas ranch on the evening of August 23, he signed the bill without ceremony. In a lengthy statement released on August 24, he said:

In this review, I have weighed the bill's positive and progressive features against its shortcomings, the range of executive actions we might take to ease some of its burdens, and the time yet remaining in this session for Congress to correct its drawbacks.

On balance, he decided to sign the bill, which he said was in many respects "the most important highway authorization bill since the start of the interstate program over a decade ago."

He listed some of the bill's positive features:

It authorizes funds to carry the program through 1974, enough to assure the construction of many thousands of miles of roads. These highways can forge new links to more of our cities, serve America's growing transportation needs, and open up new avenues of convenience for millions of citizens. This measure also deals more effectively and more humanely than any previous measure with a modern dilemma – the problems created by roadbuilding in or through our cities. It shows, in these provisions, more of a concern for our citizens than for concrete.

- Families – particularly the poor – who are displaced from their homes by highway projects will receive the assistance they need in moving to other dwellings.
- Authority to acquire new rights-of-way in advance can help assure that highways in the future will be better planned, less costly, and cause the least possible disruption to local residents and businesses.
- Funds to institute innovative measures to improve traffic flows will mean less congestion in city streets.
- A new test program providing fringe parking away from crowded business districts will further improve the movement of traffic.
  
- Highway planners will be required to consider social and environmental factors in determining the location of urban highways--thus preserving many neighborhoods from the bulldozer and the wrecking ball.

-- More effective equal employment opportunity in the highway construction industry will bring jobs to Americans of all races.

He objected to several features of the bill:

By far the most objectionable feature in the bill is the requirement that the District of Columbia Government and the Secretary of Transportation construct all interstate routes within the District as soon as possible – with the District required to commence work on four specific projects within 30 days. These provisions are inconsistent with a basic tenet of sound urban development – to permit the local government and the people affected to participate meaningfully in planning their transportation system.

He acknowledged the unique status of the District of Columbia under the Constitution. He understood the desire of Congress to build the highway system:

But it is vitally important that these roads be constructed in accordance with proper planning and engineering concepts and with minimum disruption of the lives of District citizens.

The factor that allowed him to sign the legislation was the requirement in Section 23(a) that, “Such construction . . . shall be carried out in accordance with all applicable provisions of title 23 of the United States Code.” These requirements, the President said, prevented the Secretary from approving construction unless funds were available, all right-of-way could be obtained, the projects are appropriate links in a comprehensive transportation plan, and other requirements of sound highway construction are met. He continued:

I have therefore directed the Secretary of Transportation promptly to convene the representatives of all interested executive agencies to support the Government of the District of Columbia in developing a comprehensive plan for a D.C. highway system. This plan should:

- Promote the rapid movement of traffic in the metropolitan area.
- Protect the people and neighborhoods affected by the new roads.
- Recognize the city’s needs for expanded parking facilities.

I have asked the Secretary of Transportation and the mayor of the District of Columbia to make certain that the plan is developed in sufficient time to have portions under contract prior to January 1, 1969.

President Johnson said he objected to other provisions of the 1968 Act as well. It would:

- Seriously weaken the pioneering effort to beautify America’s highways by depriving that effort of the funds it needs, and by diluting the billboard removal provisions of the present act.
- Remove the protection we have given in the past to many park lands that should be preserved for the families and children of America.

- Extend the interstate system by 1,500 miles without any serious study of the type of major highway program we will need after we complete the present system in 1974.

His statement concluded:

I believe the good in this bill outweighs the bad. I believe that the progressive steps we are taking here will permit us to improve the highway program in urban areas, and make it more responsive to the needs of the people who live there. I hope that the Congress will assist the executive branch in moving further in this direction, and in amending the undesirable features of this bill.

On August 24, Secretary Boyd met with Mayor Washington, Chairman Hechinger, and Deputy Mayor Fletcher for over 2 hours, then joined Mayor Washington for a joint press conference. The Secretary did not consider Section 23 of the 1968 Act to present the type of comprehensive plan President Johnson had called for:

I do not consider that a comprehensive plan for the District exists. Both the Department of Transportation and the District of Columbia are keenly aware of the need for a comprehensive freeway system within the District. It will be developed and work will be started on aspects of it before January 1.

He directed Administrator Bridwell to meet with Fletcher, beginning the following day, to develop a comprehensive plan for Washington's transportation system.

He declined to promise funding for the projects or say whether he thought the projects might not be built in accordance with the congressional action. "At this point, that would be speculation." He did say, however, that "various elements of the comprehensive plan will shake out" while work on the comprehensive plan was underway, and that the District could implement those elements before the overall plan was completed.

As for the Three Sisters Bridge, he said his opposition had been overstated:

I have never opposed construction of the Three Sisters Bridge. I only did to the extent that there is not a comprehensive plan. I will be at least mildly surprised if the comprehensive plan does not include a bridge in the Three Sisters Island area.

Reporters asked Secretary Boyd if public hearings would be part of the process. "I would be quite confident that there would be public hearings."

Mayor Washington said he considered the President's message was "a mandate to move ahead with a comprehensive system . . . . We are hopeful we . . . can afford as much citizen participation as possible in the planning process." His goal was to work out the highway system "within the framework" of the legislation. They would proceed "with as much input as possible" from the public.

NCPC's role was unclear. "I don't think we can tell you at this point what our plans are. Our consistent position has been that we wanted to assure citizens' participation that would be

meaningful.” He declined reporters’ request that he express his “personal opinion” on the freeways.

As for Chairman Natcher, Secretary Boyd said he was “optimistic” about resolving the dispute that was delaying matching funds for the rail rapid transit system.

According to a *Post* account:

Department of Transportation aides reported the possibility of a compromise plan that might shift the routing of the four segments, while keeping their starting and finishing points at relatively the same places.

Such a compromise would probably involve a new routing of the controversial North Central Freeway, which has aroused protest from Northeast residents who are in its path.

Further:

The clear impression left by the press conference was that Department and City officials have decided that, legally, they could defy the wishes of Congress and delay, alter or even drop any of the four disputed projects.

But whether they can afford to do so tactically is another question.

By contrast, Chairman Kluczynski told reporters by telephone from Chicago, “The District won’t get a dime for a subway until it does what we want it to do on highways.” District officials had to “report to us, and we’ll take a look at what they’re doing.” [Hoagland, Jim, “Johnson Signs Road Bill, Provides D.C. Loophole,” *The Washington Post*, August 25, 1968; Sarro, Ronald, “Roads Plan Is Clouded Despite OK,” *The Sunday Star*, August 25, 1968]

Neither the *Post* nor *Star* editors appreciated these developments. A *Post* editorial pointed out that “all the laboring of Congress to force the District to start building freeways and all the wails about local self-determination of freeway locations seem to have been in vain.” The President’s call for a comprehensive plan meant that if the highways Congress had ordered the District to build weren’t in the plan, “they will not be built.”

The best that backers of rail rapid transit could hope for was that the city would meet the President’s January 1 deadline. However, that means “a start on the subway next year instead of this fall”:

The worst, of course, is that some Congressmen will consider this interpretation of their work so strained and so arbitrary that they will attempt to kill the subway in retaliation.

The burden on city officials was “extremely heavy” because “the history of freeway planning” meant that the January 1 deadline “would seem impossible to meet.” To meet it, “there will have to be much more action and much less quarreling than there has been”:

For if the District misses this chance to plot its own course, either it will have a freeway plan imposed upon it by Congress or it will be doomed to do without either freeways or subways and die a death of automotive strangulation.

Summarizing the President's signing statement and Secretary Boyd's comments during his press conference, *Star* editors wrote, "So it's back to the drawing board, boys, for the latest of a seemingly endless series of runs through the planning wringer."

In defying Congress, President Johnson had at least "stated unequivocally that freeway construction contracts of some sort should be let by the end of this year." Secretary Boyd and Mayor Washington had "pledged that their new plan would likewise be finished by then."

The editors took issue with Secretary Boyd's comments on the Three Sisters Bridge:

Boyd, in answer to a question, further commented that he would be "mildly surprised" if the plan did not include a Three Sisters Bridge. We are mildly surprised, too, for the secretary has made no such assertion, in even the most tentative terms, previously.

The editors were skeptical that Chairman Natcher would advance the transit matching funds:

The trouble is . . . that we have been at this point in the freeway controversy before – on countless occasions. Whenever in recent years firm freeway decisions appeared imminent, the administration's unvarying response has been to discover a sudden, urgent need for further planning.

They also were not reassured that President Johnson gave Secretary Boyd responsibility for determining "appropriate" links in the system:

For the secretary's previous assessments of the sorts of freeway which are "appropriate" in Washington have not been worthy of support.

Whether the so-called comprehensive plan would "satisfy the need for a reasonably adequate system" boiled down to "whether Mayor Washington is willing to insist upon such a goal, and to stand his ground against very strong pressures."

The editors hoped that concern for the District's welfare would prompt Congress to free the matching funds for initial rail transit construction instead of continuing to hold the funds hostage to freeway construction:

Both these systems are desperately needed, and the newly-ordered freeway delay is a severe disappointment. But Congress can and should maintain its pressures in behalf of freeways without further penalizing, at this time, the transit program which is fully ready to proceed. ["District Freeways," *The Washington Post and Times Herald*, August 25, 1968; "More Delay," *The Evening Star*, August 26, 1968]

Reaction to President Johnson's decision to approve the 1968 Act continued to come in. Sammie Abbott expressed "disgust and anger" at the decision after a meeting of ECTC. During the

meeting, ECTC Chairman Booker denounced the congressional action as “cowtowing before the highway lobby and financial contributors.” Legal action was under consideration based on constitutional and racial aspects of the freeway program. ECTC also would hold neighborhood meetings to rally support for forcing District officials to reject the freeways.

Abbott said:

We feel this action is in line with the clearly-expressed mandate of the voters in the recent Democratic primary when by a 19-1 margin of some 93,000 votes to 4,000 they demanded the right of citizens to decide by referendum whether or not freeways should be built within the district borders.

In a statement issued before the Boyd-Washington press conference, Representative Gude said he was pleased by President Johnson’s decision:

This means a green light for both mass transit and freeways for the Washington, D.C., metropolitan region. Now the District government can promptly return to the construction of its modern road system.

I shall continue to press for the appropriation of mass transit funds.

Meanwhile, Arlington County was thinking about new legal steps in what the *Star* called “its long-pending suit to block the proposed Three Sisters Bridge.” County officials would decide whether to amend the suit filed 2 years earlier or seek an immediate injunction blocking bridge construction until the suit is settled. [Griffiths, Harriet, “Arlington to Study Moves In Three Sisters Bridge Suit,” *The Sunday Star*, August 25, 1968]

Bridwell and Fletcher had a luncheon meeting on August 26, after which Fletcher told reporters he expected that new freeway plans and “meaningful alternatives” would be presented to the city council in 60 to 90 days. The plan might differ from past plans, Fletcher told reporters. The Three Sisters Bridge might be dropped, but a new Potomac River crossing was a necessary component of a new plan.

The city council would then hold public hearings and vote on the plans before the city presented a “comprehensive plan” to the Department of Transportation for approval. In considering new “criteria of land use and transportation,” city officials were not “limiting ourselves in our thinking to any prior plans.” Fletcher added that the Department of Transportation “feels it is basically a District responsibility – basically a local decision.”

A reporter asked Fletcher if he thought the city was taking advantage of the Title 23 loophole in Section 23. He did not think so. “It’s a clarification.” As for Chairman Natcher’s threats, Fletcher acknowledged that the plans outlined at the press conference would not meet the “beyond recall” test for releasing the matching funds. Nevertheless, he hoped the funds would be released. “I don’t anticipate the subways suffering at all.” [“New D.C. Freeway Plans expected in 60-90 Days,” *The Evening Star*, August 27, 1968; “Freeway Replanning to Begin at Once,” *The Washington Post and Times Herald*, August 27, 1968]

## Negotiating with Lame Ducks

On March 31, President Johnson had stunned the Nation by announcing he would not seek reelection, but would instead devote his time – unsuccessfully as it turned out – to seeking an end to the war in Vietnam. His announcement set off a scramble within the Democratic Party to select a nominee for the November election. Vice President Hubert H. Humphrey gained the nomination to run against former Vice President Richard M. Nixon.

In the meantime, District officials would have to negotiate with Secretary Boyd and Administrator Bridwell, neither of whom was likely to be around after January 20, 1969, to comply with President Johnson's deadline of January 1 for the start of construction. At the same time, officials would have to be ready to negotiate with an unknown new team that might well want to examine the issues on its own.

When Congress resumed work on September 4, District officials hoped for movement on several important bills, including the request for matching funds in a supplemental appropriations bill that would allow WMATA to begin construction of the rail rapid transit system. That was unlikely, according to the *Post*, unless Chairman Natcher and his allies would “accept a good-faith promise that there will be no further delay in freeway planning.” Other pending bills that would die at the end of the session, unless approved, included the parking and air rights bills. [“District Bills Face Approval,” *The Washington Post and Times Herald*, September 2, 1968]

On September 12, NCPC promised that as part of its Year 1985 Comprehensive Plan, it would adopt a tentative “Major Thoroughfare Plan” on November 7 and a final freeway, rapid transit, and land use plan on December 5. This schedule was in keeping with President Johnson's call for construction to be underway before January 1. As Lee Flor pointed out, the schedule was “expected to be controversial because it will allow only two months for freeway opponents to fight a final decision on where to place disputed projects which have been bitterly fought in the last 10 years. [Flor, Lee, “Freeway Plan Act Set In November,” *The Evening Star*, September 12, 1968]

On September 13, Councilmember Turner, the highway advocate, resigned unexpectedly from the city council “to become active in the campaign on behalf of Vice President Humphrey.” President Johnson nominated 36-year old Philip J. Daugherty to complete the remainder of Turner's term, subject to Senate confirmation.

Other council members were surprised by Turner's departure. “I just heard about it,” said Chairman Hechinger. He was disappointed that his “longtime friend” was leaving the council. Vice Chairman Fauntroy, who was at odds with Turner over freeways, said the resignation was “unbelievable,” while Councilman Yeldell refused to believe it when a reporter asked for comment. “That's inconceivable,” he said.

The *Star* recalled one moment during Turner's service:

One of Turner's most dramatic moments as a councilman came last spring when he had a shouting confrontation with militant members of the anti-freeway Emergency Committee

on the Transportation Crisis. Turner nearly had to be restrained as he rose and shook his finger at committee sparkplug Sammie A. Abbott.

Turner's successor, Daugherty, was a staff representative with the Office and Professional Employees International Union in the District. He said, "I would be very happy to accept" when informed of the nomination. Like Turner, Daugherty was white, thus preserving the racial balance on the city council. In many ways, Turner and Daugherty had similar backgrounds, as the *Star* pointed out:

Besides physical likeness, their backgrounds are nearly carbon copies, so much so that it seems almost fitting that Philip Daugherty should inherit what appears to be emerging as the "labor seat" on the council.

Daugherty grew up in a union family. He graduated with a degree in industrial relations from St. Francis College in Loretto, Pennsylvania, which he attended on a football scholarship. After arriving in the District in 1956, he studied law at Catholic University. He lived with his wife, three sons, and a daughter in a two-story brick home at 4612 Fessenden Street, NW., in the American University Park section of the District close to the Maryland/District line. ["Turner Quits Council; Daugherty to Fill Post," *The Evening Star*, September 13, 1968; Delaney, Paul, "Daugherty Is Like Turner," *The Sunday Star*, September 15, 1968]

When the Senate District Committee held a confirmation hearing on September 25, Bruce J. Terris, chairman of the District Democratic Central Committee, testified against Daugherty's confirmation. Daugherty, Terris said, had advocated the slate of Democratic leaders who were defeated in the May 7 primary. He was "committed to the ideas of the past." Moreover, Terris objected to the way President Johnson had appointed him without consulting the party or anyone else in the District. He added, "I disagree that there should be a labor seat" on the council. He would prefer to see representation for welfare mothers and the poor.

Senator Morse described Terris's arguments as "inconsequential and immaterial." Moreover, he told his colleagues on the committee that he had recommended Turner and Daugherty to President Johnson when he was assembling the city council.

The committee approved the nomination on October 8, and the Senate confirmed Daugherty without discussion by unanimous consent. Daugherty took his oath of office on October 18. [Griff, William, "Terris Testifies Against Okay Of Daugherty," *The Evening Star*, September 25, 1968; "Senate Oks Daugherty For City Council Seat," *The Evening Star*, October 9, 1968; District of Columbia Council, *Congressional Record-Senate*, October 9, 1968, page 30144]

### **Air Rights For City Streets**

On October 6, 1967, Director Airis met with the Mid-City Housing Alliance, a citizens' organization of the Washington Urban League that contended that the freeways that were not scheduled to be tunneled would displace up to 1,700 residents. The group proposed that portions of the Center and North Legs of the Inner Loop Freeway be tunneled under New York Avenue between Mount Vernon Place and the Baltimore and Ohio Railroad tracks.

“The rub,” Airis said, “is that not all of this section can be tunneled, and some homes will probably be torn down on the north side of New York because an eight-lane freeway is wider than the avenue. He said he would present the group’s proposal to NCPC.

Thomas Appleby, RLA director, told the group that if the Northwest I urban renewal project could be extended, air rights housing could be built for freeway displacees. [“Airis Cites ‘Rub’ In Loop Tunnel Plan,” *The Evening Star*, October 6, 1967]

On October 12, NCPC approved construction of low- and moderate-income housing on a deck over the Center Leg Freeway. Northwest I would be extended, RLA would buy the additional land, and turn it over to the highway agency. The highway agency would build a double deck of concrete above the freeway between H, K, 2<sup>d</sup>, and 3<sup>rd</sup> Streets, NW. This was the area that Engineer Commissioner Duke had set aside for a pilot project several years earlier. RLA would put 325 apartments and an acre of recreational space on the top deck, 30 percent of which would be public housing. The lower deck would provide 144 parking spaces.

The *Post* explained how this decision affected routing:

The decision will also affect the alignment of the last section of the K Street tunnel. The tunnel would have linked the Center Leg, which will terminate at New York Avenue, and the North Central Freeway, which will end at Rhode Island Avenue.

Highway Department engineers said yesterday that the only feasible route for the tunnel now is under New York Avenue, surfacing near Florida Avenue and going over the Baltimore and Ohio Railroad tracks to Rhode Island Avenue.

By including housing as part of urban renewal, the plan avoided the need for congressional approval of air-rights in the District as part of the highway program. [Hoagland, Jim, “Planners Approve Air-Right Housing,” *The Washington Post and Times Herald*, October 13, 1967]

On December 14, 1967, the Senate had considered Senator Tydings’ two air rights bills for the District:

- S. 1245 allowed the use of space above and below freeways for housing, recreation, or parking.
- S. 1246 provided the same authority for city streets.

With the first session of the 90<sup>th</sup> Congress prepared to adjourn on December 15, 1967, the Senate passed the two bills without discussion or a recorded vote. [Lease of Airspace, *Congressional Record-Senate*, December 14, 1967, pages 36670-36675]

As the second session began on January 15, 1968, air rights legislation was one of the important District bills awaiting action in the House.

By the time President Johnson approved the Federal-Aid Highway Act of 1968 in August, the House had passed many District bills, but the air rights legislation had not cleared the House District Committee.

On September 5, a subcommittee of the District Committee approved the bill granting air rights authority over city streets. According to an anonymous staff member, the failure to pass the companion bill for freeways stemmed from the view of some subcommittee members that the city already had the authority to use the air rights. They mistakenly thought that congressional authorization to build the Labor Department headquarters over the Center Leg Freeway reflected authority for construction over other freeways. [Grigg, William, "House Unit OKs Building Over Streets," *The Evening Star*, September 5, 1968]

Congress completed the District of Columbia Public Space Utilization Act on October 8. President Johnson signed it on October 17 (P.L. 90-598). Because the House failed to adopt the comparable bill on freeway air rights, the Senate bill died at the end of the 90<sup>th</sup> Congress.

On November 21, 1968, HUD approved \$6.4 million in urban renewal grants to support RLA plan to acquire additional land in Northwest I to provide air rights housing over the Center Leg Freeway running from H to K Street along a right-of-way between 2<sup>nd</sup> and 3<sup>rd</sup> Streets, NW. The estimated cost of the deck was \$2.8 million. RLA Executive Director Appleby said, "This is a major breakthrough and is the first time, to my knowledge, that such a grant has been approved for an urban renewal air-rights housing site." [Lewis, Robert J., "\$6.4 Million Grant Approved For D.C. Air Rights Housing," *The Evening Star*, November 21, 1968; Eisen, Jack, "D.C. Gets Air-Rights Housing," *The Washington Post and Times Herald*, November 21, 1968]

### **The District Plan**

On September 19, Mayor Washington submitted his budget proposals to the city council for FY 1970. "For the first time," Lee Flor reported, "the District is proposing to spend more money for transit than for highways." The budget called for \$19.5 million for the subway (to match \$39 million in Federal transit funds) and only \$3.5 million (matching \$10 million in Federal-aid highway funds) for highway construction. "However, the transit and highway budget proposals have something of an air of unreality." The plans were subject to change by Congress and actions by the city council and NCPC.

First, Chairman Natcher would have to be willing to release the District matching funds for the subway. Basically, "any request for transit money may run head on into the freeway dispute."

The highway funds also were in dispute:

The District also may adopt some new highway plan, in the face of severe pressure from citizen and civic associations bitterly opposed to highways. But because the District needs new authorization for higher taxes for highways in the city, the highway budget is not expected to be increased . . . .

[The] District now has slightly more than \$200 million available in federal and District money available for its highway projects, but cannot spend it because of the planning disputes and citizen opposition which have held up some projects. [Flor, Lee, "District Proposes More For Transit Than Roads," *The Evening Star*, September 16, 1968]

As the city and FHWA negotiated in the wake of President Johnson's schedule for freeway plans, the scope of that plan was affected by a legal opinion by the Department of Transportation's Acting General Counsel, R. Tenny Johnson. His opinion, provided to District officials earlier but not made public until October 19, stated that the District and NCPC had limited maneuverability, as Flor summarized:

The legal opinion apparently means that the District and the planning commission do not have much room to maneuver – they will have to select at least one or more of the four freeway projects, if they wish to follow the presidential mandate.

If the planners select any highway projects that were not approved by Congress when it passed the 1968 Highway Act, they apparently would need additional federal legislation  
.....

His legal opinion said that: "As a practical matter, it will probably be possible to execute the President's deadline only on portions (of the comprehensive plan for the District) which are determined to be within the descriptions in the document (the 1968 cost estimate for freeways in the District).

Apparently the opinion means that the District and planning commission may act only on the four projects by Jan. 1, 1969. After that date, the District and planning commission may get congressional approval for other freeway sections if they are not part of the 1968 highway cost estimate.

In short, the District and NCPC were "in a bind – they can only proceed with the controversial projects, or run the risk of disobeying the President."

Flor discussed the impact of the opinion:

The news of the opinion probably will be viewed by anti-freeway forces as a defeat.

Pro-freeway forces are expected to view the opinion as meaning the District must follow congressional requirements in the 1968 Highway Act.

After reviewing the legal opinion, Secretary Boyd told FHWA officials that it "calls attention to certain legal implications which should be borne in mind in developing and carrying out the comprehensive plan for the District of Columbia." Deputy Federal Highway Administrator John R. Jamieson, who had discussed the legal opinion with Deputy Mayor Fletcher, confirmed to reporters that the opinion hindered changes in the freeway program Congress had mandated. Jamieson said:

In conclusion, the counsel points out that the time established by the President for the construction of part of the system will in all probability limit the construction to route sections designated in the "Federal-Aid Highway Act of 1968." [Flor, Lee, "D.C. in the Middle, Must Act on Roads," *The Evening Star*, October 20, 1968]

Taking the legal opinion into account along with ambitious deadlines announced by President Johnson, the city, and NCPC, *Star* editors wrote:

What all this suggest to us, and we will happily eat our words if we are wrong, is that the President's rosy promise of construction contracts on an adequate freeway program by January 1 didn't mean a thing. And if that is the case, any hope of a logical resolution of this ridiculous controversy will rest after the first of the year with Congress, just as it has before. ["Dubious Deadlines," *The Sunday Star*, October 27, 1968]

In one bit of good news for highway users, the Maryland State Roads Commission announced on November 3 that it had opened the missing ramps of the Pooks Hill interchange on the Capital Beltway. With the opening, traffic northbound on Wisconsin Avenue would be able to access the eastbound lanes of the capital Beltway. By modifying another ramp, the State permitted westbound traffic on the beltway to enter Wisconsin Avenue at Grosvenor Lane to continue north or south on Wisconsin Avenue. ["Pooks Hill Ramp To Beltway Opens," *The Sunday Star*, November 3, 1968]

That same day, newspapers announced that NCPC and the District city council would hold an "unprecedented" joint briefing on November 7 for the public on highway development. NCPC had intended to vote on its Major Thoroughfare Plan for the Year 1985 Comprehensive Plan on November 7, but decided to hold off on considering the plan until mid-December. Lee Flor reported that:

The City Council and planning commission consider the freeway dispute a major obstacle to their efforts to establish a master plan of development for the District. The so-called 1985 Plan has to be completed before the city can embark on major urban renewal projects.

He added that, "The groups have promised to try to completely settle the dispute by Jan. 1."

The briefing would take place in the Department of Commerce Auditorium at 7:30 p.m. First, NCPC staff would present its analysis of the freeway plan, after which the city would provide its analysis of the dispute and demonstrate how its original freeway plan would address congestion.

The two organizations planned a one-sided briefing by officials, without comment from the public. They would follow up with a public hearing in December to receive public comment. A spokesman for ECTC assured reporters that the committee was determined to cross-examine the highway officials at the briefing. [Flor, Lee, "A Public Briefing Set on Freeways," *The Sunday Star*, November 3, 1968]

On November 7, NCPC staff presented the draft Major Thoroughfare Plan to NCPC members, the District city council, and about 200 members of the public, including ECTC and the Committee of 100 on the District of Columbia, at the Department of Commerce Auditorium. The new plan restored the Three Sisters Bridge, rejecting renewed staff consideration of a tunnel, mainly because of the steep grades or the greater length that would be required on the Virginia side.

In addition, the plan projected the full Inner Loop Freeway, including:

- The East Leg along the west bank of the Anacostia River. North of D.C. Stadium, officials might shift the road away from the river to permit construction of the proposed aquatic recreation area at Kingman Lake. Much of the traffic in and out of the city would use the Kenilworth Avenue Expressway east of the Anacostia River and cross the East Capitol Street Bridge, which might have to be widened.
- The South Leg beneath the Lincoln Memorial grounds and the Tidal Basin.
- A tunnel under K Street, NW., and New York Avenue, NE., would replace a route north of Dupont Circle through the heart of the Shaw urban-renewal area. Traffic from the Center Leg Freeway and the K Street tunnel would feed into the tunnel under New York Avenue.

The plan also eliminated I-95 between the District Line and Capital Beltway, with traffic directed along the beltway to the Baltimore-Washington Parkway. The parkway would be rebuilt to Interstate standards to handle the traffic. This routing of the traffic would eliminate the need for a connection between I-95 and the North-Central Freeway in the city. NCPC staff marked the North-Central Freeway for further study, but with the understanding that eliminating it was a possibility.

NCPC also released a proposed Mass Transportation Plan. It largely followed the plan that WMATA had adopted. However, NCPC staff proposed to shift the route planned for 13<sup>th</sup> Street, NW., north of Massachusetts Avenue to follow 7<sup>th</sup> Street to U Street. From there, it would follow 14<sup>th</sup> Street to help revitalize an area that had been damaged in the riots after Dr. King's assassination. NCPC staff also proposed to study a rail route to Dulles International Airport.

To those freeway critics who said the rail rapid transit system could address the city's full transportation job, Charles H. Conrad, NCPC executive director, and Director Airis indicated that the highway plans were drawn with the full rail network in mind. The full rail network was essential to the operation of the freeway system, but inside the city, the freeways were needed to distribute automotive and truck traffic and to free city streets for local traffic.

Lloyd Rivard responded for the District of Columbia. The city wanted to build the North-Central Freeway, not study it. I-95 should be built as planned inside the Capital Beltway, with an interchange with the North-Central Freeway to carry I-95 traffic to Virginia. If the Three Sisters Bridge were not built, Rivard said that traffic would require another bridge to be built elsewhere, possibly near 14<sup>th</sup> Street. The NCPC staff proposal would put too much traffic on the Anacostia Freeway and, overall, would displace about 1,233 families, compared with 1,100 families under the District's plan.

NCPC and the city council officials announced that they would hold a public hearing on December 4 and 5 to accept comments on the draft Major Thoroughfare Plan of the Year 1985 Comprehensive Plan. The city council would vote on the plan after the hearings.

While the briefing was underway, the crowd was not silent. Jack Eisen reported that:

As the briefing went on, with most of the audience listening attentively, some snickered and shouted comments at pro-freeway statements. They applauded references to the proposed rail rapid transit system and suggestions that National Airport be abandoned.

As the meeting opened, Booker presented ECTC's case against freeways. Referring to the city council as the "lame-duck City Council" in view of the incoming Nixon Administration, he said, "It is not a question of alternate routes or tunneling. It is a question of just no roads at all":

Freeways are simply designed for white people who live in the suburbs. Freeways are designed to destroy the black community, both economically and socially.

This was, he said, "a revolution . . . this is war." The incoming Nixon Administration could expect legal action and street violence if the city proposed to build even one more inch of freeways to serve "honkie suburbanites."

Eisen also pointed out that:

City Council Chairman John W. Hechinger was shouted down when, responding to one question, he said the District must move ahead with at least some parts of the freeway program. He reminded the audience that both the City Council and Major opposed a bill enacted by Congress ordering the construction to proceed.

Lee Flor, in his report on the meeting, referred to the "heckling crowd" that accused District officials of not representing the city's people:

Highway officials were accused of using bogus statistics and transit officials were told they had sold out to O. Roy Chalk in approving any bus fare raise for D.C. Transit . . .

The Rev. Joseph Gipson, chairman of the emergency committee's subcommittee on a bus boycott, said that "we will wipe out D.C. Transit, as God is my witness."

Leslie Logan of Arlingtonians for the Preservation of the Potomac Palisades asked why NCPC staff left the Three Sisters Bridge in the plan. He mentioned President Roosevelt's agreement that parkland would not be used for non-park uses, as claimed in Arlington County's lawsuit:

"We will stop planning if the courts tell us to, and you should ask the Virginia Highway Department about the dispute," District highway director Thomas Airis replied.

In addition, NCPC Chairman Hammer was asked where he thought the displaced families would go. He replied, "I don't know where the people will go. I don't have the responsibility for public housing."

At about 45 minutes into the meeting, as Rivard began describing the city's traffic problem and proposed freeway network, ECTC's Sammie Abbot and Grosvenor Chapman of the Committee of 100 led a walkout of about 75 anti-freeway critics. As Eisen put it, they "stalked out, yelling protests." According to Flor, Chapman eventually returned to listen to NCPC staff presentations.

With the public hearing only a few weeks away, Chapman “charged that citizens were not being given enough time to review the proposals.” [Eisen, Jack, “3 Sisters Bridge Back in New Freeway Plan,” *The Washington Post and Times Herald*, November 8, 1968; Flor, Lee, “3 Sisters Span Plan Revived,” *The Evening Star*, November 8, 1968]

*Star* editors praised NCPC staff for their thoroughfare proposal. They had abandoned their brief consideration of the “silly scheme” for a tunnel instead of the Three Sisters Bridge. They had also embraced the inner loop concept and endorsed “at least in general terms, each of the projects which Congress has instructed the city to build immediately.”

The briefing “provided a small taste” of what officials could expect from freeway opponents during the public hearing in December. The editorial quoted Booker’s reference to “honkie suburbanites” and demand for no more roads at all. Officials “might just as well be prepared to hear more of this kind of outrageous nonsense, and to deal with it decisively”:

After that, their public obligation is to approve a reasonable, cohesive freeway network – not only to facilitate the orderly movement of automobiles and trucks which otherwise will jam neighborhood streets, but to advance the region’s rail-transit system, as well. [“Hope for Freeways?” *The Evening Star*, November 9, 1968]

### **Reaction to the draft Major Thoroughfare Plan**

The Board of Trade held its 79<sup>th</sup> annual meeting at the Mayflower Hotel on November 12. During a transportation seminar, T. Murray Toomey, an attorney with the transportation committee, said that freeways and rapid transit were “interdependent in the eyes of Congress.” The board had a “firm commitment to a balanced transportation system of freeways and rail rapid transit,” but the area had experienced a “deplorable lack of progress with the freeway program here.” Even the congressional mandate to begin construction of the freeways had been ignored. He urged business leaders to work to advance the regional freeway system so construction could begin on the Metro bobtail plan.

The most encouraging development in transportation was suburban approval of the bond referendums for transit. These votes were, Toomey said, “a valid and legal expression of approval for rail transit as a metropolitan program.” He referred to a consultant study that concluded that taxpayers would receive \$880 in benefits for every local dollar invested in rapid transit. The Los Angeles-based consultant, addressing the seminar “over the long-distance telephone into a loudspeaker here in Washington,” predicted similar benefits for freeway investment. “There is no question that there will be important benefits.” Lee Flor summarized:

He said the rapid transit and freeway systems serve different purposes, and cautioned that a freeway system could never substitute for a rapid transit system’s function of moving crowds of people in the rush hour. [Flor, Lee, “Businessmen Get Plea To Push Freeway Plan,” *The Evening Star*, November 12, 1968]

On November 16, NCPC distributed material related to its Major Thoroughfare Plan and transit proposals. Included was a letter from General Graham supporting freeways. He was responding

to a request “to comment upon the general question of compatibility between freeways and rapid rail transit.” He wrote, “We welcome this opportunity”:

[WMATA] has consistently maintained that rapid rail transit is a supplement to and not a substitute for alternate modes of transportation. An adequate freeway system and a good bus system are essential to help the rapid rail transit system

WMATA had worked with District highway officials to develop traffic forecasts:

There is no conflict between the freeway proposals and the transit plan. Rather, the two complement each other and often times utilize a joint right-of-way to maximize efficiency and economy.

The philosophy behind the transit system is to provide freedom of choice. Without an adequate transit or freeway system, people will not have that freedom of choice.

Thus, WMATA supports an adequate freeway system and feels that such a system would be compatible with and complementary to a rapid rail system.

Although WMATA is not in position to make specific recommendations on individual segments, it feels that a system in the order of magnitude of the 1968 Interstate Cost Estimate prepared by the District of Columbia would be appropriate to meet the District’s freeway needs.

Traffic projections, Lee Flor pointed out, were important to WMATA because the \$850 million in guaranteed revenue bonds it planned to issue depended on sufficient ridership to convince investors that farebox revenue would be available to retire the bonds.

According to projections “based on a very complicated computer analysis which anti-freeway groups criticize,” 22 percent of all workers in 1990 would use the combined bus-rail transit-subset system. Another 4 percent would use only the buses:

The remaining 74 percent of the people in the metropolitan area will either have to use the highway system because their places of employment are out of the way, or will want to use cars for some personal reason. This is the official traffic forecast, endorsed by both highway and transit officials.

Within the District, about 57 percent of workers will use the freeways.

The background material, including a 29-page analysis by NCPC planners, explained that traffic on I-70S in Montgomery County and I-95 in Prince George’s County would be able to reach downtown Washington from the east on the Baltimore-Washington Parkway by using the Capital Beltway and the Kenilworth interchange.

The traffic from the three freeways and parkway then can go down New York Avenue or over the Kenilworth Expressway, if these two highways are improved, the planning commission staff claims.

Jack Eisen reported that between the parkway and downtown, traffic would use a partly tunneled New York Avenue freeway or a widened double-decked Kenilworth Avenue Expressway. The parkway would be expanded to ten lanes and Interstate standards.

Chairman Wolff of the Maryland State Roads Commission disagreed with the plan to use the Baltimore-Washington Parkway to carry downtown-bound I-70S and I-95 traffic. The plan was, he said, unworkable. He predicted that if the plan were adopted, Maryland would have to widen the Capital Beltway to 12 lanes or more.

Wolff disputed a claim by NCPC's Conrad that Maryland was receptive to taking over the parkway for this purpose. True, Wolff said, Maryland was interested in acquiring the parkway from NPS as a supplement to I-95 and an access road for Friendship International Airport, not to replace I-95. "What would they do to get that traffic into Washington?" he asked. "They are not going to get it to disappear. It will simply overload the existing arterial." Eisen quoted Walter H. Addison, deputy director of the roads commission in charge of planning, as saying the new proposal would "fatten the doughnut instead of the hole." The doughnut, Eisen explained, was the Capital Beltway. Washington was the hole.

As Wolff pointed out, neither NCPC nor District highway officials had consulted Maryland about this plan. Albert A. Grant, technical director of the Washington Regional TPB, said his organization also had not been consulted, despite its responsibility as the MPO for developing the area's 3C transportation plan. He attributed the lapse to the tight schedule President Johnson had imposed. Addison said of the lack of coordination, "They castigate us if we don't plan regionally. But they go ahead and plan us out of the area and don't even talk to us." [Flor, Lee, "Subway Agency Backs D.C. Freeway System," *The Sunday Star*, November 17, 1968; Eisen, Jack, "District Freeway Plan Blasted as Unworkable," *The Washington Post and Times Herald*, November 17, 1968]

On November 18, Addison raised the issue during a planning board meeting, particularly noting the failure by NCPC to coordinate with the MPO. During discussion about taking a stand, Montgomery County Councilman Richmond M. Keeney called elimination of the North-Central Freeway and Northeast Freeway "a travesty." He said, "The time may have been short, but the routes eliminated are vital to the area and are vital to the board."

The board's chairman, City Councilman Yeldell, tried to soften the reaction in view of sensitivities in the District. "I would caution you – request that you handle this as delicately as you can." In the end, the board voted 5 to 1 to take a formal stand in support of the full freeway plan at its December 2 meeting. Yeldell, who cast the lone dissenting vote, appointed a three-man drafting committee of suburban representatives to prepare the formal statement. [Eisen, Jack, "Regional Unit Moves For Showdown on Two Freeway Links," *The Washington Post and Times Herald*, November 19, 1968; Flor, Lee, "Metro Panel Votes 5 to 1 For Full Freeway Plan," *The Evening Star*, November 18, 1968]

James Gleason found his past and present clashing on November 20, as Eisen reported:

James P. Gleason, the rapid-transit official, was introduced yesterday to James P. Gleason, the lawyer. They looked the same but sounded different.

In 1964, Gleason had visited Sammie Abbott's home, where he was hired as ECTC's attorney. (Eisen's comment was anachronistic. ECTC did not exist in 1964; Gleason was hired to represent the Save Takoma Park committee, which included some of the people who formed ECTC.) At hearings, such as those held by NCTA, he expressed ECTC's opposition to freeways. The goal, at least as Gleason understood it, was to encourage a road-rail alliance that would result in congressional support for subway construction.

"It failed," Eisen wrote. Gleason bowed out of his role as ECTC's legal representative, became a member of the Montgomery County Council, and was now chairman of NCTA's successor, WMATA, which had offices in the southwest quadrant's L'Enfant Plaza.

On November 20, ECTC confronted him with General Graham's letter in support of a freeway system comparable to the one described in the District's 1968 ICE. ECTC had called the meeting in Gleason's office to denounce him as "a traitor to the antifreeway forces." He had, ECTC's Booker said, "sold his soul."

Declaring "I have not sold my soul to anybody," Gleason said "the letter sent to Mayor Walter E. Washington and the City Council was not sent out by the authority or approved by me." ECTC might have confronted General Graham as well, but he was vacationing on the West Coast. [Eisen, Jack, "Freeway Foes Call Gleason a Traitor," *The Washington Post and Times Herald*, November 21, 1968; "Gleason Again Denies Endorsing Freeway Plan," *The Evening Star*, November 21, 1968]

The Committee of 100 on the Federal City offered a plan on November 21 for carrying I-95 traffic into the District of Columbia. The plan would route I-95 inside the Capital Beltway west of the University of Maryland, past Hyattsville, to connect with the Kenilworth Avenue Expressway on the east bank of the Anacostia River. In addition, the committee called for extension of the Baltimore-Washington Parkway along the west bank of the Anacostia River to D.C. Stadium. This plan would avoid construction of a freeway in the New York Avenue corridor and extension of the East Leg Freeway north of the stadium. ["D.C. Panel Offers New I-95 Plan," *The Washington Post and Times Herald*, November 22, 1968]

When the TPB met on December 2, Councilman Keeney read the five-page statement drafted by the three-man committee that Chairman Yeldell had appointed. It called for construction of a full freeway system, including freeways carrying I-70S and I-95 into the city. Eliminating them "would create a serious discontinuity and imbalance in the regional transportation system." The statement, Keeney emphasized, did not endorse the specific location of the North-Central Freeway. Instead, it backed a freeway between the points the freeway would link, namely downtown and the Silver Spring area.

NCPC's draft Major Thoroughfare Plan had provided a good freeway system for the "southern portion of the District, in Northern Virginia and in the southern portion of Prince Georges

County.” However, the adopted “proposed freeway system does not provide adequate interregional continuity in . . . the entire northern portion of the District, the northern portion of Prince Georges County and all of Montgomery County.” As a result, NCPC’s plan was not “a comprehensive regional transportation program.

Chairman Yeldell warned that adoption of the pro-freeway resolution would inflame “our very vocal and very organized freeway opponents” by creating “the feeling that suburban interests are ramming freeways down their throat.” The resolution also would complicate the city council’s effort to find a solution to the endless freeway battles, especially in view of the congressional mandate for freeway construction contained in the Federal-Aid Highway Act of 1968. “We’re kidding ourselves,” he said, “if we think the Council has any decision-making power.”

He urged that the North-Central Freeway be set aside for further study. However, Fairfax County Supervisor Harold O. Miller, told him, “There is no need for further study to see if it is needed. The need is obvious.”

All indications were that the board would vote in support of the resolution. However, one of the board members present was found to be ineligible to vote. Lt. Colonel Sam D. Staroben, an engineer serving as an assistant to Mayor Washington, was not qualified to vote on his behalf because of issues related to the transition from a three-commissioner system to a mayor-city council form of government. As a result, the planning board was one member short of the quorum required for a vote.

Keeney proposed a motion for a meeting the following week, but could not get a second. He told his colleagues, “The Transportation Planning Board hasn’t heard the last of this proposal.” [Eisen, Jack, “Wider Debate Over Freeway Plan Thwarted,” *The Washington Post and Times Herald*, December 3, 1968; Barnes, Fred, “North Central Freeway Support Bid Is Rebuffed,” *The Evening Star*, December 2, 1968]

### **The Public Speaks, December 3-4, 1968**

The public hearings on NCPC staff’s Major Thoroughfare Plan began on the afternoon of December 3 in the auditorium of Western High School at 35<sup>th</sup> and R Street, NW.

According to Eisen, the opening session before about 100 people “was relatively tranquil.” Most of the witnesses were anti-freeway, with Sammie Abbott the only witness who provoked an incident. “People don’t want freeways. They want mass transit,” he said. If Congress would give the city money for the subway only if the city built the highways, then “the hell with the subway on that basis.” He told the city council members, “If you stand up and say you don’t want freeways, you will be standing up as the government of the District.” He was still talking when his 15 minutes expired, but he kept talking as Chairman Hechinger tried to gavel him down. “Abbott completed his testimony only when three policemen began walking down the aisle toward him.”

Another anti-freeway witness, J. George Frain of the Kalorama Citizens Association, was testifying when Vice Chairman Fauntroy asked if the city could turn down the freeways or

whether Chairman Natcher's action was "effective blackmail." Frain, a former long-time congressional employee, agreed that the city was effectively blackmailed, but advised that the city council "can either knuckle under . . . or you can stand up and be free men and represent your city." He thought Congress would eventually provide the matching funds.

Grosvenor Chapman did not think an outright rejection of the congressional mandate would be effective. He said, "we'd get it jammed down anyway." He described the Committee of 100's plan for carrying I-95 traffic across the eastern city line.

Among the few pro-freeway witnesses was Caroline Freeland, chairman of the Maryland-National Capital Park and Planning Commission. She favored the North-Central Freeway, saying it would equally benefit suburbanites and Washingtonians.

That evening, the hearing shifted to Hine Junior High School at 335 8th Street, SE. Again, most witnesses opposed freeways. Reginald Booker of ECTC charged that racism was behind NCPC's draft plan and said the members of the city council and NCPC were thieves. He drew applause from the crowd of about 100 people when he said, "Black people should take up arms to defend their community."

Robert F. Koch was a pro-freeway witness. He had commented as a Bethesda resident on previous occasions, but now was identified as representing the Bethesda-Chevy Chase Chamber of Commerce. He said that a handful of anti-freeway militants were intimidating public officials. "These people insist on a democratic planning process, but they are not democratic enough to permit pro-freeway witnesses to testify." Members of the audience shouted "Liar."

Vice Chairman Fauntroy later told reporters that he did not have a clear interpretation of what rejection of the congressional freeway mandate would mean. He said that "some people" had suggested the city council could "say no to Congress and thereby stop the highway system." If he "thought for an instant we could" cancel the freeways without jeopardizing rail rapid transit funding, he would halt freeway construction in the city. "I believe in a balanced system and I would like to balance the freeways we currently have with a rapid transit system." On the other hand, "if I am faced with the consequence of having any of those freeway projects rammed down our throats, I'm going to try to make it the least painful possible." He intended to ask the city's corporation counsel for a formal opinion on what would happen. [Hornig, Roberta, and Flor, Lee, "Fauntroy Seeks 'Out' On Freeways Order," *The Evening Star*, December 4, 1968; Eisen, Jack, "Fauntroy Hints at Rejection Of Freeway Plan by Council," *The Washington Post and Times Herald*, December 4, 1968]

Public hearings resumed with an afternoon session on December 4 at the District Building and an evening hearing at Kelly Miller Junior High School at 49<sup>th</sup> and Brooks Streets, NE. Witnesses included anti- and pro-highway speakers, but the Maryland State Roads Commission dominated the news by submitting a statement without spoken testimony. Walter Addison revived the idea of routing a freeway through Rock Creek Park. Maryland, the statement indicated, had spent considerable funds planning for I-70S and buying right-of-way for the North-Central Freeway that the city and NCPC now were proposing to eliminate. "We believe the District cannot

disregard the legitimate interests of the State of Maryland and the metropolitan counties in this fashion.”

Maryland officials recognized that their proposal was controversial, but if the city could not build the North-Central Freeway as presently planned, the Rock Creek Park alignment could “become a pleasant scenic entrance to the capital from the North and Northwest.” It had the advantages of time, distance, and scenic values. Eisen described the suggested alignment:

As the Maryland road builders revived it yesterday, the road would start in Silver Spring about a mile east of Georgia Avenue and head south generally along 16<sup>th</sup> Street nw. to the area of Washington Carter Barron Amphitheater.

From there, it would angle westward and pass along the east side of the park through or near the Zoo and terminate near 25<sup>th</sup> and K Street nw. At that point it would join the existing west leg of the Inner Loop Freeway

The Maryland agency made clear that it was not proposing “refined alignments” of the road within Washington, leaving that to local officials.

It said the road could be built in a way to preserve the park and give travelers “a monumental scenic, green entry to the Nation’s Capital.”

(The Carter Barron Amphitheater, operated by NPS, is located in Rock Creek Park at 4850 Colorado Avenue, NW. Called the Sesquicentennial Amphitheatre in honor of the District of Columbia’s 150<sup>th</sup> anniversary, it opened on August 4, 1950. In November 1950, it was renamed at the suggestion of President Truman to honor Carter T. Barron, a theater executive and vice chairman of the Sesquicentennial Commission, who had died on November 16, 1950, at the age of 45.)

Other Maryland proposals included retaining the inner loop concept, but dropping the idea of combining I-95, the Baltimore-Washington Parkway, and U.S. 50 traffic in the New York Avenue corridor. I-95 should be connected in the north-central corridor. The State supported rail rapid transit, combined with the freeway system, but warned that transit was “not a panacea for urban ills any more than the freeway is the sole perpetrator of these ills.”

The statement criticized the city and NCPC for ignoring “the need for better communication with the Northwest areas of the District and with Montgomery County, a situation patently unacceptable to Maryland and the affected region.”

As the *Star* reported, “Speaker after speaker urged adoption of a metropolitan subway system in place of the planned freeways.” Mrs. Ann Heutte of Brookland Neighbors accused Congress and highway planners of being “out of earshot of the mobs of us screaming in the distance.” She “berated the officials with passages from Homer’s Iliad on the destruction of cities.”

Robert Berg of the D.C. Community Recreation Advisory Board told officials to “get off the freeway kick and onto the mass transit kick.” He said, “Even before these hearings you knew

what the outcome would be – you know the city’s against the freeways.” He urged them not to “kowtow to a Congress which loves cement and private profit.”

Lloyd D. Smith, president of the Far Northeast-Southeast Council of Civic Associations, said, “We beg, we demand, we plead with the council – do not visit this upon us. How long must the Far Northeast be the dumping ground for freeways?”

Simon Cain of the D.C. Federation of Civic Associations questioned the idea of building housing over freeways. “You be the first to take your families to live in these places of death by carbon monoxide poisoning and emphysema.” He had observed Montreal’s subway system. By comparison, Washington had “one of the most unbalanced transportation systems in the universe.”

A representative of the District Democratic Central Committee claimed the city council could block the congressional mandate by refusing to accept the plan. This was the idea that Vice Chairman Fauntroy had suggested he would adopt in an instant if he thought it would block the freeways without jeopardizing rail rapid transit funds.

Murray Toomey said the board of trade opposed the plan to build a crosstown freeway in a tunnel under K Street and New York Avenue. The board recommended building the North Leg Freeway on the previously proposed alignment close to Florida Avenue. [Somerville, Gerald, and Wright, Chris, “Rock Creek Park Road Plan Revived By State Agency,” *The Evening Star*, December 5, 1968; Eisen, Jack, “Rock Creek Park Freeway Revived,” *The Washington Post and Times Herald*, December 5, 1968]

During the final day of hearings, Addison appeared to discuss the “counter-proposal” included in the statement he had submitted the day before on behalf of the Maryland State Roads Commission. His revival of the Rock Creek Park route took up much of his hour-long appearance before the city council and NCPC. Under questioning, Addison backed off the proposal. It was, he said, only one of four possible routes to connect Montgomery County with downtown. The others were the North-Central Freeway alignment and routes along 16<sup>th</sup> Street, NW., and the Wisconsin Avenue corridor. He pointed out that the Wisconsin Avenue corridor was best aligned with I-70S on the map.

NCPC member James O. Gibson, who had replaced Walter Louchheim, charged that Maryland was playing politics by stressing the Rock Creek Park alignment and not the Wisconsin Avenue corridor, which was shown on the State’s map as passing through fashionable Chevy Chase. “I charge political consideration was given by the Maryland Commission in leaving out lines on its map showing the I-70S corridor through Wisconsin Avenue.” Addison replied, “Politics had nothing to do with our proposal.”

Councilmember Shackleton asked if the State commission had held public hearings on the suggested plan. Addison replied, “Not since 1965.” He also said the commission had not approved the proposal, which had been prepared by the commission’s planning office.

The *Star* reported:

At one point Addison, visibly nervous, said: “We’re not adding any new gateways. But what basis is there to eliminate I-95 and I-70S? We feel the game is a new ball game now.

At the end of his period, he told the city council and NCPC that his proposal was only a “suggestion for consideration” by staff. He did not want to cause a postponement in plans.

Other witnesses presented familiar arguments.

As NCPC and the city council began weighing the pros and cons, Jack Eisen said, only one thing was certain:

Three skeletons of old freeway plans that were brought out by witnesses and rattled anew will be returned to the closet without serious consideration.

First was the Maryland State Roads Commission’s proposal to build a freeway through Rock Creek Park. Then there was the Metropolitan Washington Board of Trade’s suggested revival of the original north-of-downtown route for part of the Inner Loop freeway. The third was a Bethesda business group’s proposal for a new road through the Wisconsin Avenue corridor.

NCPC and the city council faced the same questions at this point as they did before the hearings began: “whether to accept, modify or reject the road plan proposed by the Planning Commission staff.” [Eisen, Jack, “Road Plans Pondered As D.C. Hearings End,” *The Washington Post and Times Herald*, December 6, 1968; Somerville, Gerald, “D.C. Council, Planners Attack Rock Creek Freeway Plan,” *The Evening Star*, December 6, 1968]

*Post* editors, after the hearings ended, concluded that the city council and the public were asking the wrong questions during the hearings:

The question before the Council and on which it could have used advice from individual citizens and citizens groups is not *whether* more freeways are going to be built in the District. It is *where* and *how* these freeways are going to be built.

Since most speakers at the hearings addressed the wrong question, they apparently expect the city council to adopt the “politically expedient” decision to oppose any further freeway construction. “In fact, some Council members seem to believe that they will be dead as budding politicians and community leaders if they do anything else.” If so, they would be “dooming the city to a bad freeway system.” The *Post* said:

With interstate highways bearing down on the District from all directions, it is beyond comprehension to believe that the local government and local citizens can stand at the District line and say this far and no farther. If that is attempted, the inevitable result will be that Congress will order the freeways built along whatever routes it chooses.

The new Congress arriving in January would probably examine what the District had accomplished since enactment of the 1968 Act, “This is the District’s last chance to adapt the

freeway system to its peculiar needs.” [“Wrong Questions on Freeways,” *The Washington Post and Times Herald*, December 7, 1968; italics in original]

The *Star* argued that after 3 days of “marathon public hearings,” the District’s freeway impasse was in “essentially the same muddle of confusion that prevailed before they began.” Some witnesses recognized the need for “a moderate District freeway network to connect with Maryland and Virginia”:

As always at such hearings, the freeway opponents turned out in force – to suggest curtailments of previously approved plans, or no freeway construction at all. Most of the latter group urged concentration on rail transit alone. In a new height of irresponsibility, however, several went so far as to say that if the rail transit program depended upon any degree of freeway construction, it would be better to have nothing built.

How in the world do these people think this city could survive under any such circumstances as that?

An “adequate, modern system of transportation” was not a luxury. NCPC “should firmly approve” the staff plan. “The City Council – whose members obviously are not entranced with freeways – will take their turn soon after.” Before then, the editors hoped that Mayor Washington would abandon his straddling of the impasse and issue “a forthright assertion of support for a reasonable, cohesive freeway network.”

The mayor and city council seemed to have forgotten Section 23 of the Federal-Aid Highway Act of 1968. President Johnson, in his instructions, “was equally unequivocal in ordering that an adequate freeway program for Washington be agreed upon and put in motion by January 1”:

The 1968 highway act has given this city a broad spectrum of valuable new powers with which to handle the problems of relocation and freeway design more effectively. What is required now is a determination at the District Building to use them. [“Freeway Showdown,” *The Evening Star*, December 7, 1968]

### **NCPC and the City Council Act**

On December 11, NCPC approved a revised Major Thoroughfare Plan and the Mass Transportation Plan. The approved Major Thoroughfare Plan dropped the Three Sisters Bridge and the North-Central Freeway. Other features of the plan included:

- Omit the K Street tunnel, with a new study of the North Leg of the Inner Loop to “determine the most feasible route for major east-west traffic improvements in the central area.”
- Redesign the East Leg Expressway north of Pennsylvania Avenue to meet parkway standards. The renamed Anacostia Parkway would provide a connection between the Baltimore-Washington Parkway and the Southeast Freeway at Barney Circle. It would pass D.C. Stadium, tunnel beneath the National Arboretum, and terminate at New York Avenue.

- The Palisades Parkway on the east bank of the Potomac River would connect the Montgomery County line with a point in Georgetown, west of the old D.C. Transit System car barn, where it linked with an underground Potomac River Expressway along the Georgetown waterfront.
- The underground Potomac River Freeway would return to ground level in Washington Circle, with construction of the tunnel allowing removal of the Whitehurst Freeway and redevelopment of the waterfront.
- A Trans-Mall Connector would link the Potomac River Freeway and the Theodore Roosevelt Bridge with the southwest quadrant.
- Construction of the South Leg Freeway beneath the Lincoln Memorial and the Tidal basin from Constitution Avenue near the Potomac River to a 14<sup>th</sup> Street connection with the Southwest Freeway
- The Center Leg, or “Central Distributor,” would be completed to New York Avenue where it would link with an Industrial Freeway to the north.
- The Industrial Freeway would be constructed over the Penn Central Railroad yard north of New York Avenue to “provide access to a major industrial park [proposed for the area] and serve as a bypass for trucks with destinations within the District.”

At the start of the meeting, Dr. Edwards, chairman of NCPC’s transportation committee, outlined the “policies and principles” behind the proposed plan:

The time has come, the commission believes, to take a firm stand in behalf of community values that can be threatened by the sheer force of automobiles on city streets. The commission believes that a policy that seeks to limit the flow of automobiles into the heart of the city is a practical and realistic approach to transportation planning.

He described WMATA’s plan as the “largest and most comprehensive transit system ever planned at one time for an urban area.” It would “tie the heart of the nation’s capital into a broad network of high-speed transit lines capable of performing with speed and efficiency.”

In that context, the freeway system would “perform its rightful and essential functions as a part of the over-all transportation system” that included rail rapid transit. He acknowledged that traffic congestion “will in the short run get worse before it gets better” with completion of the overall plan. The same would be true even if the full freeway system were built.

Eisen reported that Federal Highway Administrator Bridwell had told Chairman Hammer that the plan was “unsatisfactory and unworkable and will not satisfy the congressional mandate.” Bridwell, according to Eisen, had been instrumental in preparing the NCPC staff’s draft Major Thoroughfare Plan. Nevertheless, Hammer said he hoped the plan, which he estimated to cost \$300 million, would satisfy Congress. He said of the NCPC vote:

The community has made a major turn, as many communities are doing. We must have adequate freeway capacities, but we now say we have them.

The NCPC vote was 8-1, with BPR Director Frank Turner of FHWA casting the lone dissent. Colonel Alvin D. Wilder, serving as an alternate for the Chief of the U.S. Army Corps of

Engineers, criticized the plan but abstained from voting. [Eisen, Jack, "D.C. Planners Cut Commuter Roads," *The Washington Post and Times Herald*, December 12, 1968; Lewis, Robert J., "Planners Cut Freeways Sharply," *The Evening Star*, December 11, 1968]

The city council considered the Major Thoroughfare Plan the following day, December 12. Chairman Hechinger said the plan "recognizes that the District is approaching a limit on the number of cars that can be brought into the city and particularly the downtown area." He thought that even without the Three Sisters Bridge and North-Central Freeway, the plan was comprehensive enough to merit congressional action:

With respect to congressional reaction to this plan, I am sure the members of Congress . . . will be convinced by the sound reasons upon which [it] rests.

Specifically, Congressman Natcher has said he doesn't care for any specific road – that he just wanted the highway program started irreversibly.

This is now called for with \$300-million worth of construction. I am sure he will now release the subway funds.

The city council members who voted approved the plans unanimously. Councilman Nevius absented himself because he did not want to vote for or against the plan. He explained that "no one knows today for sure which is right and which is wrong." In a written statement, he said he preferred earlier plans that included the Three Sisters Bridge and a crosstown tunnel under K Street.

(In a letter to the *Star*, Nevius corrected "an inaccurate impression" in reports of his actions. He basically agreed with the NCPC recommendations. Specifically, he disapproved the Three Sisters Bridge and a tunnel along K Street, NW. "However, having reservations about the wisdom of acting upon a plan at this point in time, I came to the conclusion that the right thing to do was to abstain, and I did so in the only way possible under Council rules." ["Nevius' Abstention," Letters to the Editor, *The Evening Star*, December 23, 1968])

Chairman Natcher could not be reached for comment, but Senator Cooper, who had voted against the Federal-Aid Highway Act of 1968 because of Section 23, provided the first congressional reaction. "I am very pleased. The action now taken is a constructive step in the exercise of local responsibility for highway planning consistent with community goals."

ECTC's Booker said he was somewhat pleased that the plan dropped two freeway projects. However, ECTC's position was "not another inch of freeways in D.C." and he urged dropping the entire plan.

In Maryland, the reaction was mainly negative. The Montgomery County Planning Board adopted a resolution saying the plan "deludes the public with false hope that somehow, with no freeways, life in the District will be enhanced, that change and deterioration will somehow be rolled back."

Commissioner Freeland of the Maryland-National Capital Park and Planning Commission said that based on the approved plan, Montgomery and Prince George's Counties were "going to gradually have to forget the District, not because we want to but because we have to." She added that, "The District is beginning to seal itself off and build a wall around itself economically and perhaps culturally as well":

This action will only serve to isolate the District from the major source of employment for its residents. It is a classic case of throwing the baby out with the bathwater.

Moreover, NCPC "showed itself prepared to succumb to those who shout the loudest." While Maryland planners had "waited patiently and quietly . . . in the expectation that the public interest of the entire region would prevail," approval of the Master Thoroughfare Plan demonstrated that it would not. The commission would continue to "fight to achieve" a viable freeway system.

Cleatus E. Barnett, president of the Montgomery County Council, said the freeway cutbacks "could have almost a fatal effect" on the rail rapid transit system. He urged the incoming Nixon Administration to arrange a meeting of Federal, regional, and city officials "to deal realistically" with the area's transportation needs.

In Virginia, Arlington County officials were pleased that the plan dropped the Three Sisters Bridge. Chairman Richards said, "Arlington and the Nation's Capital cannot seek a highway solution to their transportation problem. If they do so, they will be paved over in concrete and their homes will deteriorate."

Secretary Boyd said he was "gratified" by the approved plan, which he said "has considerable merit." It "provides a basis for starting at once the job of expanding the Washington highway network," as Congress had required. He could approve several elements of the plan:

- An Industrial Highway north of New York Avenue.
- The proposed tunnel under the Georgetown waterfront to replace the elevated Whitehurst Freeway, under NPS jurisdiction.
- The Potomac River Freeway tunnel would join the previously proposed Palisades Parkway to carry traffic toward Cabin John.
- Deletion of the Three Sisters Bridge.
- Appointment of a design concept team to study the K Street tunnel and the disruption of traffic in downtown Washington.

Secretary Boyd took the South Leg Freeway out of the plan. He thought that tunneled ramps under the Lincoln Memorial might be needed to carry traffic between the Theodore Roosevelt Bridge and Independence Avenue. He also wanted further study of the East Leg Freeway across the Anacostia River near D.C. Stadium, as Eisen explained:

Boyd also revived the possibility, bitterly opposed by area citizens groups and rejected by the Council, that the existing Kenilworth Expressway on the east bank of the Anacostia River should become a full interstate freeway. A new bridge across the Anacostia would be needed.

As modified by Secretary Boyd, the plan eliminated all new Interstate highways crossing the District line, including the Three Sisters Bridge and the North-Central Freeway. The plan would cost an estimated \$200 million.

On December 13, Maryland State legislative leaders met with the State's congressional delegation in Annapolis to consider options, including a lawsuit, to secure better connections between the State and city. Chairman Wolff asked, "How can they cut us off at the D.C. line? I think that is pretty short-sighted. Commerce is a two-way thing. We are absolutely livid about this."

They were particularly upset about the routing of I-95. The potential lawsuit would be based on the District's failure to plan the network on a regional basis as required by 3C planning process under Federal law. "Even without a lawsuit," Eisen reported, "the whole tangled road issue clearly is destined to be dumped in the laps of Congress and the Nixon Administration to unravel."

The chairman of the Prince George's Board of County Commissioners agreed with Wolff. Francis J. Aluisi said that in view of shared interests across borders, "It is unthinkable that the hub of the metropolitan area should presume to propose any highway system plan without the full accord of all those jurisdictions." Solving the area's transportation problems required "complete cooperation," in the absence of which the result would be "utter chaos."

[Flor, Lee, "D.C. Council Approves Freeways Plan Cutback," *The Evening Star*, December 12, 1968; Eisen, Jack, "Council Adopts Scaled-Down Freeway Plan, 8-0," *The Washington Post and Times Herald*, December 13, 1968; "Freeway Cuts Hit in Maryland," *The Evening Star*, December 13, 1968; Eisen, Jack, "Md. Eyes Suit Over Freeway," *The Washington Post and Times Herald*, December 14, 1968; Macnees, James, "D.C. Road Plan Is Denounced," *The Baltimore Sun*, December 19, 1968]

The *Post* reported that on December 13, the House Committee on Public Works wrote to Secretary Boyd to demand that he approve the Three Sisters Bridge by the end of the year. If he did not do so, the committee promised to report legislation in 1969 requiring construction of the bridge. Secretary Boyd should consult with Mayor Washington prior to approval, a suggestion the committee made "on the assumption that the position of the District government will be favorable."

The letter indicated the committee also was troubled by Secretary Boyd's position on the Inner Loop Freeway. The committee wanted the Department of Transportation to submit plans in February for construction of the remaining segments of The Inner Loop and the North-Central Freeway. The letter advised Secretary Boyd to consider turning the Baltimore-Washington Parkway into an Interstate route as an alternative to the North-Central Freeway.

The committee, the letter stated, was "unalterably opposed" to converting the George Washington Memorial Parkway inside Montgomery County into an Interstate route. The committee would not object, however, if the parkway were extended into the city. ["House Unit Insists on 3 Sisters," *The Washington Post and Times Herald*, December 14, 1967]

The *Post* editorial board was disappointed, but acknowledged that at least, “The Council and the Commission, saying they oppose freeways almost to the death, consented to the beginnings of a freeway system.” They had approved “a small freeway system, as those things go, and one that is not entirely satisfactory.” While approving the plan, the members of both groups “were not content to let their work rest there.” Instead, they expressed concern that any freeways were in the plan. As a result, “their rhetoric alone may doom their plan and the orderly development of transportation in the Washington area.” They had “cloaked their consent in language of defiance that provides a rallying cry for all those who prefer freeways to rapid transit and dared Congress to order more freeways built.”

The editors discussed elements of the plan. They hoped that after further study, officials would approve the K Street tunnel as part of the North Leg of the Inner Loop Freeway. Data had not been presented to demonstrate whether the Three Sisters Bridge was justified, but “the bridge can be added to the new plan with a minimum of disruption.” The plan to tear down the Whitehurst Freeway “has one serious drawback – forcing the traffic off Key Bridge onto M street in Georgetown,” presumably on the assumption that rail rapid transit “will reduce that traffic drastically, and maybe it will.” Abandoning the North-Central Freeway meant that I-95 traffic would have to be carried around the Capital Beltway onto two parkways “from which trucks would be barred unless Maryland takes over the Baltimore-Washington parkway [sic] and converts it to interstate standards.”

Maryland officials were “certainly justified in being outraged over the new plan.” They had been stymied for years because of uncertainty in the District. “This is hardly the way to build a regional transportation system for the Washington area.”

The reality was “that Congress, alas, still runs the place.” Congress made its view clear that the District should have a freeway system. The hope now was that Mayor Washington and Secretary Boyd would convince Congress that the approved plan was “the start that Congress wants.”

The editorial concluded:

It may well be that the District’s best hope now is to persuade Congress to let construction begin on the inner parts of the system and to free the subway money while directing District officials and the Department of Transportation to sit down with Maryland and Virginia officials and make some sense out of the gateways to the city. [“Congress and the Freeway Struggle,” *The Washington Post and Times Herald*, December 16, 1968]

According to *Star* editors, the fact that the plan was “the first time in memory” the city and Federal planners were in accord “does not make the council-commission actions a bit more palatable.” They had agreed on “a thoroughly inadequate plan” that “inevitably will exacerbate Washington’s transportation controversy.” A bitter fight on Capitol Hill early in 1969 was “assured.”

Every “thoughtful observer” realized that freeways, alone, could not meet the area’s transportation needs without a balancing rail rapid transit system. The result was “a modest proposal” for freeway development and a rail-transit plan “all set to proceed”:

A stalemate over District freeways, however, led Congress, rightly in our view, to hold up the transit money while the District took another crack at the freeways.

Congress intervened to direct the District to build the planned freeways. If the city had proceeded as Congress mandated, Congress would be sure to release the District matching funds for rail rapid transit:

Instead, however, the council and the planners have irresponsibly ignored that directive, proposing a scheme of their own that not only drastically modified existing freeway proposals but flatly rejected one of the four projects which Congress said must proceed – the Three Sisters Bridge across the Potomac to Arlington.

The philosophy seemed to be to make congestion so bad that motorists will switch to transit. This result also would be accomplished, according to the planners, “by imposing limits on the volume of future downtown parking spaces”:

At their meetings last week, the council and commission leaders expressed confidence that their united front would convince Congress to buy their new approach in its entirety. We think that is a serious error in judgment.

Secretary Boyd had added to the confusion. He “praises the plan as a sound basis for dealing with the District’s traffic problems, then proceeds virtually to dismantle it”:

One of the major freeway elements approved by the council and the commission, Boyd says, is simply not needed, and should be discarded. In the case of another, he suggests a possible relocation of routes. The status of a third is left uncertain, to say the least.

One puzzle about the plan was that NCPC staff, just a few weeks earlier, supported the need for the Three Sisters Bridge. “Yet, last week, this same staff asserted that the bridge is ‘both unnecessary and undesirable.’” Nothing had changed in that short space of time, including traffic demand. What may have changed “was a sudden growth in the planning commission’s anxiety to reach an accommodation with the city council, which in turn seems sympathetic to militant citizen demands for a halt in all freeway construction.”

In that short period, the final plan had not been subjected to technical analysis or even submitted to the District’s highway officials for review. Moreover, NCPC conceded that its planners had not consulted with Maryland or Virginia officials. One official blamed that failure of coordination on the fact that these were “District plans.” The editors asked, “In this age of urban complexity, what kind of planning is that?”

They also wondered about the impact of the plan on the central city:

Some city council members seem obsessed with the notion that if freeways are sufficiently curtailed, automobiles will simply fade away. They won't, of course.

The likely result was the crowding of existing city streets, which NCPC's planning staff "recognizes in part, at least, by conceding that major arterial streets from the suburbs would have to be redesigned and in some cases rebuilt to accommodate 'high volumes' of traffic," even while the NCPC adopts a policy against any more "gateway arterial" roads.

Construction of the rail rapid transit system must begin as soon as possible:

Every month that passes from now on will not only postpone the availability of this essential system, but increase its cost. The 91<sup>st</sup> Congress and the Nixon administration should insist on adoption of an adequate freeway program, and then free the hostaged transit funds.

Since the Eisenhower Administration, Congress had adopted laws that "have given cities substantial new powers to ease the impact of urban freeways and to make them work more effectively":

What is required now from Congress and the new administration is to see that these powers are put to work in the Nation's capital. The city government is off to a very bad start. ["Those Automobiles Will Not Disappear," *The Sunday Star*, December 15, 1968]

### **Taming the Highway Bulldozers**

On October 23, 1968, FHWA had published a Notice of Proposed Rulemaking in the *Federal Register*. The purpose was "to ensure, to the maximum extent practicable, that highway locations and designs reflect and are consistent with Federal, State, and local goals and objectives."

The proposed regulation called for two hearings, or an opportunity for holding them, to familiarize all interested parties with the project and give them a chance to express their views at stages when the flexibility to respond to those views still existed. First, the State highway agency would hold a corridor public hearing before committing to a specific alternative. The State was to "ensure that an opportunity is afforded for effective participation by interested persons" and to provide a "public forum that affords a full opportunity for presenting views on each proposed highway location, and the social, economic, and environmental effects of that location and alternate locations."

This language reflected Section 24 ("Urban Impact Amendment") of the Federal-Aid Highway Act of 1968. It amended Section 138 ("Public Hearings") of Title 23, United States Code, which called for public hearings for Federal-aid highway projects that bypass or go through urban areas to consider the economic and social effects of such a location. The 1968 Act amendment added: "and social effects of such a location, its impact on the environment, and its consistency with the goals and objectives of such urban planning as had been promulgated by the community."

Second, the State highway agency was to hold a design public hearing after FHWA's division engineer, who headed FHWA's office in the State, approved the route location, but before highway design approval. The purposes were similar to those for the corridor public hearing.

The proposed rule defined the term "social, economic, and environmental effects" as "the direct and indirect benefits or losses to the community and to highway users," as reflected in a range of factors to be considered. The factors included such traditional items as engineering, right-of-way and construction costs, maintenance and operational needs, and operation and use of existing highway facilities and other transportation facilities during construction and after completion. In addition, the factors included national defense, economic activity, employment, aesthetics, residential and neighborhood character and location, religious institutions and practices, conservation (including erosion, sedimentation, and other water pollution problems), natural and historical landmarks, multiple use of space, and public health and safety.

Further, the proposal spelled out new appeals procedures after FHWA's division engineer published a notice of action approving a highway location:

Any interested person may appeal the action of the division engineer on a request for approval of a highway location or design, or both. The appeal must be filed, within 15 days after the date of publication of the notice of that action . . . . The filing of an appeal within the time prescribed . . . stays the action of the division engineer until the appeal is disposed of by the Administrator.

The interested person could then take the complaint to the courts, with construction blocked pending a final determination. [Public Hearings and Location and Design Approval: Notice of Proposed Regulations, *Federal Register*, October 23, 1968, pages 15663-15666]

As reported in *The Wall Street Journal*:

The proposal, as expected, has run into strong criticism from the powerful highway lobby of road builders and users. But there also is nearly solid opposition from governors and state highway officials, who contend the rule would increase Federal control and delay highway building.

Governor Volpe, the nominee for Secretary of Transportation, was one of the Governors who opposed the rule. In a telegram, he stated that the rule would "remove the power of location selection from the states and place it in the hands of Federal authorities who are removed from the many intricacies of each project." Although he favored providing additional information to the public, he believed that requiring a second hearing "only permits abuse of the minority right to dissent." [Shafer, Ronald G., "Volpe, Nominee for Transportation Post, Is Tilting With Agency on Highway Policy," *The Wall Street Journal*, December 12, 1968]

From December 16 through 20, FHWA held a public hearing on the plan in the auditorium of the FAA Building. FHWA heard from over 150 people and received more than 4,000 comments on the proposed regulation.

Secretary of Agriculture Orville D. Freeman was the first witness. He supported the proposal, but was concerned that it gave “any interested person” too much authority to halt projects simply by expressing opposition. Secretary Udall echoed the concern. He called the regulation essential because “time after time under present procedures we have had to stand by while highways sliced up our cities or invaded irreplaceable park and open space areas.” The appeals procedure would “provide the useful mechanism for the review of exceptional cases concerning a proposed highway route’s impact on scenic and historic values.” However, he warned that, “These procedures should not, of course, be so open ended as to hamstring or cause undue delay in the administrative decision-making process.”

Governor Godwin of Virginia, representing the Governors’ Conference, testified that all 50 Governors supported the “intent and purpose and the spirit” of the proposed regulation:

The Governors support increased involvement of individual citizens in public decision-making. But the rules actually defeat this purpose by effectively removing the decision-making responsibility and power from the levels of government closest to the people and placing it in the Federal bureaucracy and ultimately in the Federal courts.

The result of the appeals process would be “no decisions.”

Patrick Healy, speaking for the National League of Cities and the U.S. Conference of Mayors, strongly backed the proposal. “We strongly support the goal of the proposed regulations to assure that local officials and citizens will be involved in decision-making processes in highway projects which affect them.”

Special Assistant Attorney General Buscher of the Maryland State Roads Commission said the regulation would be unenforceable under a 1956 State law that was passed to prevent speculators from buying property they expected would be purchased by the commission for a highway project. Under that law, plats and maps showing design criteria “shall not be considered public records of the commission and shall not be open to public inspection except by permission of the commission” until property was acquired. The proposed regulation would require that information to be made available for the second public hearing on design.

(This 1956 Maryland statute was a result of the right-of-way scandal in 1955. As mentioned earlier, Ben DuPre, a -State highway right-of-way official, sold State highway location plans to developers who acquired the land at a low price, sold it to the Maryland State Roads Commission at a profit, and provided a kickback to DuPre.)

Buscher also condemned the provision allowing “any interested person” to appeal highway decisions. This provision was, he said, “contrary to the intent of Congress,” was “vague and indefinite,” likely would cause “great and unnecessary delay” in project completion. To make the point, Buscher satirized the preamble, saying it should read:

The purpose is to insure, to the maximum extent possible, the delay of highway construction and to take highway design and location away from the respective highway departments.

[It is] intended to afford full opportunity for any citizen with or without justification or provocation, any rabble-rouser . . . to cause delay after delay and even frustrate any federally aided highway . . . .

On December 18, Arthur E. Cohen, president of Baltimore's anti-freeway Movement Against Destruction or M.A.D., testified that his organization favored the regulatory changes. In fact, he asked that the new rules be made retroactive for the expressway program. Expressway planning in Baltimore had been "seriously subject to special influence by private, commercial and political interests."

[Rowland, James B., "Freeman Endorses Proposal On Highway-Route Appeals," *The Evening Star*, December 16, 1968; "Roads Battle Begins in D.C.," *The Baltimore Sun*, December 17, 1968; Morris, John D., "50 Governors Oppose Plan for Road Hearings," *The New York Times*, December 17, 1968; Rowland, James B., "Maryland Sees Conflict In Roads Hearing Plan," *The Evening Star*, December 19, 1968; Keidel, Jane L., "Road Rule Held Contrary to Law," *The Baltimore Sun*, December 20, 1968; Associated Press, "Urban Groups Back Road Hearings Plan," *The New York Times*, December 18, 1968; Keidel, Jane L., "Citizens' Role On Roads Urged," *The Baltimore Sun*, December 19, 1968]

When AASHO gathered in Minneapolis, Minnesota, for its annual meeting the first week of December 1968, the proposal was a major concern for many speakers. John O. Morton, AASHO's president and commissioner of the New Hampshire Department of Public Works, addressed the concerns of many highway officials when he said:

Our new interstate highways are anything but the atrocities the voices of opposition would have the public believe them to be.

He said that AASHO's member agencies had conducted thousands of public hearings and knew "that certain objections will always be presented at a public hearing." Ultimately, State officials must decide how to carry out their program. Morton, in summarizing what State highway officials feared, stated that the proposed rule far exceeded the intent of the 1968 Act:

Contained in the regulations is a provision that would allow a single individual appearing in opposition to a highway project, to effectively tie up the project for an indefinite period of time. It is impossible to comprehend the adoption of a regulation which has been so devised that the desires and needs of an overwhelming majority of the people as presented at a public hearing, could be overridden by the action of a single individual, responsible or otherwise . . . . If this is permitted, domination of [the Nation's] economy will also rest in the hands of this same irresponsible minority group.

It was, Morton said, the first time in the 52-year history of the Federal-aid highway program that "a federal agency has taken over and flaunted [sic] the intent of a piece of highway legislation." He suspected that "people high in the Department of Transportation" were responsible because they "have in the past made reference to the fact that the mentality of the highway departments should be changed." He said that highway officials were "confused, shocked, and alarmed at such a power grab."

Chairman Randolph addressed AASHO about several provisions of the Federal-Aid Highway Act of 1968:

That Act . . . includes a number of important changes which will enable the Highway Program to meet our expanding concern for social, cultural and environmental values . . . a full fledged relocation assistance program for those who suffer private injury through disruption and dislocation as a result of highway construction . . . equal employment opportunity . . . all public hearings (must) consider the social and environmental, as well as the economic, impact of a proposed highway location . . . .

However, he shared AASHO's concern about the appellate procedure in FHWA's notice. He quoted from a letter that he and Senator Cooper had sent to Administrator Bridwell in response to a request for the committee's views:

It is our strong belief that such procedure will invite unnecessary appeals to the Federal Highway Administration and to the Courts. Highway location decisions are really legislative in nature. This authority has been delegated by the Congress and the Legislatures of the respective States to the United States Department of Transportation and the State Highway Departments. Other than to assure that the rules have been fairly applied, there is no contribution which any Federal Court could make to the decisions relating to location and design.

The two Senators urged removal of the appellate procedures from the final version. "We believe the decision of the Federal Highway Administration should be final in all respects unless there is, in fact, a violation of law, in which case normal legal procedures would still pertain."

Bridwell, in his address to AASHO, referred to "problems of antagonism between highway professionals and professionals from other disciplines." Change was coming "too fast, too disordered, and too little anticipated," but like it or not, the program was facing "the same social and community forces that today confront every other basic national undertaking, whether in transportation, conservation, education, or the art of government." He said:

One option not available is to disassociate and insulate our activities from the sweep of events in America today. To pretend otherwise would be the depth of self-delusion. Nor, in many cases, are we masters of these events. Our decisions must reflect our realistic awareness of this.

They were living in a time "of difficult choices . . . matched, and possibly outweighed by the opportunities available to us today to select . . . directions which will produce . . . beneficial results for the future." The Urban Impact Amendment of the 1968 Act was "a clear indication" of the future, but its mandate for consideration of social, economic, and environmental impacts "can only be fulfilled by a fundamental reshaping of attitudes toward highway development in relationship to urban goals." He rejected the "cold war" option of "conflict – of fighting the program's opponents with every means at hand." Instead, he urged each highway official to "reshape his product and his way of doing business to reflect the new demands of the public."

To illustrate his point, he referred to a sign that he said the inventor Thomas Edison kept on his desk: “Pioneer or Perish.” For the Federal-aid highway program in America today, “there can be no more fitting watchword.” [Mertz, W. Lee, *Building the Interstate*,” Section 8, <http://www.fhwa.dot.gov/infrastructure/build08.cfm>]

On January 14, 1969, with just 6 days left in the Johnson Administration, Administrator Bridwell and Director of Public Roads Turner approved a Policy and Procedure Memorandum (PPM) as appendix A of Title 23, Code of Federal Regulations, Section 1.32. The change appeared in the *Federal Register* on January 17, 1969, along with an explanation of how the PPM was developed. The discussion acknowledged the controversy over the appeal provision:

A large number of comments objected to the proposal on the grounds that it would destroy the present State-Federal relationship with respect to the Federal-Aid Highway Program. In particular, it was argued that by providing an appellate review by the Administrator, final highway decisionmaking would be transferred from the States to the Administrator. However, under the laws governing the Federal-Aid Highway Program, final approval authority concerning Federal participation is, and has always been, reserved to the Secretary of Transportation and this authority has consistently been exercised by the Administrator pursuant to a delegation of authority from the Secretary . . . .

The goal was to strengthen the State’s role by increasing dialogue with those affected by proposed projects:

It was designed to help resolve controversies at the State and local level where they can be best dealt with. In recent years, more and more highway controversies have required the personal attention of the Administrator and the Secretary because the present coordination and hearing procedures did not provide for adequate public participation in the development of highway decisions. Appeals to the Administrator have become commonplace, many relating to highway decision approvals rendered over 10 years ago.

While defending the proposed appellate procedures, Bridwell and Turner decided to withdraw it:

The appellate procedures were also objected to on the grounds that the term “interested person” was too broad and that since there was no time limit concerning the disposition of the appeal, highway construction could be delayed indefinitely. Objections were also raised concerning the automatic “stay” of highway projects upon the filing of an appeal. These objections do have merit and accordingly, the proposed appellate procedures are being withdrawn for further review and reconsideration.

Instead of the appellate procedures, the PPM stated that the State was to publish notice of the division engineer’s approval of a highway location or design – and that was the final step in the review.

Other changes included the addition of “Fast, safe, and efficient transportation” as the first factor to be considered along with the social, economic, and environmental factors. The PPM also

clarified when two public hearings were required, namely for all Interstate and primary highway projects; secondary highway projects on larger roads; when the project is on new location or would have a different social, economic, and environmental effect; and projects where the function of connecting roads, including access limits, would be altered. Otherwise PPM 20-8 retained much of the notice. [Administration of Federal-Aid for Highways – Public Hearings and Location and Design Approval, *Federal Register*, January 17, 1969, pages 727-730]

### **The Final Days of the Johnson Administration**

In these final days, Secretary Boyd and Administrator Bridwell completed several other actions.

In response to FHWA's request for nominations under the 1968 Act's expansion of the Interstate System, the States submitted applications totaling more than 10,000 miles. On December 13, 1968, Secretary Boyd announced designation of 1,472.5 miles to routes in 28 States at an estimated cost of \$2.43 billion. The additions included I-27 in Texas (Amarillo to Lubbock), extension of I-75 from St. Petersburg, Florida, to Miami; I-43 from Milwaukee to Green Bay, Wisconsin; and I-88 from Binghamton to Schenectady, New York.

Administrator Bridwell acted on January 17 on the Major Thoroughfare Plan, as well as a request from Maryland. In a letter to Director Airis, Bridwell said that "as a result of official actions taken by the Council and Mayor of the District of Columbia," he was adjusting the District's Interstate System consistent with the city council's December 12 vote. He eliminated I-70S ("From the District of Columbia-Maryland line southward to a junction with FAI Route 95") and I-266 ("From the District of Columbia-Virginia line in the vicinity of Key Bridge eastward to a junction with FAI Route 66," namely the Three Sisters Bridge).

He approved a 3-mile extension of I-95 beyond the Capital Beltway to about half a mile from the District line. Construction would be approved, for now, only to East-West Highway.

He also deleted the I-695 South Leg Freeway tunnel under the Lincoln Memorial grounds and Tidal Basin and the extension of I-295 in Maryland to I-895, both in accordance with the Howard-Cramer amendment to 23 U.S.C. 103 (P.L. 90-238, approved January 2, 1968). Under this provision, the Secretary of Transportation, at the request of a State highway agency, could remove a segment from the Interstate System if the segment is not essential to a unified and connected Interstate System, including "urban routes necessary for metropolitan transportation," and the State promises not to build a toll road in its place. The mileage freed by this deletion could be used elsewhere, with the amendment providing an additional 200 "Howard-Cramer" miles to supplement newly designated routes if needed for connectivity.

With these changes, Bridwell provided revised definitions for routes in the District of Columbia:

Route 66. From the District of Columbia, Virginia line eastward via the Theodore Roosevelt Bridge thence northward and eastward to a junction with FAI Route 295 near the Anacostia River.

Route 95. From the District of Columbia-Virginia line at the south end of the 14<sup>th</sup> Street Bridges to a junction with FAI Route 66 in the vicinity of the intersection of New York Avenue and New Jersey Avenue, Northwest.

Route 295. From the District of Columbia-Maryland line in the vicinity of Oxen Creek northward and northeastward to the District of Columbia-Maryland line en route to the Kenilworth Interchange.

Route 695. From a junction with FAI Route 95 southwest of the U.S. Capitol eastward to a junction with FAI Route 295 in the vicinity of 11<sup>th</sup> Street, Southeast. [Flor, Lee, "Extension of Route 95 Inside Beltway Okayed," *The Evening Star*, January 18, 1969]

On January 17, Bridwell also approved Interstate freeways in Baltimore and New Orleans. In Baltimore, he approved the Owings design concept team's design for the interior legs of I-70 and I-95, including a harbor bridge across the Patapsco River near the city's historic Fort McHenry, whose flag waving after a night of British bombardment during the War of 1812 inspired the country's National Anthem. Mayor Thomas L. J. D'Alesandro, son of the former mayor, called the decision "a very important day for Baltimore." It was, he said, "the culmination of 24 years of study, research, evaluation and re-evaluation of what always has been identified as the East-West Expressway." He did not expect any more changes in the freeway system while he was in office. "Now we can move into the action program."

(The New Orleans decision involved the Riverfront-Elysian Fields Expressway. For information on the New Orleans freeway battle and Bridwell's decision, see "The Battles of New Orleans - Vieux Carré Riverfront Expressway (I-310)" on this Web site at <http://www.fhwa.dot.gov/infrastructure/neworleans.cfm>.)

Ben A. Franklin, who often wrote about environmental issues for *The New York Times*, called the decisions "a victory for people over automobile Technology" [sic] that ended "two bitter disputes over the disruption of cities by highway construction." The Baltimore compromise, he added, "was regarded as a potentially precedent setting example of how to 'civilize' the freeway." [O'Donnell, Jr., John B., "City's 3-A Route Wins Approval of U.S. Agency," *The Baltimore Sun*, January 18, 1969; Franklin, Ben A., "U.S. Approves Modified Designs for 2 Freeways," *The New York Times*, January 18, 1969]

On January 18, Bridwell cleared the way for State highway officials to use Federal-aid to pay 50 percent of the cost of building fringe parking lots as permitted by the Federal-Aid Highway Act of 1968 on a demonstration basis. Under the plan, States could use Federal-aid highway funds to build fringe parking lots to be coordinated with existing or planned public transportation facilities.

Bridwell issued guidelines for the TOPICS program on January 19. In a news release, BPR Director Turner explained that TOPICS could increase the traffic-carrying capacity of a city street system by 25 percent at modest expense:

Mr. Turner explained that TOPICS projects must be part of an area-wide traffic improvement plan, and must be based on a continuing comprehensive transportation planning process. Since July 1, 1965, approval of all Federal-aid highway projects in urban areas of 50,000 or more population has been contingent on such processes.

The same day, Bridwell announced adoption of policies and procedures to foster the cooperative development of future urban freeway corridors and multiple use of highway rights-of-way, including air rights. He explained:

In adopting a Federal policy on joint development of highway corridors, we are giving maximum aid to State highway departments in their attempts to contribute positively to the needs of local communities. The policy will encourage using highway design to deliberately shape the urban environment according to local goals.

Through joint development, communities had created parks, recreation areas, office buildings, and apartments using space above, below, and alongside urban freeways. The news release stated:

Under the new procedures announced by Mr. Bridwell, State highway departments and local governments will extend the practice of cooperation on transportation studies to explicitly consider the joint development possibility of the various alternative route locations for proposed freeways. In addition, the highway program will participate in the more detailed joint development planning for the corridor related to the specific location, once it is selected.

The goal, Bridwell said, was “to relate the proposed highway to the other plans, programs and goals of the affected jurisdictions.” The plan “should highlight the opportunities for profitable cooperation and collaboration between the State highway department and other public or private agencies in carrying out the development of the highway corridor as a single public work.” He added that the plan “should give a more explicit framework for the discussion of alternative route locations and design options in relation to the locality’s stated goals and objectives.”

### **The Baltimore-Washington Parkway Gambit**

The origins of the Baltimore-Washington Parkway can be traced to the parkway movement of the 1920s. Frederic A. Delano, the first chairman of the National Capital Parks and Planning Commission in 1924, was one of the movement’s supporters. As early as 1925, he favored a parkway “connecting the great city of Baltimore with the Federal Capital.” Gradually, supporters justified a Federal parkway as a link between Washington and Camp George G. Meade in Anne Arundel County, several miles southwest of Baltimore.

A National Park Service history of the parkway stated:

By 1930, it had become apparent that the major impetus for establishing the parkway came from the Washington, D.C., end of the route. Maryland would have to develop a lobbying effort and build a portion of the road on the land between Baltimore and Camp Meade acquired from private interests.

Officials considered the route of the parkway to Camp Meade throughout the 1930s. (In 1929, Camp Meade, which the War Department had renamed Fort Leonard Wood in 1928, was renamed Fort George G. Meade by an Act of Congress.) Pressure for the parkway increased as the United States shifted to a war footing in support of its European allies after their war with Germany began in 1939. That same year, Fort Meade expanded by nearly 10,000 acres.

In 1942, Delano's nephew, President Roosevelt directed the Federal Works Administrator to allocate \$2 million of National Industrial Recovery Act funds for PRA to begin right-of-way acquisition and construction of the parkway from the Peace Monument in Bladensburg to the Jessup entrance of Fort Meade. From Jessup Road, the Maryland State Roads Commission would provide the extension into Baltimore. Maryland was willing to pay for the expressway link to Baltimore because it also would provide access to planned Friendship International Airport, which would open on June 24, 1950.

(President Truman participated in the opening ceremony after a short flight from Washington National Airport in the presidential airplane, *Independence*. Maryland Governor William Preston Lane, Jr., and Baltimore Mayor Thomas D'Alesandro, Jr., accompanied the President. It was Mayor D'Alesandro's first flight, taken reluctantly. He told reporters he hadn't "slept a wink last night." Initially, he had prayed for rain in hope that the flight would be canceled, but he changed his mind. "I want to have the greatest airport in the world dedicated in the sunshine." He mentioned Maryland colleagues who had been killed in airplane crashes. "Still, a lot of people seem to think airplanes are safe. Maybe they're right. I sure hope so." The mayor told President Truman, a seasoned air traveler with 83,766 miles flown since taking office, about this being a first. The "Flying President" said, "Well, you are getting on a mighty good plane." But as the group approached the loading ramp, the President told his aides to flank the mayor on both sides, joking, "We've got you now. Just try to run away." According to the *Star*, "Mayor D'Alesandro disappeared inside the gleaming silver plane holding up two firmly crossed fingers." ["Honor Guard and Truman Prod D'Alesandro Aboard Plane," *The Evening Star*, June 24, 1950; Shippen, W. H., "Truman Assails Aviation Critics' 'Foolish Fears,'" *The Evening Star*, June 24, 1950])

While PRA accomplished some acquisition and grading, major construction work could not begin without legislation authorizing funds for the parkway. On May 25, 1950, the House approved the bill, with Representative Fallon, the Baltimore native, one of the advocates. When the Senate considered the House-approved bill on July 26, Senator Tydings, whose adopted stepson, Joseph, would follow him to the Senate in 1965, explained the parkway's military importance, which related to Friendship International Airport. He called it "the most modern airport in America," adding, "It will take any plane that is now in existence, that is now being built, or that is now on the drawing boards." That was essential in case of war:

In the event of an attack on the Capital, which is not an improbability . . . this airfield will be taken over by the Army, and will be the major defense of the Capital of the United States . . . .

I should like to say if the United States should ever be at war with a major power and if the atomic bomb should be brought into play, this airfield would be the interceptor field. There can be no question about that. In such case, we would crowd that field with all the

interceptor planes we could get and we would thank God that the field was there, if we should become involved in a major war in which the atomic bomb is thrown around. Then we shall thank our lucky stars for having the airfield constructed and available. Let there be no misunderstanding as to that. [Baltimore-Washington Parkway, *Congressional Record-Senate*, July 26, 1950, pages 11063-11064]

On August 3, 1950, President Truman signed Public Law 643, providing “for the construction, development, administration, and maintenance of the Baltimore-Washington Parkway . . . as a part of the park system of the District of Columbia and its environs by the Secretary of the Interior” (P.L. 81-643). The law authorized \$13 million (increased to \$14.5 million in 1952) for construction of the parkway to Jessup Road.

Section 1 of the law specified the limits:

All lands and easements heretofore or hereafter acquired by the United States for the right-of-way for the parkway which is being constructed by the Bureau of Public Roads between Anacostia Park in the District of Columbia and the northern boundary of Fort Meade in the State of Maryland, the extension of said parkway into the District of Columbia over park lands to the intersection of New York Avenue extended with the boundary of Anacostia Park, and including any lands required for additional connections to the Maryland road system all of which shall be regarded as an extension of the park system of the District of Columbia and its environs, to be known as the Baltimore-Washington Parkway . . . .

Section 2 of the new law explained the rationale for the parkway:

The parkway shall be constructed, developed, operated, and administered as a limited access road primarily to provide a protected, safe, and suitable approach for passenger-vehicle traffic to the National Capital and for an additional means of access between the several Federal establishments adjacent thereto and the seat of government in the District of Columbia. To avoid impairment of this purpose, the Secretary of the Interior, with the concurrence of the Secretary of Commerce, shall control the location, limit the number of access points, and regulate the use of said parkway by various classes or types of vehicles or traffic.

Under the new law, the NPS would administer the funds while the newly renamed BPR, now in the Department of Commerce, would administer the design and construction contracts. The parkway would be restricted to passenger vehicles, including interstate buses, with heavy trucks prohibited. Maryland would build its portion for general use, including trucks.

One question that came up during hearings on the bill was why Maryland should not contribute to the cost of the Federal section since the State’s travelers would benefit from it. A House report addressed the issue:

It was brought out in the discussion before the committee that while the interest of the Federal Government and the State of Maryland in the service of traffic generally which

the parkway will provide is more or less identical, the Federal Government has the primary interest in the development of the parkway from Fort Meade to the District of Columbia while the primary interest of the State of Maryland lies in the access which the extension of the parkway to Baltimore will provide to the new airport which has been constructed south of Baltimore, and expediting north and south traffic generally. [Providing for the Construction, Development, Administration, and Maintenance of the Baltimore-Washington Parkway . . . , Committee on Public Works, U.S. House of Representatives, 81<sup>st</sup> Congress, 2d Session, Report No. 1785, March 16, 1950, page 5]

The funds Maryland spent on its portion of the road were, in the committee's view, comparable to the standard Federal-State matching ratio of 50-50 for Federal-aid highway projects.

The parkway and its Maryland extension would open in segments. The first opening took place on December 16, 1950, when Governor Lane stood on a hill near the Patapsco River bridge, about a mile south of the Baltimore city line, to dedicate a section of the parkway. He called the parkway "a road for tomorrow" and one of the country's most beautiful highways. Robert M. Reindollar, chairman of the Maryland State Roads Commission, called the day historic because the parkway was the first road in the State with complete control of access. Governor Lane cut a black and gold ribbon to open the segment, with Mayor D'Alesandro and other officials included in the ceremony. ["First Completed Leg of Superhighway to Baltimore is Opened," *The Evening Star*, December 16, 1950]

On August 1, 1953, Maryland opened the remainder of the State's section from the Baltimore city limits to Jessup Road (State Route 175). The Associated Press described the section into the city:

The Baltimore connection to be opened October 28 [actually on the 30<sup>th</sup>] includes a long six-lane bridge over the main line of the Baltimore & Ohio Railroad and a direct route cut through an old slum section straight to the south edge of the main downtown business section. [Associated Press, "First U.S. Part of Parkway Due to Open Soon," *The Evening Star*, October 15, 1953]

The first Federal section opened on October 28, 1953. The 4-mile segment from Jessup Road to Fort Meade Road (State Route 602) between Laurel and Fort Meade. The opening was delayed when bolts delivered for the signs were the wrong size, and BPR had to provide new bolts. An extension from Fort Meade Road to the Laurel-Bowie road (State Route 197) was opened a few days later, bringing the total open mileage to 6.8 miles. ["Baltimore Parkway Leg Open After Delay Caused by Signs," *The Evening Star*, October 29, 1953]

Even as BPR continued work west of Laurel-Bowie Road, NPS was having second thoughts about the parkway. On December 3, 1953, the *Star* reported:

The possibility of relinquishing Federal control over the Baltimore-Washington parkway and the Suitland parkway and making them available as Maryland State roads is under study at the Interior Department, the *Star* learned today . . . .

The possibility of relinquishing Federal control, it was understood, originated during discussions of park operations called by Assistant Interior Secretary Orme Lewis, who has supervision over the Park Service.

An official of that office said the basic question under study is whether the two roads fall within the accepted Park Service concept of “parkways” and, therefore, are a proper activity of the Park Service.

(During World War II, the War Department planned the Suitland Parkway to link Bolling Field (now part of Joint Base Anacostia–Bolling Air Force Base) near the junction of the Anacostia River/Potomac River in the District’s southeast quadrant to Andrews Field (now Joint Base Andrews Naval Air Facility, home of Air Force One). PRA administered the contracts for construction of the parkway. Construction began on September 27, 1943, and was completed on December 9, 1944. After the war, the War Department considered the parkway surplus to military needs and began promoting the idea of transferring the parkway to the NPS. On August 17, 1949, President Truman approved legislation transferring the parkway (P.L. 81-242).)

Maryland, which referred to its portion of the Baltimore-Washington Parkway as an expressway, built its pavement for use by trucks. For the Federal section, “Park officials have held that the legislation intended that the intercity parkway be for passenger cars only and have so ordered.” The pavement was built with passenger vehicles, not trucks, in mind:

If they were to fall under Maryland control, one major expectation is that they would be open to truck traffic. Trucks already use the Suitland road. But park officials have taken an adamant stand that they be banned on the Federal portion of the Baltimore-Washington route.

Suitland Parkway, built with military needs in mind, had been used by trucks from the start. After taking over the facility, NPS had not imposed a truck ban.

The *Star* also reported that NPS Director Wirth “has been instructed to study the possibility and to draft tentative legislation – needed to bring it about – for consideration”:

About 10 days ago . . . Mr. Wirth told a reporter he did not consider the two roads to be true “parkways,” as his service used that term . . . Under Mr. Wirth’s definition, a parkway is “an elongated park, with a road usually used to connect two or more parks.” [Beveridge, George, “Shift of Parkways to Maryland Control is Studied by U.S.,” *The Evening Star*, December 3, 1953]

The Interior Department announced the transfer as a formal policy in congressional hearings that were made public on March 1, 1954. Secretary of the Interior McKay told a House Appropriations subcommittee, “I think we have been getting into parkways . . . where we had no business. I think we ought to leave the highways to the States and the Bureau of Public Roads, and we will stay with the parks.” He was concerned that, “If we do not watch our step we are going to be in the highway business in a big way.”

Assistant Secretary Lewis elaborated on the concern:

We have been quite upset. The parkway problem was called to our attention most forcefully by the Baltimore-Washington Parkway. It is being used for an entirely different type of service than that for which it was originally intended.

Wirth concurred, saying the Baltimore-Washington Parkway and the Suitland Parkway “are deteriorating the real concept of a parkway.” He said he had been authorized to open discussions with Maryland highway officials about the transfer. [Rogers, Harold B., “Give Parkways to Maryland, Interior Urges,” *The Evening Star*, March 1, 1954]

The final section of the Baltimore-Washington Parkway opened on October 23, 1954. District officials assembled to cut the ribbon on the 1.5-mile extension of New York Avenue, from Bladensburg Road, NE., to the newly completed Federal section. District officials had planned an elaborate ceremony with Secretary McKay and Maryland officials, but when they learned the Secretary would be out-of-town, the ceremony was shortened. With the ribbon snipped, thousands of motorists drove onto the parkway.

Representative Fallon, who had played a key role in securing funding for the project in 1950, said the parkway was “a dream I had five years ago come true.” He told reporters that the most important thing about the road was that it was a “safe alternative to Route 1, the most dangerous 30 miles in the country.” [Beveridge, George, “Parkway to Get Breaking-in by D.C. Drivers,” *The Evening Star*, October 23, 1954.]

A year earlier, the *Star* had described what driving on parallel “Old Bloody” U.S. 1 was like. Motorists driving to or from Washington had to steel themselves “for Route 1’s 38 miles of roaring trucks, treacherous crossroads, blind curves and traffic tie-ups.” Maryland road officials were hesitant to predict what would happen to U.S. 1 traffic after the full parkway was in operation, but one estimate indicated up to 65 percent of traffic would shift to the parkway. Truck traffic, however, would have to remain on the old highway because it was excluded from the Federal portion of the parkway:

Officials, however, don’t hear any death rattles coming from “Old Bloody.” They believe increasing industrial and commercial employment centers along Route 1, plus residential expansion and the normal increase in auto use, will keep it in business for a long time to come. [Beveridge, George, “Opening of Parkway to End Crawl into Baltimore,” *The Evening Star*, October 25, 1953]

As 1955 began, Maryland’s congressional delegation was considering legislation transferring the parkway to State control. At the same time, delegates to the General Assembly were considering proposals to ban trucks from the Maryland section, a proposal that had failed in 1954. The chief sponsor, Delegate Jerome Robinson (D-Baltimore City), explained that truck traffic was increasing “at an alarming rate” on the new expressway. “It is just plain foolish to build beautiful parkways and then allow heavy trucks to destroy them or make driving on them difficult.” The business association along U.S. 1 had opposed the measure, instead urging Maryland to take over the Federal section and allow trucks to use it. They were concerned that truck traffic would continue to grow on U.S. 1 at an alarming rate. [“Maryland Bid to Take Over Parkway Seen,”

*The Evening Star*, December 17, 1954; Goodwin, Gene, “Two Bills Seek to Ban Trucks on Expressway,” *The Evening Star*, January 11, 1955]

From the start, Maryland road officials had been skeptical about accepting ownership of the Federal segment. In a letter to the State’s House Ways and Means Committee in early 1955, Chairman McCain of the Maryland State Roads Commission estimated the State would have to spend \$2,350,000 to bring the Federal parkway up to standards suitable for trucks. The Federal segment was “not adequate, according to present day standards, to sustain heavy duty, all-type vehicular traffic.” McCain said the parkway, had an 8-inch concrete pavement laid on an 11-inch subbase, while the State expressway had 10 inches of concrete on 12 inches of subbase. [Goodwin, Gene, “Cost of Taking U.S. Parkway Section Cited,” *The Evening Star*, January 26, 1955]

Despite Maryland’s skepticism, Interior Department officials pursued the transfer of the two parkways to the State or BPR during a hearing a few months later before a House appropriations committee panel. Wirth told the subcommittee:

Roads such as the Washington-Baltimore Parkway and the Suitland Parkway are distinctly in the nature of highways requiring none of the specialized services inherent in the National Park Service organization.

NPS wanted to retain ownership of roads in National Parks, but neither of the parkways in Maryland performed as parks. NPS officials had not yet made a direct proposal to Maryland. [“Interior Pushes Plan to Turn 2 Parkway Over to Maryland,” *The Evening Star*, March 18, 1955].

The issues of ownership and truck use remained unresolved when President Eisenhower approved the Federal-Aid Highway Act of 1956. An expressway link between Baltimore and Washington had been part of the Interstate plan since its earliest incarnation in the 1939 BPR report *Toll Roads and Free Roads*. Now that the time had come to select the location for the link, the question remained open.

When Federal Highway Administrator Volpe met with District and Maryland officials on January 15, 1957, to discuss Interstate routing issues in the area, the subject was raised. The *Star* reported:

Left up in the air the question of whether the Baltimore-Washington parkway should be designated as the interstate connection between those two cities, or whether – as Maryland road officials want – a new intercity route should be built at 90 per cent Federal expense. [Beveridge, George, “U.S. Road Unit Okays Route For Expressway,” *The Evening Star*, January 16, 1957]

A few months later, the *Star* explained:

The Federal Bureau of Public Roads, it is understood, is trying to convert the expressway [i.e., the parkway] into a Federal interstate route under the new Federal Highway Act,

which would involve turning the entire road over to Maryland's care and opening it up to truck traffic.

The Maryland Roads Commission has resisted this proposal and is pressing for Federal interstate aid money for a third route between Baltimore and Washington, which would come into Washington in the area near the Montgomery-Prince Georges boundary line.

The bill banning trucks from Maryland's section had been introduced in the State legislature again despite its failure in previous sessions. If it were approved, it would eliminate the Baltimore-Washington Parkway as an Interstate route because Interstate highways must be open to all traffic. ["Fight Shapes Up to Defeat Expressway Truck Ban," *The Evening Star*, February 28, 1957]

Maryland was set on constructing an Interstate route on new location north of U.S. 1, generally parallel to and east of the Montgomery/Prince George's County line in the Washington area. In September 1958, Maryland was delaying an announcement of the location until it had acquired all the right-of-way and District officials had decided on the entrance of the route into the city, as the *Star* described:

Last November District officials engaged a Boston engineering firm to make a study of the sector between Kansas avenue [just north of the Montgomery-Prince George's County line] and Bladensburg road, N.E. as a possible point of entry, but this drew opposition then from members of the Maryland-National Capital Park and Planning Commission and the county commissioners.

The [Prince George's] county officials urged that the study be broadened to include the area between Bladensburg road and Southern avenue in hopes of getting the new highway built east of the present Baltimore-Washington parkway. They asked that the corridor connect with the proposed Anacostia freeway and the new Jones Point Bridge [Woodrow Wilson Memorial Bridge].

In the fall of 1958, officials of the Maryland State Roads Commission made the State's plans somewhat clearer by attending a zoning hearing to ask the Prince George's County Commissioners to postpone a rezoning request until the State highway agency had acquired the land needed for the new expressway. The State's district engineer, L. E. McCarl, confirmed that the State had plotted the route from Baltimore to the Chillum Road area near the District line. The property in question, on the north side of University Boulevard, meant the expressway would cross suburban Prince George's County west of the University of Maryland, which was bisected by U.S. 1:

Yesterday's disclosure, however, indicated the State Roads Commission intended to carry out its plotted route farther to the west.

The commissioners postponed action for 60 days to allow the State and the property owners to negotiate for the needed land. ["Baltimore Road to Pass West of Maryland U.," *The Evening Star*, September 18, 1958]

One reason for the location of I-95 in Maryland was the lack of expressway access to the District for the heavily populated areas between the Baltimore-Washington Parkway and I-70S in Montgomery County.

With the location of I-95 essentially set, Maryland lost what little incentive it had to take over the Baltimore-Washington Parkway. The lack of an expressway truck route between Baltimore and Washington would be solved by construction of the new Interstate, with the Federal Government paying 90 percent of the cost, rather than upgrading the Baltimore-Washington Parkway.

The idea of taking over the parkway, however, was not dead.

On July 3, 1963, Chairman-Director Funk of the Maryland State Roads Commission met with Administrator Whitton and Director Aitken to discuss the parkway's future. Funk came away from the meeting thinking they had agreed on transferring the parkway to State ownership, designating it I-95, and allowing trucks to use it. The State would widen the four-lane parkway to six lanes, strengthen the pavement for heavier traffic, and modify several interchanges to meet Interstate design standards. Funk estimated the upgrade would cost \$22 million, with BPR paying 90 percent of the cost.

Funk put this understanding in writing in early August, saying it was the "quickest and most inexpensive method of meeting the tremendous traffic demands created by the completion of the expressway network in the Baltimore-Washington corridor." He particularly wanted to divert trucks as soon as possible from U.S. 1, which he said had "reverted to the category of a local service road only."

Whitton and Aitken disagreed with Funk's recollection. Whitton said he had agreed with the idea that Maryland should take over the parkway, but not with shifting the I-95 designation from the current routing, then under construction. Aitken was upset mainly by the denial to shift designation of I-95, which was scheduled to enter the District near Sargent Road, NE., then join I-70S in the city. "I will endeavor to keep an interstate route in that corridor," he said. "Washington needs it badly," despite the difficulty of determining the location in Prince George's County and the District.

Funk, Aitken, and Whitton met again on August 15, 1963, and announced their decision that Maryland would accept ownership of the parkway and upgrade it. However, the I-95 designation would remain with the corridor under construction north of the parkway and U.S. 1 to link the Baltimore and Capital Beltways. Trucks would be permitted to use the parkway until I-95 was completed, tentatively in 1966. Aitken and Funk agreed to expedite construction of I-95 to and through the District. At the time of the meeting, officials were exploring the State and Federal legislation that would be needed to accomplish the transfer of the parkway to Maryland.

This plan, predicated on 90-percent Interstate funds, did not advance. When Senator Brewster asked BPR about it in September 1965, Director Turner explained that 90-percent funding would not be possible. BPR could not designate two Interstate routes between the same terminals. [Chapman, William, "Maryland Asks Parkway Switch to Truck Route," *The Washington Post and Times Herald*, August 7, 1963; "Trucks Get Interim Use of Baltimore Parkway," *The*

*Evening Star*, August 16, 1963; “Road Funds Not Allowed,” *The Baltimore Sun*, September 16, 1965]

In late 1968, Wolff revived the idea. On December 18, 1968, he wrote to Administrator Bridwell to suggest designation of the four-lane parkway as an Interstate freeway. His plan was to ensure a direct truck route between Baltimore and Washington, regardless of whether Maryland and the District agreed on construction of I-95 through the city. Maryland’s plan called for widening the parkway to six lanes between the Baltimore and Capital Beltways, with a possible widening to as many as 8 or 10 lanes inside the Capital Beltway. The 7 miles closest to Washington would be relocated on a route west of the existing road. Interchanges would be reconstructed to meet Interstate standards. In addition, the pavement on the parkway section would be strengthened for truck use. Wolff estimated that the upgrade would cost \$120 million, with FHWA providing 90 percent of the funds.

As noted earlier, Administrator Bridwell took several actions in a letter to Airis dated January 17 to resolve remaining controversies. For Maryland, he approved designation of the Baltimore-Washington Parkway as an extension of I-295. The official description of I-295 in Maryland now read:

From a junction with FAI Route 495 near the Woodrow Wilson Memorial Bridge northerly to the Maryland-District of Columbia line near Oxon Creek and from the Maryland-District of Columbia line near the Kenilworth Interchange via the Baltimore-Washington Parkway to a junction with Interstate Route 95 in Baltimore.

The approval stated, “The inclusion of the Baltimore-Washington Parkway as a part of Route 295 is subject to the concurrence of the Department of the Interior.”

Although I-295 would pass through the area on the east side of the Anacostia River, Bridwell’s approval provided for a connection between the Parkway and the proposed Industrial Freeway parallel to New York Avenue, NE., that would join the Center Leg of the Inner Loop Freeway. The six-lane Industrial Freeway was to extend from the interchange of the North Leg, East Leg, and the North-Central Freeway to the existing U.S. 50 freeway (the John Hanson Highway to Annapolis) that terminated at Bladensburg Road and was to carry the U.S. 50 designation.

Wolff said that new Governor Mandel, who had taken office on January 7, was pleased when he learned of Bridwell’s action. The next step was for the Maryland General Assembly to pass legislation accepting the NPS’s section of the parkway. A *Post* account of the news conference said, “Officials expect this to be a formality.” [Eisen, Jack, “Interstate Aid Due Parkway to Baltimore,” *The Washington Post*, January 18, 1969]

Representative Gude asked Chairman Kluczynski to hold hearings on the area’s curtailed freeway plan:

Delays in the construction of any part of the overall transportation system in our metropolitan area inflates the social, engineering and economic cost of such a system.

There are questions of the legal authority under which the highway changes have been made.

He also wanted the hearing to consider former Administrator Bridwell's approval of the Baltimore-Washington Parkway as part of I-295. [Eisen, Jack, "Hearing Asked by Gude on D.C. Highway Plans," *The Washington Post and Times Herald*, January 31, 1969]

**The D.C. Freeway Revolt and the Coming of Metro**  
**Part 6**  
**A New Administration Takes Over**

**Table of Contents**

The New Administration Gets to Work .....	2
Transition in the District .....	7
Waiting for Secretary Volpe .....	10
Secretary Volpe Gets Involved .....	15
Trying to Break the Logjam .....	21
Backstage Negotiation .....	24
The Nixon Administration Gets Involved.....	36
Advancing Metro .....	42
How To Break An Impasse.....	48
Regrouping After a Loss .....	65
Imminent Compromise .....	67
Portrait of Natcher.....	77
BREAKTHROUGH! .....	78
Forcing the City's Hand.....	83
President Nixon Intervenes .....	92
Three Sisters Bridge Construction Plan .....	95
A Surprise Move .....	99
Enter Senator Proxmire.....	103
The Proxmire Hearing.....	108
After the Hearing .....	125

## Part 6 A New Administration Takes Over

### The New Administration Gets to Work

On November 5, 1968, former Vice President Richard M. Nixon defeated the Democratic candidate, Vice President Humphrey. President-elect Nixon would take office on January 20, 1969.

Maryland Governor Agnew would be the new Vice President. (The Maryland General Assembly selected his successor, Speaker of the House of Delegates Marvin Mandel.) Thus, officials in the District trying to sort out the freeway and subway impasse would have to deal not only with a new President, but with a team from a different political party.

In Maryland, Representative Charles McC. Mathias defeated Senator Brewster for his seat in the Senate. In addition, Lawrence J. Hogan, a Republican former FBI agent, defeated Representative Machen, in an upset victory.

In the Washington suburbs, big majorities approved rapid transit referendums that would allow local governments to issue a total of \$207.5 million in bonds. The funds would be used for the planned 97-mile system. According to the *Star*, the “lop-sided” victories “set a national record for support of rapid transit.” WMATA’s Gleason said the votes meant that “metropolitan cooperation was coming of age.” He added:

This is the first significant metropolitan-wide program that has ever been put to the test and approved by voters in this area. The significant margin can’t help but impress Congress that people here are willing to support rapid transit.” [“Rapid Transit Wins Easily in Suburbs’ Vote,” *The Evening Star*, November 6, 1968]

In the Senate, Senator Bible decided to give up his position as chairman of the District Committee. Senator Tydings took his place.

President-elect Nixon selected Governor Volpe of Massachusetts to be Secretary of Transportation. Governor Volpe’s life was often compared to a Horatio Alger rags-to-riches story. He was born in Wakefield, Massachusetts, in 1908, the son of immigrant parents from Italy. Beginning in 1933 with an initial capital of \$300, he built John A. Volpe Construction Company into a multi-million dollar contractor, with offices in Massachusetts, Washington, and Rome. The company engaged in heavy construction in New England, Florida, and Washington. One of the company’s projects was construction of the privately owned Nassif Building at 400 7<sup>th</sup> Street, SW., in Washington, D.C., that housed the U.S. Department of Transportation from the late 1960’s until June 2007. (The renovated building is now called Constitution Center.)

Although the company was not involved in roadbuilding, Governor Volpe was widely known and respected within the highway community. From 1953 to 1956, he had served as Commissioner of Public Works in Massachusetts where he focused on freeway construction. In 1956, Volpe resigned to return to private life but delayed doing so when President Eisenhower asked him to

serve as interim Federal Highway Administrator, a new title for the head of BPR in the Interstate era, while the permanent choice, Bertram D. Tallamy, disengaged from his lead role on the New York State Thruway and secured Senate confirmation. The President did not want any delay in getting his pet program, the Interstate System, underway.

On October 22, 1956, Volpe became the first Federal Highway Administrator and served until Tallamy took office on February 5, 1957. Volpe returned to his construction company and served as president of The Associated General Contractors of America (AGC) in 1960.

That same year, he won election as Governor of Massachusetts, beginning his 2-year term on January 5, 1961. He lost his 1962 reelection bid, but returned to the State House after winning in 1964. In 1966, he won election to the State's first 4-year term as Governor.

As Commissioner of Public Roads and Governor, Volpe was known as a roadbuilder, a reputation that gave highway supporters hope that the Department of Transportation would be in more favorable hands than under Secretary Boyd.

Governor Volpe had fought hard to advance Interstate freeway construction in the Boston area despite strong opposition. Ben Kelley, FHWA's first public affairs director, explained in his 1971 anti-highway book, that, "as governor of Massachusetts, he had established a record of rabid pro-freeway positions and actions, including repeated tongue-lashings" of President Johnson and Secretary Boyd when they took or proposed actions that he saw as anti-highway. Governor Volpe's opposition to Administrator Bridwell's proposed rule on public hearings and citizen appeals was an example. [Kelley, Ben, *The Pavers and the Paved: The Real Cost of America's Highway Program*, Donald W. Brown, Inc, 1971, page 80]

During an address in Boston shortly after the election, Governor Volpe deplored the delay on the city's Inner Belt, designated I-695. He added, "There's a new administration taking office in Washington, and I think we will start to see things happen." During the election, Volpe had strongly supported the Nixon campaign, partly in hope of becoming Secretary of Transportation in the new administration. A book about the Boston freeway controversies explained:

Volpe reportedly was angered over the further delays in the Inner Belt, delays made possible by DOT in a Democratic Administration . . . .

Volpe's arrival in Washington would please state highway officials, who were irritated not only by the delays in local projects but also by new federal proposals calling for greater public participation in decisions over routes and designs. [Lupo, Alan; Colcord, Frank; and Fowler, Edmund P., *Rites of Way: The Politics of Transportation in Boston and the U.S. City*, Little, Brown and Company, 1971, pages 40 (State highway officials pleased) and 50 (Volpe address)]

During the Senate confirmation hearing before the Committee on Commerce on January 15, 1969, several Senators asked about the nominee's views on highways and his actions as Governor. Senator Philip A. Hart (D-Mi.) told Governor Volpe that "in the eyes of minority groups," the Federal highway program "is an enemy, because they do not generally run the

highway through my house or yours; it is the fellow whose property is cheaper, quicker to get, but who when he is moved has less opportunity to relocate successfully than you and I have.”  
The Senator asked:

Would you agree that based on the bitter experience of recent years, which has highlighted the social damage and its great cost falling from this business of which is the cheapest way of building these things, that your administration should attempt to balance and include all the factors affecting the area of any proposed construction than merely the traditional bookkeeping judgment alone is not in the best long term interest of any of us?

The Governor described his experience as commissioner allowing design of highways only after reaching out to local officials. As a result, he secured approval of the alignment from almost all communities involved:

I think we have to remember that the environmental and social factors involved in the bidding [sic] on highways and the engineering for them certainly must be given a very prominent part in the final decision. Cost is important . . . . On the other hand, I think we also have to remember, and I have said this many times, that whether it is a \$50,000 home or an \$80,000 home or a rented apartment, that little apartment or home is just as much a castle to the individual who has lived there for 35 years as the larger home. So, I can certainly assure you, Senator, that I will do everything within my power to be certain that we do take all aspects into consideration – esthetic, environmental, and human factors as well.

He also replied in writing to questions posed by the city of Cambridge that Senator John O. Pastore (D-RI) read into the record. The city worried that as Secretary, Governor Volpe would force construction of the I-695 Inner Belt while Governor Francis W. Sargent, the former Lieutenant Governor who had succeeded Volpe, studied the issues involved in Boston freeway construction. Governor Sargent had shocked his predecessor by putting the Boston freeway network on hold pending results of the study. Now, in response to the city’s questions, Governor Volpe said he would honor Governor Sargent’s request that no action be taken to advance I-695 “because of the delicacy of the relationships between the state and the affected communities in this matter.”

He concluded his responses to the city’s questions by writing:

My own experience has convinced me that each of the methods of transportation has a proper role to play in meeting the requirements for transportation in a metropolitan area. By “balanced” I mean that the transportation planning should seek to utilize the particular capabilities of each mode. “Balanced” means the modes work together as a system in proper relationship to the area it serves. Mass Transit has a vital role to play in such systems. I expect to see greater use of both bus and rail transit systems within our cities, possibly in relation to fringe parking facilities. One of the important policy questions to be examined is the direction for the Federal role in this field and its methods of financing.

(For more information on Governor Sargent's role in the Boston freeway revolt and its impact on the future of the Interstate System, see "Unravelling the Highway Trust Fund 1968-1978" on this Web site.)

Senator Spong raised the "deep-seated controversies which have developed in several of the country's metropolitan centers, including Washington, over highway construction." He added, "In Washington there is a virtual impasse between those who favor construction of additional freeways and those who feel the emphasis should be on rapid transit." He asked about the Department of Transportation's role in urban areas. This was the only reference to the Washington freeway impasse during the hearing.

Volpe explained his support for balanced transportation, saying, "we will need both good highways and good rapid transit systems together with high-speed ground rail transportation between some of the cities in our Nation in order to do the job, because I am convinced that the highways alone will just not do the job." [Nominations-1969, Hearing Before the Committee on Commerce, United States Senate, 91<sup>st</sup> Congress, 1<sup>st</sup> Session, on Nominations of Hon. Maurice H. Stans . . . and Hon. John A. Volpe . . ., January 15, 1969, Serial 91-2, pages 33, 37, 44-45]

In moving to Washington, Secretary and Mrs. Volpe considered a three-bedroom apartment in Rosslyn, Virginia, and had even consulted an interior decorator. As the *Post* explained, "After crossing the traffic choked Virginia bridges several days at rush hour, however, Volpe changed his mind. He and his wife decided to settle closer to the office, in the unofficial Nixon enclave of Watergate east." His new three-bedroom apartment in Watergate East was a short drive from his office in the southwest quadrant of the city. Like all Cabinet Secretaries in that era, he had a limousine and driver for his commute. [Oberdorfer, Don, and Eisen, Jack, "D.C. Gets Volpe Pledge on Chronic Road Ills," *The Washington Post and Times Herald*, March 9, 1969]

Secretary Volpe selected a career FHWA employee that he knew well from his days as Commissioner of Public Works and Federal Highway Administrator. Francis C. "Frank" Turner, a native of Dallas, had joined BPR as a Junior Highway Engineer in 1929 immediately after graduating from Texas Agricultural and Mechanical College (now Texas A&M). From 1933 to 1940, he was an area engineer in BPR's office in Little Rock, Arkansas; following a period in the Division of Construction in headquarters, he was assigned in 1943 to expedite completion of the Alaska Highway, the land link through Canada between the States and its northern territory, and to work with Canadian officials to ensure its proper maintenance when the war ended. After the war, he was placed in charge of restoring the war-damaged roads and bridges of the Philippines.

He returned to Washington in 1950 as an assistant to Commissioner of Public Roads MacDonald, who left office in March 1953, and his successor, Francis V. du Pont (1953-1955). In the mid-1950s, he worked with Eisenhower Administration officials and Congress as they developed the Federal-Aid Highway Act of 1956 to launch construction of the Interstate System. From 1957 to 1969, he served BPR and the FHWA as Deputy Commissioner, Chief Engineer, and then Director of BPR within FHWA. In these positions, he played a major role in getting Interstate projects underway, resolving project disputes, and addressing the growing criticism of the program. Turner was thoroughly familiar with the District's issues and had represented FHWA

on many occasions while the freeway network was under discussion. [*America's Highway 1776-1976*, pages 185-187]

During Turner's confirmation hearing before the Senate Committee on Public Works, Senator Joseph M. Montoya (D-NM) asked what BPR was doing to improve traffic flow in the Washington area. Turner replied:

We are actively engaged in an effort to resolve the stalemate that has occurred. We are attempting to meet the requirements of the statute that this committee and Congress enacted last year, which instructs the Secretary of Transportation and the District Government that four sections of the system shall be built.

We have studies, we have efforts underway to try to break this impasse, and I hope, I am optimistic, that within a few weeks we will be able to have a solution to that problem and get on with the job in certain parts of the system.

Senator Spong asked about the two-hearing regulation. Turner said he had joined Administrator Bridwell in signing the PPM implementing the requirement. "I would not have signed it had I not felt that it was workable and satisfactory." Only 6 weeks had passed since then, not enough time to judge whether it was a good idea. He added that AASHO had appointed a special task force to examine the working of the plan.

Senator Spong asked about the design concept teams in Baltimore, Chicago, and Cambridge, Massachusetts. Turner was familiar with these plans, although he said a contract had not yet been signed for the Cambridge team. The teams were, however, very expensive. "They are in the order of 15 to 20 times the estimated cost of the normal design team." Moreover, they do not complete final design. "We still have that to do after we get the results of these design concept team studies." He had "rather serious reservations as to whether or not the results being produced are of the order of costs involved." He thought "the regular total transportation planning process" could get the same result in a much less costly way. [Nomination of Francis C. Turner to be Federal Highway Administrator, Hearing Before the Committee on Public Works, United States Senate, 91<sup>st</sup> Congress, 1<sup>st</sup> Session, Serial No. 91-3, March 11, 1969, pages 17-18, 2021]

Following Senate confirmation, Secretary Volpe administered the oath of office for Administrator Turner on March 19, 1969. Chairmen Randolph, Fallon, and Kluczynski attended the ceremony.

Turner lived with his wife at 2529 North Military Road in Arlington, Virginia. He usually commuted by bus.

On December 26, Vice President-elect Agnew had announced that Jerome B. Wolff, a Democrat, would serve as assistant to the Vice President. Governor Agnew announced that, "Mr. Wolff and I have agreed that he will make his services available to the new Governor for such time as may be required to effect an orderly transfer in the best interests of the State." [Associated Press,

“Md. Official Named Aide To Agnew,” *The Washington Post and Times Herald*, December 26, 1968]

### **Transition in the District**

At the start of a press conference on December 11, President-elect Nixon announced his decision on the status of Mayor Washington:

There has been some speculation in the press to the effect that because he is a Democrat and his term expires in February that he would not be reappointed to that position.

However, in checking with both Democrats and Republicans in the District of Columbia, I find that he gets very high marks and consequently today I have asked him to serve for another term. He has agreed to do so.

Some opposition had emerged to the appointment. Representative Broyhill had traveled to President-Elect Nixon’s office in New York City to express opposition to the appointment directly. The Congressman was not critical of Mayor Washington on a personal level, but said he “was the administrative head of the District government and that during the year-plus he has been there, there was further deterioration and you don’t correct or improve it with that kind of leadership.”

After the announcement, Representative Broyhill told reporters:

Of course, I’m disappointed. But I did have an understanding with Nixon headquarters that it would not [represent] a continuation of the status quo – which I violently oppose and fear.

I was assured that there would be high-level conferences with area representatives involved to study new approaches and new programs to the problems of the District government.”

The promise of high-level conferences gave him a “ray of optimism” for the city’s future.

Gilbert Hahn, Jr., chairman of the District Republican Central Committee, had urged the President to appoint a Republican to the post. Following the announcement, he told reporters, “I said last week that the decision was Mr. Nixon’s and that if he reappointed Walter Washington, he would have 100 percent of my support. I meant it then and I still mean it.”

All members of the city council “expressed unanimous delight” at the reappointment, according to the *Star*. Chairman Hechinger praised Mayor Washington’s “calm, cool competence.” Hechinger intended to retire at the end of his term in February to allow President Nixon to appoint a Republican to head the city council.

Mayor Washington told reporters he appreciated the “great evidence of voluntary support” from area groups. He added, “I think we’re serving people.” [“Nixon Retains D.C. Mayor” and

“Decision on Mayor Hailed By All Of D.C. Councilmen,” *The Evening Star*, December 12, 1968]

Columnists Drew Pearson and Jack Anderson had a different view of the reappointment. By the time President-elect Nixon called Mayor Washington to offer him the job, “Nixon was desperate to find a Negro to become part of his Administration.” Hahn, in his “bitter opposition” to reappointment of Mayor Washington, had “even called meetings of Republican businessmen and made impassioned speeches to them about crime in the streets in an attempt to enlist their help to pressure Nixon not to reappoint Washington.” The columnists added:

Note – Nixon should be warned that Hahn will now seek to sabotage the Mayor by bypassing the White House and applying his pressure upon the District of Columbia committees on Capitol Hill. [Pearson, Drew, and Anderson, Jack, “Byplay in Choice of Labor Secretary,” *The Washington Merry-Go-Round*, *The Washington Post and Times Herald*, December 19, 1968]

By January 1969, Hahn had emerged, along with Councilman Nevius, as candidates for chairman of the city council after Chairman Hechinger’s term ended. Hahn, who had discussed District issues with Nixon aides, enlisted help from area Republicans to secure the nomination. Nevius, whose term on the city council was expiring, was not actively campaigning for the top spot.

On February 13, President Nixon attended as Mayor Washington took the oath of office in the East Room of the White House. Supreme Court Justice Thurgood Marshall administered the oath of office while Mayor Washington’s wife Benetta held the Bible.

President Nixon said, “Without a strong local government with real home rule and without the support of the citizens, the people of Washington, the Federal activities will come to naught. He pledged that the Federal Government “will do everything that is appropriate, everything that is possible” to help cities across the Nation address their problems, but added that the responsibility for the Nation’s capital was unique. His objective was for the city to become “the model city for America . . . and the world.” Referring to the mayor as “the top citizen in this city,” President Nixon said, “I am a resident of your city.”

Mayor Washington promised to “look to the future.” He said, “There is no problem . . . that confronts a city that we cannot meet if we meet it together.”

President Nixon used the occasion to announce his long-delayed picks for the city council. He selected Hahn to be chairman and Sterling Tucker to be vice chairman. The Reverend Jerry A. Moore, Jr., would replace Councilman Nevius. [Asher, Robert L., “Nixon Names Hahn, Pushes Home Rule,” *The Washington Post and Times Herald*, February 14, 1969; Dobbin, Muriel, “Nixon Swears In District’s Mayor,” *The Baltimore Sun*, February 14, 1969]

A Washington native, Hahn was an attorney who had graduated from Princeton University in 1944 and Yale Law School in 1948. His father headed the Baltimore and Washington area’s largest shoe store chain, Hahn’s Shoes. He promised to restrict his involvement in the law firm of Amram, Hahn, and Sundlun to avoid conflicts of interest by not representing clients in

disputes with the city or Federal Government. He considered crime to be “the No. 1 problem” in the city and wanted to double the police force and triple the number of judges. In testimony before the city council representing the District’s Republican Central Committee, he had urged adoption of gun control legislation. Hahn, his wife Margot, both white, and their three children lived at 3022 University Terrace, NW., in the District’s Palisades neighborhood south of American University.

Sterling Tucker, an African American born in Akron, Ohio, where he had received a master’s degree in social psychology from the University of Akron. He had been director of the Washington Urban League for 11 years. Tucker, a registered Democrat, had taken a leave of absence from that post to head the National Urban League’s field service division. After working for the league in Akron, he moved to the league’s Washington chapter. He met his wife Alloyce at the University of Akron. They and their two daughters lived in a two-story brick house at 6506 16<sup>th</sup> Street, NW.

The Reverend Moore, a registered Republican, had been pastor for 23 years at the 19<sup>th</sup> Street Baptist Church at 19<sup>th</sup> and I Streets, NW., described in the *Post* as “the oldest Negro Baptist church in the city.” Born in Minden, Louisiana, he had graduated from Morehouse College in Atlanta before receiving a bachelor of divinity degree in 1943 from Howard University in the District. He was a founder and current director of Uplift House, a project to lower the juvenile delinquency rate in the northwest quadrant. He was Howard University’s Baptist chaplain, and served on other civic groups. He, his wife Ettyce, and their two sons lived in the Michigan Park neighborhood at 1612 Buchanan Street, NW.

[“Profiles of New Appointees,” *The Washington Post and Times Herald*, February 14, 1969; “Hahn Says He’ll Restrict Law Practice,” *The Washington Post and Times Herald*; Radcliffe, Donnie, “A New Goal ‘With Crunch,’” House, Toni, “Husband’s Sounding Board,” Billington, Joy, “In Sudden Limelight,” all in *The Evening Star*, February 14, 1969]

On March 13, Supreme Court Justice Potter Stewart administered the oaths of office to the three new members of the city council. The brief ceremony took place in the Fish Room of the White House. President Nixon did not attend the ceremony, during which the wives of Chairman Hahn, Vice Chairman Tucker, and Councilman Moore held the Bibles for their husbands.

Chairman Hahn said his goals were jobs, housing, and schools. He also thought that the city council was too amorphous and could use a shakedown. He planned to work in a bipartisan manner. “There is no Democratic or Republican way to deal with problems such as housing, health, and schools. There is no liberal or conservative way to collect garbage.” [Basham, William, “3 Take D.C. Council Seats, *The Evening Star*, March 13, 1969]

With these changes, the city council would have 5 Democrats and 4 Republicans, a slight change from the previous 5-to-4 ratio. African American membership increased from 5 members to 6 with the addition of Councilmen Tucker and Moore.

(The Fish Room was so-named after President Franklin Roosevelt installed an aquarium and mounted displays on the walls of fish he had caught. President Nixon renamed it the Roosevelt Room in 1969.)

### **Waiting for Secretary Volpe**

As the year began, WMATA Chairman Gleason was succeeded by Frederick A. Babson, chairman of the Fairfax County Board of Supervisors. Gleason urged creation of a national mass transit trust fund, an idea that was gaining support among freeway critics who saw the option as the best way to compete for Federal dollars with the Highway Trust Fund. The proposed fund, Gleason thought, might help avoid the delays WMATA was experiencing with securing appropriation of District matching funds.

The area, he said, badly needed a “balanced system of transportation – a system which gives a choice.” He noted that voters in Atlanta, Los Angeles, and Seattle had defeated rapid transit plans because of financing plans, a problem that a mass transit trust fund could address. The Washington area was the only one in the country ready to go to construction on a rail rapid transit system, if Congress would release the matching funds. He said:

If members of congress who represent the metropolitan areas of the Nation . . . are convinced a vote for the mass transit system here in the Nation’s Capital will facilitate the appropriation of funds for mass transit in their own communities, then this region’s transit system will no longer have to be concerned over local disputes concerning highways. [“Congress Urged to Help Finance Subway Here,” *The Washington Post and Times Herald*, January 4, 1969]

Members of Congress, according to Representative Davis of the District appropriations subcommittee, were becoming “more reluctant” to approve subway funding in view of the inaction on freeways. Legislators did not consider NCPC’s Major Thoroughfare Plan adopted for the Year 1985 Comprehensive Plan to be consistent with the mandate in Section 23 of the Federal-Aid Highway Act of 1968. As a result, the committee was “getting more and more hard-nosed,” or to put it differently, “The more footdragging [sic] we see, the more reluctant we get.” He added, “I don’t think they are going to get their subway money.”

Lee Flor confirmed that members of the House Committee on Public Works felt the same way.

Chairman Kluczynski said, “I just don’t understand the city council,” adding, “They’re not going to have any mass transit or subway, that I can assure them.” Representative Cramer said the 1968 Act had carefully spelled out what Congress wanted the District to do. The votes by NCPC and the city council on the Major Thoroughfare Plan did “great violence to the legislative mandate.”

With the end of the Interstate program expected to occur in the mid-1970s, Chairman Kluczynski pointed out that the District was in danger of losing as much as \$200 million in Federal-aid highway funds. “There are other States looking for money,” he said. “We in Chicago are starving for more roads and mass transit.” [Flor, Lee, “Freeway Dispute May Stall D.C. Subway

Funds Again,” *The Sunday Star*, January 5, 1969; Flor, Lee, “Delays Peril Freeway Funds, D.C. is Warned,” *The Evening Star*, January 7, 1969]

Business leaders, who had formed the Citizens Committee for Better Transportation, were pleased that with their support, the Maryland and Virginia suburban communities had approved bond referenda for bonds to build rail rapid transit. As Lee Flor pointed out:

Had the bond referendums failed, it probably would have been impossible to convince a sceptical [sic] Congress that the suburbs would pay for their share of the \$2.6 billion regional transit system. With the overwhelming victory, this hurdle was passed.

Next the business leaders were going to try “to convince Congress to vote the first construction money to get the subway started.” They expected the incoming Administration to submit a special request for the funding in February. How they would convince Chairman Natcher to cooperate was unknown. [Flor, Lee, “Transit Vote Tribute to Leadership,” *The Sunday Star*, January 12, 1969]

By the end of January, Representative Sisk had introduced legislation authorizing the Federal Government to underwrite \$1.1 billion in transit bonds for Metro. Senator Tydings indicated he would introduce the bill in the Senate. The Johnson Administration had initiated the bills, but the Nixon Administration had not approved them. Under the bills, WMATA would issue the bonds, which the Federal Government would retire with annual grants from the general Treasury. Area governments would provide the balance of construction funds, mainly through local and WMATA bonds that were to be retired with revenue from fare collections.

The bills were vital to the future of the rail rapid transit system, but their future appeared uncertain in view of the blockage of the freeways that the Federal-Aid Highway Act of 1968 had directed the District to build. Of course, central to any legislation was Chairman Natcher’s refusal to appropriate the needed District matching funds. He showed no signs of relenting. Moreover, congressional willingness to authorize such a large sum was uncertain. In a News Analysis, Jack Eisen explained:

In the past, the House has not been overly fond of investing heavily in projects to serve the populace of Washington and its suburbs . . . . City officials, while trying to sell their proposal this year, will try to convince the lawmakers that the curtailed road program is substantial and adequate enough to serve Washington’s needs.

They would have to overcome congressional leaders who saw the Major Thoroughfare Plan “as clear defiance of a law . . . . They also are enraged at city officials for hailing the Washington curtailment as a precedent for other cities.”

Eisen quoted Representative Cramer. “It appears the rapid transit system is in deep trouble because of an unwillingness to deal realistically with the freeway problem.” [Eisen, Jack, “Hill Fight Set on Metro,” News Analysis, *The Washington Post and Times Herald*, January 25, 1969]

WMATA was able to do some work leading to construction. With the District appropriations subcommittee’s approval, WMATA spent District funds for preliminary work, including real

estate acquisition. For \$1.5 million, WMATA acquired the block between 5<sup>th</sup> and 6<sup>th</sup>, G and F Streets, NW. With the subway below, WMATA planned to build its headquarters building above ground (at 600 5<sup>th</sup> Street, NW., near the Gallery Place station east of Verizon Center). By January 1969, crews were demolishing 25 properties on the block to make way for subway construction. WMATA was working with the Jewish Historical Society of Greater Washington on the future of one property on the block, the Adas Israel Synagogue, the first synagogue in the city. (It would be moved three blocks to 3<sup>rd</sup> and G Streets, NW.) [Flor, Lee, "Block in NW Being Razed For Subway Construction," *The Sunday Star*, January 12, 1969]

District leaders tried on January 13 to secure suburban support for the Major Thoroughfare Plan.

Chairman Hechinger and NCPC member Gibson appeared before the TPB where Hechinger contended that the plan met the requirements of Section 23 of the 1968 Act. As Lee Flor reported:

[Hechinger] said every project specified by the congressional act was in the freeway plan, in one form or another, except for the Three Sisters Island bridge.

The bridge would ruin the rest of the carefully designed plan if it were built, Hechinger told representatives of suburban Maryland and Northern Virginia governments.

Gibson argued that suburban residents, as well as District residents, opposed the bridge and the North-Central Freeway. He said the technical assumptions of the freeway engineers had to be challenged by experts in humanity. Automobiles, he said, must be accommodated to the city, not the city to the automobiles. Rail rapid transit would provide for future growth of travelers.

Hechinger and Gibson were greeted with criticism, particularly from Commissioner Douglas Fugate of the Virginia Highway Commission, and Montgomery County Councilman Keeney, as Jack Eisen reported:

Fugate said the failure to provide needed bridges, including Three Sisters, will assure chaotic traffic conditions after Interstate Rte. 66 and a widened Shirley Highway reach the Potomac Shore.

Keeney said the new road plan condemns most Montgomery County motorists to fighting congestion on city streets already filled to capacity. He said the North Central route is clearly needed.

After the meeting, Hechinger told reporters he planned to go to Congress and explain his position to Chairman Natcher. "We're soliciting support from the counties" where voters strongly supported bond issues for rail rapid transit. [Flor, Lee, "Freeway Plan Is Termed In Line With Congress," *The Evening Star*, January 14, 1969; Eisen, Jack, "D.C. Seeks Suburb Aid On Freeways," *The Washington Post and Times Herald*, January 14, 1969]

Chairman-Director Wolff of the Maryland State Roads Commission made his views clear as he prepared to leave office to serve under Vice President Agnew. Appearing before the Maryland House of Delegates' Ways and Means Committee, he criticized the District for deleting the

proposed tie-in of I-95 with the North-Central Expressway. “We had a commitment with the council and they broke it.” Their action was “a unilateral, illegal act” that “placed a cloud over the interstate system in Maryland.”

He was particularly critical of what he called the “liberal thinking” of Secretary Boyd and Administrator Bridwell. “The Federal Government has contributed in large measure to our difficulty” in providing the I-95 link.

At least, Wolff conceded, Bridwell had approved Interstate designation for the Baltimore-Washington Parkway. As a result, the blockage of I-95 might prove to be “a blessing in disguise for Maryland.”

Wolff promised that “all these things will be unraveled by the new Administration” as soon as Governor Mandel found a new chairman-director. In response to a question, Wolff said “I will do my best” in unraveling the problems. However, after the hearing, Wolff retreated slightly. He told reporters, “Not being in the Administration, I’m not going to make a guess about it.” [Jay, Peter A. “Wolff Hits ‘Liberal thinking’ For Blocking I-95 From D.C.,” *The Washington Post and Times Herald*, January 30, 1969; “Maryland Road Chief to Try To ‘Unfreeze’ U.S. Aid Funds,” *The Evening Star*, January 30, 1969]

On January 30, Representative Gude wrote to Chairman Kluczynski to request a hearing into the Major Thoroughfare Plan and former Administrator Bridwell’s January 17 actions. “It is my understanding that none of the elements of the plan or policy were presented to the technical agencies of Maryland, as well as Virginia and the District of Columbia itself, for any kind of review or comment before the plan was adopted.”

Eisen, in a News Analysis, described the letter, saying it did not contain prohighway arguments. “From its bland prose, it is impossible to isolate a single phrase of “head-line grabbing rhetoric.” However, the Congressman posed five questions. Did the city council act within its rights in approving the curtailed plan? What about finances? Will the Palisades Parkway from Cabin John into a tunnel under the Georgetown Waterfront qualify for 90-percent Interstate construction funds or will it “draw its funding from a more limited Interior Department park-roads source?” Finally, as Eisen summarized, “what about traffic service.”

The letter to Chairman Kluczynski stated:

Delays in the construction of any part of the overall transportation system in our metropolitan area inflates the social, engineering and economic cost of such a system. There are questions of the legal authority under which the highway changes been made . . . . [Eisen, Jack, “Hearing Asked By Gude on D.C. Highway Plans,” *The Washington Post and Times Herald*, January 31, 1969; Eisen, Jack, “Gude Seeks Answers in Freeway Hassle,” News Analysis, *The Washington Post and Times Herald*, February 1, 1969; Rowland, Rames B., “Hoyer Seeking Solution To Issue of Rt. 95 Link,” *The Evening Star*, February 3, 1969]

*Star* editors said of Wolff's statements and Representative Gude's letter, "They both are right – in terms of both timing and responsibilities." If the city and NCPC had followed the instructions in the Federal-Aid Highway Act of 1968, "a reasonable end to this long dispute would have been in sight by now." Instead, the city and NCPC, with encouragement from the Johnson Administration, had "hurriedly refashioned a quite different freeway system of their own, the adequacy of which Representative Gude has challenged in a series of succinct questions." His request for a hearing "is a logical starting point."

With the incoming Nixon Administration and a new Congress, the time was right for "a renewal of initiative":

The new secretary, John A. Volpe, has properly avoided comment on the details of the dispute until he has had a chance to explore them.

He has asserted his firm support, however, for a reasonably balanced transportation system, utilizing both freeways and rail transit – and that is the real essence of the matter. The trail transit program is ready to go. What remains is a binding decision to assure the balance. ["New Start," *The Sunday Star*, February 2, 1969]

As frustration built, Representative Broyhill asked President Nixon to help get construction underway on the Three Sisters Bridge. The "on-again, off-again" status of the bridge was tragic and affected 11 stalled projects"

The eleven stalled projects listed by Broyhill are the Potomac River freeway; Palisades Parkway; George Washington Memorial Parkway (Maryland side); Interstate Route 66; Dulles Access Road; widening of Memorial Parkway on Virginia side; ramp connections between Memorial Parkway and Jefferson Davis Highway; Ohio Drive tunnel; additional river crossing lanes in the Chain Bridge area; Glebe Road widening; and widening of Route 123.

Representative Scott, the *Star* reported, was so angry about the delay in building the bridge that he introduced a bill to abolish NCPC and shift its functions to the mayor of Washington. ["Broyhill Asks Nixon to Push Bridge Start," *The Evening Star*, February 6, 1969]

The TPB rejected the Major Thoroughfare Plan on February 17 by a vote of 8 to 3, reflecting a suburbs-city split. The vote supported the Three Sisters Bridge and the North-Central Freeway. The approved policy statement said that "complete accessibility" is a requirement for any regional plan. "A freeway route serving Maryland and the north part of the District of Columbia is essential . . . . Similarly adequate service to the Virginia suburbs is required."

Although the vote encouraged freeway supporters, it had no legal force. Representing the District, Lt. Colonel Starobin said, "I think it will serve only a mischievous purpose." He, Councilman Yeldell, and Robert Harris of NCPC voted to oppose the statement. Yeldell pointed out that "there is unified opposition to freeways in the District." The District Highway Department abstained. ["Area Agency Backs Freeway Projects," *The Evening Star*, February 17,

1969; Eisen, Jack, "Reduced Road Plan Refused by Board," *The Washington Post and Times Herald*, February 18, 1969]

Outgoing Chairman Hechinger urged the board to reverse its vote. Freeways within the District were "disruptive" of good neighborhoods, residential sections, and parks:

The action of the board brings the problem right back where we were. You're talking about more gateways, and the principle of NCPC is not to have any more gateways.

It is very necessary that you repudiate yesterday's vote.

He was speaking during a panel discussion sponsored by the Council of Government's metropolitan congress of citizens. He was, however, the only defender of the Major Thoroughfare Plan. Montgomery County's Kenney pointed out that the vote was to "keep our options open." Although discussion was about the Three Sisters Bridge and the North-Central Freeway, "The action taken by the planning board was not an action that said anything about the Three Sisters Bridge or the North Central Freeway. We didn't mention any specific alignment of any road."

Babson, the new WMATA chairman, said to Hechinger, "I don't see how you're going to get around building the Three Sisters Bridge. Congress wants it, the people want it, except in the District and Arlington. I think we're going to see a Three Sisters Bridge whether we want it or not." [Delaney, Paul, "Rescind Freeway Stand, Hechinger Asks COG," *The Evening Star*, February 19, 1969]

### **Secretary Volpe Gets Involved**

WMATA provided an official estimate on February 7, 1969, based on new engineering studies for each line of the 97.7-mile rail rapid system. Professor Schrag described the resulting *Adopted Regional Rapid Rail Transit Plan and Program*, which was known as the "bronze book" because of its metallic-colored cover:

Along with supporting technical documents, this report, endorsed by the WMATA board and the congress, provided an official statement of what Metro was supposed to accomplish, from creating jobs and real-estate value to enriching the region's social and cultural life. And it estimated the system's price tag: \$2.4946 billion, including \$535.4 million in escalation, another term for inflation. [Schrag, page 171]

Overall, WMATA needed \$573.5 million from local jurisdictions, with \$1.1 billion in matching Federal transit funds. However, the amounts needed from some jurisdictions changed. Several jurisdictions' contributions were reduced (Montgomery and Prince George's Counties in Maryland and Alexandria and Falls Church in Virginia). Increases in other jurisdictions prompted Arlington and Fairfax Counties in Virginia to argue that they could not provide additional funds because of limits in the transit bond referendums that voters had approved only 2 months earlier.

In view of the increases and decreases, WMATA agreed on a compromise total for local jurisdictions of \$555.6 million. Because all the funding was not needed immediately, board members agreed to revisit how to pay the balance of \$17.9 million. [Flor, Lee, "Compromise On Subway's Cost Approved," *The Evening Star*, February 7, 1969]

On February 24, Secretary Volpe held a press conference to announce the nominations of Turner as Federal Highway Administrator and Secord D. Browne as Assistant Secretary for Research and Development. The secretary told reporters he had been studying the Washington area's Interstate System as modified by the Major Thoroughfare Plan.

After the press conference, he met for 70 minutes with members of the National Coalition on the Transportation Crisis, a group of freeway critics from other cities who affiliated with ECTC. ECTC's R. H. Booker, Sammie Abbot, Leonard Siger, and the Reverend Gipson represented the national group. They demanded a halt to freeway construction in all urban areas and the shift of highway funds to rail rapid transit. A spokesman for Secretary Volpe said he told the group he was sympathetic to their goals, but could not halt freeways entirely or shift the funds to transit.

He also met for 45 minutes with Deputy Mayor Fletcher, outgoing Chairman Hechinger, city council members Yeldell and Shackleton, NCPC Chairman Hammer, and other city officials in what they characterized as a get-acquainted meeting that occurred coincidentally on the same day as the meeting with freeway critics. Secretary Volpe assured them that he wanted the area's rail and highway transportation to be a national model. ["Volpe Studies Plan for City Freeways," *The Washington Post and Times Herald*, February 25, 1969; "Volpe Suggests Both Sides Give Ground on Freeways," *The Evening Star*, February 25, 1969]

On February 27, Secretary Volpe addressed the National Governors' Conference at the Washington Hilton Hotel. He recalled that he had been chairman of the Governors' Conference in 1968 when the Governors protested FHWA's proposed two-hearing rulemaking and its controversial appeals process. "In large part because of our opposition," FHWA modified the rule, which in final form "is nowhere near as objectionable to the states now as it was originally." He said the rule, nevertheless, was under review.

He stressed that delays in highway building must end. He said "our greatest concern is that we avoid the on-again, off-again policies of past years – that we insure the continued progress of highways already committed and that we experience no roadblocks in our efforts to construct a coordinated highway network within our proposed coordinated transportation system":

I have been asked in several recent interviews whether I'm a 'Highway Man' or a 'Rapid Transit Man.' The answer, of course, is that as of last month I am a 'Transportation Man.'

I have said before, and I say again, that highways will not do the whole job. I'm a former Commissioner of Public Works, I'm a former Federal Highway Administration, and I've cut plenty of ribbons to open new stretches of pavement . . . but I'll say it again, highways will not do the whole job.

While we cannot neglect our great highway system – either from an expansion or maintenance point of view, we must combine that system with rail, air and rapid transit modes. And we must bring to these other modes the same creative foresight we gave the Federal Highway program back in 1957 [sic].

We need the funding to develop these other modes of transportation and that is in the works. I have told the President that the Department of Transportation will come up with ideas and proposals to bring about the funding and the creation of a true national system.

We need the knowledge, the expertise and – in a sense – the audacity to put our crew of research and development experts to work to come up with fresh ideas backed with solid enthusiasm. [“Volpe Assails Delays in Road Building,” *Transport Topics*, March 10, 1969]

In an interview published in the February 1969 issue of *Highway User* magazine, Secretary Volpe said he was “pleased and honored” to serve in President Nixon’s cabinet. He recalled his brief period as Federal Highway Administrator:

The coincidence is even more striking than your question indicates since it was Mr. Nixon, on behalf of former President Eisenhower, who presented the basic plan for completing the Interstate System to the Governors’ Conference in 1954.

(President Eisenhower intended to deliver a speech on his “Grand Plan” for the Nation’s highways to the Governors’ Conference meeting at Lake George, New York, on July 12, 1954. Because of a death in the family, he was unable to attend, but gave his notes to Vice President Nixon, who delivered the speech. The President called for a \$50 million “grand plan for a properly articulated system that solves the problems of speedy, safe, transcontinental travel – intercity communication – access highways – and farm-to-market movement – metropolitan area congestion – bottlenecks – and parking.” By “articulated,” he meant that each level of government would improve its roads. The plan included “very probably, a program initiated by the Federal government, with State cooperation, for the planning and construction of a modern State highway system . . . to construct new, or modernize existing highways.” This statement, delivered by Vice President Nixon, launched President Eisenhower’s public drive for the Interstate System.)

The Interstate program, Secretary Volpe said, had been important to him as Commissioner of Public Works and Governor of Massachusetts:

I should mention in passing, though, that while the Interstate System is scheduled for completion sometime around the middle of the next decade, the traditional Federal-State highway program will never be brought “to a successful conclusion.” It must continue to keep pace with the ever-increasing demand for personal mobility.

Asked about the chief good and bad points of the program, he replied, “I don’t believe there are any ‘bad’ points, but there are areas which cause continuing concern.” He cited the rising cost and the tragic toll of highway deaths as areas of concern:

On the positive side, we can point to these undisputed “good” points of the highway program: improved transport, safer roads, greater travel comfort, decreased travel time and cost, unlimited mobility on a reasonably good road, and so on.

He said he would take a close look at the two-hearing PPM. “I was strongly opposed to the proposal; however, as finally published, it was changed rather materially, and I have not had the opportunity as yet to study what the full effect of these changes might be.”

In view of pressures to use highway user tax revenue for transit, he told the editors, “I believe that the integrity of the Highway Trust Fund must be preserved without question.” Diverting revenue to purposes other than highways “would abrogate a long-standing moral commitment, as well as a statutory provision.”

As Secretary, he strongly supported rail rapid transit because “we are going to need all of the kinds of transportation we now have or can dream up to meet the mounting requirements of our population.” Rail rapid transit would play an important part in “the scheme of things in larger urban areas”:

To be realistic, though, it is generally considered that rail rapid transit cannot be justified and successfully operated except in areas having at least 1,000,000 inhabitants. That severely limits its feasibility. There is a great future, I believe, in bus rapid transit, which is more flexible and can take advantage of such modern innovations as exclusive bus lanes on city freeways and other arterials . . . . However, all studies appear to indicate that future highway needs in urban areas will be great, even though urban areas undertake extensive programs to improve mass transit, whether bus or rail, or both.

He also responded to a question about the District’s freeway controversy:

Your question recognizes that Washington, D.C., has a “special” transportation problem and that is probably an understatement. Ordinarily I believe that each area must make its own analysis of its transportation needs. However, there are so many factors at play here in the District of Columbia that consensus is just about impossible. The District is the Federal City; many agencies are involved in its affairs; decisions affecting it have wide repercussions in neighboring States. It would seem, therefore, that this particular area should receive more than usual guidance from Congress and the Executive in solving its transportation problems. I believe that a balanced system of freeways and rail transit is urgently needed and that it should go forward as expeditiously as possible. But again, I refer you to my earlier comments about “balanced” transportation. Despite the present impasse, I believe that men of good faith, working objectively, can surely reach a solution that is best for the whole community.

He favored the design concept team as one approach to urban freeway development “if it is properly conceived and administered so that it does not result in costly delay.” At the same time, he thought that “some people” had “greatly distorted” the role of highway engineers and officials:

My own experience has indicated that the able, typical highway official has always been interested in values other than minimum cost and the shortest distance between two points. It is only those who disagreed with his decisions who have so characterized him. Nonetheless, there has been increasing attention given recently and currently to environmental factors of all kinds, and it will be my intention to continue this desirable trend. [“Secretary Volpe Tells Where He Stands,” *Highway User*, February 1969, pages 4-5]

In an interview in his office in the FAA building at Independence Avenue and 7<sup>th</sup> Street, SW., that appeared in the *Post* on March 9, he recalled his months in Washington in the mid-1950s:

While living in Washington as Federal Highway Administrator 13 years ago, John A. Volpe was pleased by plans on the drawing boards to cure the city’s traffic problems.

When he returned to the Capital a few weeks ago as Secretary of Transportation, the traffic was much worse but the plans remained. Some of the same ones were still on the drawing boards. “I was thoroughly amazed,” declared Volpe, discussing these findings in an interview, “and I can tell you, we are going to take some action.”

He had ordered a “complete restudy” of the problems in the Washington area and pledged to “knock some heads together, you might say, to reach some compromise.” Washington’s difficulties were an example of the types of problems occurring around the country:

Unless we as a Department of Transportation can come up with some innovative and imaginative ways of filling the transportation void in urban areas, within five to ten years our cities will be so strangled that you won’t be able to allow cars to come into them at all. [Oberdorfer, Don, and Eisen, Jack, “D.C. Gets Volpe Pledge on Chronic Ills,” *The Washington Post and Times Herald*, March 9, 1969]

In an Associated Press interview published in the *Star* on March 26, Secretary Volpe said that automobiles might have to be banned from some sectors of the Nation’s cities unless a mass transit breakthrough occurred within 2 years. “Some type of mass transportation has got . . . to get into operation pretty rapidly or we do face the real possibility that either we have to shut off . . . certain limited areas within a city [to rubber tires] or charge a fee to come in there.” New highways were needed, he said, but “we wouldn’t be in the mess we’re in today” if mass transit systems had been built as fast as urban expressways.” He added, “If we get down to a point where automobiles have to travel 5 miles an hour, well, you know how long people are going to use them.”

He was asked whether central city residents should have veto power over freeway construction in their neighborhoods:

Any responsible group should certainly have an opportunity to voice its opinions strongly and in the clearest terms. I think it is up to public agencies . . . to listen to these inputs on the part of neighborhood groups or citywide groups, action-oriented groups . . . or whatever they might be.

But in the final analysis it is the elected or appointed officials who have to make some final judgments . . . . Expressways are only one form. I'm convinced that you just don't stop a highway program because, perhaps, a few additional homes will have to be taken.

At the same time, "you just can't depend on a highway program to do the job completely, because it can't do the job." He cited the example of New York City. In 1917, he said, the average speed was 11 miles an hour. Now it was 7 miles an hour. "So we haven't made much progress in over half a century. So something needs to be done. And it needs to be done in a bold and imaginative way."

Did he agree with the urban experts who thought automobiles in central cities during business hours should be subject to user charges? Unless more progress was made more quickly than in the past 5 years, "you're going to have to come to some type of restriction on certain areas within . . . the core city on the utilization of the automobile." Trucks might have to be restricted to certain delivery hours or pedestrians and motor vehicles might have to be separated. "I would prefer to see the alternative of taking some people off the automobile tires if you provide good, swift, safe, economic mass transportation."

He added:

You are going to need highways as long as there's a United States of America.

But you are going to need mass transportation a great deal more and it's got to catch up . . . . And that is why I feel so strongly that we've got to do something by way of public transportation to try to catch up somewhat and minimize these tremendous delays and congestion which are taking place, which are just going to choke the economy of our major cities.

Because the AP conducted the interview for national newspapers, the reporter's article did not discuss the Washington freeway battles. [Hartnett, Ken, "Volpe Foresees Day When Cities May Curb the Use of Cars," *The Evening Star*, March 26, 1969]

By the time a new President is inaugurated, the previous President's political appointees typically have left office or are on their way out the door. One person who may not have realized he was expected to leave was Peter S. Craig, Assistant General Counsel for the Department of Transportation – one of several top-level Department of Transportation officials who were still in office when Secretary Volpe arrived. On March 17, the Department of Transportation gave Craig 30 days to leave. He told reporters he was "surprised and shocked" to learn he was not going to stay. An official told reporters that Craig had been hired for his "extensive knowledge" of ICC and Civil Aeronautics Board procedures. He had not been involved in local highway issues, the official stated.

Craig, 40 years old, said he "really hasn't made plans" on whether to return to the anti-freeway forces in the District now that he was a casualty of the incoming Administration. ["HUD Questions Procedures on Freeway Plans," *The Evening Star*, March 18, 1969; Hodge, Paul,

“District Foe Of Freeways Loses Post,” *The Washington Post and Times Herald*, March 18, 1969])

Craig joined the Southern Railway Company and returned to the freeway battles in the District of Columbia.

### **Trying to Break the Logjam**

Maryland officials were pressuring Secretary Volpe about the District’s decisions. In the General Assembly on February 27, Delegate Daniel J. Cronin (R-Montgomery County) asked his colleagues to postpone action on the Baltimore-Washington Parkway transfer for at least a year. He introduced a resolution calling on the Maryland State Roads Commission to study the needs, feasibility, and priority of spending State funds to upgrade the parkway to Interstate standards. He said:

I don’t see why Maryland should spend one cent on the parkway when we have Interstate 95 languishing a few miles to the west, and no one knowing how it will connect with downtown Washington. There also is a serious need to improve Interstate 70S from the Capital Beltway to Frederick and the work should be done as soon as possible.

The Baltimore-Washington Parkway, as an interstate highway, is not going to provide the access to downtown Washington that was planned earlier when Maryland and District officials prepared the North Central connection with Interstate 95. [Rowland, James B., “State Delay Asked on Parkway Fund,” *The Evening Star*, February 27, 1969]

On March 4, Special Assistant Attorney General Buscher of the roads commission asked the Ways and Means Committee of the House of Delegates to kill the Cronin resolution. His action reflected the State’s determination to fight for routing I-95 through the District. He said that designation of the parkway as I-295 had not eased the need for a District routing of I-95:

I am sure the Federal Highway Administration believes both interstate roads are essential or the agency would never have given them both interstate designations.

He was confident that former Chairman-Director Wolff was talking to Secretary Volpe about breaking the impasse. The Cronin resolution, if adopted, would complicate the State’s plans. “We want to include reconstruction of the parkway in the needs study we submit to the Bureau of Public Roads late this year, and they, in turn, will be able to ask Congress next year for funds to pay for most of the improvements.” [Rowland, James B., “Maryland to Intensify Fight for Route 95 Link,” *The Evening Star*, March 5, 1969]

The Montgomery County Council joined the fight on March 4. The four Republican members of the Council overruled the three Democrats to approve a resolution, introduced by Councilman Keeney, calling for a freeway link to downtown Washington. The resolution declared that the freeway was “vital to economic growth, manpower needs, and stability” in the county and city, and was “essential to a comprehensive, balanced, regional transportation system.” It also called for immediate release of the subway funds that Chairman Natcher was blocking.

The resolution did not specify a route, but as Kenney said, the North-Central Freeway was the only option. “That’s the only way this resolution can point. I can’t imagine starting all over again to plan a new freeway link.”

The Democrats argued for delaying action until Montgomery County officials could meet with District officials, but Councilman Gleason argued successfully that such a meeting would be a “useless exercise in futility.”

ECTC members, including Abbott, were in attendance. Abbott, described in the *Post* article about the session, as a “bellicose freeway foe,” and in the *Star* as “a grizzled veteran of the freeway wars,” reacted strongly when Gleason said, “It’s an interstate project anyway. There’s nothing this Council can do or not do that can affect it . . . . I’ve made enough changes on this thing personally so that I can support the resolution . . . . I don’t want to give Natcher anything that can hold up the transit appropriation.” At that, Abbott shouted, “You’re a traitor,” reminding Gleason of his service as attorney for the Save Takoma Park Committee. For this and other shouted comments, Abbott earned an escort out of the room by two plainclothes county detectives; they did not arrest him. [Feinberg, Lawrence, “Montgomery Council Backs D.C. Freeway,” *The Washington Post and Times Herald*, March 5, 1969; Ikenberry, Kenneth, “Montgomery Council Backs North Central Freeway Plan,” *The Evening Star*, March 5, 1969]

The curtailed freeway network aroused HUD’s suspicion. On March 17, a letter was made public in which HUD Regional Director William L. Kaplan questioned whether the Metropolitan Washington COG had engaged in sufficient city/suburb consultation regarding the freeway plan. He urged the organization to take a new look at the plan. Federal law required urban housing and transportation plans to be reviewed by a regional agency. With the possibility that HUD would withhold housing and other funds from the area, Kaplan wrote about the concerns expressed within the region:

While each of the jurisdictions in the COG planning area must consider the impact of transportation on the local community, these local concerns are to be aired through the Council of Governments where alternatives can be explored . . . .

Up to this point, we have considered that transportation policy . . . decisions would at least be based on the weighing of regional implications and alternative courses of action.

He asked COG to reexamine the plan and indicate “how a similar situation may be avoided in the future.”

Warren D. Quenstedt, secretary of the transportation board, called Kaplan’s letter a “rather direct demand to do what it feels the law declares.” Quenstedt pointed out that the letter “very directly and unequivocally raised questions about federal assistance, but did not say the decision was wrong.” It appeared, he said, to offer the alternative “to explain if it had” complied. At its regular monthly meeting, the board referred Kaplan’s letter to a committee to consider a response. [Eisen, Jack, “HUD Says City Must Confer on Freeway Plan,” *The Washington Post and Times Herald*, March 18, 1969; “HUD Questions Procedures on Freeway Plans,” *The Evening Star*, March 18, 1969]

*Star* editors had to admit that the failure of NCPC and the city council to consult with suburban planners was one of “a number of bad things” about the curtailed freeway plan. “This was, by any standard, a deplorable failure of planning judgment.” The District was not “an island” and it cannot view its transportation needs “apart from those of the metropolitan area as a whole.”

HUD had now called the approval into question, the editors stated, and with good reason in view of suburban complaints. The problem was “that there is really nothing at all that the Council of Governments can do to change the situation unless the city government agrees.” All indications were that the city would not “budge unless it is required to do so by Congress and by the administration”:

HUD has added one more compelling reason for resolving this absurd stalemate through the negotiation of a highway plan which truly relates to the needs of the entire region. We hope that its entrance to the controversy advances that result. [“Non-Regional Planning,” *The Sunday Star*, March 23, 1969]

The *Post* reported on March 21 that backstage negotiations were underway with staff of the House Committee on Public Works to resolve the impasse over freeway construction and rail rapid transit funding. The hope was to resolve the impasse by compromise rather than new legislation. Robert Kennan, the roads chairman of the Committee of 100 on the Federal City, had revealed the negotiations on March 20. A congressional source told the *Post* that the meetings would continue. [“House Committee Seeking to Break Impasse on D.C. Freeways, Metro,” *The Washington Post and Times Herald*, March 21, 1969]

While waiting for Congress release funds for subway construction, WMATA was not idle, as the *Star* described:

At present, seven stations are under final design, as is 5.6 miles of the eventually 97.7-mile network of subway, surface and aerial track.

The geologists are continually boring holes into the streets to study the soil and rock base strength, and the real estate section of WMATA has begun making arrangements to buy the necessary properties along the route.

Other sections of WMATA are working on testing the new metro car and figuring out the massive electronic system that will accurately operate the trains . . . .

Officials and staff were surprised that they had not been able to begin construction:

Finding themselves in the middle of the freeway fight – a true “no-mans land” – the subway builders still seem a little stunned that they couldn’t begin digging last October as they had planned.

The first dirt was to fly at the Judiciary Square station, one of 86, deep beneath the bronze hooves of the Jose de San Martin Equestrian statue.

After the holdback on construction money, the subway builders took out their slide rules and computed that it is costing \$250,000 for every day subway construction is not going on or \$90 million a year.

In their office in “modern, sterile L’Enfant Plaza” along the 10<sup>th</sup> Street Mall, staff had one request of a reporter. “Don’t write anything that will make Congress mad at us and its highway friends.” [“Word on the Subway Countdown: Still Holding,” *The Evening Star*, April 14, 1969]

### **Backstage Negotiation**

On April 21, Mayor Washington, Deputy Mayor Fletcher, and other city officials appeared before Chairman Natcher’s subcommittee to discuss the District of Columbia Appropriations Act for 1970. After covering many other topics, Chairman Natcher asked “Mr. Commissioner” (Mayor Washington) what the city was doing to solve the rapid transit-freeway controversy.

Fletcher acknowledged his work with Public Works Committee staff. “It is our hope that very shortly we will have a compromise proposal that would be accepted by everyone concerned on this, so we can proceed with a balanced transportation system.”

Chairman Natcher asked if a decision would be made while the hearings were underway. Fletcher said “it is my understanding that a meeting of the principal Congressmen involved will be held next week.” The chairman said he hoped the talks would be successful “because we are ready to act on this committee, and we have been ready to act on this committee since 1958.”

Mayor Washington assured him:

We think this is a vital matter. We think the balanced transportation, with the plan, can be developed and I simply appreciate the posture that the committee takes with respect to wanting to see this and wanting to see it soon. I think it is very vital, not only to the economy but to the welfare of the city, that we move forward. [District of Columbia Appropriations for 1970, Hearings, Subcommittee on District of Columbia Appropriations, Committee on Appropriations, U.S. House of Representatives, Part 1, 91st Congress, 1<sup>st</sup> Session, pages 88-89]

Fletcher repeated his assurances the following day before Senator Byrd’s Senate Appropriations Subcommittee on the District. The city would, he said, comply with the requirements of the 1968 Act. He was reluctant to provide details until they were finalized, in part out of fear that anti-freeway forces would launch opposition to the compromise. However, a source told the *Post*’s Jack Eisen that the discussions involved starting construction of the Three Sisters Bridge and beginning an 18-month study of the-North Central Freeway to Silver Spring.

General Graham, testifying later in the day, warned that costs were rising. If construction were delayed beyond July, WMATA might have to renegotiate local contributions, a prospect that might not be “politically feasible.” [Eisen, Jack, “Freeway Accord Near, Senate Told,” *The Washington Post and Times Herald*, April 23, 1969; Grigg, William, “Freeway Crisis May End Soon, Fletcher Says,” *The Evening Star*, April 22, 1969]

*Star* editors considered Deputy Mayor Fletcher's testimony "the first optimistic word on this subject in a long, long while." They hoped he was right:

Riding squarely on the outcome of the highway negotiations is the fate of the region's rail transit program – not merely in terms of a temporary delay, but of a permanent setback.

If construction of the bobtail system did not begin soon, rising costs threatened "the whole package" of financial support for areawide rail rapid transit.

Recognition that this prospect cannot be allowed to come true "has finally raised the prospects of resolving the highway differences." Of course, any settlement involving freeway construction was not likely to "satisfy the vocal, hard-core opponents." Nevertheless, the mayor and city council had an obligation "to see that the opportunity for a modern, balanced system of transportation does not slip away. Congress must be persuaded to release its grip on the transit funds." ["Roads and Rails," *The Evening Star*, April 24, 1969]

Chairman Hahn responded to the news by promising a city council hearing on any agreement reached as a result of the Fletcher negotiations. The hearing would take place May 8 and 9 as part of a scheduled hearing on the future of D.C. Transit Systems, Inc.

The Committee of 100 on the Federal City reacted to the news by sending a letter to Fletcher on April 23 warning:

It is our opinion as a matter of law that the city cannot go ahead with the Three Sisters Bridge and the North Central Freeway, and we will stop it.

The letter, signed by Chairman Chapman, charged that a compromise allowing their construction would be "a complete sellout to the highway lobby by the Mayor's office." The committee's investigations showed that the existing Potomac River bridges "will provide more capacity than necessary" after rail rapid transit to the Virginia suburbs was completed in the 1970s. ["Hearings Promised On Freeway Accord," *The Washington Post and Times Herald*, April 24, 1969; Conconi, Charles, "Committee of 100 Warns On Freeway, 3 Sisters," *The Evening Star*, April 24, 1969]

On April 28, President Nixon issued his second special message to Congress on the District of Columbia. The first had concerned law enforcement and resources to recover from the riots of the previous year. The second concerned the city's aspirations for self-government and other issues, including the need for a rail rapid transit system.

Regarding self-government, President Nixon said:

Full citizenship through local self-government must be given to the people of this city: The District Government cannot be truly responsible until it is made responsible to those who live under its rule. The District's citizens should not be expected to pay taxes for a government which they have no part in choosing – or to bear the full burdens of citizenship without the full rights of citizenship.

I therefore ask Congress to create a Commission on Self-Government for the District of Columbia, to be charged with submitting to Congress and the President a proposal for establishing meaningful self-government in the District.

In a section titled “Balanced Transportation System,” the President said the city “needs and deserves a mass transit system that is truly metropolitan,” but it must be “part of a balanced transportation network”:

A subway will not relieve local governments of the duty to modernize and improve their highway systems and other forms of transportation, so that all citizens have an adequate choice as to how they travel. Clearly, the impasse that has arisen between proponents of road and rail transportation in the Washington metropolitan area has contributed little to the progress of either. There are, however, hopeful signs that a fair and effective settlement of these issues will be reached in the near future. It is in the interest of all those involved – central city dwellers, suburbanites, shoppers, employees, and visitors alike – that this be done.

He endorsed legislation prepared by WMATA that would expand the authorized 25-mile rapid rail transit system to a 97-mile regional system:

The expanded system would provide rapid transit between the downtown and outlying areas. It would facilitate the free flow of resources and labor, and would benefit all eight jurisdictions involved in its planning and approval . . . . The 97-mile system would relieve downtown congestion; increase employment; make educational, cultural and recreational facilities more accessible; reduce air pollution; stimulate business, industry, and tourism; broaden tax bases; and promote orderly urban development of the Nation’s Capital.

The estimated cost of the expanded Metro system was \$2.5 billion, with the Federal share being \$1.1 billion. “I urge that Congress promptly enact the necessary authorizing legislation for the 97-mile system.”

The comment about “hopeful signs” was an apparent reference to Deputy Mayor Fletcher’s negotiations with the House Committee on Public Works. During a briefing on the message, President Nixon’s chief urban affairs adviser, Daniel Patrick Moynihan, replied to a reporter’s question about the phrase. He replied, “The birds are singing, the flowers are blooming, the shad are running,” a response Jack Eisen described as “noncommittal.” [Eisen, Jack, “Nixon Backs Metro, D.C. Freeway Plan,” *The Washington Post and Times Herald*, April 29, 1969]

On April 29, *Star* reporters found that:

Rep. John C. Kluczynski, D-Ill., was all smiles this afternoon as he acknowledged that the committee was scheduled to meet late today to discuss a tentatively reached settlement . . . . He and other committee members have been particularly interested in putting the Three Sisters Bridge back into the city’s freeway planning, which has eliminated both the bridge and the North Central Freeway.

Rep. William H. Natcher, D-Ky., was reported by an associate to be very optimistic that the freeway dispute will be resolved so that he can move soon to release funds for the area subway system.

Although the city council “still would have to approve a compromise,” members of the House Committee on Public Works “appeared certain today” that agreement had been reached.

The *Post*, citing a source close to the negotiations, reported that a draft agreement was only “a couple of days” from final accord. However, the source said negotiators who reviewed the draft agreement on April 29, had not reached any conclusions. [“Gain Reported In Freeway Negotiations,” *The Evening Star*, April 29, 1969; “City and Hill Near Accord,” *The Washington Post and Times Herald*, April 30, 1969]

With agreement so close, the District Building was the source of freeway controversy on May 1. Late the day before, Corporation Counsel Duncan informally ruled that neither NCPC nor the city council could “countermand” the expected agreement restoring the Three Sisters Bridge to the city’s freeway plan or countermand the requirements of the 1968 Act. If the negotiations among city officials, congressional leaders, and FHWA reached a conclusion, the District Highway Department would be able to sign contracts to implement the agreement without consulting the city council or NCPC. The *Star* and *Post* reported that according to congressional sources, agreement had not yet been reached.

Chairman Hahn and other members of the council were angry about the ruling, calling it “arbitrary” and “invalid.” Hahn referred to it as “a nullity” and said:

This ruling deprives the people of a voice on the issue of freeways against homes. The people of Washington don’t want either the North Central Freeway or the Three Sisters Bridge. Without the City Council, the people are helpless. We are the people’s only voice. We will fight.

He added, “I don’t feel prepared to pay any price to get a subway. As far as I’m concerned, the freeway system is one thing and subways are another.”

Duncan replied that, “whether the chairman likes it or not,” the city council would be bound by the ruling “until a court determines otherwise.”

Hahn said that citizens groups may go to the courts, but the city council “would take other sanctions” when Mayor Washington presented his budget for approval. Late in the day, Hahn stated that the city council, as the legislative branch of the government, was not bound by rulings from the city’s legal office. [Delaney, Paul, and West, Woody, “Hahn to Fight Opinion on D.C. Freeway Power,” *The Evening Star*, May 1, 1969; “Duncan Claims City Can’t Stop 3 Sisters Span,” *The Washington Post and Times Herald*, May 1, 1969; Moore, Irna, “Council Scorns Freeway Ruling,” *The Washington Post and Times Herald*, May 2, 1969]

Deputy Mayor Fletcher did not take a position on Duncan’s ruling, saying, “I never get involved between two attorneys.” That evening, however, he met for an hour and a half in the council chamber with ECTC and other groups from the District and Montgomery County to discuss his

negotiations. He denied that an agreement had been reached and said he met with Public Works Committee staff only to find out what it would take to get Congress to release the subway funds.

Representing the city on NCPC, he had voted for the curtailed plan:

I have indicated to the House committee that we are in favor of the council plan. I have told the committee that no agreement could be made that involved the North Central Freeway, and that the houses acquired must be sold back to private individuals, except those that will be used for the subway.

I am opposed to the North Central Freeway.

He said, "The sole reason I have been meeting with the House Public Works Committee is to determine what the city would have to do to build a subway." In negotiations, he found that the price was construction of the Three Sisters Bridge and a study of the North-Central Freeway. "If that is the price we would have to pay for the subway, then I'm willing to pay it."

Nearly everyone in the crowd jumped to their feet and erupted with cries of "throw him out, resign, resign, let's throw him out." Many said they would prefer no subway if more freeways were the price for its construction.

Remaining calm, Fletcher said, "If I could solve this by resigning, I'd resign today." He asked, "If the price of the subway is the Three Sisters Bridge, you're saying we don't want the subway?"

One speaker told him that the situation was becoming a "national scandal" and that Congress would have to release the subway money anyway. Fletcher, the speaker said, should take a firmer line with Congress. ECTC's Booker told Fletcher that the city's African-Americans were starting to wonder if "the only thing the city government can understand" was violence. [Delaney, Paul, "Span-Subway Plan Defended by Fletcher," *The Evening Star*, May 2, 1969; Fiske, Phineas R., "House Talks On Freeway Net Defended," *The Washington Post and Times Herald*, May 3, 1969]

Mayor Washington returned on May 5 from a 10-day vacation; his views on developments were unknown. Chairman Hahn declared that the mayor was barred by law from entering into contracts for the Three Sisters Bridge. He was bound by NCPC's Major Thoroughfare Plan that the city council had adopted in December 1968. Chairman Hahn also again asserted that the city council was not bound by the legal opinions of the city's executive branch. The D.C. Code and the Reorganization Plan that had established the mayor-city council government "provide that no opinion of the corporation counsel binds the council where the council has acted on the subject involved, even if the city has requested the opinion of the corporation counsel":

Since the council has already acted on the highway plan in 1968 to exclude the Three Sisters Bridge and the North Central Freeway, the corporation counsel's advice has no effect.

Second, the Federal Highway Law provides that the mayor may not let contracts for any freeway or bridge except in accordance with the comprehensive major thoroughfare plan approved by the National Capital Planning Commission and the council last December.

As far as he was concerned, the controversy was over.

Appearing on WRC-TV's "Dimension Washington," Hahn said he understood the power of Congress over the city, but given the opposition to the Three Sisters Bridge and the North-Central Freeway, "I just feel that Congress is not going to force us to do what the people here don't want." The city council was "not prepared to pay the price of the North Central Freeway for the subway."

Ongoing city council hearings had exposed a housing crisis. "Anything that affects housing, like a freeway, this is a most important thing . . . . You've got to know that this is what is on people's minds. It's a foolish man who would fail to pay attention to this." He planned to meet with HUD Secretary George W. Romney to discuss the need for 10,000 single-family dwellings and 100,000 housing units as well as the need to save existing housing that had deteriorated. [Delaney, Paul, and Sarro, Ronald, "Hahn Claiming Freeway Power," *The Evening Star*, May 5, 1969; "Hahn Cites 1968 Act in Road Feud," *The Washington Post and Times Herald*, May 5, 1969]

The same day, May 5, Majority Leader Mansfield introduced remarks on the Three Sisters Bridge on the Senate floor for the record. He, too, had heard about the negotiations that would include immediate construction of the bridge and later the North-Central Freeway:

I was shocked when I read in last Friday's papers that the Deputy Mayor said publicly that the Three Sisters Bridge is the price the city has to pay to build a subway system. He said it is willing to pay that price.

Is this the way to plan the Nation's Capital?

Only a few months earlier, NCPC and the city council, "the voice of the people," approved a freeway plan that excluded the Three Sisters Bridge:

Can those who are now involved in what the press calls "negotiations" really believe that an extensive freeway system will enhance the quality of life, the economic strength, or the great beauty of the Capital of the United States? Why do they want to build a bridge that is fervently opposed by the citizens on both sites of the Potomac?

During his time in Washington, he had rejoiced in the city's parks. In the past 10 years alone, however, he was dismayed to learn, 350 acres of parkland had been taken for other uses, mostly for highway construction. "If the highway system resulting from the current 'negotiations' is built, many more acres of parkland will be paved over." He estimated that the Three Sisters Bridge would cost about 25 acres on the District side and more than that in Virginia.

He summarized the restriction on the use of Spout Run Parkway and the potential effect of the bridge's approaches in the District on the Chesapeake and Ohio Canal and Glover-Archbold Park:

Bridges stop at the water's edge, but traffic does not. I read that there is to be a tunnel along the Georgetown waterfront. But tunnels can go only so far. Where does the traffic surface and how does it get across town?

Past plans called for a North Leg Freeway that might take land from Rock Creek Park, from homes and businesses, or be tunneled under K Street "through the city's busiest commercial area." Maybe it would be carried in a tunnel under the South Lawn of the White House. Thus, the decision to build the bridge would have "much wider implications than the construction of a span over the Potomac River."

An Interstate freeway such as I-266, by law, had to carry trucks, but why should truck traffic be routed through the heart of the city? "The beltway makes it possible for trucks with other destinations to bypass the city, and the highway plan approved last December would improve access to the city's warehousing and industrial area."

As for the North-Central Freeway, he thought negotiators were deliberately vague. They hoped "to persuade the black residents of northeast Washington that the Three Sisters Bridge is a problem only for affluent whites in Georgetown, sentimental park lovers, and bird watchers. I do not believe they will succeed."

One thing District residents agreed on was opposition to the freeways. "This is true of the rich and poor, the black and white, and people in every geographical area of the city and in Arlington."

As for the tradeoff, he said:

It is inconceivable to me that the proposed subway system could be held a hostage to more unwanted freeways. The Congress should not sit idly by while these freeways are forced on the Nation's Capital – disrupting the lives of its residents and destroying its great beauty. I invite my colleagues to look to the right as you leave Capitol Hill today to see the extent of the clearance – the great asphalt canyon – that construction of the Center Leg has made necessary. If the Three Sisters Bridge is built, we can expect a canyon like that, filled with exhaust fumes, to run from the Georgetown waterfront somewhere across the city to its Northeast boundary.

Everyone concerned about air quality and our natural heritage "should be gravely concerned about what is happening right now here in the Nation's Capital.

Senator Dominick agreed:

There is a very grave possibility that we are creating a huge pad of concrete which will become the city of Washington if we keep on going into the programs which have been

put forth up to date. I certainly do not wish to see the city of Washington turned into that kind of monstrosity.

When he was on the Senate District committee, he had asked the Interior Department and other agencies if they had studied the pollution that would result from additional automobiles coming into the city. They had not and were not planning to do so. They also had not prepared for off-street parking of any kind. As far as he knew, “we do not have any satisfactory explanation as to what will be done about the pollution problem or the potential enormous pad of concrete which will be built up in Washington over and above its surface.”

Senator Mansfield pointed out that the proposal to build a road under the South Lawn of the White House was “being used as a bargaining point”:

We are told that more concrete to be poured everywhere is the price we must pay to obtain a subway. Included in the bargain we are told is the agreement to go ahead with the building of the Three Sisters Bridge. Such a posture flies in the face of the unanimous opinion of the City Council and the findings and recommendations of the National Capital Planning Commission.

Senator Dominick concluded the colloquy by saying that because he was no longer on the District Committee, “there is not very much I can do about it except to express my opinion and accord with the statement of the Senator from Montana.” [The Three Sisters Bridge, *Congressional Record-Senate*, May 5, 1969, pages 11257-11258]

Largely because of the North-Central Freeway property issue, congressional staff broke off negotiations with Fletcher on May 6. The city considered the freeway a dead issue and was looking for another route. Fletcher thought the houses should be sold because “it is not conceivable to me that we would ever adopt that routing for a North Central Freeway.”

In response, Chairman Fallon made the committee’s position clear. Neither he nor any member of the committee had been involved in negotiations on the city’s freeways. He told reporters he realized the city was looking for a new route, but he didn’t “see any reason” to sell acquired properties:

Fletcher wanted to get rid of the property. We wanted them to wait until after the study was over. Otherwise, if the study showed the old route best after all, they’d have to buy the property back.

Moreover, they might have to “pay more for it.”

Further, the committee was limited to what it had agreed to after enactment of the Federal-Aid Highway Act. “We can’t change the 1968 law except that we could have provided the 18 months to look for an alternate to the North-Central route.”

He said compliance with the law’s provisions was “up to the administrative end,” adding, “we’re just here waiting . . . . We have no alternative.”

Fletcher acknowledged that he had met only with staff aides in hope of finding “the price” for release of subway funds. He had made clear to the aides that the North-Central Freeway in its present routing was not up for debate. “I can’t conceive of the North Central Freeway ever again being a part of the city’s transportation plan.”

Mayor Washington, having been out of town, was not prepared to comment on the issues. Fletcher said the mayor wanted to ask Congress to approve legislation allowing sale to the previous owners. Drafting was underway.

Despite the breakdown in negotiations, Fletcher remained optimistic about the subway. “It is an idea whose time has come,” although he did not know what the next step was to secure the matching funds. He hoped “we can proceed with the subway plan as proposed, also with the council’s freeway plan. However, “somebody else” would have to take the next step, and he did not indicate who that might be.

Chairman Hahn stood by the city council’s decision before he took office, namely the plan without the Three Sisters Bridge or the North-Central Freeway:

In view of the statement attributed to the House Public Works Committee and the statement of Deputy Mayor Fletcher, it appears that no one is asking the council to change its plan which rejects the Three Sisters Bridge and the North Central Freeway.

The council therefore concludes that there is no further action required of it at this time.

I don’t know and never did know how far the proposed compromise went and who offered what. As long as there is no freeway or subway progress being made, we should do everything we can to beef up the bus service and keep down fares.

Councilman Yeldell commented:

That brings us back to the council’s transportation plan, and Congress, in its wisdom, will see that it’s the will of the people and move on.

President Johnson had asked the council to come up with a highway plan, and the council had done so. “We would expect congressmen to honor that plan just as they would honor the will of their constituents.”

Sources told the *Star* that Fletcher’s desire to sell the homes – 69 parcels with boarded up houses on them that ECTC and other anti-freeway groups had highlighted – was a demonstration “of good faith” to ECTC. Judging from comments during a May 6 hearing on legislation providing for public acquisition of D.C. Transit System, the demonstration was not reciprocated. With more than 150 people in attendance, the hearing rarely touched on the status of the transit company. Sammie Abbott, the first of 36 witnesses, warned the city council that it “had better and quick” restore the homes in the North-Central Freeway corridor to private ownership by black families. “We’re going to unboard those homes ourselves. We’re willing to go to jail on the issue.”

Other witnesses expressed shock at Fletcher's negotiations, used phrases such as "unequivocally opposed" to freeways, and demanded a push for the subway, despite Chairman Natcher's opposition. They also called for Fletcher's resignation in view of the now-rejected compromise. ["City Effort to Unravel Freeway Tangle Stalls," *The Washington Post*, May 7, 1969; Grigg, William, "House Unit Vetoes Plan On Freeway," *The Evening Star*, May 6, 1969; Delaney, Paul, and Holland, William, "Mayor Seeks OK to Return Freeway Land," *The Evening Star*, May 7, 1969]

On May 8, the WMATA board erupted in what the *Star* called "a noisy dispute" over the freeway impasse. Gleason warned that rail rapid system was "going to crumble to the dust" unless something was done to resolve the impasse. Chairman Babson, "looking surprised and irritated, grumbled, 'I thought we had agreed to discuss this in executive session.'"

Gleason replied that he was through with discussions in executive sessions out of public view. He said, "Nothing is going to happen if this authority continues to sit in silence." He feared that the jurisdictions contributing to the financing plan would consider pulling out as the cost of the plan escalated by an estimated \$250,000 a day.

Meanwhile, Mayor Washington met with reporters after catching up on what had happened during his 10-day vacation. He disassociated himself from Fletcher's comment that if the price of the subway were the Three Sisters Bridge, "I'm willing to pay for it." Mayor Washington speculated that Fletcher may have been answering a specific question with "his own personal views." As Fletcher had stated, Mayor Washington did not think his deputy had been negotiating an agreement. He was simply trying to find out how the city could help begin Metro construction. The bridge was more an idea of committee members than the city.

The mayor made clear that he supported the plan approved by NCPC and the city council. He had "no intention of departing from that plan":

The city is going to pursue the subway as far as it can, but I don't see what that is.

As far as he was concerned, the freeway impasse and the subway plan were separate issues that should never have been linked. "They are not related issues; they've just been made that way."

The *Star* reported that its sources said Deputy Mayor Fletcher had been negotiating since January on a plan that always included the Three Sisters Bridge as the basis of the talks. Chairman Hechinger had attended the initial talks, but later sent staff to represent him. "Eventually, Hechinger pulled his staff out when it was apparent that a deal including the Three Sisters [sic] was in the making. The new chairman, Gilbert Hahn Jr., said he refused even to talk about negotiations."

In addition, the *Star* reported that two stories were circulating within the District Building to explain relations between Mayor Washington and Deputy Mayor Fletcher. One was that Fletcher had gone too far in negotiating a deal that involved the Three Sisters Bridge. The other claimed that Mayor Washington knew what was happening during his absence, but that when the plan collapsed, "moved to clear his name, leaving Fletcher holding the bag." In this story, "Fletcher is

peevied at the mayor for this reason.” [Delaney, Paul, “Mayor Still Supports Council In Subway-Freeway Impasse,” *The Evening Star*, May 8, 1969; Moore, Irna, “City Ponders Subway Impasse,” *The Washington Post and Times Herald*, May 8, 1969; “Delay Perils Rail Transit, Board Told,” *The Evening Star*, May 9, 1969]

In the Senate, Public Works Committee Chairman Randolph wanted to remain neutral. Addressing the D.C. Metropolitan Area Highway Users Conference at the Continental Hotel, he said of Section 23 in the 1968 Act:

The reluctance of the Senate to become involved is validated by the fact that – some nine months later – the issues are as approximately unsettled as they were when the Act was signed by the President.

He was concerned about “the narrowness of the view, the polarization” of people on both sides of the debate. “I am sure that if an agreement can be reached, we in the Senate would support it.” A solution, however, was doubtful:

I recognize that the problem here has reached emotional proportions of great magnitude. There must be a disengagement of conflicting forces so that answers can be found.

He doubted that all Washingtonians opposed all freeways. “Neither do I believe that all of the projects proposed for the Interstate system as it applies to the District are essential, or that they must be built without regard to the feelings of the citizens.” [Eisen, Jack, “Transit Impasse Laid to Emotions,” *The Washington Post and Times Herald*, May 11, 1969]

On May 11, *Star* editors summarized the situation:

Fletcher’s own efforts to seek a rational way out of this absurd impasse through conversations with House members fell apart last week. Mayor Washington, returning from an out-of-town trip, had nothing of value to add. City Council Chairman Gilbert Hahn’s contribution was a series of anti-highway pronouncements which served merely to compound the confusion. For the moment, Congress is awaiting further developments.

The editors hoped that Secretary Volpe, “who thus far has not tipped his hand as to his position in the dispute,” would see that it ends. Having not been involved since leaving BPR in 1957, he was not bound to any developments since then. “Owing no commitments to anyone, he is free to move on his own toward a realistic compromise.” [“Toward an Area Transportation Compromise,” *The Sunday Star*, May 11, 1969]

Director Airis appeared before Chairman Natcher’s subcommittee on May 12 as part of the subcommittee’s review of District agency needs. Before Airis could begin his statement, Chairman Natcher commented on the freeway and rapid transit controversy. He went through the history of the controversy, including the 1959 freeway plan, the Three Sisters Bridge controversy, the U.S. Court of Appeals decision in February 1968, the increased cost of the freeways caused by years of delay, and the House decision to hold District matching funds for the subway until the freeway impasse was eliminated.

Chairman Natcher praised President Nixon's special message on a balanced transportation system for the District. Quoting the section on the impasse over the freeway network, Chairman Natcher said "this is the first time that any President during the past 10 years has made a frank, fair statement as to the situation." He added, "We have reached an impasse and it should be settled, and it must be settled." He concluded:

The statements that I have made to you today you have heard me make before. I say to you and Mr. Fletcher and the others present that our committee is in the same position that we have been in all along in this matter. We believe that this controversy ought to be settled. When we had the Commissioner [mayor] before our committee one of the first questions I asked him – and I believe you were here – I asked him: "What have you done about settling this matter?" You remember his answer. [District of Columbia Appropriation Bill, 1970, U.S. House of Representatives, 91<sup>st</sup> Congress, 1<sup>st</sup> Session, Report No. 91-680, November 20, 1969, pages 1077-1079]

Airis's statement updated the subcommittee on the status of the freeway network:

Last year, in my appearances here, I reviewed the status of the District's freeway program and outlined principal reasons for lack of progress. Unfortunately, I must report that, except for some sizable new contracts on the lower end of the center leg, the interchange "C" project that connects to the twin 11<sup>th</sup> Street Bridges, which are now in use, and to a usable segment connected with Barney Circle, and for the superstructure of the new 14<sup>th</sup> Street Bridge, we have made no new starts. The contract obligations so far for this fiscal year total approximately \$36.3 million, of all types of funds.

Events of the past year that have continued the stalemate on remaining freeways have had quite wide publicity. I am assuming committee members are familiar with these events, so I shall not review them in this opening statement.

As a result of those events, "it is pointless to discuss" budget needs for FY 1971, which began on July 1, 1970.

As a result of events in late 1968 and 1969, the District at the present time does not have a clear, coherent, and approved interstate freeway system on which it can move forward. Until a system does become firm, it is pointless to discuss, as has been customary at previous budget hearings, the status of the District's Federal-aid interstate fiscal obligations.

Therefore, he left discussion of the matter out of his opening statement. [page 1081]

Representative Wendell Wyatt (R-Or.), a new member of the subcommittee, asked Airis to furnish information on "what you feel the capacity or capability of the Department is in the event the impasse on freeway construction in the District of Columbia is terminated within the next 30 to 60 days." He clarified that if the District received "the green light," how much could the city spend in FY 1970 on the freeway network.

Airis submitted his response in writing on the assumption of a breakthrough:

The Capability of the Department of Highways and Traffic to Proceed  
if the Impasse on the Freeway Program Is Broken

If the impasse on the freeway program is broken, and a firm decision by all authorities is made by June 1 the following work can be started in fiscal year 1970.

*Three Sisters Bridge.*—The Department could award initial construction on the bridge of a river pier in mid-October of this year. The obligation involved for this pier construction is estimated at \$1 million.

*Potomac River Freeway.*—The freeway could be advanced to an engineering contract to design the freeway and develop contract drawings. Allowing for the engineering contract to commence on July 1, the earliest construction contract that we can foresee might be awarded as early as May 1, 1970. The estimated cost of the engineering contract services which could be obligated in 1970 is \$1 million.

*East Leg of the inner loop.*—With proper approvals, the east leg could proceed to a construction contract for grading and drainage between Barney Circle and a point midway between Barney Circle and the East Capitol Street Bridge. Contract award could be made in mid-October for an estimated cost of \$1,400,000. Engineering northward to Benning Road could move toward contract advertisement early in fiscal 1971.

*Center Leg of the inner loop.*—The center leg would continue in construction on its current schedule with previously authorized funds. An additional engineering contract for the center leg north of H Street could get underway during fiscal 1970. [pages 1093-1094]

### **The Nixon Administration Gets Involved**

On May 8, the Nixon Administration released a bill to finance the \$1 billion Federal share of the cost of Metro. The first installment of \$80 million would come on July 1 at the start of FY 1970. Assuming the release of all funds on hold, WMATA would have \$214 million available for construction. Subsequent payments would be as high as \$240 million a year.

This bill differed from the Johnson Administration's financing plan, which had been based on the sale of bonds to raise the funds, with the bonds to be retired with interest over a 30-year period. The proposal had raised objections in Congress where the plan would have bypassed the Senate and House Committees on Appropriations. By contrast, the Nixon plan called for payments from the general Treasury under normal congressional procedures, including annual hearings. This plan met the congressional jurisdiction concern and would save \$150 million in interest payments on the bonds.

The plan depended on approval by the House and Senate District Committees and approval by the House and Senate. After President Nixon approved the bill, the House and Senate Appropriations Committees would have to pass appropriations, followed by approval by both Houses of Congress and the President. The routine procedure did not take into account the

objections of Chairman Natcher who could block the plan by continuing to refuse to approve the District's matching share.

According to an unnamed official, the bill was based "on the optimistic assumption that there will be a subway here." [Grigg, William, "Nixon Seeking \$1.047 Billion For Subway," *The Evening Star*, May 8, 1969; Eisen, Jack, "Nixon Urges Cash Grants For Subway," *The Washington Post and Times Herald*, May 9, 1969]

In response to the concerns HUD had expressed in March about the planning process, the area's TPB adopted a policy statement on May 19 calling on member governments to submit plans well before adopting them. The resolution reflected concerns that NCPC and the city council had approved the Major Thoroughfare Plan without review by the area's planning group. The *Post* pointed out:

The newly adopted policy statement is advisory rather than mandatory. It states that early review of the plans will "resolve conflicts between local and regional objectives as early as possible" as well as facilitate the implementation of regionally consistent transportation programs." ["Transit Unit to Look At Road Plans Early," *The Washington Post and Times Herald*, May 20, 1969]

On May 20, 1969, Secretary Volpe appeared before the Subcommittee on Roads of the House Committee on Public Works, which was holding hearings on the Federal-Aid Highway and Highway Safety Programs. After introductory comments, Secretary Volpe said:

I am sure that you will agree with me that there is one thing that all of you are anxious for, I am extremely anxious for and President Nixon is extremely anxious for, and that is for real coordination and a reestablishment of that fine Federal-State partnership which existed for so many years and which over recent years, for whatever reasons, has seemed to be damaged to some extent at least.

And I can assure you [that] one of our primary tasks will be to reestablish this relationship.

With Federal Highway Administrator Turner, a career Federal highway official, "we can look forward to some real and genuine cooperation and understanding and real partnership between the Federal Government and State government.

His testimony covered many topics, not including the situation in the District of Columbia. However, during the question period, Chairman Kluczynski brought the subject up. He said Chairman Fallon and he wanted the District of Columbia to "become a model city – with mass transportation, our subways and also our roads. He hoped Secretary Volpe could "work something out." Secretary Volpe replied, as he had before:

Let me say to you, Mr. Chairman, that one of the things that not only amazed me, but shocked me when I returned to Washington, D.C. here about 4 months ago, was to find on the drawing boards some of the same plans that we had on the drawing boards over

12 years ago, that I had expected in most cases would have been already built.

But I found that they were in the same place on the drawing board. I can assure you,

Mr. Chairman, that it is our intention, and we have done, as you may know, a great deal of work, some of it behind the scenes – a great deal of it behind the scenes – in an effort to try to bring together the great maze of departments, agencies, boards, commissions,

et cetera, that have to pass judgment on and approve projects before they can be undertaken in this great Capital City of ours.

But regardless of the maze, I pledge you my untiring efforts and dedication in trying to bring about a resolution of this thing so that we can proceed not just with the subway system, which we all recognize is a very important project and one that is essential, but also with a completion of those facets of the highway system that also are very essential to the Nation's Capital.

Chairman Kluczynski thanked him, adding, “we spent over \$20 million over 20 years for planning and surveying. I think we have done enough planning and enough surveying. Let's get some action.” [Highway Legislation, Hearings Before the Subcommittee on Roads of the Committee on Public Works, U.S. House of Representatives, 91<sup>st</sup> Congress, 1<sup>st</sup> Session, Report No. 91-9, 1969, pages 258, 275]

Talking with reporters after the hearing, Secretary Volpe said he thought the North-Central Freeway “definitely needs more study,” but that “the rest of the system is still sound and probably should be completed,” including the Three Sisters Bridge. A balanced system of freeways and subway was essential to the District's future and he pledged to work toward a solution. [Conconi, Charles, “Volpe Backs Most of D.C. Freeway Plan,” *The Evening Star*, May 20, 1969]

On May 21, the RLA signed a \$94,500 design contract for air rights development over the two-block pilot section of the Center Leg Freeway bounded by H and K Street and 2<sup>nd</sup> and 3<sup>rd</sup> Streets, NW. The concept called for 300 housing units on a concrete deck over the six-lane expressway. The original concept by Tippetts, Abbett, McCarthy and Stratton for three high-rise structures had been deemed too expensive at \$14.8 million. Tippetts, Abbett was the lead consultant on the new concept calling for 300 federally subsidized low-income homes, some in a single high-rise apartment and the others in two- and three-story structures, to be inhabited by families displaced by the highway. [Lewis, Robert J., “RLA Signs Contract for NW Freeway Air-Rights Design,” *The Evening Star*, May 24, 1969]

Chairman Natcher held his subcommittee's hearing for the public on May 22, with 24 witnesses scheduled to testify. As usual, citizens commented on many aspects of city life.

Chairman Terris of the District of Columbia Central Democratic Committee was the first to raise the freeway-subway impasse. He began by complaining that the need for the hearing was “extremely unfortunate”:

For what is occurring here today is a scandal. Community leaders in the Capital City of the greatest nation in the free world are forced to come to a body in which they have no representatives to beg for money for vital government services. We have to beg concerning how our own money, the money which we ourselves have paid in taxes to the District government, should be spent.

The result was that in years past, "Congress has slashed and ripped the District budget according to the whims of individual Congressmen."

He said the city "desperately needs a rapid transit system. There can be no excuse for holding the subway as a hostage to force the construction of freeways which District residents almost unanimously oppose." He described the referendum the committee had held during the May 1968 primaries in which participants voted "19 to 1 against the construction of freeways without a referendum on those freeways." The city needed the subway "whether or not more freeways are built; indeed the need is even greater without freeways."

As usual in the citizen hearings, Chairman Natcher did not comment on the substance of the testimony. All he said was, "Thank you, Mr. Terris. We appreciate you coming tonight." [District of Columbia Appropriations for 1970, Hearings Before a Subcommittee of the Committee on Appropriations, U.S. House of Representatives, 91<sup>st</sup> Congress, 1<sup>st</sup> Session, part 2, pages 1530-1531, 1533]

C. J. Pasquariello of the Montgomery County Civic Association testified in support of continued development of the regional rail rapid transit system. He emphasized that, "lest we be accused of being caught up in the rampant emotionalism surrounding this issue, that we are not an anti-freeway group." They supported the Major Thoroughfare Plan adopted in December 1968. They also agreed with "every planning agency, civic group, and local jurisdiction" that rail rapid transit was "long overdue, and that the positive steps taken within the last year toward its realization must be continued vigorously if not accelerated." Citizens and suburban governments had "without exception overwhelmingly demonstrated their financial commitment to the transit system." He urged the committee "to recommend rapid appropriation action by the Congress" for the transit funds. [pages 1533-1534]

Ramsay Wood of the Montgomery County Citizens Planning Association recommended "release of the District's share of funds for work on the rapid rail transit system." The entire area needed rail rapid transit, but the surrounding counties "will not get it, of course, until it is operating in Washington":

Delay in starting on the downtown section naturally means delay in getting out to the suburbs where our need increases daily.

There is nothing we can do to change that.

Indeed, we have done all you have asked us to do in the past decade to get rapid rail access to Washington.

They gathered support, entered into a compact, agreed on routes, and provided each jurisdiction's contribution to the cost via referendums:

We think it is a shame that work cannot go ahead to the extent of funds already appropriated on a system that will do so much to increase the efficiency and comfort of movement in the metropolitan area.

An early start on the system was vitally important. "We hope you will release these funds as soon as possible." [page 1552]

Wilton H. Dickerson, chairman of the Metropolitan Council of Citizens, submitted a statement in support of the area's transportation needs. The planned system "of rail rapid transit [and] freeways and parkways" should be completed as soon as possible. Any elements in question "should be carefully studied as to location and design with full consideration given to social, economic and aesthetic impact." Planned elements that were not in question "should be constructed and placed in service without further delay. [pages 1558-1559]

Joseph D. Galligan submitted a statement on behalf of the Michigan Park Citizens' Association in opposition to "the illegal North Central Freeway." He listed several schools that would be located near the proposed freeways and "would be subjected to very serious air pollution and excessive noise from the continual flow of traffic involved." The "illegal freeway" would sever the successfully integrated Brookland and Michigan Park communities. He listed the community facilities that would be lost, adding:

Incidentally, may I call your attention to the demolition of the Tayler [sic] Street Bridge located over the B. & O. Railroad tracks. This bridge was destroyed while the citizens of Washington were anxiously awaiting a freeway decision by the U.S. Court of Appeals. The court said that the freeway program [should] be stopped. Now the residents in the area have no satisfactory outlet to [the] western section of the city. Over \$1,300,000 has been contracted for this bridge.

The North-Central Freeway would remove about 287 properties, as well as businesses, from the District's tax rolls. With the city in a revenue crunch, "the overall cost of the District of Columbia freeway program is some \$800 million." Now was "a most inopportune time" to continue building the freeways. He suggested instead using the existing railroad tracks for rail rapid transit:

This would serve the suburban area at a greatly reduced expense to the taxpayer. Even if a subsidy should be proved to be necessary the total outlay would be much smaller than would be required to implement the construction of the proposed North Central Freeway. [pages 1565-1566]

The Fairfax County Federation of Citizens Associations and Fairfax County Federation of Citizens Associations also submitted statements in support of early construction of rail rapid transit. [pages 1567-1568]

In early June, the *Star* and *Post* reported that Secretary Volpe had been meeting with Chairmen Fallon and Kluczynski, and Representative Cramer of the House Public Works Committee in search of a solution to the impasse. On June 7, the *Star* explained that Chairman Fallon had confirmed the meetings, but said the situation was still in a “stalemate,” with Congress waiting for the District to begin construction of the freeways before providing funds for the subway. “Fallon’s comments, however, did not rule out the impression that Volpe has proposed a compromise that committee members now are studying.” The chairman added that he and other committee members still opposed the resale of properties acquired for the North-Central Freeway.

The *Star* summarized the talks:

Initially, according to a suburban congressman not directly involved in the meetings, Volpe had hoped to get the subway funds released on the basis of his own and President Nixon’s pledge to work for freeway construction. But the congressmen involved have felt that they and the District must follow the general outline of 1968 legislation requirement that the freeway system be completed.

In a telephone interview from Chicago that same morning, Chairman Kluczynski told listeners of WMAL radio that key Members of Congress and Secretary Volpe had agreed to a plan. Congress would add the \$19 million withheld thus far from the subway to a supplemental appropriations bill. In exchange, the District would begin construction of the Three Sisters Bridge as soon as possible. Secretary Volpe pledged to seek an acceptable route for the North Central Freeway. As for the city’s desire to sell properties purchased for the North Central Freeway, he said, “Volpe says he would work it out somehow.” The chairman said that “before the end of the year, we’re going to get started on D.C. highways and the Three Sisters Bridge.

The agreement surprised city officials. Deputy Mayor Fletcher said, “I know nothing about it.” He pointed out that in a recent meeting, he and Mayor Washington had told White House urban affairs aide Moynihan that they would not overrule the city council’s decisions on the freeway network.

Chairman Hahn was skeptical when told of the agreement, as the *Post* reported:

Noting flatly that his own opposition to the bridge and the North Central Freeway “has not changed,” Hahn said he had no reason to believe that Mayor Walter E. Washington was contemplating a change in the city’s highway plan.”

. . . Hahn said that since Deputy Mayor Thomas W. Fletcher “continues to assure me that no change is being sought by the Mayor in the highway plan, it would appear that there is no plan to build either the bridge or the North Central Freeway.”

Under the Federal Highway Act, “no contract to build the Three Sisters Bridge can be let by the Mayor . . . unless the D.C. City Council and the Planning Commission change the highway plan,” he continued. Both projects were rejected in the plan.

The Council chairman added that to the best of his knowledge, no Council member is “entertaining any compromise.”

Congressional support for the plan to end the stalemate may have hinged on the Nixon Administration’s support. The new city council members appointed since President Nixon took office might be the key to reversing the December 1968 vote in support of the Major Thoroughfare Plan. [Grigg, William, “Volpe Action on Deadlock,” *The Evening Star*, June 6, 1969; Grigg, William, “Congressmen Map End to Stalemate on D.C. Freeways,” *The Evening Star*, June 7, 1969; Asher, Robert L., “Hahn Dubious on Roads Pact,” *The Washington Post and Times Herald*, June 8, 1969; Asher, Robert L., “Highway Program Set, Says Committee Head,” *The Washington Post and Times Herald*, June 6, 1969]

### **Advancing Metro**

On June 11 and 12, a joint panel of the House and Senate District Committees held hearings on the Administration’s proposal for financing the proposed 97.7-mile Washington Metro system. Senator Tydings and Representative Fuqua were the co-chairs.

Chairman Tydings opened the hearings with a challenge:

It has taken nearly a decade for the rapid transit system to come this close to construction. These past 10 years have been well spent in planning and engineering studies and in securing the approval of local jurisdictions. It is now incumbent upon us to translate the idea into reality without further delay.

He commented on the delay in construction, which “costs another \$90 million” each year:

The present freeway-subway impasse must be broken. Further delay may well cause the entire rapid mass transit plan to collapse or be delayed many, many years. I am convinced that decisive action by the Secretary of Transportation is the critical element necessary to permit us to move forward. I have so advised the Secretary.

He was encouraged by recent events to think “we may be on the verge of being able to go forward with the rapid transit system as part of a balanced transportation program for the National Capital area.” He added:

The hour is late. The need is enormous. Washington’s subway system cannot be put off any longer. [Financing Subway System for National Capital Region,” Joint Hearings Before the Committee on the District of Columbia of the United States Senate and Subcommittee No. 4 of the Committee on the District of Columbia, U.S. House of Representatives, 91<sup>st</sup> congress, 1<sup>st</sup> Session on S. 2185 and H.R. 11193, June 10-11, 1969, pages 1-2]

Chairman Fuqua, in his brief opening statement, discussed Chairman Whitener’s and Chairman McMillan’s success in securing approval of the bobtail system in 1965. He cited the regional compact leading to WMATA. He added, “The regional organization provided is now anxious to proceed with the continuation of this system.” [pages 17-18]

Representative Broyhill also offered an opening statement on what he considered “one of our most vexing area problems facing the Congress.” Over the years, Congress had repeatedly recognized the need for rail rapid transit in the area and its willingness to partner with area communities in this work. He briefly traced its history to the mid-1950s with congressional and community support throughout. Each jurisdiction had provided the bonding authority needed for its part, but “unless Congress does its part we are not going to have any solution to the transportation dilemma facing this area. There is no other answer to the problem.”

The area needed a rail rapid transit system that was “convenient, economical, attractive, and comfortable.” However, it also needed freeways:

I regret, and I know that you do, that we have this needless delay in moving along with the construction of our highways and freeways, as well as the first leg of this transportation system. The solution to the problem has been delayed long enough . . . .

I think that this legislation we have before us is the final step in this long, rocky road to really solving the most complex problem that we have in this area. [pages 18-19]

As the first witnesses, Under Secretary of Transportation James M. Beggs and J. Thomas Tidd, legal counsel, represented the Department of Transportation. Beggs, a businessman who was born in Pittsburgh, said the department’s interest in this issue stemmed from its role in developing national transportation policies and programs, its responsibility for channeling the Federal contribution to WMATA, and the fact that its tenancy in southwest Washington made it a user of transportation services. Further:

A major task confronting our Nation is the rehabilitation of its urban areas as desirable places to live and work. One of the essential ingredients in any rehabilitation effort is the development of efficient and economical public transportation systems.

Our cities are rapidly approaching a state of transportation strangulation. The suburbanites who make their living at jobs in the center city are wasting millions of man-hours in the traffic jams that accompany their trips to and from the office every working day. The disadvantaged who live in the central city, and who have seen their job opportunities move to the suburbs, are left with no efficient means of reaching their job opportunities except at prices they cannot afford.

The proposed Federal contribution to Metro was “a sound investment.” He quoted President Nixon’s observation that Metro would “facilitate the free flow of resources and labor, and would benefit all eight jurisdictions involved . . . .”

After discussing the bill, he said, “I believe it imperative that the Congress act promptly to authorize the funds requested in S. 2185 and H.R. 11193.” [pages 19-21]

Mayor Washington testified in support of the Administration bill, which he said was “designed to allow the construction of the system within the earliest practicable time frame”:

Its enactment will provide the required authority, the encouragement, and the means of carrying out the long-sought goal of the Congress, the desire of the President, the needs of the District, and the hopes of the metropolitan community for the realization of a modern and efficient mass transit system as a vital element of an effective transportation system in the national Capital area. [pages 27-30]

WMATA Chairman Babson, with General Graham, argued that the long, hard work of all concerned bodies in reaching the point of construction was in danger:

The whole project has taken two decades of active work to assemble. If the Congress does not approve it this year, it will fall apart – and it will take two more decades to restore it to this posture. [pages 42-43; Babson’s lengthy statement for the record is on pages 36-41]

Representative Broyhill asked whether congressional failure to approve the bill would mean that “the mass transit system in the metropolitan area would be practically impossible?” Babson agreed “it would be dead for some years to come”:

Because we have these agreements with the localities already signed by five of the seven, in the process of being negotiated and signed by the other two jurisdictions, and it is based on this intricate financial program and plan whereby each jurisdiction is coming up with its fair share, and with escalation hitting us at the rate of \$250,000 a day, in a few months, if we do not get started within a very short time, the escalation factor alone will have overtaken us and these financial agreements, legal agreements between all of these jurisdictions, will be meaningless.

You will have to start all over and go back again and eventually you will have to go back to the voters for more bond issues, and they will say why do you need more, we voted for \$62 million last year or 2 years ago, and you have not done anything with that.

Representative Broyhill asked General Graham if the bobtail system would function efficiently without its suburban extensions. General Graham replied that the bobtail system would benefit primarily residents of the District, “but I feel that the far more severe problems lie with the suburbs, getting the people from where they live in the suburbs to where they work and in turn getting people who live in the District out to the suburbs for jobs out there”:

All of our studies indicate that at this stage, it really would be foolish not to build a truly metropolitan system. This is not the District of Columbia here, this is the Nation’s Capital. It is really all one entity. The problems of the people are an entity. [pages 60-61]

Representative Andrew Jacobs, Jr. (D-In.), whose 11<sup>th</sup> congressional district was based in Indianapolis, asked if construction of the full Metro system would take care of the freeway problem. General Graham said all of WMATA’s projections were based “on an assumption of completion of the minimum freeway program that has been planned for many years.”

Representative Jacobs suggested that if the freeway program were not expanded, people might find it more convenient to use the transit network. "People seem tired of the so-called suburban Grand Prix, riding on the highways and traffic jams." General Graham said the rail rapid transit system would not be adequate by itself to replace the planned freeway network.

Had any thought been given to expanding Metro to replace the freeways? "We have not considered this. Our assumption has been the highway program would be completed."

What about the mathematics of transportation? An automobile takes up 18 to 20 feet and is 6 to 7 feet wide, while a couple of seats on a transit vehicle take up a fraction of the space. "It might be wise," Representative Jacobs said, "to let the people of the country know what the marginal cost might be to expand the facilities of the subway system in order to save the millions and millions of dollars for an inefficient means of commuter transportation – highways."

General Graham thought people needed the options of a balanced transportation system. "We feel the people of the area need a choice of systems, and highways are needed as well as rail rapid transit."

Representative Jacobs realized he was suggesting "things that never were, and asking why not," but he thought "an imaginative study should be made on this question." Chairman Babson said that he and General Graham did not disagree with the Congressman's premise. "The difficulty is we are operating under something of a mandate from the Congress," which created the framework for the transit system and is on record "favoring the freeway program in this region":

And for this reason, we really had no right to go beyond this and assume no freeways, and no bridges. And I think it would have been subjected to severe criticism had we used the taxpayers' money and congressionally appropriated money and studied something beyond the ideas and mandate of Congress.

Representative Jacobs said he did not mean to criticize WMATA for carrying out its duties as stated by law. "I would only point out that Congress is also on record as being in favor of the Vietnam war, and even the Congress in all of its wisdom can make errors from time to time." The votes in support of transit bond referendums indicated that people were "sick and tired of getting sick of breathing carbon monoxide and taking an hour and 15 minutes or an hour and a half to get into town, when they could get here in 10 or 15 minutes on mass transit." He wished Congress "would read those results and put them into law and make some commonsense [sic] out of our transportation situation." [pages 64-65]

Representative Harsha cited the planned Federal contribution of \$1.047 billion. "Are you going to have to come back at a subsequent date and ask for additional money?" Chairman Babson did not expect to do so:

We think we have devised a realistic plan and program, which assumes escalation, and which has a contingency feature, which we think is not unreasonable, of 10 percent construction cost [sic]. And we do have a continuing cost-control program which already has enabled us to affect [sic] \$88 million in reductions in the planned system, just in the

past year. This value-engineering program will continue and we think we have a solid plan which we can live with, build a system within, if we can start very, very promptly.

Representative Harsha asked what “very promptly” meant. Babson replied, “We would like to start building 75 days from today. We feel it is essential that we start building before the end of the year.” [page 67]

On June 11, Deputy Director Hughes of the Bureau of the Budget, was the first witness. He told the joint committee that President Nixon had assigned “a very high priority” to the full Metro plan. He explained the financing plan for the 97.7-mile regional system:

The total project cost of \$2.5 billion would be partially funded by \$835 million from the sale by the Transit Authority of revenue bonds supported by fare box receipts. The remaining net project cost of \$1,721 million would share on a  $\frac{2}{3}$ - $\frac{1}{3}$  matching basis between the Federal and local governments. This  $\frac{2}{3}$ - $\frac{1}{3}$  matching basis extends the existing formula for the currently authorized basic system which was patterned after the sharing arrangement used in the national urban mass transportation program. This ratio would require capital grants in the aggregate amounts of \$1,147 million from the Federal Government and \$573.5 million in total from the suburban jurisdictions in Maryland and Virginia, and from the District of Columbia.

The Federal contributions would be made to WMATA over the 11-year Metro construction period. The Federal share included \$100 million the National Capital Transportation Act of 1965 had authorized.

Further, “\$609 million would eventually be returned to the Federal Government as its pro rata share of the future excess revenues which must initially be held in reserve to meet the debt service ratios required for the sale of revenue bonds.” The repayment would be made over 50 years without payment of interest. “If this estimate for repayment to the United States is taken into account, the net increase for the Federal share above the amount already authorized by the Congress would be \$438 million.”

The Administration bill authorized the District to make matching payments totaling \$216.5 million. Because the 1965 Act had authorized \$50 million in District funds, the remaining District contribution would be \$166.5 million. [pages 69-73]

After listening to Hughes read his opening statement, Representative Harsha asked if the financial plan covered the entire budget. “Do you anticipate having to come back later and ask the Congress for more money.” Hughes replies, “No, sir; we certainly do not”:

The estimates, contrary to some other estimates in other areas, have been developed rather carefully over a long period of years, with rather thorough consultation, not only within the District of Columbia government, the Washington Metropolitan Area Transit Authority, and the Federal Government in general, but with highly qualified private consultants and industry sources, and we have a great deal of confidence in the reliability of these estimates.

Representative Harsha next asked how President Nixon's support for Metro squared with his recently announced policy of reducing Federal budget expenditures. Hughes replied:

I think that question is both an appropriate and very difficult one. In very brief terms, I think the answer is that in our judgment the priorities of the times, the essential national needs, as we appraise them, are such that this kind of project in the National Capital Area comes up very high on the priority list.

We recognize that within some broad limits, choices must be made as between those kinds of projects and other potential Federal activities, but I think it is quite clear that in the District of Columbia and the Washington metropolitan area, as well as in other major cities of the Nation, the adequacy or inadequacy, rather, of urban transportation has been a very important consideration in meeting employment and general living requirements.

I think the Watts area is one wherein transportation difficulties clearly contributed very substantially to the problem there.

These kinds of consideration have led us and obviously have led the President, as well as the Congress, to move this project very high on the priorities.

If one of the jurisdictions decided not to pay its share of the project cost, Representative Harsha asked, was the Federal Government then "bound to go ahead and contribute?" Hughes replied, "That is correct, Mr. Harsha." The bill was designed to operate "in consonance with a plan that has been developed rather carefully by the authority" on a contract-by-contract, year-by-year basis.

Representative Harsha asked if Hughes had any insights into the stalemate in securing an appropriation for the District's share of costs. Hughes was aware of the problem, and that the pending supplemental appropriations bill included the \$18.7 million in District matching funds, but he did not have any current information:

The problem is one of reaching agreement as to appropriate balance among transportation systems, and we would be pleased to contribute anything that we could toward resolving this problem. But I think that is the problem, and I think it is not unfair to say, at the moment anyway, that the ball is in the Congress' court. [pages 74-78]

Senator Tydings picked up on the subject. "What is the relationship between the funds being requested in the \$18.7 million supplemental appropriation that is now before the Senate Appropriations Committee, and the funds already appropriated or authorized in the last fiscal year for the construction?"

The District, Hughes replied, needed \$18.7 million to match \$37 million Federal funds:

The controversy here, the difficulty, as I understand it, involves the desirable relationship of the rail rapid transit system and the District of Columbia highway system, and the resolution of the controversy that has surrounded the plans for the construction of the District of Columbia Highway System . . . .

The Federal funds have been appropriated previously, but the language – I am not sure whether it is statute or report language – in effect says withhold the Federal funds until the District’s share is available to proceed with the construction. [pages 80-81]

Although the testimony revealed some uncertainty about the status of the District matching funds, the District subcommittee of the Senate Appropriations Committee had included \$18.7 million for the District matching funds in the Second Supplemental Appropriations Act for overall government operations. Combined with \$37.4 million in approved Federal funds that could not be spent until the District had authority to pay the matching share, WMATA would have \$56.1 million to get construction started. Because of the matching requirement, WMATA could not begin construction without the District funds. Of course, inclusion of the funds in the final bill would depend on Chairman Natcher.

Jack Eisen reported:

Sen. Robert C. Byrd (D-W.Va.), whose subcommittee on supplemental appropriations recommended the action . . . did not sound, however, like he would be willing to make a major issue of the subway fund if Rep. William H. Hatcher (D-Ky.) maintains his refusal to consider it.

It was learned, however, that Byrd put up a stiff fight within his subcommittee to win support for transit money . . . .

Byrd, noting that he agrees generally with Natcher’s support of a “balanced” transportation system of roads and rails, said his decision to restore the funds was not the product of any negotiations.

“Nobody got me,” he declared. [Eisen, Jack, “President Pushes Subway,” *The Washington Post and Times Herald*, June 12, 1969]

### **How To Break An Impasse**

*Star* editors were encouraged by the joint hearings and inclusion of the matching funds in the Senate’s supplemental appropriations bill:

All of a sudden, the long, bleak deadlock which has paralyzed Washington’s rail transit and freeway programs has been cracked, at least, by a flurry of encouraging activity.

In addition to the hearings on the Administration bill and inclusion of the matching funds in the appropriations act, the editors referred to:

And most important of all, members of both the House and Senate spoke optimistically of a firm decision on the city’s controversial freeway program which would end this foolish dispute once and for all.

The editors joined with Senator Tydings in hoping “that an acceptable settlement to the highway dispute has been negotiated by Secretary of Transportation John A. Volpe.” Whether that was true, no one but Secretary Volpe could say, and “thus far the secretary has said nothing at all.”

All the editors could do was report hints from sources. But they hoped that when the Senate’s supplemental appropriations act went to conference with the House, “Natcher will relent, and free the transit funds”:

The stakes are too big, however, to rest on hopes. The required solution is the firm, final decision on a balanced program of freeways and transit which has been promised by Secretary Volpe. He has very little time left to produce it. [“Volpe’s Silence,” *The Evening Star*, June 12, 1969]

Volpe had been in Europe on business, but when he returned, a *Star* reporter, William Grigg, was waiting for him at the airport. In response to a question, Secretary Volpe confirmed his involvement. “I have been working on it for three months,” he told Grigg, but when asked for details, said, “I’m not going to spoil [the negotiations] now.” He said he had a general plan in mind before he went to Europe.

Asked if he would meet with Chairman Natcher, Secretary Volpe replied that he did not know. He wanted to hear from his subordinates on developments while he was out of the country.

Grigg summarized the situation:

According to Rep. John C. Kluczynski . . . the plan Volpe developed requires Senate restoration of the delayed funds to start subway construction, followed by a concession to Congress that the Three Sisters Bridge (upriver from Georgetown) and related projects would be built.

The most controversial section of the freeway system – the North-Central freeway to Maryland, which has been vigorously opposed by neighborhood groups – would be left in the limbo of “further study.”

The Senate Appropriations Committee had taken the first step by including the District matching funds in the supplemental appropriations act:

But Sen. Robert C. Byrd . . . has warned that the subway funds could easily be dropped before the final supplemental appropriations bill to which they are attached clears Congress.

Byrd said, in fact, that the funds probably would be dropped if Natcher . . . is not satisfied by progress or pledges of progress on the stalled freeway system. [Grigg, William, “Volpe Confirms Role In D.C. Subway Fight,” *The Evening Star*, June 13, 1969]

On June 17, Secretary Volpe talked with reporters about his involvement, indicating that he had renewed his personal efforts to break the deadlock in hopes of securing release of the District matching funds for Metro after Deputy Mayor Fletcher’s efforts had collapsed. He was pleased

that the Senate Appropriations Committee had included an appropriation for the matching funds in its Second Supplemental Appropriations Act, 1969, for the Federal Government, but thus far he had not secured approval through his outreach to the House. Jack Eisen summarized:

In his initial contacts on Capitol Hill, Volpe is reported to have asked Natcher and other key House members to free the subway money and trust him to get the roads built.

Volpe told newsmen yesterday, he was “not able to accomplish what I set out to do.” He emphasized the delicacy of negotiations and said a public discussion of details would make his task harder.

“I never give up hope in trying to solve something I believe is essential,” Volpe said. “I will continue to work on it.”

Volpe said he has met with small groups of lawmakers as well as individual Congressmen. Likewise, he said he has met with city officials and members of the City Council.

He said that “essential highway and bridge projects” would be part of the final package:

He disclosed that he has asked his staff “for a complete updating of the statistics on the Three Sisters Bridge,” perhaps the most controversial of the stalled projects.

There was no indication that this request necessarily reopened the question of whether the Georgetown-to-Arlington crossing should be built.

He expressed the hope that “responsible officials, both elected and appointed, will be able to come up with ways and means to go ahead” with the balanced transportation system. [Eisen, Jack, “Volpe Renews Efforts On Subway Impasse,” *The Washington Post and Times Herald*, June 18, 1969; Grigg, William, “Early Freeway Accord Vital, Tydings Asserts,” *The Evening Star*, June 18, 1969; “Transit in Trouble,” *The Evening Star*, June 20, 1969]

The House of Representatives had approved the supplemental appropriations act on May 21 without including the District subway matching funds. During Senate debate on June 18, Chairman Tydings defended the \$18.7 million in the Senate bill for the subway. He mentioned the “extraordinary joint hearings” the House and Senate District Committees had conducted a week earlier on the Nixon Administration’s plan for funding the Federal share of \$1.4 billion for Metro:

The rail transit system these funds will create will be a model for the entire Nation, will provide essential transportation for Federal employees and provide a vital link of the balanced transportation system Washington so desperately needs.

The appropriation in the supplemental bill was “the first step on the long journey to the completion of the subway system.” The journey already had “been too long delayed by differences which must be compromised to create a balanced transportation system for Washington.”

The sum of \$18.7 million in matching funds in the bill was the keystone to addressing “the transportation crisis facing the Washington metropolitan area.” As a result, “it is fair to say that this supplemental appropriation bill may prove to be the most important legislation Congress will enact in this session, perhaps in this entire decade, for the Washington metropolitan area.” [Progress on Washington’s Rapid Transit System, *Congressional Record-Senate*, June 18, 1969, pages 16457-16458]

The Senate approved the bill on June 19, with the matching funds for the District included, and asked for a conference with the House to resolve differences.

“In normal circumstances,” *Star* editors wrote, passage of the bill with the transit funds “would have been an occasion for celebration.” Unfortunately, no one had cause to celebrate. The proper response was “apprehension and concern” because “House members have served notice in terms clear enough for anyone to understand that there must first be a break in the senseless District-congressional impasse over highways.”

As Senator Tydings had warned, the time “left to fiddle around” was over, and as Senator Mathias had stated, resolution of the crisis was largely in the hands of District officials who, thus far, had refused “to make the slightest response to Congress’ valid demands that the transit and freeway programs proceed together to provide a reasonable balance of modern transportation facilities.” The District had “chosen the path of no negotiation at all beyond an unacceptable freeway plan endorsed by the council.” Whatever the justification for “this blind posture,” the loss of Metro was “not a price this city can afford.”

The editors wondered if President Nixon “has been fully apprised of this absurd situation, or of the grave, imminent peril to the transit system which he has so frequently cited as an absolute necessity to the growth and well-being of the Nation’s Capital.” Referring to Secretary Volpe’s hope that “responsible officials” would find a way to go forward, the editors concluded:

Where political irresponsibility is so prominently on display there is very little reason for any hope at this point, however, unless President Nixon takes a direct interest in the subject. The stakes are high enough to justify it. [“Transit in Trouble,” *The Evening Star*, June 20, 1969]

On Saturday, June 21, ECTC leaders and supporters arrived at 2732 10<sup>th</sup> Street, NE., to reopen one of the boarded up houses the District had acquired for the North-Central Freeway. Armed with brooms and garden implements, the 100 or so supporters, estimated as one-third white, protested what they called “confiscation” of 69 black-owned homes in what the *Post* described as a block consisting of “once tidy brick dwellings on a quiet, tree-shaded street.”

ECTC’s Booker had written to Mayor Washington to let the city know about the plan to reopen the houses. The letter stated “we can only conclude . . . that the city will not meet its responsibilities to the community where these 69 homes lie in shameful and wasteful deterioration”:

We can no longer permit the irresponsible decay of this attractive residential community, which is spreading and affecting an increasing land area in the adjacent neighborhoods.

For that reason, ECTC planned to “address this urgent issue by removing the boarding from these decaying residences.”

The crowd applauded as Booker and other speakers demanded “cleanup” and return of the homes to their original owners. The city’s attempt to curtail black home ownership represented a “brazen attempt to break black people’s political power, because black home ownership represents black political power in this community.”

With a crowbar, he removed the plywood over the front door and went in with about 25 people, including small children, carrying mops and brooms. They began cleaning the house.

Colonel Starobin, director of the city’s Department of General Services, ordered them to leave. Brief scuffles broke out as police ordered anyone who did not want to be arrested to leave the house. Booker, the Reverend John Mote of Brookland United Methodist Church, and Dr. Tom Rooney were arrested and charged with illegal entry. Abbott, who was not initially arrested, was charged with disorderly conduct after he tried to force his way into the police vehicle where the others were placed.

After the arrests, a dozen police officers stood on the front porch while supporters clipped hedges and cut the lawn. ECTC’s Cassell told the group that they would return the following Saturday to open the house next door. [Carter, Phillip D., “House Is ‘Reopened’ In Freeway Protest,” *The Washington Post and Times Herald*, June 22, 1969; Swanston, Walterene, “4 Arrested in NE Freeway Protest,” *The Evening Star*, June 22, 1969]

As part of the campaign to break the logjam, Secretary Volpe convinced President Nixon to take a 47-minute helicopter tour of the District’s morning rush hour on Tuesday, June 24. The Marine Corps helicopter lifted off from the White House lawn with the President, Secretary Volpe, Federal Highway Administrator Turner, Deputy Mayor Fletcher, City Council Chairman Hahn, and District Highway Director Airis. Two presidential aides were in the rear of the craft with newsmen: Moynihan and John D. Ehrlichman, counsel to the President.

Turner took the lead in conducting the tour, as described by Jack Eisen:

Turner was the chief guide. He noted such phenomena as the almost evenly balanced rush-hour flow of traffic into and out of Washington, such facilities as the new interchange at Telegraph Road and Duke Street in Alexandria “opened just three months ago” and such current projects as the widening of Shirley Highway.

Secretary Volpe had given President Nixon an area map “with a black-bound freeway map and statistical summary of bridge traffic” that rested on the President’s knees:

The figures, studied by the President just before landing, showed bridge traffic of 182,400 vehicles per day in 1950 had grown to 465,500 by last February.

Eisen also recorded the President's reactions:

One of the sites on yesterday's tour, viewed twice, was Three Sisters Islands, the small rock outcroppings in the Potomac River near Georgetown where the road builders want to erect a bridge. It has become the chief symbol of the seemingly endless dispute . . . .

The full itinerary included views of some routes whose twice-daily patterns of congestion became familiar to Mr. Nixon during his 15 earlier Washington years as a Government lawyer, congressman, senator, and Vice President.

"I used to drive out here," the President recalled as he peered down at the Seven Corners shopping center in Fairfax County, ringed in early morning by an empty expanse of asphalt parking lots. "There used to be nothing more than a country store."

Looking at lines of traffic inching across the Theodore Roosevelt and 14<sup>th</sup> Street bridges, Mr. Nixon asked, "Where are they going to park the cars?"

City Council Chairman Gilbert Hahn, Jr. shook his head in silent negative reply. Hahn has said publicly that he would like to curtail all-day parking in the city to induce more transit riding.

Mr. Nixon already was aware of the light use of transit. Observing a jam of automobiles on U.S. Rte. 50 east of Glebe Road in Arlington, he remarked: "Sure not many buses."

. . . Traffic somehow looked from the air to be lighter than it seems to a motorist on the ground, but several jams were seen. Perhaps the most massive were mile-long backups at the South Capitol Street and 11<sup>th</sup> Street bridges across the Anacostia River.

"Unless something is done to change the entire direction of planning in this city," Volpe told the President, "we're faced with some real, real problems."

The tour did not include the northern part of the District or the traffic from Montgomery County into the city. President Nixon had many opportunities to view highway operations, if he wished to, during his trips to Camp David.

Secretary Volpe told President Nixon that the subway should have gone to construction "not yesterday but three years ago."

After the helicopter returned to the White House at about 8:35 a.m., the President summed up the trip. "I'm glad that we don't have to drive to work."

Volpe told reporters that the President was "concerned that the subway funds have been held up for 1½ years," but the Secretary hoped "the differences will be worked out quickly." Referring to freeway opponents, he said, "They are conscientious but their objections don't take into consideration the facts of life."

Chairman Hahn said the tour “demonstrated graphically that we’ve got all the entrances into the city that we need.” It confirmed his view that the subway was more important than the Three Sisters Bridge or the other freeways. “A visual look at the very well-developed road system we have indicates to me we’ve reached a good stopping point.”

Deputy Mayor Fletcher said, “I feel the trip gave the President a very good picture of traffic in the metropolitan area. I don’t think it will lead to any decisions at this point, but it will prove useful to him.”

Later that day, in a meeting with Republican leaders at the White House, President Nixon talked about his tour. House Minority Leader Ford told reporters after the meeting that he thought Secretary Volpe would intensify his effort to “break the logjam” in the next couple of days. [Eisen, Jack, “Nixon Sees Traffic From Air, Says, ‘Glad We Don’t Drive,’” *The Washington Post and Times Herald*, June 25, 1969; Wright, Christopher, “Nixon Gets Air View Of D.C. Traffic Snarl,” *The Evening Star*, June 24, 1969]

(After winning election to the House of Representatives in 1946, Nixon and his family lived in the Park Fairfax Apartments at 3538 Gunston Road in Alexandria, Virginia, from March 1947 to early 1951. In 1951, the Nixons moved to 4801 Tilden Street, NW., near American University and not far from the Montgomery County line. In 1957, the Vice President and his family moved to 4308 Forest Lane, NW., in the Wesley Heights area. Glover-Archbold Park was to the rear of the home. The Nixons moved out in February 1961 when the family returned to California. [Source: E-mail, November 5, 2012, Richard Nixon Presidential Library, National Archives and Records Administration])

June 26 began on an optimistic note when Secretary Volpe released a letter signed 2 days earlier by Mayor Washington and Chairman Hahn. Secretary Volpe was “pleased to announce” the city’s “intention to proceed immediately” to complete 24.5 miles of freeways at a cost of about \$500 million:

- Potomac River Freeway from the Whitehurst Freeway to the Palisades;
- South Leg of the freeway from the Potomac River Freeway to 14<sup>th</sup> Street;
- Center Leg from the Southwest Freeway to New York Avenue;
- East Leg from Barney Circle to Bladensburg Road; and
- Industrial Highway parallel to New York Avenue.

The list did not include the Three Sisters Bridge or the North-Central Freeway.

The city also agreed to propose a final location for the North Leg of the Inner Loop Freeway.

The commitment was comparable to the Major Thoroughfare Plan that NCPC and the city council had approved in December.

In releasing the letter, Secretary Volpe gave the plan his unqualified approval. “This affirmative action by the city government . . . will complete much of the essential planned highway system for the area.” The city’s commitment to this work was “in the spirit of helping to resolve the

situation preventing release of funds needed for the beginning of the area's subway system." He added, "It is my conviction that this constructive step will help solve much of the transportation situation." He intended to "continue working with the concerned parties toward a complete solution." As a result, he hoped the House would "see fit to concur in the Senate action" on the District matching funds.

Chairman Hahn thought the city's letter should be enough to release the subway funds. "We're saying 'Here's a plan for freeways, now build them.'"

As city officials explained to reporters, Secretary Volpe's strategy was to create a bandwagon effect that would pressure Chairman Natcher to release the city's matching funds. President Nixon's helicopter tour was the first step, followed by release of the city's letter dated the same day as the trip.

Later that day, conferees on the Second Supplemental Act, 1969, dropped the \$18.7 million from the bill for the District's subway matching funds. Clearly, the city's actions did not persuade Chairman Natcher. Chairman George H. Mahon (D-Tx.) of the House Committee on Appropriations said the conferees "felt that decisions by officials were not sufficiently clear and final for us to proceed, so we knocked it out." Chairman Natcher, as usual, did not comment to reporters.

At the same time, Mayor Washington announced that the city would move to reopen the 69 homes in the North-Central Freeway corridor. Renovation would begin at 8 a.m. on June 27, starting at 2732 10<sup>th</sup> Street, NE., site of the protest the previous weekend. The District's Department of General Services would undertake the repair work. As an interim measure, the homes would be made available for rental by former owners, families recommended by local groups, and other displaced residents, in that order.

In addition, Mayor Washington asked the Department of Transportation for a legal opinion on the status of the homes. Because the city had used Interstate construction funds to pay 90 percent of the cost of acquisition, the future of the homes depended on Federal right-of-way law, which required resale to the highest bidder, not necessarily the former owner. The city was drafting legislation seeking congressional approval to allow former owners to acquire the homes.

Reaction to the day's events came from many sources. Representative Broyhill called the city's proposal "disgraceful." It was simply a restatement of the city's refusal to comply with the directive in the Federal-Aid Highway Act of 1968.

Former Vice Chairman Fauntroy, now affiliated with the Model Inner City Community Organization, said that citizen groups could "come up with solutions that don't even occur to the most dedicated officials." He called for citizens to join a "city-wide coalition," regardless of "their position on the freeway controversy," to find answers to the transportation impasse.

ECTC's Booker denounced the city's plan. "We oppose any segment of the so-called skeletal freeway system and we will fight it with the same energy we used to fight against the North-Central Freeway." [Jewell, David A., "Volpe Backs City's Plan To Start Freeway Work," *The*

*Washington Post and Times Herald*, June 26, 1969; Grigg, William, “Subway Funds Dropped Pending Freeway Move,” *The Evening Star*, June 26, 1969; Asher, Robert L, and Moore, Irna, “Conferees Reject Subway Funds, City lack of Assurance on Freeway,” *The Washington Post and Times Herald*, June 27, 1969]

*Star* editors cited “a double responsibility for the tragic, imminent loss” of the needed appropriation to begin subway construction. First, District officials “who seem determined to isolate this city from the remainder of the metropolitan community” were at fault. Their letter to Secretary Volpe “not only omitted the bridge project, but actually curtailed some aspects of an inadequate freeway plan endorsed by the City Council.”

The Nixon Administration shared the blame because thus far, it had “been unable to shift the irresponsible position of these presidentially appointed local officials.”

The House-Senate conference committee’s reaction to the city’s attempt to break the logjam was “immediate – and entirely predictable.” Why, the editors wondered, did Secretary Volpe “imagine that the result might be otherwise”? He apparently thought the city’s letter involved a significant concession that, along with his pledge to “continue to work” for a “complete solution,” would be sufficient to change the outcome.

Chairman Hahn’s action belied the hope that the House would take Secretary Volpe’s assertions on faith. No sooner had Secretary Volpe issued his conciliatory announcement than “Hahn took pains to emphasize the he and Mayor Washington ‘still reject’ the bridge project” that Congress had mandated in the 1968 Act:

If the city government cannot be persuaded to yield to that mandate at this point, when the future of the vital transit program is at stake, it is hard to think of anything that might make it yield later.

On the theory that anything is possible, the House might change its position:

But that change, no matter how desirable, is extremely remote unless Secretary Volpe – or President Nixon who expressed his strong personal concern on Tuesday – moves immediately to unravel this mess.

Our guess is that little more would be required than a firm White House decision to proceed with the Three Sisters Bridge. At this moment, however, it is a botched job all around, with the prospects for a truly viable, balanced transportation system for the Capital left in greater jeopardy than ever.

*The Post* agreed. President Nixon’s helicopter ride had been little more than “a public relations gimmick.” He learned, if anything, little more than any commuter could have told him, namely that rush hour congestion “must be experienced to be believed.” The city’s letter was “not much more helpful,” referring mainly to the less controversial elements of the freeway plan.

The House-Senate conferees' action was "something outrageous," but "commonplace" in the political world where Chairman Natcher and others are using "every ounce of political leverage they have for their particular political ends."

The city's letter reflected the fact that the anti-freeway forces had convinced city officials to make the Three Sisters Bridge "a symbol of who is winning the fight over freeways." Divested of that symbolism, the bridge "no doubt could stand on its own for its contribution to area transportation."

Capitol Hill had linked the freeways and subways, regardless of what anyone thought about the logic of doing so:

A politically acceptable package must be put together so that the subway money can be released. Secretary Volpe has had one whack at it without success. The President has shown us how to rise above our traffic jams; unless he means to offer us a helicopter for every garage, however, he must now get back down to the hard business of providing the political muscle to break the transportation impasse. ["The Transit Impasse," *The Evening Star*, June 27, 1969; "A Helicopter in Every Garage," *The Washington Post and Times Herald*, June 27, 1969]

Repair of the homes in the path of the North Central Freeway began on Friday, June 27, under Colonel Starobin's direction. He expected repairs of all 69 homes to be completed in 3 months at a cost of about \$200,000. As Mayor Washington said, "Our city's acute need for decent housing, especially three and four bedroom houses, requires that we make these houses available for occupancy as soon as possible."

One ECTC official said he considered Mayor Washington's decision to be a "political ploy." Nevertheless, the action defused plans for a second Saturday demonstration in the neighborhood.

As the *Star* pointed out, the action "could increase congressional antagonism and lessen chances for a subway construction start":

The move could well antagonize members of the House Public Works Committee and the House District Appropriations subcommittee who have wanted houses purchased for the North Central Freeway left empty while the District makes up its mind whether to build the project. They turned down the idea of disposing of the houses when it was suggested several weeks ago in a proposed compromise package on freeways and subways.

As for the Second Supplemental Appropriation Act, 1969, Chairman Mahon said the conference committee was still working on the details, but District issues were settled. The matching funds for the subway would not be included. ["D.C. Is Repairing for Rental 69 Homes in Freeway Path," *The Evening Star*, June 27, 1969; "Condemned Homes Repaired," *The Washington Post and Times Herald*, June 28, 1969; "D.C. Averts Clash By Opening House In NE to Citizens," *The Sunday Star*, June 29, 1969]

The chairman of the District Republican Committee asked area congressmen to try to restore the subway funds to the supplemental. Edmund E. Pendleton, Jr., considered rejection of the funds a

“dangerous and unwise game.” The city’s letter to Secretary Volpe provided a strong enough commitment to warrant restoration of the funds:

If a half-billion dollars isn’t meaningful, what is? For Mr. Natcher to say “no” to this evidence of intent is beginning to look a little pale.

Pendleton said that for Chairman Natcher, the subway-freeway impasse was “a personal thing . . . killing the subway rather than solving the problem.”

Area congressmen, he said, should challenge the conference report on the supplemental bill when it reached the House and Senate floors for a vote. They should ask why the bill dropped the subway matching funds. The goal should be to convince their colleagues to restore the funds or return the bill for further work. [Asher, Robert L., “City GOP Chief Says Subways Cut ‘Unwise,’” *The Washington Post and Times Herald*, June 28, 1969; “City GOP Chief Issues Plea for Subway Funds,” *The Evening Star*, June 28, 1969]

Director Airis appeared on July 8 before the Senate’s District Subcommittee of the Committee on Appropriations, chaired by Senator Proxmire. After going through the department’s needs, Airis concluded:

I shall close my statement, sir, by pointing out that hopefully we will soon have a resolution of the freeway problem and that we will be able to proceed with a whole balanced transportation system that so long has been planned for the District.

Chairman Proxmire said he was “delighted to see that you are emphasizing, trying to get some of the cars off the street.” He explained:

One of the difficulties is that we build these very, very elaborate and expensive highways and they seem to fill up. The more we build, the more cars you have, the more congestion you have and the more problem[s] you have for the city.

According to studies he had seen, cars were responsible for about 60 percent of land in some cities, counting streets, parking lots, and parking spaces. He preferred “to emphasize making mass transportation available in the form of buses.”

Chairman Proxmire recalled an announcement recently “that the District would proceed with its highway construction” and wanted to know how that decision would affect the city’s budget. Airis started to respond that the city was proceeding with its usual quarterly apportionment, but the chairman interrupted:

Senator Proxmire. No, we are talking about the announcement that followed the President’s flight over the city and Mr. Volpe’s observations at that time.

Mr. Airis. I don’t think that carried funding with it. They just indicated generally that they hoped to be able to go ahead with the full program that has been talked about, and planned here for the last 20 years, sir.

After discussing other subjects, Chairman Proxmire returned to the Interstate freeways, asking Airis what progress had been made in the past year. Airis cited construction of the Center Leg Freeway past the Capitol to Massachusetts Avenue. Construction had not begun on the section between Massachusetts and New York Avenues. "It is awaiting a RLA housing project that is to be built over the freeway." The city was awaiting details of the air rights housing projects.

Chairman Proxmire asked how much of the Interstate program the District had completed. Airis replied that 10 miles of the 29-mile network had been completed, with another 5 miles under construction.

Asked where the District ranked among the States on its Interstate program, Airis said it was next to last, behind Delaware and just above Maryland. He explained why:

One is the multiplicity of planning agencies in the District area, and second is the fact that this is an entirely urban area. In all urban areas at the present time, it is extremely difficult to build public works of all types. That is it in a nutshell. [District of Columbia Appropriations for Fiscal Year 1970, H.R. 14916, Hearings, Subcommittee of the Committee on Appropriations, United State Senate, 91<sup>st</sup> Congress, 1<sup>st</sup> Session, pages 1106-1107, 1117]

The following day, July 9, WMATA appeared before the subcommittee. The delegation consisted of Chairman Babson, General Graham, Executive Officer Schuyler Lowe, and Prince George's County Commissioner Gladys Noon Spellman who was chairman of the Washington Suburban Transit Commission. Babson summarized the history of WMATA and the support for rail rapid transit as reflected in official support and the November 1968 votes for transit bond issues:

We have worked at this long and hard. We have even obtained a benefit-cost analysis to justify our proposed regional system, and it shows a 3.2-to-1 ratio of benefits; quantifiable benefits. And there are a number of so-called nonquantifiable benefits which readily, I think appeal to the mind as being real benefits.

WMATA had approved a final plan for the regional system in February 1969. "We have obtained the agreements in writing from all of the subdivisions, political subdivisions in the area to bind themselves to contribute large amounts, millions of dollars of money":

That is where we are today, Mr. Chairman. We stand ready to begin construction of the system immediately if Congress will release the funds. We have the final design work on some \$60 million worth of projects on which we could let contracts in 75 days. [pages 1179-1180]

After introduction of Babson's lengthy prepared statement, Spellman expressed Maryland's support for the plan:

We are enormously concerned at this moment about the construction stalemate. This is going to be terribly costly to us in the local governments, to the Federal Government, and

we feel that somehow, someway, we must find a method of getting this off center and allowing us to proceed.

She worried that, “folks who are the obstructionists who really did not want a transit system in the first place who now see an opportunity to create problems, who are going to be working with our legislature trying to get them to say, well, now, this is going to cost more than \$88 million that our county has budgeted, and therefore we will have to change the bonding authority.” She and other supporters felt “a great sense of uplift” when the Senate included the District matching funds in the Second Supplemental Appropriations Act, 1969:

And we are really hopeful that a solution to the current highway impasse will soon be found. You know we need those highways, but we need the subway system. And to say we will have nothing is just wrong. We have somehow got to get this moving.

She encouraged the subcommittee to “maintain the position of leadership” it had shown on the issue. [pages 1184-1185]

General Graham confirmed that WMATA was ready for construction:

We are prepared to move rapidly forward on a construction program which would see the first operational trains by the end of 1972 . . . . We are ready to break ground early in this fiscal year. We have been ready for about a year. And once we have the authorization to go ahead we will let eight major construction contracts in very quick succession.

The first contract, for section B-1, would be for a cut and cover project running from Judiciary Square westward to 10<sup>th</sup> and G Streets. This section included the Judiciary Square and Gallery Place stations.

He went through the phases of construction based on authorization to proceed in the near future:

The final segments will be completed and operational by December 1979 from Chillum to Greenbelt station, from north of Silver Spring to Glenmont, from Kenilworth to Addison Road, from Telegraph Road yard to Backlick Road, and the Franconia route.

An extension to Dulles International Airport was planned for construction after 1980.

General Graham summarized:

In summary, Mr. Chairman, we have reached the point where with the continued support of the Congress this rapid transit can soon be a reality. We feel that the local governments have lived up to their responsibilities under the compact; the President has endorsed the transit objective as a part of his program to enhance the Capital City. We are ready to move ahead and we are here today to seek your assistance in the realization of that objective. [pages 1185-1189]

Chairman Proxmire, General Graham, and Chairman Babson discussed a comparison of the Washington area’s plans with those for the Bay Area Rapid Transit System (BART) in

California. Chairman Proxmire asked why the Federal Government was paying 10 percent of construction costs for BART line but almost half the cost of rail rapid transit in the Washington area. Babson replied:

The justification is that Congress has already recognized their obligation to the National Capital area. And if I may, a couple of weeks ago I was in Chicago meeting with the directors of the National Institute for Rapid Transit, and in speaking with the members [that] are representing Boston, San Francisco, Chicago, the whole Nation, all of North America, really, Toronto, every one of those gentlemen thought that Washington is in a different position and no one argues but that the Congress owes a special obligation to the National Capital area.

Chairman Proxmire understood that special obligation, but wondered if it equaled five times as much as for the rest of the country. Babson denied it was 5-to-1. "The urban mass transportation program which has been in being since 1964 provides for the same 2-to-1 Federal-local cost sharing as we provide for in our system." He also pointed out that BART and the Washington system were different. BART at that time was a single line into San Francisco. "We are trying to feed people into the downtown Washington area from 10 different termini on this system." Further, as General Graham added, WMATA planned to begin running trains as soon as a segment was available, while BART planned to open only after the entire line was completed.

Chairman Proxmire thought the estimated cost of \$2.5 billion "is probably very modest." He expected the system would cost "a lot more than that." General Graham assured him:

We feel it is a conservative estimate, sir, because we have cranked into it amounts for escalation for each year of construction and for contingencies, and our assumptions on that are higher than were used in San Francisco.

If WMATA held to that estimate, Chairman Proxmire said, "you deserve a medal." [pages 1190-1192]

General Graham recalled Deputy Director Hughes' recent testimony on the Nixon Administration's bill for financing the 97.7-mile system. The cost of the WMATA plan was a small part of the overall annual Federal public works expenditures because it would be stretched over 10 years at about \$200 million a year.

Chairman Proxmire, who was building a reputation as an enemy of government waste, replied:

I realize that. I voted against the . . . entire public works bill in each of the last 2 years. I was the only Senator who did, because I think it is so inflationary. I realize this is a small part of it, but the whole public works expenditure in this country is now at a level of over \$10 billion, the highest we have ever had, 10 times what it was in the depression. It is inflationary, and I think overall I am sure that you can justify certain public works, there is no question about it, and of course if I had the discretion I certainly would not eliminate all public works . . . .

I think you are making a strong case this morning. I am very impressed by the arguments you have given me. They are very helpful. I am not completely convinced, but I think you are making a strong case.

Babson pointed out that if the subway were not built, “We will have to build more freeways and more highways. The public works projects will go on perhaps in greater magnitude.”

Chairman Proxmire understood but said that if the subway funds were released, the area would have freeways and the subway:

Senator Proxmire. It is not a matter of if you do not break the subway loose you are going to have the highways. If you break the subway loose you have both at the same time.

Mr. Babson. Something has to happen though. If we do not have a subway system, something has got to happen – a freeway program anyhow, I believe. [pages 1195-1196]

Chairman Proxmire asked if WMATA was operating on the assumption that “the individual components of a unified system such as highways, buses, rapid transit, are mutually dependent one on the other and should be carefully coordinated during the planning and construction phase.” Babson agreed. “We have assumed construction of the freeway system in planning our rapid transit system, and we believe very strongly that there should be close coordination between all bodies of transportation in this region”:

Senator Proxmire. Well, I am told this is the position taken by the House Committee, by Mr. Natcher.

Mr. Babson. His position may be characterized that way, Mr. Chairman. [page 1197]

The conference committee on the Second Supplemental Appropriations Act, 1969, issued its report on July 8, with the District’s subway matching funds deleted. The House and Senate considered the conference report on July 9.

In the House, Representative Broyhill raised the subject. “This delay in starting the system is naturally of concern to everyone.” He agreed with the consensus that a balanced system of freeways and rail rapid transit was needed. The delay in freeway construction “has been absolutely ridiculous,” citing as an example the failure to complete I-66 and the Three Sisters Bridge to serve Dulles International Airport. The airport had been opened for 7 years but was “only being used to a fraction of its capacity while Washington National Airport increases in its use each year even after it has passed the point of being dangerously overcrowded.”

He discussed Section 23 of the Federal-Aid Highway Act of 1968. Despite the reluctance of members of the House Committee on Public Works to “get involved in the specific location and administrative details of the construction of highway projects,” they concluded that “further delay could not be tolerated.” They instructed the District to build certain freeways. “Amazingly, the District of Columbia City Council has placed itself above the Congress of the United States and the American people, and has completely ignored this mandate of Congress.” Therefore, Congress had “no choice but to insist that its will be carried out.”

Unfortunately, releasing the city's transit matching funds would give the appearance that Congress acquiesced in the District's obstruction. It would "encourage the District government to continue to defy the will of Congress and to continue to delay construction of these vitally needed highway projects."

Chairman Natcher had assured Representative Broyhill on many occasions that he would release the subway funds once the city began construction of the freeways required by the 1968 Act.

With that introduction, Chairman Natcher told his colleagues that he appreciated the attitude of Representatives Broyhill and Gude and other representatives from the surrounding jurisdictions "in regard to the freeway-rapid transit impasse that we are now confronted with." They agreed with him about the need for a balanced transportation system. "In order to meet the tremendous day-by-day growth of traffic, the highway program must be carried out along with the presently authorized rapid rail transit system."

The freeway system, he said, had been set up in late 1950's after a 5-year study. He was concerned about the increasing cost of the system, citing the East Leg Freeway. In 1961, he was told it would cost \$26.1 million. Now the estimate was \$78 million. "That gives you an example of what this impasse has done in regard to the freeway system here in the District of Columbia."

He recalled the history of the impasse, citing the House's vote in 1966 to withhold District matching funds for the subway. A few weeks later, NCPC voted 6 to 5 in support of starting the freeway system. Chairman Natcher returned to the House and restored the funds. As was well known, a few weeks later, NCPC "was called back into session and changed their vote, and at that time they stopped the freeway system":

In order that there may not be any misunderstanding, we want the House to know that as soon as the freeway program gets under way beyond recall, then we will come back to the House and recommend that construction funds for rapid transit be approved.

He cited Section 23 of the 1968 Act. Despite all the effort that went into the provision and the explanation in the House report, "we find that the District Building . . . completely ignored it."

He complimented President Nixon for his statement on the impasse. "Before reading it, I want you to know that this is the first time in 10 long years that any President has had the nerve and the courage to state the facts." He then read the paragraph in which President Nixon stated that a subway would not relieve local governments of the duty to modernize and improve their highway systems. The President had cited "hopeful signs" that a fair and effective settlement was possible in the near future. "It is in the interest of all those involved . . . that this be done." Chairman Natcher said he agreed "with every word of this statement that I have just read."

He explained how the Senate had included the matching funds in its supplemental bill, but the House conferees had removed the funds. Further, the District had requested \$21,586,000 in matching funds for FY 1970 for construction of the rail rapid transit system:

I want the gentleman from Virginia and the gentleman from Maryland to note that as soon as the freeway system is started and underway according to the Highway Act of 1968, we will come to the House and recommend funds for the authorized rapid rail transit system.

He referred to the pending bill on Federal funding for a 97-mile rail rapid transit system. He wanted Representatives Broyhill and Gude to know “the impasse with which we are confronted is certainly not helping that bill any.”

After Chairman Natcher concluded his statement, Representative Davis rose to agree with him. As the ranking Republican on Chairman Natcher’s subcommittee and a conferee on the supplemental bill, he assured his colleagues that, “As soon as there is some assurance that we are to have a balanced transportation system, the gentleman from Kentucky and I are committed to providing the initial funds that were included in the supplemental requests, and the followup funds that are provided in the 1970 budget.” This was a reasonable position, he said, especially in view of the mandate that Section 23 of the 1968 Act placed on District officials.

Representative Gude agreed with Chairman Natcher that “the District government has refused to obey the law.” Nevertheless, delaying the start of Metro construction was costing \$250,000 every day. “I do not believe it is in the best interest to hold one part of our transportation system hostage to the other.” He just wanted “to express our deep concern and regret over this situation.”

After Representative Broyhill restated his concern that appropriating the matching funds would only encourage further delay on the freeways, Representative Nelsen concluded the discussion:

I speak because of the fact that I did have a hand in the Subway System Act of the District of Columbia and do feel a responsibility with reference thereto. However, I also want to say that the gentleman’s recommendation is fair and in my opinion it is one that we can follow. [Conference Report on H.R. 11400, Second Supplemental Appropriation, 1969, *Congressional Record-House*, July 9, 1969, pages 18793-18795]

The House approved the conference report, 348 to 49.

When Senator Byrd brought the conference report to the Senate floor, he briefly described its dollar amounts, but then said, “Perhaps I should comment briefly on the rapid transit money which the Senate had inserted in the bill.” As for why the funding was not in the conference report, he referred to the obstacles to freeway construction since 1962 and the refusal of the House to appropriate the District matching funds for the subway. He cited the 1966 incident in which NCPD approved the freeways, the House relented and released the subway funds, and then watched NCPD reverse itself a few weeks later. Further, despite Section 23 of the 1968 Act, this direction “has been stalemated through actions of the National Capital Planning Commission and the District of Columbia City Council as well as the Department of Transportation.”

The House District appropriations subcommittee had shown that it would honor its commitment in 1966 after “a slight breakthrough,” and could be counted on to do so again:

I am definitely of the opinion, from my meetings with the conferees on this bill and from my understanding of the current impasse that has developed, that there has been no change on the part of the House committee in respect to this matter. The Senate conferees, therefore, were forced to yield and the moneys were stricken.” [Second Supplemental Appropriations Bill, 1969-Conference Report, *Congressional Record-Senate*, July 9, 1969, page 18926]

The Senate did not discuss the matter further before approving the conference report without a recorded vote. President Nixon approved the \$4.3 billion Second Supplemental Appropriations Act, 1969, on July 22, 1969 (P.L. 91-47).

The *Post* report on the House and Senate action stated that neither the decision to drop the matching funds nor the warnings issued on the House floor “were surprises, but they left the next move clearly to the city.” [Asher, Robert L., “Hill Refuses Subway Funds,” *The Washington Post and Times Herald*, July 10, 1969]

### **Regrouping After a Loss**

On July 8, the Senate considered the National Capital Transportation Act of 1969 as reported by the Committee on the District of Columbia on July 3. It amended the 1965 Act to expand the rail rapid transit system to 97.7 miles as approved by WMATA and authorize a Federal contribution for the plan of up to \$1,147,044,000. The measure included an amendment by Senator Spong authorizing \$150,000 for a study of extending rapid transit to Dulles International Airport. The authorized funds could not be used until appropriated by Congress. Without debate or a recorded vote, the Senate approved the 1969 Act. [The National Capital Transportation Act of 1969, *Congressional Record-Senate*, July 8, 1969, pages 18545-18548]

Despite this show of support for the larger Metro system, the congressional action on July 9 to approve the supplemental appropriations act with the District matching funds prompted debate, public and private, in the city council and WMATA. The issue had barely rated any concern in Congress, and even local supporters of the freeways and subway agreed with Chairman Natcher’s stance in view of the city’s refusal to implement Section 23 of the Federal-Aid Highway Act of 1968. Any path to a reversal of the congressional action left officials with stark choices they would rather not make.

WMATA’s board of directors split on the freeway issue that Chairman Babson had supported in his testimony before the Senate subcommittee on July 9. He accused Chairman Hahn of acting in an “immoral” way that encouraged anti-freeway factions “to riot” if the city built the freeways and bridge that Congress demanded.

Gleason, the former board chairman, thought WMATA should stay out of the freeway fight and instead fight hard for the subway funds. He and Babson engaged in a brief dialogue summarized by the *Star*:

James Gleason of Montgomery County questioned whether Babson should have given the impression that he spoke for the entire board in testifying in support of the House position on freeway construction.

“You want to get your name in the paper . . . . Where do you get your information about Hahn?” Gleason asked Babson.

“I read it in the press somewhere,” Babson replied.

Gleason recommended that the board not take a formal position on the freeways. He said that Congress was acting in “an immoral” way by withholding the District matching funds. Babson replied that the city council was just as “immoral” for maintaining a selfish view on freeways to the “detriment of the greatest number of people.”

Board member Nicholas A. Colassanto of the Alexandria City Council, said, “This one item could kill the whole [transit] program.” He wondered if the District city council understood that if the rail rapid transit system were not built, the city would need more freeways. He saw only one alternative to the subway: “more highways, more and more highways.”

Councilwoman Shackleton, a member of the board, suggested that the board not take action pending a possible change in the city council’s position:

Mrs. Shackleton said it would “be immoral” for the City Council to change the freeway plan without prior action from the National Capital Planning Commission and a series of public hearings.

She hinted the council may follow the full course of action, if changing the freeway plan is the only way to obtain the subway.

“If the planning commission does not act first and public hearings are not held before the council takes action, we might have . . . a law suit,” she explained.

Members of the city council were wrestling with the same issue, as Jack Eisen reported on July 11:

Two key City Council members, seeking a way to break Washington’s stiffening highway-subway deadlock, opened the door yesterday to reconsideration of the controversial Three Sisters Bridge.

The two – Polly Shackleton [sic], long an implacable foe of the city’s freeway program, and the Rev. Jerry A. Moore Jr., – suggested that the National Capital Planning Commission might take a new look at Three Sisters.

Although they did not endorse the Three Sisters Bridge, they could seek support from Councilman Yeldell for a new look. He would go along with a new study “if there is some new evidence to support the need.”

The Reverend Moore said, "I would urge the Planning Commission to take a new look at the highway situation, especially in respect to the Three Sisters Bridge, to see what could be done about reaching acceptable plans . . . ."

NCPC Chairman Hammer dismissed the idea that NCPC would revisit whether to build the bridge. He argued that the issue was a political one, not a planning decision:

"If we do get a final decision [from Congress] that we are not going to get the subway built, then that would be a new planning situation," Hammer said. "We might then consider the need for more highways. Until then, I would think our recommendation [against the bridge] stands." [Green, Stephen, "Transit Authority Split On Freeways Stance," *The Evening Star*, July 10, 1969; Eisen, Jack, "2 Propose New Study Of Three Sisters Span," *The Washington Post and Times Herald*, July 11, 1969]

### **Imminent Compromise**

The *Post* reported on July 12 that a compromise was imminent. The key was to begin construction of the Three Sisters Bridge and launch the study of the North-Central Freeway that the 1968 Act had mandated:

City Council Chairman Gilbert Hahn Jr., a Nixon appointee, is known to be under White House pressure not to jeopardize the subway system by prolonging the Council's opposition to the new Potomac crossing . . . .

Capitol Hill sources have indicated Congress would be content with an agreement by the city to make the new study [of the North-Central Freeway].

A possible solution could come soon, they said, if the city lets construction begin on the bridge. If these steps are taken soon, there would be time to allow the subway funding in the budget now before Congress.

Councilwoman Shackleton released a statement to clarify her position:

The only Council member who probably will refuse any agreement that includes the bridge is Polly Shackleton, whose Georgetown constituency lies in its path. Mrs. Shackleton reaffirmed her position yesterday in a statement of "unalterable" opposition to the bridge. [Moore, Irna, and Asher, Robert L., "Imminent Compromise Seen In City Transit Controversy," *The Washington Post and Times Herald*, July 12, 1969]

With the city council scheduled to consider the issue during a meeting on Thursday, July 17, the *Star's* Paul Delaney reported that the meeting would likely result "in what appears to be the first major crack in the council's solid anti-freeway stance." Based on "informed sources," the meeting was going to be "the beginning of a process for the council to accept a compromise 'and get things rolling.'" By agreeing to begin construction of the Three Sisters Bridge and study the North-Central Freeway, the city council would be accepting the requirements of Section 23 of the 1968 Act:

The compromise also is the same one that was under discussion by Deputy Mayor Thomas W. Fletcher and members of the House Public Works Committee earlier this year. An agreement was scuttled by strong complaints from city council members that they were being undermined and by pressure from anti-freeway forces.

Although Delaney's sources saw a role for NCPC in the decisions, the city council was "the key to settlement, and that the commission most likely would go along with any council recommendation."

Chairman Hahn and Councilwoman Shackleton remained unalterably opposed to a compromise. However, the source said, "We won't need them in the end anyway. We figure we have a 7-1 vote for some kind of compromise and Polly and the chairman can take a walk during the vote." The source speculated, "I figure the chairman will change his mind and vote for a compromise because he will see some public sentiment for it; he realizes the subway must move and if there hasn't been pressure from the White House, there most likely will be."

In contrast, Chairman Hahn said he had "not at all been under any pressure from the White House to change my position and I've no intention of changing my position as long as I think the community backs me in opposition to the Three Sisters Bridge and North-Central Freeway."

Councilman Tucker favored a review of the December 1968 plan, saying "nothing should be closed to review." He added, "This doesn't mean we'll change our minds. But the logjam must be broken; we've got to have the subway." He had hoped the "initial action" would come from Congress. "But the council can't duck its responsibility. Nothing should be closed to a second look":

The members of the council agonize over it. I've got to be sure in my own mind I'm doing the right thing for the people. I am as firm in my conviction today as I was a year ago that we don't need the Three Sisters. But I also am firm that we need the subway.

An unnamed "official of the city administration" said news of a possible compromise was "the most positive thing I've heard all week." He continued, "Their freeway stance has had the government in a very bad position. The budget is up on the Hill, the revenue package already is in danger and the whole legislative program is jeopardized. I'm glad to hear that something is about to be done." [Delaney, Paul, "Shift Indicated In Council's Freeway Stand," *The Sunday Star*, July 13, 1969]

The council members, at their informal weekly meeting on Monday decided to leave the freeway issue off the agenda to avoid confrontation with freeway foes. Councilman Moore had been slated to present the compromise during the public session, with Vice Chairman Tucker set to push the issue. Public comments were to be heard, including from ECTC's Booker who was allotted 15 minutes. "We just wanted to give the council some backbone," he told Delaney. "We heard they were about to succumb to pressure."

On July 15, the city council met in public session to discuss issues unrelated to the freeway battle. However, ECTC and 75 supporters arrived at the start of the session and demanded to

speak. Refusing to hear the protesters, the council members left the chamber to cries of “dictator” and “scaredy-cat.” Booker staged a rump meeting, warning against “congressional blackmail.” They displayed signs with such warnings as “Don’t Sell Out” and “Don’t Be a Judas.” With Colonel Starobin ordering them to leave the chamber and police standing by, ECTC left after about an hour. Booker told reporters, “We made our point so all this bringing in of police doesn’t mean anything.” As they left the chamber, the protesters chanted, “No More Freeways.” [Moore, Irna, “Freeway Foes Seize Council Room,” *The Washington Post and Times Herald*, July 16, 1969; Basham, William, “D.C. Council Ousts Freeway Militants,” *The Evening Star*, July 16, 1969]

By Wednesday, July 16, council members were shifting their views behind the scenes. The compromise plan that had 7-2 support over the weekend had lost some support. A District Building source told the *Star*’s Paul Delaney:

Things are getting hot and the showdown might not come. But I figure the vote is more like 4-4 now, with the successor to Councilman William S. Thompson (who has been nominated for a judgeship) holding the key vote. And his appointment might hinge on his freeway position.

Chairman Hahn and Councilwoman Shackleton were still opposed. Members Haywood and Anderson were now opposed as well. A source said that Councilmen Dougherty, Moore, Tucker, and Yeldell supported the compromise. However, the source added:

But it’s getting hectic in the fight for votes. The pressure is mounting and things could get rough. We all will have a much better idea after the meeting Thursday. [Delaney Paul, “Council Hardening On Freeway Issue,” Interpretation, *The Evening Star*, July 16, 1969]

WMATA invited the city council members to a luncheon on July 17 to discuss the impasse. Only the Reverend Moore, Polly Shackleton, and Joseph Yeldell, as members of the WMATA board, accepted the invitation. Chairman Hahn pointedly refused to attend, while the other members had other scheduled activities. The *Star* reported that “authority staff and suburban members were obviously miffed at the cold rebuff by the District.”

Chairman Babson had hoped to impress the city council members with the urgency of finding a solution to the impasse, but the three WMATA board members from the city council were well aware of the precariousness of the situation and needed no persuasion on the rail rapid transit plan. Shackleton told reporters after the luncheon that there were “a great many questions still to be answered” before she could accept the compromise. Yeldell said “all of us would like to see this problem solved as soon as possible.” He wanted assurances that Chairman Natcher would release the funds if the city council approved the compromise but it was blocked in court:

Then where would we be? This is a political question for us. My own feeling is that if the overall damage to the city is greater by not acceding on the freeways, then I’d be inclined to vote for them.

Several unnamed members of the city council told reporters that Chairman Hahn's actions were crucial to the "agonizing reappraisal" of the group's stance on freeways. The *Post* reported, "They said they were not prepared to back off on their own while Hahn stood pat."

Babson revealed after the meeting that he had written to President Nixon the week before to request his intervention. As a result of the letter, WMATA officials had met with Moynihan. Babson would not reveal what happened at the meeting but said he was hopeful the impasse "might break in the next few days or a week."

Meanwhile, Representative Broyhill increased pressure on the city council by saying he would ask the District Committee to amend the pending District revenue bill to prevent the new taxes from going into effect until the city complied with Section 23 of the Federal-Aid Highway Act of 1968. He said Chairman McMillan and other committee members were "very concerned that a quasi-governmental body was totally ignoring the direct instructions of Congress." [Asher, Robert L, and Boldt, David R., "Added Pressures Hit City Roadblock," *The Washington Post and Times Herald*, July 18, 1969; Wright, Christopher, "Babson Asks Nixon to Held Break Deadlock on Subway," *The Evening Star*, July 18, 1969]

While the city council held off public action on the freeway compromise, the *Star* lamented the city's "stubborn and senseless defiance of the law requiring a start on the city's freeway program." WMATA Chairman Babson, the editors said, had disclosed his contacts with the White House "in utter frustration," while city council members, who had seemed to be working to find a solution, "apparently were gripped by a new attack of doubts."

The editors cited Councilman Yeldell's comment that some council members were worried that Chairman Natcher would not honor his pledge if anti-freeway groups went to court to block construction. Lawsuits were quite likely and would have to be fought on their merits. "The notion that the council is entitled to – and might receive – some kind of further 'assurances' from Congress on the subject, however, is not only politically naïve, it is thoroughly unwarranted."

The editors referred to Chairman Natcher's statement on July 9 during debate on the Second Supplemental Appropriation Act, 1969. He had said that as soon as the freeway program was "underway beyond recall," he would recommend release of the District matching funds for rail rapid transit. The editors asked, "What flatter pledge than that does the council think it can get?"

What was clearer than ever was "that Nixon must step in." Secretary Volpe, Mayor Washington and NCPC Chairman Hammer were "all standing around, awaiting a move from the council. And the wait thus far has been to no avail." ["Nixon and the Subway," *The Sunday Star*, July 20, 1969]

As for the inevitability of lawsuits, Leslie Logan of Arlingtonians for the Preservation of the Palisades made clear on July 21 that if the city council approved the Three Sisters Bridge, the group would file a suit. He did not think the city council would change its position, but if so, it would have to go through the lengthy "dual hearing" procedure before proceeding to construction. Logan assured reporters that in that event, his group and others opposed to the bridge would show up to testify.

Arlington County threatened to revive its lawsuit based on President Roosevelt's 1940 agreement governing the use of the Spout Run Parkway, which had not been considered after the U.S. Court of Appeals' decision blocking the bridge and three other freeways.

ECTC's Booker did not think the city council would approve the bridge, but he pointed out that the group had several volunteer attorneys ready to file suit if the bridge were approved. [Flor, Lee, "Freeway Foes Threaten Suit To Bar Bridge," *The Evening Star*, July 21, 1969]

The city council held a closed 3-hour meeting on July 21, in which all the council members agreed the council would approve the Three Sisters Bridge, 6 to 2, during an open meeting on July 22 in return for the subway funds. Councilman Yeldell explained that approval of the bridge would not only prompt Chairman Natcher to release the subway funds, but would comply with an agreement reached with HUD on Federal funds for housing. As spelled out in a letter from Secretary Romney, HUD would speed up Federal approval of rehabilitation projects and work to provide more funds to the National Capital Housing Authority. "It was," one unidentified council member said, "just an attempt to sweeten the pot." Despite this added incentive, Councilwoman Shackleton and Councilman Anderson said they would oppose the bridge no matter what.

With a public session scheduled for the following day to vote on the plan, the *Star* reported that, "Freeway opponents were reported to have conducted an overnight telephone campaign among council members, urging them not to give in to congressional road construction demands."

On July 22, nearly 200 people were in the council chamber waiting for the meeting to begin at 9:30 a.m. However, during another closed session, Yeldell said that he would not vote for the plan "without a clear pledge that the blackmail will be ended forever." Several members had decided overnight to urge Chairman Hahn to meet with Chairman Natcher to secure assurance that he would release the funds. Hahn, a Republican, asked Democrat Moore to undertake the meeting with the Democratic Chairman Natcher.

With the votes for the plan disappearing, Chairman Hahn concluded that "there was no point in going ahead" with the public meeting. He later told reporters, he "thought we could come close to unlocking the impasse and possibly take a vote. I sensed today that the mood of the majority was not to vote." Another unidentified council member remarked:

It's like a rained-out ball game. We thought we had all the pieces together, but we found this morning that one piece was still missing.

When a secretary informed the crowd that the public meeting had been canceled, she was greeted by boos and shouts for "Hahn to come out here and tell us that."

Chairman Hahn said he had talked with Secretary Volpe about the situation on July 17 in general terms, adding that he had secondhand information that President Nixon wanted the impasse broken before he leaves on July 23 for a foreign trip. The *Star* reported:

Transportation officials said the council has no choice but to yield if the subway is to be built since Congress holds all the cards in terms of power over appropriations.

Secretary Volpe told reporters, "I've been working on this all weekend both from here and Cape Cod." [Green, Stephen, and Basham, William, "D.C. Council Calls Off Subway-Roads Session," *The Evening Star*, July 22, 1969; Moore, Irna, and Eisen, Jack, "Bridge Vote Tied To Metro Funds," *The Washington Post and Times Herald*, July 23, 1969]

As requested, the Reverend Moore, chairman of the Transportation Committee, called Chairman Natcher later in the day. The *Star* reported:

Moore reported that Natcher did say his committee would approve the subway money if the council approved the bridge.

But when the councilman asked Natcher what would happen if the anti-freeway organizations filed suit, the congressman said he would delay subway money, pending the court settlement of the suit.

Although this response "was widely interpreted as dashing hopes for a settlement," Chairman Hahn asked Councilman Moore to talk further with Chairman Natcher. "I hope that Councilman Moore possibly misunderstood Congressman Natcher, after all of the implied promises that the subway money would be released. I'm continuing to try to find a way to break the impasse."

He was concerned by efforts to tie District tax revenue and the Federal payment to the District to the freeway issue. "If that's correct . . . each year's appropriation is going to be used to force something on the city that it doesn't want."

In "a slim chance" to secure the subway funds, "influential members of Congress appeared to be making moves to try to get subway construction money committed if the City Council approved the Three Sisters Island Bridge, even if anti-freeway forces do file a suit." Representative Brock Adams (D-Wa.), a leading liberal Democrat, supported the idea because the city council has no control over the anti-freeway groups. At the same time, he supported Representative Broyhill's effort to hold up District revenue and the Federal payment unless the city begins construction of the bridge. The *Star* reported, "Adams said he would agree to Broyhill's plan only if there was a commitment that subway construction money would not be held up under any circumstances." ["Natcher Shift Dims Chance for Subway," *The Evening Star*, July 23, 1969]

Editors at the *Star* put their reaction this way:

The City Council's latest flip-flop in the District transportation controversy, fed by some absurd new outburst of rhetoric, has seemed to harden further a political deadlock which desperately needs to be broken.

The rhetoric was from The Reverend Channing E. Phillips, the city's Democratic National Committeeman. He had warned that if the city bowed to "threats" and "blackmail" from Congress, the threats would never end. The city would be better off foregoing the subway rather than yielding on the freeways. The editors said that if the city council thought it could win a power struggle with the Congress, its members might want to recall that, "Congress has not yielded its constitutional authority over the Nation's Capital, nor is it apt, ever, to do so

completely.” In this case, the city’s main champion, the Nixon Administration, “happens to be wholly in Congress’ corner”:

The point is not, in other words, that the City Council should capitulate because Congress has said it must, but because Congress in this instance happens to be right. Political courage, in a valid cause, is a most admirable trait in any public official. What the council is displaying in this case, however, is not courage, but irresponsibility. [“Distorted Issues,” *The Evening Star*, July 23, 1969]

Over the next few days, anti-freeway groups renewed their pledges to file suit if the city approved the Three Sisters Bridge. A letter from ETCT and 10 other organizations said the groups were “shocked that Chairman Hahn and Deputy Chairman Sterling Tucker would propose such a plan and urge other city council members to support it on the vague promises of HUD Secretary Romney to provide housing assistance” for those displaced by the North-Central Freeway.” The freeway, they said, would “slice across the city in a greatly destructive arc” that would destroy thousands of homes of Negroes and whites. [“Civic Groups Plan Suite To Block 3 Sisters Span,” *The Evening Star*, July 24, 1969]

On Saturday, July 26, ECTC and a crowd of about 50 held a “victory celebration” outside one of the 69 homes in the Brookland area that had been condemned for the North-Central Freeway. The homes were, Booker said, “symbols of the continuous and unrelenting struggle for the rights of black people and anybody else in the country to own homes.” He urged “no slacking off in this struggle” until the freeway is defeated.

Mayor Washington arrived to address the group. He said, “You’ve got to have the concern of the people at heart.” As for the freeway-subway impasse, he said, “You know how much power I have, and it isn’t much. You know I can’t always deliver everything, so have to go to the people sometimes.” He looked through one of the two houses at the corner of 10<sup>th</sup> and Franklin Streets, NE., that had been renovated; three others were scheduled to be completed in about 3 weeks. He told the crowd that work on the remaining houses would “move forward far faster than the restoration thus far.”

Colonel Starobin, accompanying Mayor Washington, said the first five units had proceeded slowly because they were a “pilot project.” The city had encountered more problems than anticipated in bringing the homes up to current standards. As a result, the work would cost “substantially more” than the initial estimates of \$2,500 to \$3,000 per unit. “We hope to put the rehabilitation of the rest of the buildings up for bid by the end of August.” [Fiske, Phineas, “Happiness Is No Freeway,” *The Washington Post and Times Herald*, July 27, 1969; Holmberg, David, “Washington Attends Anti-Freeway Fete,” *The Sunday Star*, July 27, 1969]

On July 28, Booker held a press conference at the District Building to demand the firing of Chairman Hahn based on two letters that ECTC had obtained. One was a July 16 letter from John F. Grimm, vice president in charge of traffic for O’Boyle Tank Lines in Bethesda. The letter stated that he and other members of the Washington business community had met with Chairman Hahn to express their support for the freeway construction mandated by the Federal-Aid Highway Act of 1968. They felt that city officials were not being exposed “to what we feel

is the overwhelming popular sentiment in favor of construction of the freeways, including the Three Sisters Bridge and North Central Freeway.”

The meeting, Grimm wrote, was “a frank and open exchange, beneficial to all.” Grimm summarized the most important aspect:

Those in our city government who are opposed to the construction of the Three Sisters Bridge and the North Central Freeway are opposed, we gather, not on the merits of these projects, but rather because of the possible repercussions of a public announcement of support for their construction.

Because they feared such an announcement would “provoke an adverse reaction in the inner city,” their opposition seemed based on avoiding “the possibility of civil disturbances,” such as the riots following the assassination of Dr. Martin Luther King, Jr. Some of the businessmen considered this fear an example of what newly elected Representative Hogan had called “government by intimidation.” Grimm wrote, “the possibility of such a reaction, even though we feel it to be remote, should not be overlooked.”

The great majority of inner city residents had “no appreciation for the economic fact that the freeway program is funded through the Highway Trust Fund.” The revenue cannot be used for the “quite reasonable desires for better schools, public housing, recreation areas, and so forth” that residents wanted. Although the funds could not be used for these nonhighway purposes, the stalemate on the freeways had stymied the Metro transit system:

It seems to us that the solution to this problem is the simultaneous announcement, by both the administration and the city government, of a comprehensive plan for construction of public housing, new schools, and freeways.

The plan could use air rights for some of the desired facilities.

The announcement would allow the city council to approve the Three Sisters Bridge and North-Central Freeway “by saying that by holding out until now on these projects, the city has been rewarded with an exemplary public housing program, etc., and not merely the Metro System alone.”

ECTC also released a July 18 letter from an unnamed assistant in Grimm’s office. This letter, intended for recipients of copies of the previous letter, stated that Grimm and Chairman Hahn “have asked that the letter to President Nixon concerning the freeways you received a copy of be kept confidential, especially with regard to the press since the plan outlined would not be effective if it were public knowledge.”

Based on the two letters, Booker announced that he had written to President Nixon to demand the firing of Chairman Hahn for “selling out the city” to “selfish business interests and political hacks.” He also called for an end to “congressional blackmail by releasing the subway funds immediately.”

Very quickly, Hahn and Grimm denied ECTC's characterization of the letters. Chairman Hahn, interviewed while Booker's press conference was underway, said, "I met with these men who disagreed with my position, just as I have met with the ECTC and others who agree with my position." When he saw Grimm's letter, "I called to tell him that it was misleading in describing our meeting but I never asked Mr. Grimm or anybody else to suppress this letter." The public was aware of the city council's efforts "to find a way out of the impasse and to get the subway started," he said, adding that his position "remains unchanged and unaffected by these letters."

Grimm said:

The ideas expressed in the letter were mine, not Mr. Hahn's. If every meeting is characterized as a conspiracy we're all in trouble. We met with Mr. Hahn because we felt there was profreeway sentiment that was being totally ignored.

He took issue with ECTC's tactics, saying that when a pro-freeway voice speaks out, "They use tactics, usually the threat of physical intimidation . . . people don't want to run the gantlet."

Learning of ECTC's press conference, General Graham commented, "I think this is the week . . . we're moving toward a break . . . the council is green and inexperienced, but must realize that Congress holds power over appropriations. It's just a question of when it gets through to them." [Basham, William, "Freeway Foes Accuse Hahn of 'Selling Out,'" *The Evening Star*, July 28, 1969; "Hahn Resignation Demanded By Opponents of Freeway," *The Washington Post and Times Herald*, July 29, 1969; "'Deal' on Freeways Is Denied by Hahn," *The Evening Star*, July 29, 1969]

On July 30, the Federal City Council released a poll conducted by the Oliver Quayle polling organization of New York in February. Contrary to the claims of ECTC and other freeway opponents, Quayle found that Washington residents favored the Three Sisters Bridge and the North-Central Freeway. A summary in the *Star* explained:

Sixty-six percent of Washington Negroes and 65 percent of the city's white population would take a road system that includes the Three Sisters Bridge and the North Central Freeway, if given a choice between the 1968 Highway Act that includes them and the later District City Council plan that deleted them, the poll results said.

Given a choice between new freeways and no freeways at all, 60 percent of the Negroes and 54 percent of the whites would prefer to see new freeway construction, according to the poll results . . . .

Asked to rate needed transportation systems, 52 percent gave top priority to a rail rapid transit system, 25 percent gave priority to more freeways and 23 percent gave priority to more downtown parking facilities.

Twenty-six percent of the Negroes rated freeways more urgently needed, compared with 21 percent of the white[s].

“When asked what they had heard about new freeways, most respondents made neutral comments. Unfavorable reactions, however, came from more whites than Negroes,” the poll results said, adding that “opinion has not polarized on this question.”

Emphasizing that the freeway question is not a racial issue, the poll report said “residents most strongly in favor of new freeways tend to be middle-class working people . . . and are inclined to be men more than women . . . . Residents who most strongly oppose new freeways tend to come from either the upper or lower segments . . . the older, retired people, small business owners or top level businessmen.”

Also, the poll showed that 89 percent of the respondents were dissatisfied with downtown parking facilities, but “the argument that new freeways will only aggravate this situation is not a major motivating factor” to freeway opposition.

A spokesman made clear that the Federal City Council wanted the freeways approved to secure congressional release of funds for the subway. Federal City Council members did not think the city council would believe the anti-freeway “platitudes,” but the spokesman added, “It would be irresponsible for the Federal City Council not to release this now because we must get the subway built.”

Representative Gude said the poll would “discredit those noisy zealots who have obstructed transportation progress in the Nation’s Capital and who are not truly representative.”

One of those zealots, ECTC’s Sammie Abbott, dismissed release of the poll by the pro-freeway Federal City Council because it was “self-serving and the questions are nebulous.”

Chairman Hahn also released the results of a poll he had commissioned. Data Unlimited conducted the poll on July 5 after Chairman Natcher had stated again that he would block the subway funds. The poll of 300 voters found that 59.6 percent who had an opinion favored the Three Sisters Bridge, but 2 out of 5 respondents had no opinion. Of those who responded, 55.6 percent opposed the North-Central Freeway. Overall, the poll found that:

- Some 34 percent favor the bridge, 23 percent opposed it, and 43 percent were undecided.
- Only 31.7 percent favored the freeway, 40 percent were opposed and 28.3 percent were undecided.
- Nearly 80 percent favored a subway, with 8 percent opposed and 12 percent undecided.
- Some 47.7 percent backed a city council compromise with Congress if it would obtain subway building funds, with 34.2 percent opposed and 18 percent undecided.
- Leaving out the 40 percent who were undecided total, 58.1 percent of respondents favored compromise.

Chairman Hahn said the poll was one of the ways he was attempting to see where “people stood on this question.” [Green, Stephen, “Poll Favors ’68 Freeways Plan,” *The Evening Star*, July 30, 1969; Green, Stephen, “Span Back, Freeway Opposed in Hahn Poll,” *The Evening Star*, July 31, 1969; Eisen, Jack, “D.C. Poll Shows Roads Support,” *The Washington Post and Times Herald*, July 31, 1969]

In response to the polls, Chairman Terris of the District Democratic Central Committee held a press conference to call for a referendum to settle the freeway dispute. If freeway supporters thought the Quayle poll was accurate, they should not hesitate to solicit the voters' opinion. (He did not mention the Hahn poll.) He suggested that the referendum could be voted on in November during the District Board of Education election. ECTC endorsed the idea. [Green, Stephen, "Referendum on Freeways By D.C. Voters Proposed," *The Evening Star*, August 1, 1969]

### **Portrait of Natcher**

The impasse prompted Jack Eisen to profile Chairman Natcher, the 59-year old resident of Bowling Green, Kentucky:

He is a commanding figure. About six feet tall, slender, with sharp features and piercing eyes, he parts his wavy, gray-streaked hair precisely down the middle. Always regarded as something of a spiffy dresser, he wears conservative suits and bar-type collar clasp . . . .

When home, Natcher will range widely, usually driving alone in his own car, across the rolling green hills of the Second Congressional District, past shanties and modest farm homes . . . .

In Washington, where his rise on the House seniority ladder has made him into one of the most powerful men – perhaps the most powerful of all – in municipal affairs, he is rarely seen off Capitol Hill . . . . He works evenings, Saturdays, sometimes even Sundays, and never goes to cocktail parties or to other entertainments . . . .

A nonsmoker and a teetotaler from a district that grows some of the best tobacco and distills some of the most mellow bourbon whiskey in the land, Natcher is known to have but one addiction: peppermints.

His stand on the city's freeways "had brought down upon him the wrath of those who see subways and freeways as an either/or proposition." As for those who hope he would relent, those who "know the man, who have watched him at work, insist he is not the kind to change his mind – especially since he has voiced his warning on the subway funds year by year since 1962.

Some highway critics assume his position is based on links to the "highway lobby":

They suggest close connections, perhaps campaign contributions.

But Natcher, who routinely wins elections by margins of 2 to 1 (his last one was 3 to 2 in the face of a Nixon sweep of Kentucky and the election of a Republican governor), has reported no contributions received and nominal campaign expenses.

A check indicates no apparent ties with any outside group. He even voted against the Interstate Highway Act in 1955.

Eisen thought Chairman Natcher's personal reasons ran deep:

Natcher, his friends say, has a deep reverence for Congress as an institution, an emotion stronger than whatever political philosophy he may espouse.

If Congress gives the District of Columbia a mandate, "the city government has no choice but to carry it out."

He also believed in "old-fashioned log rolling: you do something for me and I'll return the favor." If he wanted projects from the Public Works Committee in his district, he would support what the Public Works Committee wanted, and that was the District freeways. [Eisen, Jack, "Rep. Natcher: Policeman of D.C. Freeways," *The Washington Post and Times Herald*, July 20, 1969]

### **BREAKTHROUGH!**

In a News Analysis on Sunday, August 3, Eisen and Robert L. Asher described the freeway-subway deadlock as "at a standstill with neither Congress nor the City Council willing to make a new move."

Mutual distrust reflected a breakdown in communication. The city council was "unconvinced that an agreement to build the Three Sisters Bridge would definitely produce funds for the subway system." Congress, meanwhile, insisted that the city implement Section 23 of the Federal-Aid Highway Act of 1968.

After the contact with Councilman Moore, friends and associates of Chairman Natcher "reported that he feels he has been misinterpreted – and some bluntly relayed this word to the Council":

According to them, Natcher is just suspicious of the Council's follow-through on any agreement. He believes some Council members might vote for the bridge to get the subway money but then covertly encourage any ensuing legal challenge.

He is said to want a firm assurance that Mayor Walter E. Washington and the Council, once committed to the road program, will act decisively to beat down the opposition.

Chairman Natcher "remained publicly silent," as always.

Mayor Washington "has stayed aloof from the infighting," as had Deputy Mayor Fletcher, whose efforts to find a compromise early in 1969 were not well received. Further, Secretary Volpe had "backed away after his intervention proved fruitless."

At the same time, Congress, according to a Senate source, would "have no patience with another lawsuit." Members could override any court decision, as Congress did in the 1968 Act.

Moreover, key lawmakers said that Chairman Natcher had no interest in negotiating with the city council "since few in Congress would acknowledge any hint that the Congress and the Council

are equals.” Congress had spoken, and the city should comply. An unnamed House member told Eisen, “Dickering with the City Council leaves me cold.”

Nevertheless, anti-freeway, pro-subway activists “continue to hammer at the Council not to give in to ‘blackmail’ or unilateral control of the city by Congress. “They insist that the subway is bound to be built eventually if the city continues to hold out.”

WMATA did not share this view; its “frustrated officials . . . warn that 10 years of hard work that has brought the subway to the verge of construction will soon be lost and cannot easily be recouped.” [Eisen, “Trading a Bridge for a Subway: Mistrust Runs High,” News Analysis, *The Washington Post and Times Herald*, August 3, 1969]

On August 6, pressure on the city council increased when the House District Committee reported a revenue package that adopted an amendment by Representative Broyhill, with the support of Representative Adams, delaying release of the Federal payment to the city until it complied with Section 23 of the Federal-Aid Highway Act of 1968. In view of the city council’s approval of the Major Thoroughfare Plan in December 1968, this amendment meant the city would have to construct the Three Sisters Bridge to get the Federal payment. According to Representative Adams, the provision was to be a “trigger mechanism” to break the freeway-subway impasse and allow Chairman Natcher to release the subway funds.

The bill called for additional revenue totaling \$39.7 million, bringing the total to \$105 million, about \$30 million under the city’s request, instead of a 30-percent formula allotment that would have given the city a higher payment. [Sarro, Ronald, “House Panel Cuts District’s Powers,” *The Evening Star*, August 6, 1969]

In addition, Representative Gude announced that he had written to President Nixon to urge him to order the city council to comply with Section 23. The letter stated that the city council was “derelict” and had “failed to obey the law”:

Mr. President, I call upon you to instruct the City Council to build the roads and comply with the law, and to instruct the District government’s legal staff to undertake a full-scale review of all previous legal challenges to the construction of the freeway system, and to prepare its legal defenses against further delaying tactics, and to demonstrate the city’s commitment to the absolute compliance with the Highway Act of 1968.

In closing, he wrote, “The City Council must be asked to prove it is doing its part, or be requested to resign.” [“Nixon Asked To Push City On Highways,” *The Washington Post and Times Herald*, August 7, 1969]

Pressure on the city council increased on August 6 when the House District Committee unanimously approved a revenue bill blocking the annual Federal payment to the city until it agreed to build the Three Sisters Bridge as required by the 1968 Act. [Boldt, David R., “Revenue Bill Restricts City on Tax, Jobs,” *The Washington Post and Times Herald*, August 7, 1969]

During a closed meeting of the WMATA board of directors on August 7, Chairman Babson tried to secure passage of a memorandum directing staff to plan for the “orderly phasing out” of the rail rapid transit program if the city council did not take appropriate action to end the impasse:

The plan should detail all of the legal, financial and organizational implications involved, including a timetable for termination of contracts and release of employes [sic]. The phaseout plan should be submitted to the board in time for consideration at the regular Aug. 28 meeting.

The board declined to approve the resolution. Instead, at the suggestion of suburban members of the board, WMATA postponed 12 engineering contracts worth a total of \$9 million that were due to be awarded. [Sarro, Ronald, and Flor, Lee, “Subway Design Plans Tabled By Agency in Fund Impasse,” *The Evening Star*, August 7, 1969]

That same day, Thursday, August 7, the city council called a special meeting for Saturday morning to reconsider its position on the Three Sisters Bridge. Reports indicated the city council would vote, 6 to 2, to reverse its opposition. Chairman Hahn defended the decision to hold the vote on a resolution that simply called on the D.C. government to “comply with the provisions of Section 23 of the Federal Highway Act of 1968.” He said, “There is no other way to free money for the city’s subway system.” As for his position on the Three Sisters Bridge, he said the House District Committee’s action in tying the Federal payment to the freeways was the final blow:

I believe the building of the bridge is wrong and I am still not convinced that it is in the best interest of the city. However, we do not live in the world we wish, we live in the world as it is. We are forced at times to make rather hard choices – either build the bridge or no subway.

Vice Chairman Tucker confirmed he also would vote yes on the resolution. He explained that “there is no other course, short of chaos, available to the City Council.” He added that the impasse had harmed the city’s relationship with Congress. The District Committee’s action would “surely bring this government to a screeching halt.” He said, “We do not yet have home rule and there will be times, such as now, that awareness of our lack of power will be hard and cruel.”

According to the *Post*, Tucker “was said to have argued strongly against calling the special meeting, urging instead that the Council wait until later in the month.” He might, according to speculation, change his mind and “cast a third negative vote.”

The “yes” votes of Hahn and Tucker virtually assured the final tally would be 6 to 2 in favor of building the Three Sisters Bridge and conducting an 18-month restudy of the North-Central Freeway along with the projects approved in December 1968.

Terris asked the city council not to “bow abjectly to congressional blackmail.” In a letter, he wrote:

Regardless of how great the threats or how much the bribery, the most critical issue is whether the city government can retain the respect of our citizens. No loss of the subway,

no loss of new housing, no loss of tax revenue is anywhere near as important as loss of confidence in our city government to stand by its convictions. [Moore, Irna, and Eisen, Jack, "City Approval Set on 3 Sisters Span," *The Washington Post and Times Herald*, August 8, 1969]

(One member of the city council, the Reverend Moore, was in Austria for a church conference on August 7. Hahn asked him to return to Washington for the vote and he was on his way.)

ECTC planned to pack the hearing with "about 300" followers and to request an opportunity to speak. Hahn, however, said that no witnesses would be heard. [Moore, Irna, "Council Defends Shift on 3 Sisters Bridge," *The Washington Post and Times Herald*, August 9, 1969]

That night, ECTC held a meeting of about 125 freeway opponents at the Brookland Methodist Church to decide what to do. In view of the city council's reported intention, according to Booker, they agreed to go back to court to block the bridge.

On August 9, a crowd of more than 200 people had crowded into the council chamber. As 10 a.m. approached, Sammie Abbott was standing on a chair denouncing the city council to the cheers of the crowd. "The way to get home rule is to fight on issues like this," he shouted as the crowd chanted "freeway, no, subway, yes." When Booker was asked about the city's potential loss of \$115 million, he said the House District Committee's action was "evidence that we have a collection of racial aggressors in Congress, who treat us as a colonial plantation."

When the city council entered the chamber at 10 a.m., the crowd greeted them with shouts of "tricksters," "liars," and "cheats." Abbott shouted, "Here come the sellout artists . . . Let's have one big boo for freeways." An Abbott ally, the Reverend Douglas E. Moore of BUF, yelled, "We will be heard" as Hahn tried to get the meeting underway. Hahn began to speak, but his opening statement was drowned out as the crowd shouted "No! No! No!" and "We will be heard," and called "Mr. Chairman! Mr. Chairman!"

Hahn banged his gavel but the crowd continued to shout. Unable to proceed, Hahn at 10:04 ordered the chamber cleared except for council members, their staff, and reporters. The crowd yelled, "Hell No! We won't go." Just down the hall, 25 police officers were waiting, "clustered around a TV set chuckling over the Saturday morning cartoons," according to the *Post*. Now, their moment had arrived as Deputy Chief Owen E. Davis held a bullhorn to amplify Colonel Starobin's voice as he read the order to clear the chamber and indicated that those who did not obey would be arrested. His "hand shook as he went through the script twice. It shook a little more when Abbott blasted, 'goddamn you, Starobin!'"

All at once, screams and shoving began, police began dragging Abbott out of the chamber, chairs toppled over, and someone in the crowd threw a small metal ashtray that just missed Hahn's head:

Police grappled on the floor with demonstrators, rows of gray chairs were overturned and hurled about, and the hallway began to fill with those fleeing from the Council chamber. Police did not use nightsticks or weapons.

Booker was propelled out of the chamber by police. Terris, the last to be arrested, walked out quietly.

The council members, “some impassive and some visibly upset,” watched as the chaos swirled through the chamber and the police arrested 14 demonstrators. Someone grabbed Councilman Yeldell’s nameplate and slammed it on the desk while swearing at him:

The people who complied with the order to leave jammed the hallway and screamed at the police on the other side of a sawhorse barricade by the door. It was a biracial crowd hurling racial epithets.

The white policemen were “pigs” and “bastards.” The others were . . . “uncle toms.” Reporters were “liars.” Mayor Walter E. Washington, President Nixon and various members of Congress were added to the verbal dishonor roll.

Some of those trying to leave the chamber complained they were being treated roughly. Catherine McCarron of the DuPont Circle Civic Association said she had been grabbed and thrown out of the chamber, leaving a large rip down the back of her dress.

When ECTC’s Cassell complained about the number of policemen and demanded that a guard with a Polaroid camera put it away, Colonel Starobin replied the police were there “to insure that the council can go about its business in a proper fashion.” A woman yelled, “Who’s going to protect us from the council?”

As the *Star* put it, once order was restored, “The chamber was a snarled mass of overturned chairs.”

Finally, at 10:22, Hahn informed the nearly empty chamber that, “This meeting is still in order.” As expected, the vote was 6 to 2, with Shackleton and Anderson casting the negative votes. Yeldell spoke for those who voted for the bridge. He said the vote “has caused more personal anguish” than any other he had cast:

We are all painfully aware that this is no longer just a transportation issue but one that strikes at the very heart of the operation of this city.

He would have voted “no” except for “painful and pressing political realities,” including the need for the subway and the possible loss of the Federal payment.

In casting her vote, Shackleton said, “for the past eight years I have fought for a subway. For the same period of time, I have opposed unnecessary highway projects as detrimental to the nation’s Capital and harmful to the well-being of its residents.” She was committed to the Major Thoroughfare Plan adopted the previous December, adding that the present vote violated that plan.

Anderson said he opposed the resolution in view of the “will of the people” in his community.

After the meeting ended, Hahn said, “The impasse is over.” The Reverend Moore said the council “believes that adoption of this resolution will result in the immediate construction of the subway system.”

Hahn issued a statement saying he regretted the need to clear the room, but that given “the nature of the issue under discussion and the emotionalism built up around it, we had no alternative.”

Mayor Washington issued a statement:

Following the council’s action today, I will instruct the Department of Highways and Traffic to proceed immediately to implement the 1968 Highway Act insofar as it relates to the District of Columbia.

City officials estimated they would need about 5 months to let the construction contracts for the Three Sisters Bridge.

[Eisen, Jack, and Moore, Irna, “Fists Fly at Voting on Roads,” *The Washington Post and Times Herald*, August 10, 1969; Asher, Robert L., “Foes Irate at City’s ‘Sellout,’” *The Washington Post and Times Herald*, August 10, 1969; Sarro, Ronald, “Freeway Foes Clash With Police,” *The Evening Star*, August 9, 1969; Swanston, Walterene, and Sarro, Ronald, “Bridge OKd, Foes Threaten Suits,” *The Sunday Star*, August 10, 1969]

President Nixon called Chairman Hahn after the vote to thank the city council for breaking the subway-freeway impasse. According to the *Star*, “The President said he understood the decision was a difficult one, since the council had stood squarely with the freeway opponents.”

Jack Eisen wrote of the council chamber battle that, “The episode left participants and spectators shaken and could not help but shock those who saw it on their television screens and read of it in their newspapers.” ECTC put out a flyer to explain its actions:

ECTC demanded 15 minutes time before the Council voted so we could strengthen their backbone and warn them not to throw away what little credibility they had. The Council refused, therefore becoming responsible for unleashing the police riot . . . .

The D.C. “government” now stands naked as a sham. Congressmen who practice blackmail will never grant home rule. Struggle, such as that against the freeways, is the *only way to win statehood!* [Eisen, Jack, “Abbott Leads Freeway Foes,” *The Washington Post and Times Herald*, August 19, 1969, italics in original]

### **Forcing the City’s Hand**

On Monday, August 11, the House debated the District of Columbia Revenue Act of 1969. Section 903 stated:

No funds may be appropriated [for the Federal payment] until the President of the United States has reported to the Congress that (1) the District of Columbia government has begun work on each of the projects listed in section 23(b) of the Federal-Aid Highway

Act of 1968, and has committed itself to complete such projects, or (2) the District of Columbia has not begun work on each of those projects or made or carried out that commitment solely because of a court injunction issued in response to a petition filed by a person other than the District of Columbia or any agency, department, or instrumentality of the United States.

Representative Broyhill, the author of this provision, told his colleagues “there is no provision more vitally important to the citizens not only of the District of Columbia, but of the entire metropolitan region.” The Washington area needed a balanced transportation system that included the freeways and “a far-reaching subway system.” The adjacent jurisdictions supported both, as did the President, but “the matter stands on dead center because the District of Columbia Council, in deference to the clamor of a small, selfish segment of the city’s population, thus far has shown no inclination whatever to comply with the 1968 Highway Act . . . .”

In view of the officials’ constitutional obligation to carry out the laws of the land, “I find the defiant attitude of the Council in this matter incomprehensible.” Section 903 was intended to put an end to “this galling situation.”

Representative William D. Edwards (D-Ca.) objected:

I am ashamed of the recent misuse of congressional power in the District, I am ashamed of the use of blackmail, withdrawal of funds, and threats used to blackjack the City Council of Washington, D.C., into accepting a freeway plan and the Three Sisters Bridge.

Comparing the action to the pre-Revolutionary War complaint of “taxation without representation,” he wondered if the House might consider letting District residents vote on the freeways and bridge.

Chairman Natcher was the next to speak. The area, he said, needed a freeway system and a rail rapid system, but that “in order to meet the tremendous day-by-day growth of traffic, the highway program must be carried out along with the presently authorized rapid rail transit system.” He strongly supported Section 903. His subcommittee would quickly appropriate the \$18.7 million in subway matching funds as soon as it received the President’s assurance that “work” on the Section 23 projects, including the Three Sisters Bridge, had begun and that the District of Columbia “has committed itself to complete such projects.”

Congress had the right to expect the corporation counsel’s office and, if necessary, the Attorney General to defend the freeway projects to achieve a speedy decision by the court: “Not months or years but a few weeks.”

If lawsuits were filed, he predicted:

There is every reason to believe that President Nixon will continue his efforts to see that this impasse is solved and will instruct the Attorney General to assign able members of his staff to assist the Corporation Council’s Office in successfully defending any and all litigation which may result from the action of the District officials.

However, if construction were delayed by court challenges, he would recommend release of the subway funds only after the litigation had been “successfully concluded with all orders, decrees and judgments complied with in full by District officials.”

As far as he was concerned, if everyone would “join hands and stop all unnecessary delays and procrastinations there is no reason why rapid rail transit money should not be included in the District of Columbia appropriations bill for fiscal year 1970.”

He did not blame WMATA’s leadership for the delay. District officials were at fault. The freeway system had been approved, he said, in the late 1950s after a 5-year study, but beginning in 1962, “every effort was made to destroy the freeway system.” He recounted the story of how in 1966, his subcommittee urged the House to withhold subway funds until the freeway system “started and reached the point of no recall.” The House approved, but before the Senate took up the measure, NCPC approved the freeway system on a 6-to-5 vote. The Senate approved the subway funds and the House went along in the final bill. Shortly after President Johnson signed the bill, NCPC “was called back into session and by changing one vote the freeway system was brought to an abrupt halt.” Chairman Natcher said:

Our committee and Congress understood at that time that we had been misled and that deceit of the greatest magnitude had taken place.

A lawsuit resulted in a decision by the U.S. Court of Appeals in February 1968 that brought freeway development to a halt. “The suit was not vigorously prosecuted, and every effort was made to kill the freeway program.” He added, “We certainly do not want this to happen again. This suit dragged on from 1966 to February 1968.”

These actions led to Section 23 of the Federal-Aid Highway Act of 1968. Given the “notwithstanding” language in Section 23, the courts “should refuse to grant any injunction or any relief which would stop the freeway system from going [sic] underway.” If a suit is filed, he expected a judgment in weeks, not months or years, to allow construction to begin. But just in case of any change in the District Building, “then as a matter of protection to the Congress and the law we passed in 1968, let us see that that law is complied with.”

He concluded:

Under no circumstances do we intend to make any effort to stop the authorized rapid rail transit system from going under construction. We want this to take place immediately and we want full compliance with the 1968 Federal Highway Act immediately.

Mr. Chairman, we will solve the freeway-rapid rail transit impasse and when we do it will not be cited as a victory for any Member of Congress or for the Public Works Committee, but will be recorded in history as a victory for our Capital City.

Chairman Fallon thanked Chairman Natcher for his support of Section 23 and asked if his statement included study of the North-Central Freeway. Chairman Natcher confirmed that the restudy was required.

Representative Broyhill wanted his colleagues to realize that “if we do anything to cause delay in the construction of freeways, highways, and bridges, we could very well wind up by being penny wise and pound foolish, because it could mean more years of delay in acquiring these much-needed facilities.”

Representative Broyhill referred to the “notwithstanding” provision of Section 23. Given that provision and his amendment, “there would be no requirement in existing law that would convey a right to anyone to demand a public hearing prior to the construction of these highway facilities”:

So I think it is pretty much of a moot question. Yet, it would be somewhat unfair to adopt this language with reference to the President and the City Council in good faith, and then to have a harassment suit filed by someone representing a minority group, and perhaps have some court issue a temporary injunction until the matter was properly adjudicated and thus delay the appropriations and construction of a vitally needed transportation facility where an agreement has been worked out by people in responsible positions.

I would hope that the gentleman would not be too stringent insofar as forbidding some citizen from filing a suit, even though the language is in his favor.

Chairman Natcher agreed that the “notwithstanding” in Section 23 rendered any court challenge moot. “The court should refuse to grant any injunction or relief which would stop the freeway system from going underway”:

But just as a matter of protection, if there is any change downtown [the District Building], and I hope not – and when I say downtown I do not mean the White House –but if there is any change downtown, then as a matter of protection to the Congress and the law we passed in 1968, let us see that the law is complied with. I hope we will not have any trouble.

Representative Adams pointed out that, “The city government has now voted on it” and the matter was now moving forward. He was confident that if a lawsuit were filed, the city and the President, through the Attorney General, would defend the city’s actions. He did not want Congress to “put the onus on the city to do something they cannot control.”

Chairman Natcher began, “as I have just explained to Mr. Broyhill,” the city had not vigorously defended the suit filed in 1966 until its final resolution in 1968 while Congress “waited patiently” for the freeway program to resume work. If a suit were filed and the city said it could not move forward, “we are sorry, Mr. Adams, to be very frank and in order that there be no misunderstanding, I will never come into this House and ask that the Public Works Committee be repudiated and that we void the law of 1968.” Instead, he and Representative Davis would go to the President to have Attorney General John N. Mitchell “assign able lawyers to assist with any suit.” He would recommend to his appropriations subcommittee “that the budget of fiscal year of 1970 be held up until the suit is determined and finally decided.”

Representative Adams clarified his concern. If the lawsuit is filed, and the President assured Congress that “the suit is legitimately fought and the President legitimately assured this Congress that it has been – all I am asking is at that point that the Congress say we will release these funds, because we will not wait on the judiciary to tell us how to legislate.” He “would plead” with Chairman Natcher that in that case, “we not automatically assume the situation of 1966 is going to be repeated, because I do not think it will be.”

Chairman Natcher replied that in the event of a suit, “I know the President of the United States will help us.” He would have Attorney General Mitchell work with the corporation counsel to move the suit along. In that case, Chairman Natcher would agree with Representative Adams that “it would be a moot question.” However, until “a suit is moved along,” he will not ask the House to repudiate the Public Works Committee by ignoring the 1968 Act. He added, “we had our experience in 1966, and I say to the gentleman from Washington [State] let us not have it again.”

Representative Adams asked if Chairman Natcher would accept “a good faith position prior to some final order”:

We will do all we can to help if any suit is filed but our experience of 1966 was enough. My original statement stands, Mr. Chairman, as [to] any or all suits and the position of our subcommittee.

We want to recommend the rapid transit money and we should all join hands and see that any suits are quickly decided.

[“District of Columbia Revenue Act of 1969, *Congressional Record-House*, August 11, 1969, pages 23108-23120]

Jack Eisen described the floor action:

Reps. Joel T. Broyhill (R-Va.) and Brock Adams (D-Wash.), who had moved to force city compliance with the controversial 1968 highway act in order to win subway money appeared stunned and angry when they learned of Natcher’s position shortly before he made his speech.

They hoped, however, to give the city an escape hatch if the highway program was blocked in court.

While Natcher listened impassively, Broyhill and Adams huddled and talked with him animatedly on the House floor.

Eisen added that after Natcher finished his initial statement, “there was a ripple of applause, chiefly from the Republican side of the House.”

After about 6 hours of debate covering many other issues, the House approved the bill by voice vote. The House left the Broyhill amendment unchanged. The bill would now go to the Senate

where the District Fiscal Affairs Subcommittee under Senator Thomas F. Eagleton (D-Mo.) had scheduled a hearing for the next day.

Chairman Hahn, who was on vacation in Massachusetts, released a statement indicating he was “disappointed” by Chairman Natcher’s position. “In voting Saturday at the city council meeting on the provision with the Federal Highway Act of 1968, I was led to believe that the vote would result in immediate release of the subway money.”

Vice Chairman Tucker told reporters that the city council had “been led to believe by people close to Natcher” that their vote would bring release of the subway funds. Otherwise, the city council never would have reversed itself. “I can’t help but feel the government and people of the District of Columbia have been double-crossed.”

ECTC attorney Landon G. Dowdey said Chairman Natcher’s stand “serves the City Council right.” He stated that freeway critics were “not going to jump through the hoop and file suit tomorrow” to speed up the process. Bruce Terris promised, however, “We’re going to sue, no matter what.” He added, “We told the City Council exactly this: ‘if you give in to blackmail, you’ll be blackmailed forever.’” [Eisen, Jack, “Natcher Links Funds for Subway To Settlement of All Freeway Suits,” *The Washington Post and Times Herald*, August 12, 1969]

On August 12, the *Star*’s William Grigg put Chairman Natcher’s words in context. His speech “may not have been quite the threat it seemed.” Far from a threat, “he was providing an outline of an understanding that he, as chairman of the House Appropriations subcommittee on the District, felt he has achieved with President Nixon”:

The understanding gives the President a major role in deciding when his local appointees have brought the city into compliance with the Highway Act of 1968 and thus qualify for subway construction funds.

President Nixon and Chairman Natcher understood, as the city council apparently did not, that the District matching funds could not be released immediately. They had been authorized, but could be released only in a District of Columbia appropriation act. The “next bill that can carry the subway money is the District budget. It is not likely to clear Congress – for reasons unrelated to the subway or freeway projects – until October.” The revenue bill under consideration in Congress could not carry the appropriation of the matching funds.

President Nixon and Chairman Natcher also understood that a great deal of “work” could be accomplished on the freeways prior to the appropriation. In addition, they were convinced that in view of the “notwithstanding” phrase in Section 23, “no valid legal arguments can be raised by anti-freeway forces . . . against the straightforward directive on freeway projects in the Highway Act of 1968.” By contrast, the suit resolved in 1968 after 2 years involved an 1893 statute “in which it was less clear what Congress wanted done in the District” under the current Interstate program.

A member of the District corporation counsel's office agreed with Grigg that legal issues would have to be more narrowly defined in a new suit. However, "he was not ready to predict that a suit could be handled in days or weeks, as Natcher seems to feel":

According to Natcher's view of his discussions with Nixon, then, the President feels that, the District can quickly get the courts to dispose of any request for a work-stopping injunction against the bridge and other projects . . . .

The tip-off that this already has been discussed with Nixon came next [after the reference to weeks] in Natcher's statement: "I have every reason to believe that President Nixon . . . will instruct the attorney general to assign able members of his staff to assist the District's corporation counsel's office . . . ."

This wording made clear that Chairman Natcher "has turned over to the President" the decision on when "work" on the freeway projects was "under way beyond recall." By contrast, if the President did not do so and if lawsuits were filed, Chairman Natcher would release the funds as soon as the litigation was resolved:

This gives the President leverage over sometimes balky appointees such as Hahn himself who, according to congressional sources, delayed until last Saturday a City Council vote on freeways that Nixon had requested be scheduled before he left on his round-the-world trip.

It now appears, from Natcher's statement, that the President has taken a major role in the negotiations that now promise both a bridge to Virginia and an area subway.

It also appears that Natcher is confident that Nixon will continue to push for action on these projects. [Grigg, William, "Natcher Hints Nixon Subway Accord," *The Evening Star*, August 12, 1969]

The following day, Senator Tydings delivered a brief speech during "routine morning business" on the Senate floor to say that the events of recent days convinced him "that we are at last moving forward on the mass transit system." His contacts with everyone involved, including President Nixon, convinced him "the subway will be started by year's end, just in the nick of time to save it."

He summarized the freeway dispute, the intervention of Section 23 of the 1968 Act, and the city council's action in December 1968 in authorizing most of the freeway plan but blocking two of its parts, including one that Section 23 had ordered to be built and one that was to be studied:

The impasse between Congress and the City Council over highways lasted nearly a year, with the subway held hostage.

Meanwhile, inflation relentlessly eroded the financial plans upon which the transit system is based.

The financial plan would be “obsolete by the end of this year,” and once that plan lapsed, “the transit system itself will collapse, not to be revived for a decade or more.”

After all the delays, collapse of the mass transit plan “would be an unparalleled disaster for the National Capital.” The years needed to revive a rail transit plan would result in pressure for more freeways:

In view of the strong possibility that the subway will be permanently derailed by collapse of its financial plan, what Washington faces is not a question of highways versus subways, but rather the question of whether there will be a subway at all or only more highways.

It is worth noting that the subway system was never intended to replace needed highways, but rather to complement them in a balanced transportation program.

Nor could the subway replace the highways in many parts of the Washington metropolitan area which the subway will either never reach, or at least will not reach within the next decade, under current plans.

Senator Tydings had reservations about some of the freeway projects:

But the need for the subway is so urgent, and the number of additional roads eventually required if the subway is lost is so great that I have devoted a substantial part of my time in the past three weeks attempting to help resolve this issue.

The city council’s action in reversing its opposition was a “belated, but essential, act of political realism and responsible urban planning.” But along the way, a year “has been lost.”

Nevertheless, the area was on the verge of achieving a balanced subway-highway program:

It remains now not to “lose our cool” as the last steps are taken toward release of the subway funds. This is no time for loose lips or hot heads.

His experience over the past 2 weeks talking with Chairman Natcher, Secretary Volpe, and President Nixon and his staff “convince me that, if cool heads prevail, subway construction can begin by year’s end”:

Law suits need not deter it if they are vigorously defended. Good faith on all sides can, I believe, assure subway construction and replace the suspicion and hostility which has imperiled Washington’s transportation plan. [The Washington Area Transportation System, *Congressional Record-Senate*, August 13, 1969, page 23781]

Apparently unaware of Senator Tydings’ statement, Chairman Hahn interrupted his vacation to release a statement on August 13 regarding Chairman Natcher’s speech and comments on the House floor:

I ask on behalf of the citizens of Washington that Congressman Natcher clarify his statement to the satisfaction of all concerned. If not, it is apparent that I am left with no other choice but to consider calling the Council back into session for the express purpose of reconsidering our action of Saturday.

He said the city council had acted “with the clear understanding that the Congress would, when it reconvenes, release the subway funds.”

Vice Chairman Tucker, reacting on August 14, supported Chairman Hahn’s position, but suggested that the city council wait until the House acted on the District’s appropriations bill, 1970. “If subway funds are not included, then it is my firm opinion we should at that time either reverse our decision of last Saturday or resign.” Aware of Senator Tydings’ warning, Tucker said the council had “kept its cool,” but, “I think it is time for others to stop speaking for Mr. Natcher and predicting what he will do.”

The *Star* pointed out:

The Hahn threat came as other officials were trying to smooth the path toward final resolution of the freeway controversy that has caused many months of delay in the start of subway construction.

Director Airis announced on August 14 that he had ordered work to resume on design of the bridge substructure. He estimated the city would need about 5 months before contracts could be awarded for construction. [“New Fight Over Span Threatened,” *The Evening Star*, August 14, 1969; “Tydings Hopeful on Subway,” *The Washington Post and Times Herald*, August 14, 1969; Moore, Irna, “Tucker Asks Council to Defer Negative Action on Freeway,” *The Washington Post and Times Herald*, August 15, 1969]

On the eventful day of August 13, Arlington County announced that it would formally drop its 1966 lawsuit – moot in view of court rulings affecting the Three Sisters Bridge – opposing the Three Sisters Bridge under certain conditions. Dr. Kenneth M. Haggerty, chairman of the county board, said that he had received private assurances from FHWA, NPS, and the Virginia Department of Highways, but wanted those assurances in “an ironclad agreement” before the county withdrew the suit.

Dr. Haggerty said the county wanted a balanced transportation system “at the earliest possible moment.” To achieve that goal, the county board had unanimously agreed to stop fighting the Three Sisters Bridge under 13 conditions. The highest priorities were that the bridge not destroy any homes, that parkland used for the I-266 approaches would be replaced on an acre-by-acre basis, and that the county would have a say in future air rights in the Rosslyn area. Other conditions included the widening of U.S. 29/211 between North Kenmore Street and Rosslyn and an additional lane on the George Washington Memorial Parkway from the Spout Run Parkway to Key Bridge. [Crosby, Thomas, “Arlington Lists 13 Conditions For OK of 3 Sisters Bridge,” *The Evening Star*, August 14, 1969]

*Star* editors criticized Chairman Hahn for violating Senator Tydings' warning about "loose lips." Within hours of the Senator's speech, Hahn "began to waggle away in just about the most irresponsible manner imaginable." After repeating the assurances from officials in recent statements, the editorial said of Hahn's comments, "The political absurdity of this statement is surpassed only by its pomposity – as indeed Gilbert Hahn seems incapable to being anything but pompous and absurd on any aspect of the District's relations to Congress." He seemed to believe that "he has no responsibility" for the District's relations with Congress – that was Mayor Washington's job:

And the mayor too often has failed to exert real leadership in futile attempts to seek a united front with the council.

In this instance, Mayor Washington certainly should heed the counsel of Tydings, Adams and Broyhill sufficiently to dissociate himself from Hahn's ridiculous threat. And for the sake of the city, on this issue, Hahn should button his lip. ["Loose Lips," *The Evening Star*, August 15, 1969]

*Post* editors also took exception to Chairman Hahn's statement. Saying Hahn was "clearly ticked off by the tenacity with which Mr. Natcher has been clinging to his position," the editors described the threat to revisit the vote as "a foolish gesture that would accomplish nothing at the risk of antagonizing friends of the city in Congress who are more than a little fed up with the whole controversy." What was "really frustrating" was that city officials could do little until the appropriations act was completed.

The editors were not certain they agreed with Chairman Natcher's assertion that any lawsuits could be resolved in weeks because of the "notwithstanding" phrase in Section 23. "We hope he is right in this judgment. The Washington area cannot afford to wait until next year to start its subway system." ["The Bridge to the Subway," *The Washington Post and Times Herald*, August 16, 1969]

### **President Nixon Intervenes**

On August 17, the "western White House" in San Clemente, California, released an exchange of letters between President Nixon and Chairman Natcher that prompted the *Post* to headline its article:

#### **Metro Funds Now Assured, Nixon Feels**

The *Star* was a bit more cautious in its banner headline on page one:

#### **Nixon Pushing on Subway Funds**

On August 12, President Nixon wrote a "Dear Bill" letter to Chairman Natcher thanking him for his "diligent efforts through the years to ensure that the District of Columbia will enjoy a balanced transportation system . . . ." He continued:

As you know, I have previously expressed my desire that a fair and effective settlement of the issues involved in the transportation controversy be reached to serve the interests of all those concerned – central city dwellers, suburbanites, shoppers, employees and visitors. It is my conviction that those steps necessary for a fair and effective settlement have been taken.

The President summarized recent events in support of the balanced transportation system they both supported. Following the city council's vote on August 9, the city directed the Department of Highways and Traffic "to implement immediately the requirements of the [1968] Act." Secretary Volpe directed Administrator Turner to rescind his predecessor's letter of January 17, 1969, modifying the District's Interstate System and to work closely with District officials to complete the construction work on the freeways and the study of the North-Central Freeway. Turner, in a two-sentence letter on August 13 to Airis, rescinded the January 17 letter; the second sentence explained: "This action reinstates the System to its status as covered in 'The 1968 Interstate System Cost Estimate,' and as referenced in the Federal-Aid Highway Act of 1968."

In addition, President Nixon said he had directed Attorney General Mitchell and Secretary Volpe "to provide assistance to the Corporation Counsel of the District of Columbia to vigorously defend any lawsuits which may be filed to thwart the continuation of the projects called for by the Act."

He concluded:

A balanced transportation system is essential for the proper growth and development of the District of Columbia. I hope that this evidence of tangible progress would permit us to assure the citizens of the District of Columbia that your Subcommittee will be in a position to approve the \$18,737,000 deleted from the Supplemental Appropriation bill together with the \$21,586,000 in the Regular Appropriation bill for the District of Columbia for Fiscal Year 1970.

Chairman Natcher replied on August 13. "As you know," he said, the committee had long "believed that there is a place for both a freeway and rapid transit system and that in order to meet the tremendous day-by-day growth of traffic our highway program must be carried out along with the presently authorized transit system."

The recent steps by the city council and others "should place" the District Department of Highways and Traffic in a position to "begin work" on the Section 23 freeways "and to continue this work until all of the prescribed projects are completed." Everyone would be glad to hear that work had actually started. As for lawsuits:

I definitely am of the opinion that the Corporation Counsel of the District of Columbia, together with assistance provided by the Attorney General, will succeed in obtaining a favorable decision for our Capital City.

He explained that the transit matching funds "cannot automatically just be released, but must be incorporated in appropriation bills and the bill which would be the vehicle is the District of

Columbia bill for fiscal year 1970.” When work on the Revenue bill was completed, the Committee on Appropriations would “then be in a position to pass on [the] rapid transit request at the time we mark up our budget for the District of Columbia . . . .” He anticipated that any lawsuits “would be out of the way by the end of the mark-up of our bill, and the provisions of the Highway Act of 1968 should be in the process of being carried out by the District of Columbia thereby placing us in a position to take up” the transit appropriations.

Chairman Natcher concluded:

Mr. President, it behooves all of us to solve the rapid rail transit-freeway impasse, and again I want to thank you for your assistance.

The President’s spokesman told reporters that he considered Chairman Natcher’s reply “to be a positive one.” The President believed he had taken the steps needed to assure the funds would be released soon. The letters were “signs of real progress.” An unnamed official said, “I think both letters indicate a feeling of confidence there will be no stumbling block by the time of the mark-up.” Natcher’s letter “represents significant progress toward the balanced transportation system.”

The *Star*’s article about the letters pointed out that “Natcher still did not make an unequivocal commitment to release the rapid transit funds if any anti-freeway lawsuits still are pending” at the time of the mark-up of the FY 1970 appropriations bill. Still, the White House was optimistic that any such suits would be “out of the way” by then.

The agreement to involve Attorney General Mitchell was understood to be an informal one. In the absence of a pending lawsuit, Department of Transportation General Counsel R. Tenney Johnson told reporters that any assistance from his office would be “a routine kind of action” to help the Justice Department prepare its case, rather than directly helping the corporation counsel. A Department of Justice spokesman added that Justice would offer the city “any help we can.”

Representative Adams, appearing on WRC’s “Dimension Washington,” said that even prohighway forces realized “they cannot survive with the present system,” and that the city needed the subway rather than more freeways. “It is only now getting to the conscience of Congress that freeways are a bad thing.” He added, “I don’t think there will be another freeway program here if this present system is finished.” [Prince, Richard E., “Metro Funds Now Assured, Nixon Feels,” *The Washington Post and Times Herald*, August 18, 1969; Horner, Garnett D., “Nixon Pushing on Subway Funds,” *The Evening Star*, August 17, 1969; District of Columbia Appropriations, 1970, *Congressional Record-House*, November 24, 1969, page 35528]

In the wake of these positive signs, BUF called for the resignation of the four black members of the city council who voted for the Three Sisters Bridge on August 9. Letters suggested that Vice Chairman Tucker and members Haywood, Moore, and Yeldell send their resignations to President Nixon because the city council had become “a political eunuch” as their acquiescence to congressional indifference to the city’s needs. The letters also advised that the members’ letters of resignation should advise President Nixon to initiate home rule because without it, “the D.C. community may well . . . deteriorate . . . into racial war.”

The four council members declined to resign. According to the *Post*:

Tucker yesterday repeated his position that he will resign if Congress does not include subway money in appropriations bills now before the House, or if the Council does not reverse its position on the Three Sisters Bridge. ["Black Front Demands 4 Councilmen Resign," *The Washington Post and Times Herald*, August 19, 1969; "Quit Council, Black Front Urges Four," *The Evening Star*, August 18, 1969]

Booker held another press conference at the District Building on August 21. ECTC was in no hurry to file a lawsuit to block the Three Sisters Bridge, but when it did, Booker vowed to fight the project "all the way up to the Supreme Court." Lawyers were drafting the lawsuit, and Booker assured reporters that ECTC was "picking up more support every day" for the action. He also criticized President Nixon's suggestion that Attorney General Mitchell and Secretary Volpe would help the city "vigorously defend" against agreement in court. Such a step constituted "an unprecedented intervention," Booker said. ["Delay Seen in Court Action Against Three Sisters Bridge," *City Life*, *The Washington Post and Times Herald*, August 22, 1969; "Suit Is Delayed By Bridge Foes," *The Evening Star*, August 23, 1969]

### **Three Sisters Bridge Construction Plan**

On August 28, Director Airis's timeline for complying with Section 23 of the 1968 Act was made public.

Director Airis had scheduled construction of the Three Sisters Bridge to begin on December 22, but hoped "to beat that date if I can." On August 13, Federal Highway Administrator Turner had restored the bridge to the Interstate System as I-266, ensuring its eligibility for 90-10 Interstate funds. Virginia approved the bridge on August 19. The NPS permit was pending, but Airis expected it to be completed promptly. About 50 percent of the design work was complete, with the first construction set to involve sinking two piers into the river to support the six-lane span. Already, a barge was moored at the mouth of Spout Run with a contractor's equipment to bore into the riverbed to take samples of the bedrock on which the bridge foundations would rest. Working on the test borings began on August 29. Bids for the construction contract were to be requested on November 10.

Airis expected to request bids in May 1970 for construction of the Potomac River Freeway, with construction to begin in the second half of the year. The first section was to run from Wisconsin Avenue to 31<sup>st</sup> Street, NW. Right-of-way acquisition for the freeway between 31<sup>st</sup> Street, NW., and Key Bridge began on August 13. On August 21, Airis had asked NPS for a permit.

Most right-of-way for the Center Leg Freeway between the Southwest Freeway and New York Avenue, NW., had been acquired. Airis expected to open the southern section between the Southwest Freeway and Massachusetts Avenue in July 1970. The northern section between Massachusetts and New York Avenues was scheduled to open in January 1973.

Construction of the East Leg Freeway between Barney Circle and Bladensburg Road was to begin around January 10, 1970. Airis planned to advertise for bids on November 10. [Green,

Stephen, "Target Date Is Set For 3 Sisters Span," *The Evening Star*, August 28, 1969; Eisen, Jack, "Soundings for the Three Sisters Bridge Begin," *The Washington Post and Times Herald*, August 29, 1969]

In early September, Airis moved up the schedule for the bridge after rock samples showed good foundation conditions for the bridge in the bed of the Potomac River. On September 3, he called for bids for construction of the substructure for the Three Sisters Bridge, to be opened on September 17. He now expected construction of the substructure to begin on November 22, but predicted the work could begin on November 17. Design of the superstructure was underway.

Booker reacted to the news of the advanced schedule by charging that the change was "only an attempt to get the citizens to file a lawsuit very quickly so the government can move to litigate it very quickly." He said the lawsuit would be filed by the end of the year on the plaintiff's own schedule, and would challenge the legality of Section 23 of the 1968 Act. The suit would contend that public hearings must be held before the start of construction.

Airis denied the charge that the city was trying to outflank its critics. As for the possibility of a lawsuit, "I don't think it's possible to avoid that. We have gone ahead within the general dictates of the desire of the mayor, Congress, and Council to implement the 1968 act. I am doing it the very best I know how." [Eisen, Jack, "Work on Three Sisters Set to Begin Nov. 17," *The Washington Post and Time Herald*, September 4, 1969; Green, Stephen, "D.C. Speeds Three Sisters Span Action," *The Evening Star*, September 3, 1969]

On September 4, General Graham warned the WMATA board that the crisis for rail rapid transit was "much more critical now" than when the city council approved the bridge and freeway plan on August 9. If Chairman Natcher withheld the matching funds until all legal challenges to the freeways were settled, a process that could take up to a year, the delay "would destroy the Metro financial program" by erasing the contingency fund against rising costs. Chairman Natcher's position put "antifreeway forces in a position where they can and will control the timetables for release of transit funds."

After reviewing Graham's concerns, the board voted to ask Chairman Natcher to approve advertisement of bids to begin construction on the subway line under G Street. The board did not need Chairman Natcher's approval to advertise for bids, but to award the contract, would need the matching funds he was holding. However, as Chairman Babson observed, if Chairman Natcher approved the advertisement, "it will be a good indication we will get our funds." Babson instructed General Graham, who had become acquainted with Natcher while supervising U.S. Army Corps of Engineers projects in the congressman's district, to contact the chairman.

In compliance with the request, General Graham spoke with Chairman Natcher. A spokesman for Graham reported on September 5 that the chairman was "fully aware of the critical status of the rapid rail program," but was noncommittal on the bids or release of the funds. [Eisen, Jack, "Natcher May Get Metro Appeal Today," *The Washington Post and Times Herald*, September 5, 1969; Green, Stephen, "Natcher Office Queried On Subway Bids Okay," *The Evening Star*, September 5, 1969]

Although Booker was unhappy about the speedup on the bridge, *Star* editors were delighted. The speedup was “crucially important,” in part because it provided “solid evidence of the District’s determination to complete, with no further dilly-dallying, the moderate highway system directed by Congress.” Moreover, the speedup could persuade Congress to release the subway matching funds being “held hostage in order to assure the construction of a balanced transportation system.”

The editors dismissed Booker’s claim because the idea that the city would “encourage a lawsuit, now or at any time, is rather absurd.”

WMATA’s decision on September 4 to remain fully geared up to begin construction and to appeal to Chairman Natcher was another positive step. Congress, which withheld the matching funds because of “a long history of broken freeway agreements downtown,” should respond positively. “This time . . . the federal officials involved have abided by their words, and if they falter, the White House has promised to straighten them out.” The city was “playing its role straight.” What was needed was “a little reciprocation of good faith from the Hill.” [“Freeway Speedup,” *The Evening Star*, September 5, 1969]

On September 8, General Graham received Chairman Natcher’s two-sentence reply to their conversation. In the first sentence, he acknowledged General Graham’s inquiry. The second sentence assured the board that he would continue to pay attention to the situation.

WMATA Deputy General Manager Quenstedt told reporters he would give the reply to the board when it meets on September 11. “There is nothing in the letter to indicate we should go ahead and seek bids,” he said, but it would be “foolish” to advertise for bids without knowing whether funds would be available to award the contract. [Green, Stephen, “Natcher Withholds Go-Ahead On Subway Contract Bids,” *The Evening Star*, September 9, 1969; “Natcher Rejects Appeal For Subway Fund Start,” *The Washington Post and Times Herald*, September 10, 1969]

During the meeting General Graham told the board that unless construction began by the end of the year, WMATA would have to renegotiate the agreements calling for area suburbs to contribute more than a collective \$300 million to the cost of construction. The current financial plan would “lose its credibility and viability” if Congress did not release the construction funds. The result, General Graham told reporters, would mean that WMATA would have to request millions of additional dollars from the suburban communities.

Chairman Babson thought it “problematic” whether suburban voters would approve higher bond issuances. In his own Fairfax County, he thought voters would reason, “Why should we give another \$10 million when they haven’t started building yet?” WMATA, he said, would not advertise for bids.

City Council Chairman Hahn said that if General Graham’s warnings came true, “We will have lost for a generation a chance to build the subway.” [Green, Stephen, “Subway Delays Peril Support,” *The Evening Star*, September 11, 1969; “WMATA Prods Hill for Subway Funds,” *The Washington Post and Times Herald*, September 12, 1969]

As if to reinforce the concern about suburban contributions, Maryland's Board of Public Works, composed of the State Comptroller, Governor, and State Treasurer, announced on September 17 that it would dole out the State's \$500,000 contribution to WMATA on a yearly basis. The rationale was that WMATA could not spend the entire amount at one time. State Comptroller Louis L. Goldstein, who dominated the meeting, argued that the policy was "good business," because the State could invest the balance of funds in short-term Federal notes at 7¼ percent interest to earn money for the State. "Money is very tight and hard to come by these days." He added, "We're not holding up anything. It's Natcher."

His attitude was at least in part a response to comments by Carlton Sickles, a member of the Washington Suburban Transit Commission, after the Board of Public Works withheld the payment in August until WMATA provided assurances that its system would be "compatible" with a mass transit system being planned for the Baltimore area to allow for Baltimore-Washington runs. Sickles had referred to the board as "a wart on the face of state government." Further, Secretary Vladimir Wahve of the State Planning Department, told the board that WMATA had sent him an insulting letter about the withholding of the funds.

During the board's September 18 meeting, Wahve said an agreement on compatibility had been signed by Baltimore's Metropolitan Transit Authority, but WMATA had not yet signed it. Goldstein said:

I don't think people should make slurring remarks about the board when we are trying to help. When you need some of that \$500,000, let us know, and we'll have the money to you in two or three days. [Rowland, James B., "State to Stagger Transit Fund," *The Evening Star*, September 19, 1969]

WMATA countered that the State legislature had approved the funds in a lump-sum for WMATA planning and administrative work.

On September 17, the Senate District Committee approved the District of Columbia Revenue

Act with the House freeze on the Federal payment related to freeway construction. According to Chairman Tydings, the committee approved Representative Broyhill's amendment unanimously after concluding that it was still needed to keep pressure on the city not to back off its recent commitments to the Section 23 freeways. Senator Tydings said the impasse was "moving rapidly along the road to solution. I feel we will have that subway." ["Senate Panel Okays 'Hostage' D.C. Funds," *The Evening Star*, September 18, 1969; Jewell, David, "District Revenue Bill Clears Senate Committee," *The Washington Post and Times Herald*, September 18, 1969; District of Columbia Revenue Act of 1969, Report to Accompany H.R. 12982, Committee on the District of Columbia, United States Senate, 91<sup>st</sup> Congress, 1<sup>st</sup> Session, Report No. 91-429, September 24, 1969, pages 16-17]

The District received six bids for the contract to build two piers in the river to support the 1,500-foot long Three Sisters Bridge. The city awarded the contract to the Head Construction Company of Washington, D.C., with FHWA concurrence, for \$1,152,830. Airis informed Chairman Natcher by letter on September 18 that contract documents would be executed on

September 19. Airis added that, “efforts will be made to have the contractors commence operations early during the week of September 22.”

City officials were still debating how to comply with the requirement in Section 23 for a restudy of the North-Central Corridor. Officials were leaning toward hiring a consultant to conduct the study rather than having District highway officials undertake the review. While an inhouse study would be less expensive and could be completed sooner than a consultant’s review, the fear was that if the city conducted the restudy, critics would be alienated from the outcome. Deputy Mayor Fletcher would decide how to proceed when he returned from vacation in about 2 weeks. [“District of Columbia Appropriations, 1970,” *Congressional Record-House*, November 24, 1969, page 35528, “D.C. Firm Makes Low Bid On Three Sisters Bridge Job,” *The Evening Star*, September 18, 1969]

On September 18, Robert P. Mayo, director of the Bureau of the Budget, sent a short letter to Chairman Natcher clarifying the situation regarding appropriations for the rail rapid transit system:

I would like to assure you that the appropriation for fiscal year 1970 of the \$18,737,000, earlier deleted from the District of Columbia supplemental appropriation for fiscal year 1969, together with the appropriation of the \$21,585,000 in the 1970 fiscal year appropriation request, would be in accord with the program of the President. [“District of Columbia Appropriations, 1970,” *Congressional Record-House*, November 24, 1969, pages 35528]

### **A Surprise Move**

In what Jack Eisen called “a surprise move,” Chairman Natcher announced on September 24 that he would release the matching funds for FYs 1969 and 1970. He issued a lengthy statement outlining the history of the impasse and referring to Airis’s September 18 letter as clearly demonstrating “that we are in complete agreement that freeway construction . . . must proceed with rapid rail transit construction.” As a result, the time had come “to proceed with rapid rail transit construction.”

Chairman Natcher’s decision made \$120.9 million in Federal and District funds for rail rapid transit available to begin construction, subject to completion of the appropriations process. In addition to appropriations for the city’s FYs 1969 and 1970 matching funds, the total included the Federal contribution, which had been on hold, and \$34.7 million that Chairman Hansen’s Interior Department appropriations subcommittee had appropriated contingent on Chairman Natcher releasing the matching funds.

Eisen reported:

There was no clear explanation as to why Natcher, in making yesterday’s announcement, backed off from his Aug. 11 threat to hold up the money until the litigation of possible lawsuits against the city’s freeway system is “successfully concluded.”

He had been under “mounting pressure” from the White House and others. Recent examples included the September 18 letter from Director Mayo letting the chairman know that the 2-year appropriations for the subway “would be in accord with the program of the President,” which otherwise proposed cuts in programs. Chairman Natcher also had received a statement from Airis, dated September 18, outlining all the steps the District had taken to advance I-266/Three Sisters Bridge. Another factor was the Senate District Committee’s decision to retain the Broyhill amendment prohibiting release of the annual Federal payment if the city did not comply with Section 23.

As Eisen put it, “Word of the action brought jubilation to the District Building and the offices of the Washington Metropolitan Area Transit Authority.” Mayor Washington said:

I think the release of the subway funds is one of the most vital actions for the economy and stability of the Nation’s Capital and the metropolitan area. It is something we have been working for and people of all walks of life will be pleased by this move.

WMATA Chairman Babson said that release of the funds was “great news for every person in the region. Never has a city and its suburbs been more ready to go with a public improvement project.” He promised to “break ground in 75 days or less from the moment we are assured of funds.” WMATA was ready to award \$60 million in construction contracts.

President Nixon issued a statement on September 24 thanking and congratulating all those who had made construction of the system possible, including Members of Congress, Mayor Washington, the City Council, and WMATA. “More than a subway will begin in December,” he said. “A city will begin to renew itself; a metropolitan area to pull itself together.” Because it involved the Nation’s Capital, this was “an event of national significance.” [Eisen, Jack, “\$121 Million of Subway Fund Freed,” *The Washington Post and Times Herald*, September 25, 1969; Green, Stephen, “Natcher to Release Subway Fund,” *The Evening Star*, September 24, 1969]

On September 25, Secretary Volpe, who was “gratified by the action of Rep. Natcher,” dispatched Under Secretary Beggs to Metro’s office five blocks away to deliver the news in person that the Department of Transportation had arranged to release the \$37.4 million in Federal funds that had been on hold pending release of the District’s matching share. Secretary Volpe called on congressional leaders to take the legislative action needed to complete the appropriation process. The area’s transportation needs “will continue to require serious attention and energy by all parties now and in the years ahead.” He added, “It is my hope and expectation that they will be met and resolved in a spirit of cooperation rather than confrontation.”

WMATA announced that it would advertise for bids for the first construction contracts on October 9 and open the bids on November 24. Jack Eisen summarized the plans:

The two earliest subway construction projects will be at the east and west end of the subway’s G Street section, with a four-block gap between them. The work involves the concrete shell but no tracks or train-operating equipment.

One of the first two sections will run from Judiciary Square at 4<sup>th</sup> and E Streets NW five block northwestward to 10<sup>th</sup> and G Streets and will include two stations, one located partly beneath the D.C. Court of General Sessions. Its estimated cost ranges up to \$30 million.

Cut-and-cover construction will be used, in which a strip of pavement is peeled off, the earth scooped out and the ditch planked over, permitting traffic to move.

This contract included two stations, Judiciary Square and Gallery Place. Because of the cut-and-cover construction method, the contract would involve disruption to surface activities.

The other section, to cost as much as \$10 million, will run from 14<sup>th</sup> and G Streets NW six blocks northwestward to Connecticut Avenue and K Street, without stations. It will cross beneath Lafayette Square, across the street from the White House, and under Farragut Square.

For this section, a tunnel will be bored about 30 feet below the surface, which will remain undisturbed. The dirt will be brought to the surface and removed behind the Keith Theater, 15<sup>th</sup> and G Streets, on a small lot now used for automobile parking.

These two sections were part of the line that would open for passengers in 1972.

A third contract would construct a rock tunnel from Dupont Circle to Rock Creek. This tunnel would not be part of the initial 6-miles of the system, but was needed as a staging area for construction of the Dupont Circle station.

Five other contracts were to be awarded in early 1970. [Green, Stephen, "Builders Being Asked To Enter Subway Bids," *The Evening Star*, September 25, 1969; Eisen, Jack, "\$34 Million Released for Subway," *The Washington Post and Times Herald*, September 26, 1969]

Renovation of homes acquired for the North-Central Freeway was continuing. Five in the 2700 block of 10<sup>th</sup> Street, NW., had been rented and occupied since the work began. These five homes were considered an experiment to see if they could be rented. Now that they had been occupied, Colonel Starobin said he would ask the District Highway Department for funds to renovate 40 more city-owned houses. All leases extended to July 1970, with options for continuation on a month-to-month basis. These were the homes considered least likely to be removed if the city decided to move forward with the freeway after restudying the corridor. [Prince, Richard E., "Homes Rented In Freeway Corridor," *The Washington Post and Times Herald*, September 25, 1969]

With everything moving in a positive direction, *Star* and *Post* editors expressed their optimism in editorials published on September 25. The *Star* editorial began:

The freeway-rapid transit battle is all but over in this Nation's Capital, and that should be very good news for all concerned.

Noting that Chairman Natcher had been accused of “blackmail and various other things,” the editors thought “his action in holding up the transit money was necessary as a counterweight to the strident opposition of the freeway critics.” At the very least, they considered it “very doubtful that the local authorities would have given their approval for freeways had it not been for the pressure that was brought to bear by the Kentucky congressman.”

The editors hoped “all of this is behind us.” Construction of rail rapid transit could begin as soon as Congress completed work on the appropriations process. The editorial concluded:

Completion of this work at the earliest possible date is of the greatest importance to Washington and the surrounding metropolitan areas. Let’s get on with it.

The *Post* editorial began:

A great collective sigh of relief . . . greeted the announcement of Congressman Natcher that he was releasing city and federal funds so that the building of the subway may start.

As a result, the 25-mile bobtail system would be completed by Christmas 1974.

Chairman Natcher had made the point that he would not be flouted, “regardless of the degree of uncertainty and tension he generated in the process”:

So he has made his point, if that makes him happy; given the archaic system by which this city is governed, it is an easy point for the Natchers of this world to make.

At least, the editors said, he had not carried out his threat to wait until all lawsuits were settled.

In truth, he had not been alone in holding up progress:

The struggles of the last few years between extreme partisans in the dispute could shatter a dinner table conversation as readily as an argument over the generation gap or Vietnam.

Those arguments probably would continue, but “for the moment, we can be grateful that the impasse has been broken.”

Much remained to be done, including congressional approval of the 98-mile Metro system and the 18-month restudy of the North-Central Freeway. For now, however, the editors concluded:

Looking back over the past few months, the city will forgive Congressman Natcher for indulging in overkill to get his way if he will now put his great influence behind the completion of the mass transit system on the demanding schedule outlined by Metro.

[“Green Light for Transit,” *The Evening Star*, September 25, 1969; “Into the Subway Trenches by Christmas,” *The Washington Post and Times Herald*, September 25, 1969]

## Enter Senator Proxmire

From early in his career as a member of the Wisconsin State Assembly (1951-1952), Senator Proxmire was concerned about government spending. After he won a special election in August 1957 to succeed the late Senator Joseph McCarthy, he routinely raised concerns about government programs, whether military or civilian. He was a crusader for cutting frills, fat, and waste.

He believed in “a hard-nosed, critical examination of *all* government programs,” as he put it in his 1972 book on wasteful spending. He discussed the role of the Federal Government:

Abraham Lincoln defined the legitimate objects of government as doing for the people “whatever they need to have done, but cannot do at all, or cannot so well do for themselves, in their separate and individual capacities . . . .”

These are the proper functions of government. Broadly stated, they fall into three major areas: (1) the production of public goods and services; (2) to compensate for the inability of the market to allocate resources because of frictions, monopoly, or burdens that the production process places on society (e.g., the spewing of pollutants into the air or the water, which imposes costs on society not borne either by the producer or the consumer of the specific product); and (3) to achieve equity through a redistribution of income to reduce the harshness of society and to make it more humane.” [Proxmire, William, *Uncle Sam-The Last of the Bigtime Spenders*, Simon and Schuster, 1972, page 26-27]

He worried about public works projects. “Billions are spent for public goods and services produced at greater cost than the private economy can make them.” [page 141]

He wanted to review these projects from the start for a simple reason:

Traditionally, the original estimates are far wide of the final mark. One major study showed that because of planning alterations and change orders, public-works projects routinely cost twice as much as their original estimates. In addition, benefits are routinely exaggerated. They amount in reality to about half those listed. [page 144]

He argued that the “biggest savings in the federal budget could be made by ‘controlling the uncontrollable.’ It is candidate number one for pruning waste.” [page 153]

He particularly criticized the Highway Trust Fund:

As the trust fund is established, neither Congress nor the executive branch has any substantial annual control over the amount of money which goes into the trust fund or the amount which goes out. The expenditure generated by the trust fund amounts to between \$4 billion and \$5 billion a year. It is a mindless way of both collecting and spending the money . . . .

The highway trust fund effectively insulates the highway program from policy planning, economic analysis, and Congressional scrutiny . . . . One could hardly devise a system

better designed to frustrate and thwart intelligent attempts to make choices or properly order priorities.

The Federal-aid highway program “must be brought under a system of intelligent analysis.” He recommended abolishing the Highway Trust Fund, as well as other Federal trust funds. [pages 269-271]

Beginning in 1975, he would be widely known for issuing monthly Golden Fleece Awards identifying what he considered frivolous government spending. For example, in November 1981, he gave the Golden Fleece Award to FHWA for the “Worst record of civilian cost overrun in the federal government,” citing the 267-percent, \$100 billion increase in the cost of the Interstate System since 1956 when the estimated cost was \$27 billion. The overrun “dwarfs any other civil project,” he said in the press release.

Now, in September 1969, as everyone else celebrated the start of construction on the area’s much-needed rail rapid transit system, he was concerned. On September 26, just 2 days after Chairman Natcher’s announcement, Chairman Proxmire took to the Senate floor to announce that he would hold a hearing on September 30 to “question the economic justification for timing of the expenditure of large sums proposed for the District of Columbia subway, highway, and public works during this highly inflationary period.”

The city was seeking appropriation of FYs 1969 and 1970 funds for the subway in FY 1970 which, along with other transportation funds, would bring the total to \$120 million:

This is more than double the funds originally requested for the year in which initial construction was to begin.

This in turn means the eventual expenditure of at least \$2.5 billion for the subway system. In the peak years, almost \$400 million will be spent.

This is not all. Expenditures for a vast network of questionable bridges and freeways have been tied to the subway program. They include expenditures for the Three Sisters Bridge, the Potomac Freeway, the East Leg, and the North Central Freeway. Some \$370 million are involved.

Not only is this a bad time to build, but also, many of these projects are highly questionable in themselves.

The country was experiencing “excessive price increases,” with inflation at about 5.5 percent:

Except for unneeded military and space programs, nothing fuels the fires of inflation more than expenditures for public works. They bid up the price of raw materials and skilled labor. They have what the economists call a “multiplier effect,” on the economy.

At a time when the President and Bureau of the Budget were calling for cutbacks, they were supporting the start of “the biggest public works project in the history of the District of Columbia at a time of most serious inflation.” The inflation rate in September 1969 was 5.7 percent, a

product of the “guns and butter” policies instituted by President Johnson during the Vietnam War. [U.S. Inflation Calculator, <http://www.usinflationcalculator.com/inflation/historical-inflation-rates/>]

How, he wondered, can the Budget Bureau justify cutting projects all over the country “while at the same time they accelerate expenditures of subway funds here and approve highly questionable bridge and highway expenditures as part of the program?” His subcommittee would “examine those questions very closely”:

The President has urged every State and locality to cut back on highway and other public works projects. We will want to ask if the District of Columbia is doing its part.

Senator Proxmire emphasized that he considered the subway to be “an excellent long-term investment” and “obviously needed.” He was only questioning the timing of the expenditure:

It may be necessary to go ahead with the subway forthwith. But before we do so, the subcommittee and Congress should satisfy themselves that the expenditures will not add to the serious inflationary problem in the Nation.

Senator Cooper reminded Senator Proxmire of the “very unusual” Section 23 of the 1968 Act. It was “the first time I recall that anyone had ever heard of the Congress attempting to lay out a road system for a local governmental body.” The District government had not approved the road system, but the House of Representatives “asserted an authority” to direct the city to build it. The system included the Three Sisters Bridge, Potomac River Freeway, and a superhighway that “would be tunneled under the Lincoln Memorial, and Mall, and the Tidal Basin and then join the Southwest Expressway, which is already trafficbound [sic].” It also included a freeway through the center of the city “through a section in which there is very poor housing, which would drive those people out of their houses, and cause them to seek homes, at a time very difficult to buy or build a home.” [sic]

During the conference on the 1968 Act, the Senate conferees opposed Section 23, but the House conferees were adamant. Senator Cooper recalled opposing the provision in committee and eventually voting against the 1968 Act, which he otherwise supported, because of Section 23. What, he asked, would the people in Kentucky, which he represented, or Wisconsin think “if Congress attempted or asserted the authority to lay out their road system for them? We are not engineers. We have no expertise in this field”:

I hope the Senator’s committee will study this question very carefully. The effort represented in section 23 of the Highway Act is wrong in principle; it is wrong practically.

Senator Proxmire agreed “wholeheartedly about the gross unsoundness of Congress trying to legislate something that is as peculiarly local as a road system.” His subcommittee would “indeed inquire into that”:

The assumption has been made that once action was taken by the House, everyone could forget about the Senate, that we would just rubber stamp what they had [done]. It seems

to me that we do have a responsibility to consider this matter very carefully, and the subcommittee will certainly do so.

Senator Cooper recognized that it was “a very difficult situation,” because the city needed a subway system “very badly.”

Chairman Proxmire assured him that “I have been deeply concerned for a long, long time about some of the proposals involved in this matter, and this should be an opportunity for the subcommittee to go into it in detail.” He invited Senator Cooper to attend the hearing.

Senator Cooper closed the colloquy by referring again to the debate about Section 23:

The principle is wrong, absolutely wrong. The practice is wrong to attempt to impose on a city a vast highway system which it does not ask for and objects to. This is the awful situation in which we find ourselves. I do not believe the Senate should acquiesce in it.

[“Announcement of Hearings on District of Columbia Public Works Funds,” *Congressional Record-Senate*, September 26, 1969, pages 27290-27191]

Learning of the colloquy, Senator Tydings told reporters he would discuss the matter with Senator Proxmire. In the meantime, he hoped that “Natcher doesn’t lose his cool” until the hearings are conducted. A spokesman for Chairman Natcher said that he would not care to comment on the colloquy.

Reporters gathered word from unnamed sources about reaction within the Capital. One report indicated that Senate Majority Leader Mansfield and Majority Whip Edward M. “Ted” Kennedy (D-Ma.) planned to introduce a “subway amendment” to the revenue bill. It would withhold freeway funds until the subway was under construction. (Senator Kennedy, brother of President Kennedy, had taken office in November 1962 after winning a special election. As described in *Busting the Trust: Unraveling the Highway Trust Fund 1968-1978* on this Web site, he would emerge as a strong foe of urban freeways and a strong supporter of transit, including the use of Highway Trust Fund revenue for urban transit systems.)

Another report indicated that Senator Mansfield shared Senators Proxmire’s and Cooper’s objection to the Senate simply “rubber-stamping” House actions in the freeway-subway controversy. A source told reporters that Senator Mansfield had barred action temporarily on the revenue bill because of the Broyhill amendment making the Federal payment contingent on freeway construction. William Grigg reported:

The Senate objections may be removed early next week. One source refused to confirm that Mansfield held up the revenue bill but said the Senate District Committee has explained to “someone” who had asked about the freeway proviso that it was needed to assure that the House would approve subway funds.

The source said the explanation apparently had proved acceptable. He predicted that the bill, with the proviso, would get final Senate action soon, probably Monday [September 29].

Meanwhile, Senator Cooper planned to introduce an amendment on September 30 to strike the Broyhill amendment from the revenue bill. As reporters explained, Chairman Natcher had agreed to appropriate the District's matching funds for the subway, but the Broyhill amendment gave him a new "hostage" provision that he could use if the city backed away from its commitments to the Section 23 freeways:

Supporters reported that Cooper's move was prompted by continuing opposition to the freeway package by Mrs. Elizabeth Rowe, former chairman of the National Capital Planning Commission. [Jewell, David A., "Subway Snagged In Senate," *The Washington Post and Times Herald*, September 27, 1969; Brigg, William, "3 Senators Rap 'Hostage' Fund Proviso for D.C.," *The Evening Star*, September 27, 1969; "Cut Freeway Edict From Bill on D.C. Revenue, Cooper Asks," *The Evening Star*, September 30, 1969]

The editors of the *Star* and *Post* saw Chairman Proxmire's statements as perilous. A *Star* editorial titled "Perils of Transit" compared the situation to the melodramatic 1914 movie serial *The Perils of Pauline*, a comparison that had been used occasionally over the years during the impasse. (Pauline, played by Pearl White, was in peril at the end of each of the 20 installments, only to escape in the nick of time at the start of the next installment. Since then, the name of the movie had become attached to public situations that seemed to have the same "cliffhanger" aspect.)

The previous week, editors wrote, the subway had been "rescued in the nick-of-time from the clutches of the House Appropriations subcommittee." Now, however, the "orphans of the legislative storm merely moved from the buzz saw operated by the House villains to the edge of a cliff where a handful of dastardly senators are threatening to deliver the fatal push." Have faith, the editors suggested, because just as Pauline was "invariably snatched from the railroad tracks, so will Rapid Transit and the Freeway, in the end, be saved by the men in white hats."

Senators Cooper, Mansfield, and Proxmire had always had questions about one or more of the freeways. "It would be too much to expect that they could forgo another chance, despite the fact that the basic issues have been debated and approved several times already."

Now along came Senator Proxmire with "a new objection" about starting the projects as the Nixon Administration escalated its war on inflation:

He is, of course, quite right. The highway program and the subway should not be started now. They should have been started a few dozen months ago.

But they weren't. And so the only reasonable alternative is to get going.

*Post* editors, in an editorial titled "Sen. Proxmire's Perilous Course," wondered if the Senator was serious:

We hope he isn't because we doubt that anyone could endure further public confrontations over whether the Three Sisters Bridge should be built or whether Congressman Natcher was playing dirty pool or smart politics when he insisted that the subway and bridge go forward together or not at all – and the rest.

The freeway issue had generated so much emotion that it could be settled only a week earlier when freeways and subways finally were given the go-ahead.

Senator Proxmire had been silent all these years while his counterpart, Chairman Natcher, held up the subway funds. “Now that a contract to build the bridge has been let, it would seem to be somewhat belated to raise questions about the *timing* of spending for the projects.” Although his target was apparently the freeways, “he is likely to do mortal damage to the subway too, since its financing depends on its going forward at this time.”

Perhaps Senator Proxmire was only trying to demonstrate that the Senate had power to match Chairman Natcher’s demonstration of House power, “but that does not make his action any more defensible.” The issue had been resolved with passage of the Federal-Aid Highway Act of 1968, which Senator Proxmire had voted to approve.

The freeway debate had been very divisive, as reflected in the fist-flying protest on August 9 when the city council approved the last elements of the Section 23 plan:

The wounds left by the dispute undoubtedly will take a long time to heal. It is questionable whether any useful purpose can be served by reopening them at this time.

[“Perils of Transit,” *The Evening Star*, September 29, 1969; “Sen. Proxmire’s Perilous Course,” *The Washington Post and Times Herald*, September 30, 1969, italics in original]

### **The Proxmire Hearing**

On September 4, President Nixon released a statement on the construction industry. It began, “The cost of building a home or an apartment house has become exorbitant.” Demand for housing was one of the factors affecting inflation. “The entire construction industry has been laboring under demands that have strained its capacity. And these heavy demands will continue.” Therefore, he would take short-term actions to relieve strains on industry costs as well as long-term steps to accelerate the industry’s capacity.

To provide for “more orderly building for the 1970’s,” he directed all Federal agencies “to put into effect immediately a 75-percent reduction in new contracts for Government construction.” Projects “of the highest social priority” would be carried forward as planned. This reduction applied only to direct contracts of the Federal Government, such as contracts awarded by the U.S. Army Corps of Engineers, not to Federal-aid or other construction grant funds to State and local government.

In addition, he said, “I strongly urge the State and local governments to follow the example of the Federal Government by cutting back temporarily on their own construction plans.” Their compliance with his request would determine whether he would have to “restrict the commitments for construction that can be financed through Federal grants.” He would give “due notice” if that step became “unavoidable.” He also urged “businessmen to reappraise their current construction plans, and to postpone projects that are not immediately essential.”

He announced that he was taking other steps to provide for training and vocational education to increase the number of skilled laborers for the construction industry, the shortage of which was one of the factors in inflation. He also established a Cabinet Committee on Construction, including the Secretary of Transportation, to review government programs “to assure that Government is not in its own programs and policies a major source of problems for the industry.” The committee also would study the Nation’s needs to ensure “that the Nation’s on-going construction needs are served in an orderly and efficient manner.”

Inflation also was a concern for FHWA. It reported that “an examination of highway construction costs shows that material prices increased at a modest rate of about 1 percent a year from 1964 through 1968, but in 1969 the rise was approximately 5 percent.” It discussed why:

Average hourly wages, the fastest rising single factor, increased at an average annual rate of approximately 5 percent from 1950 to 1967. In 1968 and 1969 the annual rate of increase was about 10 percent.

Labor factors, a measure of productivity expressed in terms of the number of man-hours used for each million dollars of construction costs, decreased rapidly from 1950 until 1964, but have now practically leveled out. The decrease in man-hour requirements can be credited to the development of new techniques, such as slip form pavers, electronic grade-control devices and larger, more effective hauling units. The increased productivity prior to 1964 helped to counteract increasing wage rates. However, when productivity levels out and wage rates climbed at an even faster rate, bid prices also started to climb at a faster rate. As an example, bid prices increased at an average annual rate of approximately 3 percent from 1961 to 1968 compared with approximately 9 percent in 1969. [*Stewardship Report on Administration of the Federal-Aid Highway Program, 1956-1970*, Federal Highway Administration, Department of Transportation, April 1970, page 69]

President Nixon’s anti-inflation campaign was on Chairman Proxmire’s mind on September 30, when he opened a hearing on the District’s FY 1970 appropriations. He was the only member from the District appropriations subcommittee in attendance. However, Senators Spong and Mathias of the Committee on the District of Columbia joined him as ex official members on the panel.

Chairman Proxmire’s opening statement explained the reason for the hearing. The city was embarking on “what may be the largest public works program any community in the United States has ever built” at a cost of \$2.5 billion. At the same time, the city was embarking on freeway construction it estimated would cost \$370 million. “When contingencies, right-of-way costs, relocation, and other items are added, in my judgment they will cost a minimum of one-half billion dollars”:

These projects are to begin in a period of very serious inflation. They are to start at the very time the President has cut back Federal construction projects by 75 percent and when he has called upon State and local officials to cut back projects over which they have jurisdiction. I have supported his position. His plea obviously should be given even

more weight here in the Capital of the country where greater Federal funds are involved and where the Nation looks for leadership than elsewhere, although everyone, everywhere in the Nation should act upon it.

In the case of rail rapid transit, the committee was being asked “to commit a double dose of subway funds in the first year and to do this at the very time when huge contracts are proposed for bridges, freeways and highways.”

He wanted to make clear that he supported the subway. “Sacrifices have been made to obtain it, and I know that a very delicate, sensitive arrangement has been made . . . . I don’t want to take any action that is going to result in an unfortunate situation where we might not get a subway and get it promptly.” Still, he felt an obligation to “question the timing of such large expenditures all at once.” The committee should “act rationally and intelligently” but ask about the economic effects, the schedule of payment, and how will they affect prices, materials, and labor in this area and the Nation.

Those same questions applied to the freeways, but “other questions are also involved.” They were subject to “deep community opposition,” he said. “Virtually every responsible party or group not having a direct economic interest has opposed them.” He also pointed out the “very real question” about whether the city should comply with Section 23 of the 1968 Act”:

Why, if these programs are to generate vast expenditures of funds in a highly inflationary period, if they are largely unwanted, and if there are real questions about their intrinsic validity, should they be built? Why should not the logic of economic analysis be applied to them? [District of Columbia Appropriations for Fiscal Year 1970, Hearings before the Subcommittee of the Committee on Appropriations, United States Senate, 91<sup>st</sup> Congress, 1<sup>st</sup> Session, 1969, pages 1417-1418]

Senator Tydings, chairman of the Senate District Committee, was the first witness, present “to plead for legislation.” It was unusual for the chairman of one committee to testify before another, but “I feel compelled to come before you today to urge this subcommittee to appropriate the full transportation request before it.”

As for the inflation Chairman Proxmire was concerned about, “each day Congress has delayed, and it has delayed for the last 2 years really on this vital project, is costing us roughly \$250,000 a day, and \$90 million a year in inflationary costs, building costs.” He agreed with the chairman that “the fate of the entire Metro mass transit plan hangs by a slender thread.” If construction did not begin in 1969, the financial plan, already jeopardized by inflation, will collapse. Suburban jurisdictions voted for bonds to pay their share of construction, but their votes and the years of planning “will have gone to waste.”

The Three Sisters Bridge had been the “primary sticking point” blocking starting Metro construction. The House refused to appropriate the Metro construction funds unless that bridge went to construction. “The House commitment to construction of the bridge is evidenced in the 3-year delay in the Metro start” and in Section 23 of the 1968 Act. The House revenue bill

“reaffirmed its intention to mandate bridge construction when it provided that no Federal payment can be made to the city until the bridge is undertaken”:

So the House refuses to fund the Metro until the Three Sisters Bridge is begun. And the Metro plan will be crushed by inflation within months, if it doesn't go ahead this year.

If the Senate blocks the bridge, Mr. Chairman, in my judgment, the Metro is destroyed at least for this decade.

His own committee had “faced up to this hard choice 2 weeks ago” when it incorporated the Broyhill rider in its revenue bill. This was a difficult decision, particularly for those who opposed the bridge. He decided to include the amendment for several reasons.

- He was convinced the House would insist on the Section 23 plans even if it meant losing Metro.
- Delaying Metro construction would increase pressure enormously for more “highways than anyone presently contemplates.”
- Opinion polls indicate the public would accept the bridge as the price for securing Metro. “These surveys include one taken by the chairman of the District of Columbia City Council, who is himself a critic of the Three Sisters Bridge and the North Central Freeway.”
- The city was taking steps to comply with Section 23 and the Broyhill amendment.
- The Broyhill amendment “provides a continuing assurance to concerned members of Congress that the city will pursue the 1968 Highway Act in good faith.” As a result, the House was willing to release the embargoed Metro construction funds.
- The city has assured the committee that the Three Sisters Bridge will not intrude on Glover-Archbold Park.
- Despite the “strongly held and frequently affirmed views” of the House, he had been assured that release of the Metro funds would follow the Senate District Committee’s adoption of the Broyhill amendment. He was convinced that any other approach “would in the present circumstances destroy the Metro.”
- Finally, while some members of the Senate District Committee had reservations about some elements of the freeway network cited in Section 23, “all the members recognized the reality of our position that the other House has strong feelings of its own on this issue which had to be taken into account. As a result, the Broyhill amendment “was an indispensable vote for the Metro system, a vote without which the Metro system will collapse.”

He spoke about the importance of Metro to the area, and closed by saying:

I can only say, Mr. Chairman, on the basis of my 5 years’ experience with the Metro, that in my view, delay or loss of the Metro would be a tragedy without equal in the history of our National Capital, a disaster from which this entire urban area might never recover.

[pages 1419-1426]

The three-member panel had no questions for Senator Tydings, with Senator Mathias explaining, “we have pumped him dry at previous sessions.”

Senator Spong offered a brief statement. He acknowledged Chairman Proxmire’s concerns, but “I cannot emphasize too much the need for immediately beginning on the Metro system.” As a commuter between Virginia and the District, he could speak from experience when he said, “I believe I can say without any fear of contradiction that if we don’t go forward at this time, it is going to be almost like unscrambling eggs to ever put the Metro system back together again.” Perhaps more than any other part of the country, Washington needed rail rapid transit and a balanced transportation system:

I think one very vital factor raised here is if we do not go forward with this mass transit system at this time . . . I predict far greater expenditure, far greater difficulty, far greater unrest in terms of more bridges and more freeways.

Given the strong support in the House of Representatives for the freeway system and the strong support in the Senate for Metro, “we just dare not falter and hesitate at this time, and it is somewhat awkward for me to sit here with you as an ex officio member of this committee, with that strong a conviction ab initio [from the start], but I feel compelled to say it.” [pages 1426-1427]

Chairman Proxmire commented on Senator Spong’s statement, “It is a fine statement, and I am certainly surrounded by powerful ex officios.”

Senator Mathias, in a statement, said he welcomed Chairman Proxmire’s statement that if the projects were justified, they should be built. “The fact is that these projects can be justified.” The projects were “important not only for some of the obvious reasons which appear, but because of their enormous substantive impact on everything that is going to happen in the Washington Metropolitan area.” With projected population increases, highways could never be sufficient. “I think if you paved the Potomac from bank to bank, from Cabin John to Haines Point, you would never carry all the cars that are going to be upon us in a few years.” Metro would not be the total answer, “but I think it is the only logical answer.” [pages 1427-1428]

Chairman Proxmire responded that he did not question the need for Metro, which he had long supported. “My question is strictly the effect that this has on inflation, the biggest public works project in the country, probably the biggest that has ever been undertaken anyway, all at once, and this is what I want to get at in the course of the questioning.” The “essence of inflationary spending” is in the timing of the expenditures. [pages 1428-1429]

He introduced a statement that Representative Gude had submitted. Representative Gude shared Chairman Proxmire’s concern about inflation, adding “it is precisely this inflation that threatens to jeopardize the financial integrity of our transit program if work does not get under way by the end of this year.” As for the freeways, “experience has proven that there can be no progress on transportation facilities without a genuine compromise involving both freeways and rail rapid transit. “Collapse of a freeway-transit agreement more than three years ago very nearly jeopardized our transit program”:

Now, I fear that any disruption of what amounts to a new transit-freeway package could lead only to more delay and the condemnation of the transit program to certain failure because of the toll of inflation.

The de facto compromise which we have achieved is supported, I believe in the Congress, the Administration and the jurisdictions of the region. I do not delude myself that all parties are ecstatic over every particular. But the compromise appears to be the best that can be achieved and far better than the alternative, which would mean no transit and no freeways. [pages 1429-1430]

The first noncongressional witness was D. P. Herman, the District's Budget Officer. He explained that on September 4, President Nixon had ordered a 75-percent reduction in new Federal contracts. The reduction did not apply to Federal construction grants to State and local governments, although the President asked for their cooperation. The District's capital outlay program was not directly affected by the announcement because the city was not considered a Federal agency. The District was exploring its construction program for areas that could be cut.

He pointed out one part of the September 4 announcement: "This limitation, which will continue until conditions ease, will still permit projects of the highest social priority to be carried forward." The city considered its balanced transportation system "to be of high social priority."

He acknowledged Chairman Proxmire's concern about the timing of expenditures at a time when inflation had prompted President Nixon's action:

Nevertheless, it is difficult to fully predict the ideal time for new construction particularly when it is associated with social need. While in some cases projects can be deferred, the fact is that new construction is needed now in the District of Columbia in many areas in order to eliminate years of neglect and to allow for unmet social requirements.

He hoped the committee would "join us in a realization of our objective of providing for unmet social needs and we assure you that the District will do its utmost to comply with the President's program." [pages 1431-1434]

Chairman Babson testified next, accompanied by General Graham, Chairman Spellman of the Washington Suburban Transit Commission, and other WMATA officials. Babson summarized the history of Metro and discussed President Nixon's September 4 statement. The basic question was whether a rail rapid transit system for the Washington area was "of sufficient social value and priority to warrant the continuation of the effort now underway" at a time of high inflation.

He referred to President Nixon's April 28 letter supporting Metro and his August 12 letter to Chairman Natcher in support of Metro after recent developments that advanced the freeway network. Babson also pointed out Mayo's letter of September 18 stating that the FYs 1969 and 1970 Metro funds "would be in accord with the program of the President." He also pointed out Budget Bureau Deputy Director Hughes's response when asked during the joint hearing about advancing the projects in an inflationary period.

Chairman Proxmire interrupted Babson's opening statement to point out that the Nixon Administration was asking less for mass transit than for supersonic transport [SST], "which in my view is just a plaything for the jet set":

They have asked for very little, and we have been pressing them hard to proceed with mass transit funds in the cities of our country, all over our country, but they have shown a peculiar indifference to it.

They have a feeling that it can be postponed. Now, when it affects us right here in Washington, there seems to be a rather different standard applied by the administration for some strange reason.

He estimated that the SST would eventually cost \$4 billion, but could be as high as \$10 billion. He admitted that WMATA had nothing to do with the SST, but was pointing out the contradiction in priorities. (Secretary Volpe was a strong supporter of SST, and kept a model of the airplane on his desk throughout his tenure.)

(On August 7, 1969, President Nixon had proposed an ambitious \$10 billion public transportation program over a 12-year period "to help in developing and improving public transportation in local communities":

The program which I am recommending would help to replace, improve and expand local bus, rail and subway systems. It would help to develop and modernize subway tracks, stations, and terminals; it would help to build and improve rail train tracks and stations, new bus terminals, and garages . . . .

Under this program, the bus, train, and subway user would have better service. Cars would travel on less congested roads. The poor could get to new opportunities for training, rehabilitation, and employment, while city centers "would avoid strangulation and the suburbs would have better access to urban jobs and shops."

(He concluded:

Most important, we as a Nation would benefit. The Nation which has sent men to the moon [on July 20, 1969] would demonstrate that it can meet the transportation needs of the city as well.)

Resuming his statement, Babson spoke of the social value of Metro, the inflationary impact of delays, and the steadfast support of regional officials for the current financial plan. "However, all are concerned over the cost of continued delay. We are coming perilously close to the break point." He added that the bond issues for construction depended on the certainty of the construction timetable. Without assurances of revenue to support the bonds, "the financial plan will not be acceptable to the bond market."

Metro, Babson continued, was always based on the need for a balanced transportation system that included the freeway network. Throughout development, WMATA had coordinated closely with regional officials involved in developing the freeways:

As a result, our requirements for manpower and materials are considered to be within the bounds of economic practicality. As we move forward, we must necessarily pay close attention to these matters and maintain complete coordination.

He ended his opening statement by quoting President Nixon's September 24 statement:

More than a subway will begin in December. A city will begin to renew itself; a metropolitan area to pull itself together. That the Nation's Capital is involved makes this an event of national significance. [pages 1434-1439]

Chairman Spellman offered a brief statement next. Like Babson, she acknowledged the concern about inflation:

However, I can think of few things short of national security which should be placed in as high a priority in our National Capital area as the construction of the rapid rail system. As they say in law, there must be a balancing of equities and I don't think anyone here would question where, on the equities scale, a project which will provide extraordinary therapy for our city's ills should stand . . . .

Congress and local officials had "a herculean job" trying to solve the area's ills, but "we know that there can be no moratorium declared there, and so we feel that this project is all the more important, because it is vital for providing jobs for the unemployed, for providing the means to reach employment for those without transportation, for providing the means for reaching educational opportunities, for reducing the pollutants in the area we breathe, just to name a few related factors."

Delaying Metro at this time would be "death." She emphasized that she was "not being melodramatic. This is a simple fact that is dictated by economic and political realities." It was not WMATA's fault that Congress had tied rail rapid transit to the freeway system. "It is most unfortunate that our transit system has been fashioned into a Siamese twin who if cut apart from his life-giving partner just won't survive. As I say, this is not something we asked for."

She said, "we ask of you please don't hold transit hostage."

She complimented Chairman Proxmire for jogging to work each day from his home at 3025 Ordway Street, NW., in Cleveland Park. She admitted she jogged only from her parking space about 20 or 30 feet from the entrance. Perhaps, she speculated, if everyone jogged to work, the area would not have its transportation crisis. "Unfortunately, we don't, and we do have a situation." She did not need to repeat what Senators Mathias, Spong, and Tydings had said, but closed by saying, "I think it needs to be recognized, that it is not a matter of do we do this now or later, it is just going to become such an impossible situation if it is postponed anymore that we will end up with freeways everywhere instead of a transit system that can move a great many people. [pages 1440-1442]

(A well-known fitness advocate, Senator Proxmire jogged 5 miles a day to work after warming up with 200 pushups; he jogged home after work. [Green, Mark J., Fallows, James M., Zwick, David R., *Who Runs Congress?* A Bantam/Grossman Book, 1972, page 212])

Director Airis and his colleagues were the final witnesses, although WMATA participated in the ensuing question period. Airis began by pointing out that the balanced transportation program “has lagged far behind other growth in the Washington metropolitan area.” Freeways had been “subjected to endless delays during the past decade with the result that the District of Columbia is ranked next to last in its interstate completion status.”

Despite this lack of progress in providing transportation facilities, “the Washington metropolitan area has continued as one of the fastest growing metropolitan areas in the entire United States during this same decade.” With a current population of around 2.6 or 2.7 million, the area’s projected population for 1990 was 4.5 million. Transportation planning for the area had to consider that increase.

Over the past decade, Airis said, the downtown area had increased by 220 buildings, with construction permits for some years approaching \$1 billion. The boom had slowed at present, with a consequent effect on employment, “but one of the things that would assist greatly in picking up this slack, of course, is some public works projects.”

Babson confirmed that the area’s unemployment rate had increased from 1.8 percent in January to 4.5 percent in December. Constructive activity was down 7½ percent over the previous year. “On this point, if I may for the record, at no point do we expect to employ more than 5,000 people in the construction program of the transit system.” He continued:

The point Mr. Airis touched on, which I wanted to make, is that although we are concerned with the inflation of the economy, I would remind the Senator that the one area which is suffering from a depression is the construction industry.

Chairman Proxmire said home building was suffering from a recession. The Housing Subcommittee was doing everything it possibly could to “get resources out of areas like business investment in plant and equipment, public works, which can’t be fully justified, highway building, and into housing.” Most economists who had looked at it said this focus on housing was what the country needed “because we have had this enormous highway building program in the country, and we have the most serious housing shortage that we have had in 20 years.” Going forward with highway building too fast “will aggravate the housing situation, as well as the inflationary impact of this program.”

Chairman Babson pointed out that once construction of Metro gets underway, WMATA had a program “to train the hard-core unemployed, and to require every contractor to hire a certain percentage of these individuals.” Airis said he supported that program.

Chairman Proxmire pointed out a recent article in the *Washington Daily News* that discussed the types of workers needed for Metro construction: laborers, iron workers, carpenters, operating engineers, electricians, miners, pipefitters, cement finishers, painters, mechanics, tilesetters, and track layers for a total of 4,600 jobs. “The overwhelming majority of these people are not people you are going to get from the hard-core unemployed to train in this program in a few weeks.” Babson pointed out that WMATA did not plan to hire all 5,000 workers when construction began in December.

Chairman Proxmire referred to an article in the morning's edition of *The Wall Street Journal* in which economists predicted inflation would continue for as much as 4 more years "and they say it may be that next year the economy will slow down a little, but not enough to slow inflation."

By this point, Airis had barely read his statement. Given the opportunity to resume, he summarized Section 23 of the 1968 Act. On August 9, he said, the city council had voted to comply with the provision.

Chairman Proxmire interrupted again to refer to President Johnson's "veto message – I should say his approval message, in which he threatened the possibility of having to veto, of August 23, 1968." He quoted the section in which President Johnson said:

Fortunately, the Congress has called for construction only in accordance with the applicable provisions of the Federal Highway Act. If the authority of the Executive Branch were not so preserved, I would have no choice but to veto this bill.

He understood that a report had been made that recommended excluding the four projects listed in Section 23. Airis was unclear what report Proxmire was referring to. He referred to the Major Thoroughfare Plan, which included most of the projects. Chairman Proxmire noted the differences between that plan and Section 23. "So it is pretty far from compliance with the President's message."

Airis resumed his statement with the city council's August 9 approval of the Section 23 plan. The Department of Highways and Traffic was "striving diligently to get the above four projects underway, thereby fulfilling the requirements of congressional intent." These were the "initial actions needed to ultimately provide for the highway portion of the entire balanced system."

Airis said the total cost of the Section 23 projects was \$348 million, but Chairman Proxmire pointed out that this cost did not include expenditures in Virginia. Airis agreed, but pointed out that the expenditures would be spread over the years 1970 to 1976. "A sizable portion of this money will, of course, be expended to complete and make usable freeway inner loop projects that are now well underway, such as the center leg of the inner loop."

He finally concluded his opening statement by saying that the balanced transportation program for the District had been long delayed. Some freeways, such as the Southwest Freeway, were open and heavily used, but other portions "are far behind schedule." As was the case throughout the country, the District's program "will be governed by decisions of the Federal Government on the funding levels of such programs." [pages 1442-1449]

Airis mentioned that the District of Columbia was next to last among the States in progress on the Interstate System, and that Wisconsin was about 20<sup>th</sup>. He said, "we have been scraping along here on kind of a barebones program for quite a few years, and the transportation, sir, affects everybody."

Chairman Proxmire recalled the usual reason that was given for the District's low ranking, namely that it was a city without open country. Wisconsin had long distances of open country in which to build its long-distance Interstate highways. "It is much harder in the city part of

Wisconsin or the city part of all of our States to have these programs.” Airis replied, “There is no question about this.”

Chairman Proxmire, turning to WMATA, said he understood that the Department of Transportation had released \$34.7 million for the subway. Chairman Babson, said that was true, but that WMATA did not actually have the funds in hand. “We watch every mail” for the funds.

Whereabouts of the funds aside, he really just wanted to emphasize “the redeeming social value of this subway system.” Chairman Proxmire said he understood, but “it is a question of timing” with inflation so high:

It is one thing to say that we will postpone expenditures or not build something that is very good and you don’t have to have for several years. That is easy to do, but here is something that we want. I know that you have waited a long, long time.

Now, the region was “so excruciatingly close to getting it . . . . Now when you are right on the brink of it you want it so badly you can taste it.” It was just his view that “when we have a serious inflation and this in my view could set a bad example and we have to weigh our priorities one against another.”

Before leaving briefly for a vote on the Senate floor, Chairman Proxmire asked Chairman Babson to think about what the subway program could do to reduce its impact on inflation. He asked Airis “if you would think of how you can answer this question, because I think where you can make some argument that the subway program will help housing, everything that I have seen has indicated that the highway program has been devastating for housing.” More houses had been destroyed because of the highway program than urban renewal had built with public housing, “and there is a lot of resentment against it by low-income groups. Most poor people don’t have cars but they live in houses the highway program displaces.

When the hearing resumed, Chairman Babson said he would like to be able to say that the construction program could be revised to spread out over 20 or 30 years. Chairman Proxmire interrupted to say he was not concerned about 20 years from now, only about the next year or two of inflation. Chairman Babson asked:

Mr. Chairman, do you really believe that this one bill, this one project, as critical as it is for this region, is going to have that much of an impact on the national economy or the regional economy? And may I suggest that it is much more important that we proceed with this project now before it is dead.

Chairman Proxmire said every city council in the country could make the same argument. It was only \$1 million here, \$10 million there, a pittance in a country with a gross national product of \$1 trillion, but “all of these add up and this is the biggest of all, the biggest ever anywhere when you take this whole operation together.” The requested double appropriation for FY 1969s and 1970 would “trigger all this expenditure.”

General Graham pointed out that the reason for the double appropriation was that construction had been delayed a year:

Because we have already, sir, compressed our design and construction schedule in the first 5 years of this 10-year program to the maximum due to the delay that has been suffered, and if we are to complete this entire system in 10 years, we are right up against it now because of the compression that we have suffered.

What would be the difference, Chairman Proxmire asked, if the system were completed in 11 years instead of 10?

General Graham replied that the financial plans would no longer be viable to potential bond buyers. It would mean another \$100 million in inflation.

Chairman Proxmire asked about the 30-cent fare. General Graham confirmed that the entire financial plan depended on a 30-cent base fare. Asked how many subway systems around the country paid off bonds from the fare box, General Graham replied, "We don't have a case, sir, except in San Francisco, where . . . any modern system is being put together." The others were too old to trace their financing.

Could WMATA postpone future expenditures, Chairman Proxmire asked? The financial plan depended on a continuing flow of funds to complete the system by 1979. "Why," Chairman Proxmire asked, "do we have an Appropriations Committee," if the plan requires the appropriations. Chairman Babson replied, "it would require arduous efforts on the part of many people in this region to go back and undo these agreements and redo them and then try to sell them again to the local governments . . . ."

Before he could finish, Chairman Proxmire said, "We are not persuaded by the fact that you have to make arduous efforts." Chairman Babson said going back to the local communities would be "almost impossible but nothing is impossible. If the Chair wants to make it exciting for us, this would be very difficult."

Chairman Proxmire said he was not trying to make things difficult. He understood the desire to "get the money started and going so there isn't any question you can proceed." However, in this inflationary period, he wanted to find out how to proceed "in a way that will minimize the inflationary impact." He did not think WMATA or Senators Matias, Spong, and Tydings had given any thought to this subject. He did not blame WMATA; that was the responsibility of Congress "to determine what we can do with this very big and expensive program to reduce as much as we can the inflationary impact of it." They needed "some good hard answers, and not simply accept a statement from very competent witnesses that it can't be done." He asked WMATA for a "tough reanalysis" to come up with "some kind of plan and program that will show us how we can save this money or save a part of it this year."

Chairman Babson said, "Save part of it this year?" He suggested that Congress would have an opportunity each year to review the plans and cut back funding.

"Exactly," Chairman Proxmire told him, adding, "and this year we want to cut it back. This is the year." Maybe the schedule could be speeded up in the following year, or the year after that.

“With all due respect,” Chairman Babson began, WMATA was ready to go a year ago, and had it been able to do so, “I don’t think we would be in the midst of the inflationary problem that we are today.” WMATA had compressed the schedule because of the lost year “to the point now where it is almost breaking.” If it does break, they would have to go back to beg the voters to support referendums for larger bond issuances”:

Senator Proxmire. Why do you have to have a referendum if you simply slow down the rate in payment?

Mr. Babson. If we don’t get started right now, Mr. Chairman.

Senator Proxmire. You get started right now but on a limited basis.

Mr. Bason. We don’t have a plan for a limited basis. The whole plan for the region has been sold on a certain plan. The Congress directed us years ago to get to work on this. We have worked on it . . . we have begged, we have pleaded. We have been cut off by the House. The Senate has been very good to us, but now we think we are there. If we don’t get started on the plan we have now, which has been worked out in the minutest intricacies, it all falls apart. Then we have to go back and we have to have more than \$62 million from Fairfax County, maybe it will be \$65 million or \$68 million. We have to have another bond referendum under law over there . . . . Now, this is going to take place in Arlington and in all of the other jurisdictions. The people don’t believe this is ever going to happen, and if it falls flat on its face today, I think they will. . . .

Senator Proxmire. It is not a matter of falling flat on its face. It is a matter of slowing it down so that it doesn’t have the devastating, what I think will be a devastating inflationary impact, especially in terms of example.

Chairman Proxmire thought that if people understood that the project was slowing down to avoid inflationary impacts, they would “have a much stronger argument for proceeding.” General Graham pointed out that if additional referendums were needed, we would “have to win all eight of them, Mr. Chairman. We can’t lose a single one or we are dead.”

But, Chairman Proxmire pointed out, WMATA won the 1968 referendums by big margins. General Graham said WMATA could not predict success in future referendums “before we have holes in the ground to point to, to show that we are on the way.”

Chairman Proxmire assured him, “I want you to put those holes in the ground, but I don’t want you to proceed with the fantastic speed from \$14 million a year ago to . . . \$243 million this coming year.”

General Graham suggested that with BART winding down on construction, WMATA would find that contractors and skilled workers would be available for the Metro project. WMATA was trying to interest those contractors in bidding on the Metro construction contracts. As that project winds down, the result would be deflationary in that area; WMATA would be taking up the slack. All in all, “it may be that the net impact is not inflationary looking at it nationally.”

Chairman Proxmire asked about the percent of District residents who would use Metro. WMATA agreed on a figure of about 26 percent. Chairman Proxmire suggested that if the city didn't have the freeways, more residents would use Metro. Airis objected:

I don't think we are competitive [with Metro]. We are talking about the movement of people and goods, and not just about moving commuters.

Chairman Proxmire, citing the \$370 million cost of the planned freeways, said he was interested in the inflationary impact of the construction plan. Airis pointed out that the Three Sisters Bridge would cost about \$15 million, including approaches, and that the Potomac River Freeway was necessary. He sketched out pending expenditures by year: for 1970 (\$46 million); 1971 (\$74 million) and 1972 (\$132 million).

These figures convinced Chairman Proxmire that the city was making plans over several years for increased expenditures. "In other words, if we go ahead, then you are going to be expanding at this enormously rapid rate and you are going to have this inflationary effect in 1970 and 1971."

Airis said he would "try like the very dickens" to work at that pace "because then the public have the use of these facilities and could use them."

That, Chairman Proxmire said, was what every highway director in the country is saying. "That is why we have this terribly difficult inflationary problem."

Airis again pointed out that the District was next to last in Interstate completion, with Maryland last. The District, like all the States, was bound by the completion date of 1975 in Federal law for the Interstate System.

Chairman Proxmire referred to the U.S. Court of Appeals ruling that the District had not satisfied Title 7 of the District Code. Correct, Airis replied, but that was before the 1968 Act. True, but Chairman Proxmire pointed out President Johnson's call for a comprehensive plan, adding that the comprehensive plan adopted excluded the Three Sisters Bridge and called for the Potomac River Freeway to be in a tunnel and the East Leg Freeway to be more or less a parkway.

Airis said the Major Thoroughfare Plan adopted in December 1968 was not a comprehensive plan. What President Johnson had in mind in referring to a comprehensive plan in his signing statement was never clear. Airis said the more recent action of the city council, on August 9, directed highway officials to proceed with the plan Congress adopted in the 1968 Act.

Chairman Proxmire was skeptical that the city was in compliance with the law. Just because the city council directed the highway department to proceed "doesn't make it right." His job, he said, was "to do my best to see that the law is respected and upheld." He asked for an explanation from the corporation counsel that would explain how the city can proceed in view of the President Johnson's call for a comprehensive plan.

The counsel's statement, submitted after the hearing, explained that the projects had been developed in accordance with Title 23, but the U.S. Court of appeals found that the development also should have complied with Title 7 of the D.C. Code, added in 1893. Section 23 of the 1968

overcame this problem with the “notwithstanding clause.” In this way, “Congress plainly supplied the authority which the court had held that Congress had not previously supplied.” The city council knew the plan it adopted on August 9 was “fully authorized by virtue of Section 23 of the Federal Aid Highway Act of 1968.”

The statement, which did not address President Johnson’s signing statement, concluded:

The provisions of section 23 are clear and unequivocal and the effect of those sections is that the Interstate System within the District of Columbia has been statutorily fixed by Congress, except as to those cases where Congress directed that studies be made and presented to Congress. [page 1470]

Chairman Proxmire cited the Arthur Little Company’s report which he said questioned every one of the projects. Airis explained that the company had questioned the projects “to some extent, but if you look carefully at the tables you will find that it wasn’t at all that bad, that largely, they supported these projects.”

Secretary Boyd also had questioned the Three Sisters Bridge, Chairman Proxmire pointed out, recalling the testimony on December 6, 1967, that the bridge would only transfer congestion from Virginia to the District. He also had called the North-Central Freeway a tremendously expensive and inadequate artery.

Airis responded by discussing, first, how the bridge would cut down the driving time between the District and Dulles International Airport. Second, he pointed out that the bridge would make it easier for traffic on I-66 to get to the District’s northwest quadrant efficiently. Third, only by construction of the Three Sisters Bridge and Potomac River Freeway can the connection with the George Washington Memorial Parkway finally be completed.

How, the chairman asked, can the District proceed with projects that were not in the comprehensive plan – which fails to meet the provisions of the 1968 Act in his opinion. Airis said the corporation counsel gave the go-ahead.

Airis confirmed that the city had awarded a contract for the main piers for the bridge:

Senator Proxmire. Has awarded it without Congress having acted on this?

Mr. Airis. Yes.

Senator Proxmire. Isn’t that pretty insulting to the Congress?

Mr. Airis. Oh, no, I didn’t think so, not when I am told to go ahead by the corporation counsel.

Senator Proxmire. Supposing we should turn you down on this thing?

Mr. Airis. In what way, sir?

Senator Proxmire. Supposing we should act not to approve this?

Mr. Airis. Sir?

Senator Proxmire. You have acted on the basis of a previous appropriation?

Mr. Airis. Oh, yes, definitely.

(This discussion, although somewhat unclear, apparently referred to appropriation of the District matching funds for the projects. Federal funds, because of contract authority, did not require a separate appropriation and were not subject to the jurisdiction of the Senate District Committee.)

Chairman Proxmire asked how the city could proceed in view of the court injunction issued in February 1968. After the hearing, the city filed the response referring to the “notwithstanding” phrase in Section 23. The phrase “supplied the requisite authority which the court . . . had found lacking.” By virtue of that phrase, “the court injunction was no longer with force and effect.” [sic]

Chairman Proxmire switched the discussion to truck traffic on I-266 across Spout Run Parkway. What would happen to the trucks in the city? At present, they would use city streets. The chairman suggested that would be “pretty rugged,” but Airis said it would not be any worse than at present. What about trucks going to the northeast quadrant? Airis said they probably would cross on the Shirley Highway via the 14<sup>th</sup> Street Bridge.

The chairman said, “You see what I am getting at is it looks as if we are going to have another cost now of building a tunnel under K Street, a spur to Florida Avenue in the north, and these two projects will be costly.” Airis pointed out that Section 23 required construction.

Chairman Proxmire asked if the original plans called for construction of a freeway through Glover-Archbold Park. Airis thought perhaps that was the plan before his time in the District. He explained that the city had owned a 100-foot right-of-way through the park since 1893, but had just recently transferred it to the NPS. The chairman wondered if, even so, the existence of the bridge would be like “a gun pointed directly at the park.” Airis said the bridge would not be pointed at the park:

Senator Proxmire. Under those circumstances though, it seems to me – won’t you or your successor be back asking for a freeway to go right through the park?

Mr. Airis. Oh, no, sir.

Turning to the North-Central Freeway, the chairman said that as a member of the Housing Committee, he was very concerned about the housing shortage in the city – 100,000 houses short according to the most recent data he had. The freeway would certainly contribute to the shortage. “As a matter of fact, we have destroyed more housing because of urban renewal and highway construction than we have reconstructed with public housing and with other governmental housing projects. I am told twice as many.” Airis said highways in the city had resulted in displacing 1,800 families.

The chairman pointed out that the Major Thoroughfare Plan had rejected the North-Central Freeway, as had the Arthur Little report. When Airis said the Little report “gave it a pretty good bill of health,” the chairman read from the study’s conclusions that the present plans were based on insufficient data and questionable assumptions, and that transportation planning had been carried out with inadequate regard for long-range economic and social impact. “Now, if that is a

good clean bill of health and enthusiastic recommendation, I would hate to have them condemn a program.”

Airis replied that the table pertaining to individual projects, where they are listed as satisfactory or unsatisfactory found that the North-Central Freeway “has considerable merit.” The chairman looked at the table and found that it ranked the freeway favorably in some categories, but found it insufficient in others and did not rate it in some categories. “I would say against that that seems to me not to represent an enthusiastic support.” He summarized, “as far as you are concerned . . . if it does not get a flat flunk in just about every score, it is not a bad project.”

The chairman wanted to know if the city expected the committee to approve appropriations for the two projects that were not in the Major Thoroughfare Plan. “I want to clear up that question.” Airis confirmed that neither project was in the plan. However, the city council, which is the approving authority for the plan, had voted on August 9 to include them “and it would appear to me, and of course to the corporation counsel, that their action gives us a clear go-ahead.”

Next, the chairman asked Babson how the Federal Government could justify underwriting 46 percent of the cost of constructing Metro, but not do so for other cities. Babson explained the role Metro would play in serving the Federal Government. “Congress found and held some years ago that construction of this rapid transit system is necessary for the efficient functioning of the Federal Government, which is our main industry, almost our sole industry.”

That explanation, in Chairman Proxmire’s view, “does not really answer the question on the basis of equity and need.” Every city needed and wanted more Federal funding for transit. Babson referred to the matching share in the Urban Mass Transportation Act, but Chairman Proxmire countered by saying the problem was that “we neither authorize nor appropriate any significant money for it.”

He asked Airis what he had asked Babson earlier: “what can you do to reduce the inflationary impact of your program?” Airis replied that the city was geared to the Federal program because of financing “and whatever their decision is in the matter . . . .”

Chairman Proxmire interrupted to ask if what was needed was the type of moratorium President Johnson had imposed in 1966. Airis agreed such an event would slow the program, “but I think we have got, sir, really honestly I think we have got to think of the lack of transportation.” Here was a system that had been at bare bones for a long time, with the center city economy suffering as a result:

I think it is time that we really got on, put our best foot forward and got something done here. It is obvious that you cannot use the rapid transit system until they build it. I mean you have got to build a good-sized chunk of it, and likewise with the freeway system. Although we build it in usable segments and each segment can stand on its own feet, the entire system would be most helpful to take care of the 3- to 7-percent increase in traffic that has been generated because of population.

The chairman agreed the subway was needed but he was not certain about some of the highway projects. Airis assured him, “they stand on their own feet.” But, the chairman pointed out, the more freeways are built, the more people drive to work. The freeways are “all obsolete before you get finished.” Airis pointed out that in their absence, the vehicles use city streets that are not adequate for the traffic.

Chairman Proxmire summarized that the committee was faced with “a very grim alternative.” It could approve all the funding for Metro and freeways. It could turn down the whole package. Or it could cut the funding blindly because neither Babson nor Airis would “give us advice on how we can design this in such a way that it will have less of an inflationary impact.” The committee could put some sort of limitation in place, but he did not like to do that “without advice from the people who are most competent” to provide it. “That is why you are here today.” If they would give him “a certain proportion . . . we could reduce the obligations which will be provided by this appropriation bill.”

Babson replied that although it was hard to explain, “It is just impossible at this time” due to the financial arrangements for Metro. Chairman Proxmire asked WMATA to have its general counsel explain how a limitation would affect funding arrangements with local jurisdictions. Counsel John Kennedy submitted a reply for the record, which concluded:

Delaying the start of construction or stretching out the construction schedule would increase proportionately the federal and local contributions, requiring new referenda in several local jurisdictions. Considering that the National Capital area bond election came at a time when similar referenda were failing in several other urban areas, there is solid reason to doubt the eventual success of a further appeal to the electorate in several separate referenda, all of which must be approved. [pages 1483-1485]

With the hearing near an end, Airis asked to make two points. First, even as population has grown, the area’s transportation network has not kept pace. “We have been going along at a bare bones level, and our programs, our respective programs are needed to catch up a little bit now to hold and contain the situation. Second, he read again the “notwithstanding” provision in Section 23(a) of the 1968 Act requiring construction of the Interstate freeways in the 1968 ICE.

Chairman Proxmire agreed about the need for Metro “but as far as these marginal highway projects are concerned, Three Sisters, North Central Freeway, cutback the east leg, the Potomac Freeway, I must say that postponing these seems to me [necessary] if we are going to do anything to show that we mean business about inflation.”

Airis said they were badly needed, but the chairman assured him that in his view, they were “in the front rank . . . of projects that we should slow down.”

The hearing soon came to an end. [pages 1449-1489]

### **After the Hearing**

Jack Eisen summarized the hearing in his opening paragraph the next day:

Sen. William Proxmire (D-Wis.) put the fate of Washington's Metro rapid transit system in doubt again yesterday by threatening to cut funds for both subways and freeways.

The deepest cuts, he declared at a hearing, should be made in money for freeways, which he called "marginal" in justification as compared with the rail system.

While he proposed the cuts based upon a need to curb inflation, Proxmire peppered his commentary with criticism of freeways, including the Three Sisters Bridge.

He said he would not be bound by the decisions of his House counterpart, Chairman Natcher, but would look at each project on its merits:

This raised the question of whether Natcher, if so challenged, might back off from last week's announcement and refuse to grant the promised funds and act to impound \$37.4 million that already has been released.

(Eisen was referring to the \$37.4 million in Federal transit aid that Secretary Volpe had released on September 25. The funds would, in effect, be impounded without the required District matching funds needed for WMATA to use them.)

The fact that Chairman Proxmire conducted the hearing without any other members of his subcommittee present raised a question about whether he could convince the other members to support his position.

After the hearing, Chairman Proxmire told reporters that Airis had made a "weak" case for the freeways, especially in comparison with the "strong and very persuasive" case made for Metro by the WMATA panel.

The *Star's* Stephen Green reported that Chairman Hahn had visited Chairman Proxmire on September 30, the day of the hearing, to assure him that the city council's August 9 vote was legal:

Hahn met Proxmire behind closed doors in the senator's office. Proxmire could be heard telling Hahn that, under federal law, interstate highway projects must be included in the city's comprehensive plan. The Three Sisters Bridge and related freeway projects are not.

After leaving Proxmire, Hahn said they only discussed whether an early-1968 U.S. Court of Appeals injunction against freeway building still is in effect. The council president [sic] said he had explained that the later 1968 Highway Act ordered the city to build the bridge and road and specifically stated that previous court actions did not apply.

Green also reported that WMATA staff and Chairman Proxmire's staff were working "to come up with a construction slowdown plan." At the same time, WMATA voted to seek bids for construction of the second phase of the first 6 miles of the tunnel from Lafayette Park to Connecticut Avenue and K Street, NW.

Finally, Green reported that “Airis yesterday said that he will not give Proxmire a plan to cut down on freeway construction.” [Green, Stephen, “Proxmire Calls Plans Illegal To Build Freeways, Bridge,” *The Evening Star*, October 3, 1969]

The Senate considered the District of Columbia Revenue Act of 1969 on October 3. The bill included the Broyhill amendment as Section 801. Chairman Eagleton of the Fiscal Affairs Subcommittee informed his colleague that the Senate District Committee had retained the House provision because “the committee believes that it has taken every reasonable step to remove obstacles to the release of authorized subway funds.” The Federal payment would be withheld only until President Nixon reported to Congress that the city “has committed itself irrevocably to full compliance with the provisions of section 23(b) of the Federal-Aid Highway Act of 1968.” The provision made clear that the Federal payment would not be withheld “if the District is prevented from carrying out its commitment solely because of a court injunction resulting from a suit filed by persons other than the District of Columbia or Federal Government”:

The committee feels strongly that governmental policy should not be hamstrung by the actions of persons who, for reasons of their own, may choose to file suit to block construction of highways or subways. Transportation policy in the Nation’s capital is too vital a matter to be left to such chance and possibly irresponsible actions.

The provision, he added, “will make it possible to begin construction this year of the long-delayed rapid rail transit.”

Former District Committee Chairman Bible said he agreed with Chairman Eagleton about the long freeway-subway impasse. “I think he has come up with the only practical conclusion that could be made in this field.”

Current Chairman Tydings realized that Chairman Eagleton had many difficult choices to make, including the “highly volatile issue, working out the disagreements between those who are willing to sacrifice the subway if they can stop roads and those who, for one reason or another, have almost intractable positions on the issue of roads and subway.” The bill would help bring about the balanced transportation system the metropolitan area needed. “I think this is the vital move if we do not wish the District of Columbia, our National Capital, to become another Los Angeles.”

Senator Cooper said he had intended to introduce an amendment to strike Section 801 from the bill, but had decided not to do so “because the Senate committee has approved the provision and I think it would probably be useless at this time, late on a Friday afternoon, to attempt to strike out section 801.” He realized that striking the section would cause problems when the bill went to conference committee with the House. He did not want to affect the House decision to release the subway funds.

To be honest, however, Senator Cooper wanted to explain that he opposed Section 801. His objection stemmed from his objection to Section 23 of the 1968 Act. After the Senate approved its version of the 1968 Act, they went to conference and “to our amazement found a section in the House bill in which the House of Representatives and the Committee on Public Works of that

body, arrogated to themselves the position of engineers and asserted an authority to take over the functions of the Bureau of Public Roads and of the local government of the city of Washington.”

If they had arrogated to themselves which roads and streets should be laid down in Kentucky, Montana, or anywhere else, “the Congress would not accept it.”

Despite his objections, he realized that agreements had been reached with his Kentucky colleague, Chairman Natcher, to release the subway funds in return for the start of the freeways. “There may be court proceedings, but the political decision has been made.”

Having objected to Section 23, he said of Section 801, “I object to this second act of coercion on the part of the House.” After managing to impose their will on the District to secure work on the Section 23 freeways, here they are again trying to force that construction. “I think that is going too far. It is coercion.”

Although he had withdrawn his amendment to delete Section 801, he asked the Senate to consider a minor amendment to the provision. It would replace “President of the United States” with “Secretary of Transportation.”

Chairman Eagleton explained that President Nixon had been involved in the dispute and continued to be involved. President Nixon’s August 12 letter was proof of his role.

Senator Cooper, saying “I do not wish to appear to be meddling in this situation,” withdrew his minor amendment. He just did not like the way the Congress “thrust the highway system down the throats of the people of the city of Washington.” [District of Columbia Revenue Act of 1969, Congressional Record-Senate, October 3, 1969, pages 28389-28396]

Chairman Proxmire also addressed his colleagues:

The District of Columbia is about to embark on what may be the largest public works program any community in the United States has ever built. It proposes to do this at a time when inflationary pressures are extremely strong. It proposes to do this in the clear knowledge that the proposed subway and highways programs will bid up the price of skilled labor, of building materials, and of construction costs.

He repeated the themes he had expressed during the hearing, including the disparity between the Federal share for Metro and BART. The subway was a good project, but the explosion in the amount for the first year was highly inflationary. “The subway, as badly as it is needed and as meritorious as it is, will nonetheless have an enormous inflationary impact.” He reminded his colleagues that this explosion in Metro expenditures was coming at a time when President Nixon has directed agencies to reduce new Federal contracts by 75 percent. Cities around the country expected to be hit hard, but not the District of Columbia:

We are told by the supporters of the praiseworthy subway system, the huge expenditures for which are very difficult to justify at this time, that we must add at least \$370 million more in highway and bridge projects to the total.

He guessed the estimates were low based on their increased cost over time. He thought the freeways would ultimately cost at least half a billion dollars. He could justify \$2.5 billion for Metro, but it was “impossible to justify another half billion or more for unneeded and unwanted highway projects.”

Congress, he said, justified this massive expenditure at a time when cutbacks were occurring around the country because they, and their friends and employees, “live here, and yet expect the rest of the country to postpone their projects.” He told his colleagues, “Such a double standard has seldom been seen before.” He served notice that, “This Senator . . . will not take part in such a hypocritical undertaking.” To the extent his subcommittee could do so, he would slow down the subway program as the best way to reduce its inflationary impacts. He also would slow highway spending in the city, saying the expenditures were “wasteful and . . . may well destroy the fabric of the Capital city of the United States.”

Section 801, he said, was the second time Congress had tried to force the city to build the planned freeways. “I think the attempt in this bill is no more binding than those of the past.” The freeways could not be built until the city complied with the court order of February 1968, title 7 of the District of Columbia Code, and Title 23 of the United States Code.

Senator Proxmire explained how Section 23 of the 1968 Act tried to get around these restrictions, but in signing the bill, President Johnson had called the provision “the most objectionable feature” of the legislation. He quoted the President’s statement that, “Fortunately, the Congress has called for construction only in accordance with the applicable provisions of the Federal highway law.” He also called for the projects to be “appropriate links in a comprehensive transportation plan for the District.” As the September 30 hearing brought out, “no comprehensive plan for the District highways had ever included these four projects.”

Section 23 was “an affront to the judicial system,” as was Section 801, which also was “a travesty on proper planning concepts, and a hypocritical act by Congress.”

The city had many other needs that would cost only a fraction of the expenditures going to the freeway program and Metro. He considered it a travesty to spend \$240 million on the subway this year, along with hundreds of millions of dollars for freeways and bridges “while the much smaller needs for housing and schools and hospital beds go unmet.” He concluded:

This Senator, for one, will not be a party to such a flagrant act of misplaced values.

As the old saying goes – I believe Sam Goldwyn said it – “Include me out.” [pages 28399-28400]

Senator Tydings responded, beginning:

Mr. President, we have now in Congress, because of our actions, delayed the beginning of the subway for almost 3 years. Every day we delay the beginning of the construction costs \$250,000. Every year that we delay in going forward costs roughly \$90 million.

He pointed out that thousands people in the District of Columbia did not own a car. As the area's economy decentralized, Metro was the key to making suburban jobs available to inner city residents. "A subway is indispensable."

Unfortunately, some "antihighway lobbyists" were "so zealous and sometimes unreasonable" in attacking the highway program that "they are and would be willing to scuttle perhaps the most vital single link in the transportation system, the Metro rapid transit system."

The road system would be financed by gasoline and other highway user excise taxes. "They are mandated to be used in this direction." No matter what the Committee on Appropriations does, they cannot be used for any other purpose.

If construction does not begin this year, the financial plan will collapse and "all the Federal legislation and authorizations and the work of almost 10 years will have gone for naught." As a result, Congress could not run the risk of further delay:

All one has to do is to spend a little time in Los Angeles County . . . to see what happens when government delays and delays and never goes ahead with a rapid transit system. Finally, the authorities find themselves with concrete on all sides and with massive parts of the city in concrete.

Congress has caused the delay in starting construction. Now, the entire mass transit plan "hangs by a slender thread." Any further delay on the part of Congress "would be tragically penny wise, but dollar foolish not to go ahead with the transit system now." If the plan collapses, "the pressures for more and more highways will build inexorably." Meanwhile, as the population increases, "thousands more area residents will jam existing highways and demand new ones."

Construction of the Three Sisters Bridge and study of the North-Central Freeway were the sticking points that the House of Representatives had insisted on, as "evidenced in the 3-year delay in the Metro start." The House refused to fund Metro unless the bridge was built. Therefore, if the Senate blocked the bridge, "Metro will be destroyed."

When the Senate District Committee was working on the Revenue Act, it had to decide what to do about the Broyhill rider. The committee "grappled with this particular provision and all its ramifications." Ultimately, the committee voted unanimously to include it. In citing the reasons why, Senator Tydings said they knew the House would insist on it, regardless of what the Senate did. They did not want to prolong "a continued deadlock over the Metro" funds. Losing Metro would mean "more roads, more bridges, more displacement and infinitely more highway costs." He cited the Oliver Quayle poll as demonstrating support for the highway plan. The city council had voted to support the Section 23 plan.

The Broyhill rider provided "a continuing assurance" that the House would not have another reason to withhold matching funds for Metro. It would assure that the city was "moving ahead at full speed" to build the Three Sisters Bridge and the other freeways covered by the 1968 Act. The city assured the committee that the bridge "will not intrude on Glover-Archbold Park or produce an added traffic burden in Georgetown." Some committee members had reservations

about individual freeways, but recognized that in view of the strong feelings in the House, a vote for the rider was “an indispensable vote for the Metro system, a vote without which the Metro system will collapse.” That would be “a disaster from which this entire urban area might never recover.”

Chairman Proxmire rose to assure his colleagues that he was not opposed to Metro. He was concerned only about the inflationary impact of its construction now at a time when President Nixon was calling for sacrifice to fight inflation:

My argument is that we should not start the biggest public works program in the history of the country, start it here, start it now, start it in such a whole-hog way that we take all the 1969 appropriations and all the 1970 appropriations and spend them now on a project in an area where there is a tight employment situation, where it is clear that this kind of expenditure is bound to result in bidding up prices of labor and prices of material. Much more important is the example that this gives the rest of the country.

He supported a start of Metro construction this year, “but I think it is a matter of degree and a matter of recognizing our own responsibility.” He did not doubt the widespread support for Metro, but that was not a reason to begin as planned in view of “our No. 1 economic problem.” If “we mean anything” about slowing inflation “we should slow it down on this particular kind of project.”

Senator Tydings had the final word, pointing out the views of President Nixon and the Bureau of the Budget in support of getting started. “I would hope that the Appropriations Committee would follow the recommendations of the President of the United States in this matter.”

The Senate approved the bill without a recorded vote or discussion of other issues. The Senate also appointed delegates to the conference committee, including Senators Bible, Eagleton, Mathias, Spong, and Tydings. [pages 28400-28402]

While the Senate was debating District of Columbia Revenue Act of 1969, Roberts B. Owen of Covington and Burling filed the expected suit, *D.C. Federation of Civic Associations, Inc., et al. v. John A. Volpe et al.*, seeking declaratory judgment and injunctive relief. Owen filed the suit on behalf of the D.C. Federation of Civil Associations, the Committee of 100 on the Federal City, Arlingtonians for the Preservation of the Potomac Palisades, and other organizations as well as six individuals. ECTC was not a party to the suit. The individuals named in the suit included the Reverend Channing E. Phillips, the city’s Democratic National Committeeman, and Mrs. Rowe, the former NCPC chairman.

The suit alleged that District and Federal officials were violating:

- Section 7 of the D.C. Code requiring detailed maps and public hearings;
- Section 23 of the 1968 Act that required the city to comply with provisions of Title 23 on corridor and design public hearings and inclusion of the highway in a comprehensive transportation plan; and
- The Section 4(f) prohibition against the use of publicly-owned parks unless there was no “feasible and prudent” alternative.

The suit specifically mentioned only the Three Sisters Bridge, but asked the District Court to rule that the injunction imposed by the U.S. Court of Appeals remained in effect and enforceable.

Reporters asked a spokesman for the groups if they were concerned that Congress might withdraw the subway funds in view of the suit. The spokesman said, “the legal procedures in the lawsuit will not be affected by anything Rep. Natcher decides about funds for the subway. It is up to the courts, not Rep. Natcher, to interpret the law to the Department of Transportation and the District government.” [Basham, William, “3 Sisters Span Target of Suit,” *The Evening Star*, October 4, 1969; Eisen, Jack, “Suit Filed To Block 3 Sisters,” *The Washington Post and Times Herald*, October 4, 1969]

Judge John J. Sirica of the U.S. District Court held an expedited hearing on the request for a

10-day temporary injunction on October 7. Owen stressed that plaintiffs did not seek to block the Three Sisters Bridge permanently. They merely wanted the city and Department of Transportation to comply with pre-construction requirements such as holding public hearings.

Assistant Corporation Counsel Patrick O’Donnell argued that in passing the 1968 Act, Congress’ intent was that the city begin construction of the bridge “immediately” and to do that, suspended further procedural delays. He cited the public hearings already held.

Owen countered that the hearings occurred in 1964, but requirements called for them to take place less than 3 years before expenditure of Federal-aid funds.

On October 8, Judge Sirica found that the plaintiffs had not shown a likelihood they would prevail in court. Owen told reporters after the hearing that he would consult with plaintiffs about appealing Judge Sirica’s decision. [Valentine, Paul W., “Writ Denied to Block Work on Three Sisters,” *The Washington Post and Times Herald*, October 9, 1969]

The *Star* reported on October 10 that on October 7, the day of Judge Sirica’s hearing, the White House complied with the promise to Chairman Natcher in the event of a lawsuit. In a memorandum, Counsel Ehrlichman wrote:

We must vigorously defend any legal action which would prevent the District government from implementing the Federal Highway Act of 1968 . . . .

On behalf of the President I, therefore, ask you to personally direct the federal government’s defense in this case, coordinate the departments immediately involved and make available attorneys from the Justice Department as you deem necessary. This should be considered a matter of highest priority.

Ehrlichtman pointed out that defendants included Secretary Volpe, Secretary of the Interior Walter J. Hickel, and District officials:

This unfortunate action runs counter to the substantial progress which has been made within past months toward achieving a balanced transportation system for the District of Columbia.

As the President indicated in his April 28 message to Congress, he believes that the National Capital needs and deserves a truly metropolitan transportation system that will unify the central city with the surrounding suburbs including both mass transport and adequate highway networks.

It is anticipated that funds will soon be available for a rapid rail and highway construction planned for the District [sic]. Congress has clearly and explicitly recognized that the Three Sisters Bridge is a vital segment of the District's planned highway network. Congress has indicated that the transportation needs of the District will be best served if construction of these projects proceeds concurrently.

The *Star* pointed out that this memorandum "went further" than the President's mid-August promise to Chairman Natcher to provide assistance in helping the District defend itself against such suits. [Horner, Garnett D., "Nixon Presses 3 Sisters Span," *The Evening Star*, October 10, 1969]

**D.C. Freeway Revolt and the Coming of Metro**  
**Part 7**  
**Getting Construction Underway**

**Table of Contents**

The Future of NCPC .....	2
Before Construction Can Begin .....	3
Fighting On .....	8
Freeway Consideration (or Not).....	11
Metro Advances in Congress .....	15
Considering the Freeways .....	24
Launching Metro.....	25
A Departure and an Arrival.....	28
The District’s Appropriation Act, 1970 .....	32
Pondering the Bad Options .....	33
The Three Sisters Bridge Battle .....	35
Before the Hearings .....	38
The City Council’s Public Hearings .....	40
Secretary Volpe’s Decision.....	53
The Washington Plan.....	59
On Appeal .....	68
Reaction to the Decision on Appeal.....	75
Superhighway-Superhoax .....	76
Threatening Metro.....	81
Appropriations Action, 1971 .....	88
Volpe Before the Subcommittee on Roads.....	94
On Trial.....	96
The Road To Somewhere.....	103
The Federal-Aid Highway Act of 1970.....	106
Congressional Action on the 1970 Act .....	112
While Waiting for the 1970 Act.....	113
Broyhill and the 1970 Revenue Act.....	118
Not Quite Finishing The 1970 Act.....	124
Trying to Advance Metro.....	126
Election Transitions .....	127
The 1970 Lame Duck Session .....	130
Design Hearing on the Three Sisters Bridge.....	138
Approving the Federal-Aid Highway Act of 1970.....	142
Metro Wraps Up 1970 .....	146
The Metro Revolt Begins.....	156

## Part 7 Getting Construction Underway

### The Future of NCPC

On October 9, the *Post* and *Star* began following reports about NCPC's future. Discussions about ending NCPC and turning its authority over to city and Federal agencies had begun during the Johnson Administration. However, the idea had been dropped reportedly because of opposition by President Johnson's friend, Chairman Rowe.

Now, the newspapers reported that Chairman Hammer and Executive Director Charles H. Conrad had been meeting with presidential assistant Moynihan on the commission's future. Hammer, the *Post* reported, had been working toward eliminating NCPC, but he would not disclose details of the talks with Moynihan other than to say "some recommendations will come forth." The possible dissolution of NCPC was foreshadowed in the city's request for \$100,000 in its FY 1970 budget to open a planning office. [Downie, Leonard, Jr., "NCPC Asks White House For City Plans Agency," *The Washington Post and Times Herald*, October 9, 1969]

That same day, Chairman Hammer and James Gibson, chairman of NCPC's urban renewal and housing committee, resigned from NCPC in an exchange of letters to further reorganization plans. Hammer, who indicated that the two resigned at the same time to make clear that they strongly supported reorganization, said in his letter of resignation that he had been working with the White House "to produce a sound reorganization plan":

This reorganization process is clearly established and, indeed, it is because of this fact that I can with good conscience now step down, knowing that one of our major objectives [is] on its way to being realized.

Gibson said the reorganization plans were "gratifying to me." They emphasized "the growth of sincere efforts to identify citizen views and to incorporate them into official policies and programs."

President Nixon's letter accepting the resignations indicated that local planning was rightly the responsibility of the District government:

In the District, I have advocated a policy of improving the effectiveness of local government, in preparation for the day when the District will enjoy full self government.

A White House spokesman said the reorganization plan, still in the works, probably would involve an executive reorganization plan that would be submitted to Congress for 60 days of scrutiny. Unless Congress vetoed it, the plan would go into effect at the end of the 60-day period. A White House official emphasized that President Nixon was "really interested and committed" to the reorganization and, unlike President Johnson, was unlikely to change his mind.

NCPC Vice Chairman G. Franklin Edwards, the Howard University sociologist, became acting chairman following Hammer's departure. [Wright, Christopher, "Two Planners Resign From

Capital Unit,” *The Evening Star*, October 9, 1969; Eisen, Jack, “2 Key Members Quit NCPC, Praise Reorganization Plan,” *The Washington Post and Times Herald*, October 10, 1969; Eisen, Jack, “Resignations Freeze City’s Planning Setup,” News Analysis, *The Washington Post and Times Herald*, October 11, 1969]

### **Before Construction Can Begin**

On October 10, as Head Construction Company prepared to begin work, students from Georgetown, George Washington, and American Universities paddled two canoes and two rowboats to the Three Sisters Islands. Calling themselves the Student Committee on the Transportation Crisis, they unfurled a STOP THE BRIDGE sign and announced their intention to spend the night on the islands. [“Assault on Three Sisters,” *The Washington Post and Times Herald*, October 11, 1969]

The next day, they had been joined by about 100 protesters of all ages. Bart Hogan, a psychiatrist from the District who had paddled a canoe to the islands with his wife and small children, explained:

Some of the younger people see it as just destruction of black homes. We see it as part of a bigger problem which no one can win. It’s unfortunate that it’s becoming a black-white issue. The bridge is going to destroy the things which make Washington a liveable place.

A 21-year old photography student at the Corcoran School of Art, John Thornton, said, “I see the bridge as a key link in a freeway system which isn’t a practical or viable way to alleviate the District’s traffic problem.” He added, “I’m in favor of occupying the islands until we get busted.” One of the organizers of the protest, 23-year graduate student Matt Andrew, agreed that they should continue to occupy the site “indefinitely.” [Colen, B. D., “Nearly 100 Bridge Foes ‘Occupy’ Three Sisters Islands,” *The Washington Post and Times Herald*, October 13, 1969]

On October 13, protesters managed to halt the start of construction – briefly. For 2 hours, they prevented workers from loading a crane onto a barge. Protesters also tried to stop installation of drainpipes – each 20 feet long and 6 feet in diameter – in a storm sewer outlet by rushing into the pipes. A supervisor ordered a crane operator to hook one end of the pipe and lift it to shake the protesters out. The operator refused. By 9:15 a.m., NPS police had arrived and, with threats of arrest, convinced the protesters to retreat. All the intended work was then completed. [Weil, Martin, “Bridge Work Starts,” *The Washington Post and Times Herald*, October 14, 1969]

Excavation off the Virginia shore began the next day despite a 2-hour attempt by protesters to halt work. They were joined by Georgetown residents who helped to occupy a construction company tug and stand in front of the crane. [“Protest Delays Bridge Work,” *The Washington Post and Times Herald*, October 15, 1969]

On October 15, hundreds of protesters – “college age men and women, some with children, many from the Georgetown area and many from Georgetown University,” according to the *Star*— appeared at the site from different directions. About 150 of them blocked the access road to the site, shouting “Stop the bridge, free D.C.”

When police threatened to arrest them if they did not disperse, they ran onto the construction site, sat down, and locked arms while chanting “Power to the people.” The police began arresting protesters, while word of the action prompted George Washington University students to march along Canal Road to the site even as police raced to cut them off. By the end, 141 protesters, mostly students but including ECTC’s Sammie Abbott, had been arrested on disorderly conduct charges. [Brandon, Ivan C., “141 Protesters Arrested at Three Sisters Site,” *The Washington Post*, October 16, 1969; Gay, Lance, “Scores Seized In 3 Sisters Bridge Delay,” *The Evening Star*, October 15, 1969]

The *Star* dismissed the “demonstrating college students” as acting out of “a youthful yearning to confront the police once again in the name of high moral principle.” However, when “the basis of protest is as barren as it was in this case,” the editors explained, “the performance forfeits any claim to merit.” The most misleading claim, as stated by a spokesman, was that “We don’t want our homes bulldozed down to make way for 10 lanes of concrete.” Setting the record straight, the editors said the bridge and its interchange “would affect *no housing* whatever” in the District and that the Potomac River Freeway would take “a grand-total maximum of *three homes*, all three, incidentally, in the high-cost category.”

The protesters and anyone else interested in the welfare of the city should also consider that construction of the bridge had persuaded Congress to release funds for the start of construction of the Metro rail system. “The actual subway construction, however, has not yet begun, and it would be a massive disservice to jeopardize that event for a frivolous purpose.” [“Freeway Fever,” *The Evening Star*, October 17, 1969]

Dozens of police officers arrived on Thursday, October 16, to protect the construction site from the protesters who had promised to show up. However, when they failed to arrive, the police dispersed at mid-morning and work on the bridge piers continued. During the afternoon, several protesters arrived with signs, but did not interfere with the work. They left after 30 minutes. [“Police Mass, But Span Foes Fail to Appear,” *The Evening Star*, October 16, 1969; “Sign-Carriers Visit Bridge Site,” *The Evening Star*, October 17, 1969]

On October 17, Judge Sirica again denied a temporary injunction to halt construction of the bridge as requested by the D.C. Federation of Civic Associations. Owens had again argued that the city had not complied with the 1893 District law involving public hearings and the width of highways. The District responded that the “notwithstanding” clause in Section 23 of the Federal-Aid Highway Act of 1968 had waived the 1893 law. Owen indicated that the federation would appeal Judge Sirica’s decision to the U.S. Court of Appeals. [“Judge Denies Bid to Block Bridge Work,” *The Evening Star*, October 17, 1969]

On Sunday, October 19, a crowd appeared at the construction site for a protest rally. Students were in the minority in the mixed crowd of white and black, young and old. The *Post* described one element of the protest:

[The] crowd of blacks and whites stood in the sun on the Washington bank of the Potomac and listened to Sammie Abbott of the Emergency Committee on the Transportation Crisis tell them “the people of the District are fighting not only the

highway department, the Congress of the U.S., but the media – particularly the Star and the Post – which are not only the handmaidens but the prostitutes.”

“I for one am prepared to die” in the fight, the publicity director of the ECTC told the crowd.

Abbott seemed to warm to the crowd as the crowd warmed to him. A physically small man, he seemed to grow as he almost yelled. “Before another inch of these damn freeways gets laid down in the District there’s gonna be flames, there’s gonna be fighting, there’s gonna be rebellion! And I for one . . . .”

He was drowned out by cheers and clapping and raised his fist in salute to the crowd.

Protesters carried signs with statements such as “Ban the Span,” “Let’s Stop Playing Bridge with Natcher,” and “Today the Three Sisters, Tomorrow the Four Horsemen.”

Dr. Michael Halberstam of the Foxhall Village Citizens Association told the crowd, “This protest isn’t the work of a little group of students. They’ve done good work, but Mr. Abbott has done good work, and our lawyers have done good work,” as have other adults. (Foxhall Village is an affluent community adjacent to Glover-Archbold Park and George Washington University.) [Colen, B. D., “Bridge Foes Protest, Plan March Today,” *The Washington Post and Times Herald*, October 20, 1969]

The next day, October 20, the protest began with a meeting on the Georgetown University campus at 2 p.m. One of the leaders, William Treanor, explained, “We’re not going to protest construction of the bridge; we’re going to stop its construction.” The plan was to surround each piece of equipment while assuring workmen that they would not be harmed. As they marched toward the site they were joined by residents of Foxhall Village and other neighborhoods. They chanted “Smash the Bridge” and “Free D.C.” as they marched to the site.

At the site, police blocked the canal towpath in a solid line. Anyone trying to cross the line, the police warned, would be arrested. When protesters tried to outflank the line, the police rushed them, nightsticks swinging. They tackled and grabbed the protesters, who were yelling obscenities and throwing stones at the officers. When the protesters regrouped, the police again warned them to disperse. When they did not immediately leave, the police charged again, tackling and arresting four demonstrators as the rest ran back up the towpath. They returned to the campus at Georgetown University, with some throwing rocks at the police, prompting several more arrests.

In all, the police arrested nine protesters, including Treanor, who had continued shouting slogans into a bullhorn “until he was tackled and smothered into silence,” as the *Post* put it.

Dr. Halberstam told reporters that the protesters had planned a peaceful protest without arrests or violence. “Until,” he added, “the police gave them an issue by bloodying their heads.” He did not support rock throwing, but was more upset with the police “who are supposed to be professionals and trained in this sort of thing.”

Reporters observed Richard Blumenthal of Moynihan's White House staff, at the scene observing the protesters. He declined to comment. He would later tell reporters that he visited the site only because of professional curiosity. [Valentine, Paul W., "Police Club Protesters at 3 Sisters Bridge Site," *The Washington Post and Times Herald*, October 21, 1969; Slight, William, "Nine Arrested In Clashes at Bridge Site," *The Evening Star*, October 21, 1969; "Nov. 16 Protest March On 3 Sisters Span Set," The Metro Scene, *The Evening Star*, October 24, 1969]

The construction site was quiet the next day, October 22, but ECTC protesters were present to hand out anti-freeway brochures. They promised to be there every work morning. ["Demonstrators Fail to Show at Bridge Work Site," *The Evening Star*, October 22, 1969]

The *Post*, in an editorial, said the student demonstrations initially "looked like good clean fun," with students "able to demonstrate their opposition to the city freeway system under agreeable conditions and in pleasant weather." However, the demonstrations had "taken an ugly turn toward the rough-and-tumble confrontations between the students and the Metropolitan Police which, if they continue, cannot add much glory to either side":

Naturally, the city cannot permit the demonstrators to attain their goal by stopping construction which was ordered under way by congressional action.

The "predominantly white demonstrators" had aligned themselves with inner-city blacks "who, they claim, will be displaced by the thousands if the bridge and its cross-town connections are built." The bridge, in their view, was "an illegal link" to their real target which "seems to be the north leg of the so-called inner loop which was routed originally on an alignment with Florida Avenue and U Street NW and the inner city." They were not deterred by the city's shift of the link to a K Street tunnel.

Judge Sirica's ruling denying a temporary injunction was subject to appeal. The students had "a perfect right" to raise their concerns, but they should understand that their concerns "cannot be resolved by a test of strength along the shores of the Potomac." They should await the court's verdict and the results of the congressionally ordered study. ["Three Sisters and the Students," *The Washington Post and Times Herald*, October 23, 1969]

That same day, Deputy Mayor Fletcher announced that the city would hire a private consultant to study the route of the North-Central Freeway. This approach would provide an independent voice on the routing. According to Dana Wallace, deputy highway director, the alignment that had generated many protests was unlikely to be selected. The latest maps indicated the link to I-70S would be carried in a tunnel under K Street, NW. It would displace about 175 people, compared with 6,000 to 7,000 people along the earlier alignment.

The study was to be completed in time for decisions to be made before the 18-month deadline of February 23, 1970, imposed by Section 23 of the 1968 Act. If the city did not submit recommendations by that date, it must begin construction on the earlier alignment. [Green, Stephen, "D.C. Acts to meet Freeway Deadline," *The Evening Star*, October 23, 1969]

Amid the protests, court proceedings, and progress on the freeways, WMATA was planning the groundbreaking ceremony for Metro construction. WMATA invited President Nixon to participate and gave the White House two choices – a ceremony in Judiciary Square or Lafayette Park across Pennsylvania Avenue from the White House. The ceremony was scheduled for December 9 at 3 p.m. in Lafayette Square, as the *Post* explained:

Plans call for a speakers' stand directly across from the White House north portico. From the stand, the President or his representative will activate an auger that will begin to excavate a vent shaft near the southeast corner of the park.

WMATA planned to invite members of the Cabinet, Congress, and Supreme Court, and executive branch officials as well as State and local officials and civic leaders from the area.

In making these plans, WMATA was aware that the ceremony was contingent on Congress passing the District appropriation act, 1970, with the matching funds included. Chairman Natcher had not indicated he was having any doubts, but the activities of his Senate counterpart, Chairman Proxmire, were a continuing concern. The WMATA board had written to Chairman Proxmire explaining how his idea of cutting the appropriations threatened a collapse of the financial structure for Metro. ["Nixon Asked to Assist Metro Groundbreaking," *The Washington Post and Times Herald*, October 24, 1969]

Freeway critics were continuing to explore ways to achieve their goals. At an October 25 press conference on the Three Sisters Bridge site, Mrs. Penny Hogan of Foxhall Village, representing a Citizen's Coalition on the Bridge Crisis, announced that she would present a petition to the Board of Elections asking that a referendum question on the bridge and freeways be included on the November 4 school board election ballot. The petition included more than 2,000 names, including Supreme Court Justice William O. Douglas, who lived at 4852 Hutchins Place near Canal Road and Foxhall Village. The anti-freeway forces also announced a protest rally at the Sylvan Theater on the grounds of the Washington Monument. (The rally would be rained out.)

The Board of Elections denied the petition. Under its rules, a political party may request placement of ballot items on issues affecting the party. However, the school board election was nonpartisan, eliminating addition of ballot issues. ["Bridge Opponents Plan New Rally," *The Sunday Star*, October 26, 1969; "Referendum Denied Foes of Sisters Span," *The Evening Star*, October 28, 1969]

Although the Three Sisters Bridge was the main focus of interest, the city's plans for the South Leg of the Inner Loop Freeway were in transition, according to unnamed sources. The new plan under consideration called for two tunnels connected by a roofless trench generally along Independence Avenue, NW. According to Jack Eisen:

One tunnel would be beneath the Lincoln Memorial circle, swinging in an arc around the west and south sides of the memorial itself. The other tunnel would go beneath the northern tip of the Tidal Basin and extend almost to a surface connection with the existing Southwest Freeway

The plan is similar to one advanced by the highway department prior to 1966 when the planning commission called for a full tunnel. The city's official thoroughfare plan, adopted by the City Council last December, calls for a tunnel.

Eisen reported that NCPC was reviewing the city's proposal in closed session, but an opponent of the idea leaked the information to reporters. "The critic expressed concern that the road would 'split' the park." Although NCPC and the District Highway Department refused to confirm or deny the concept, they both "expressed distress at the leak." [Eisen, Jack, "Highway Dept. Revises Memorial Tunnel Plan," *The Washington Post and Times Herald*, October 30, 1969; "New Plan Urged For South Leg," *The Evening Star*, October 30, 1969]

The day that reports of the South Leg Freeway proposal surfaced, Congress completed work on the District of Columbia Revenue Act of 1969. The conference report on reconciling differences between the House and Senate versions of the bill retained the restriction on the Federal payment as Section 803. The appropriated funds (\$105 million, plus \$5 million for new law enforcement programs) would not become available until the President reported to Congress that the city had begun work on each of the projects listed in Section 23(b) of the Federal-Aid Highway Act of 1968 or, if not, had been unable to do so because of a court injunction issued in response to a petition filed by a person other a city official, agency, department, or instrumentality of the United States.

The Senate and House approved the conference report on October 30 without a recorded vote and without discussion of Section 803. President Nixon approved the legislation on October 31, 1969 (P.L. 91-106). [District of Columbia Revenue Act of 1969-Conference Report, *Congressional Record-Senate*, October 30, 1969, pages 32413-32414; Conference Report on H.R., 12982, *Congressional Record-House*, October 30, 1969, pages 32415-32420]

### **Fighting On**

On October 31, a three-judge panel of the U.S. Court of Appeals denied a preliminary injunction to stop construction of the Three Sisters Bridge. The court found that the city had committed more than \$1.1 million to a construction contract but that no additional contracts were to be awarded before Judge Sirica decided the court case within 60 days. The city might "incur substantial financial penalties in the event that an injunction is now granted." Chief Judge David L. Bazelon and Judges Carl McGowan and Spottswood W. Robinson III did not comment on the merits of the arguments related to the "notwithstanding" clause in Section 23 of the 1968 Act.

Plaintiffs were entitled to a full hearing in District Court, but in the meantime, the city should avoid "further contractual commitments" for the bridge. [Lippman, Thomas W., "Court Refuses to Halt Bridge," *The Washington Post and Times Herald*, November 1, 1969; "Appeal to Bar Bridge Fails in U.S. Court," *The Evening Star*, November 1, 1969]

Bridge opponents were disappointed, but they planned to continue fighting the project. On November 1, for example, 10 Halloween witches appeared on Capitol Hill to put a hex on Chairman Natcher and a "spell of doom" on the Three Sisters Bridge. "Dressed in flowing black

robes and black-and-orange hats, all young women,” according to the *Star*, they displayed a wooden model of the bridge. They chanted “A hex on Natcher, a hex on Natcher,” puzzling passersby who asked reporters what “Natcher” was:

The witches said they are members of the Women’s International Terrorist Conspiracy from Hell (WITCH), an off-shoot of the Women’s Liberation movement.

Assembling in a semicircle on the steps of the Capitol, the witches jumped up and down, waved their arms and proceeded to leap on the wooden bridge model, crushing it.

After the Capitol ceremony, they left to go to a department store where, they said, they would protest “exploitation of the consumer.”

They did not say how they planned to travel, but reporters saw no sign of any broomsticks. [Green, Stephen, “10 Witches Cast Spell on Capitol Hill,” *The Evening Star*, November 1, 1969]

At 5:15 a.m. on November 2, a blaze was spotted on the bridge construction site. Fire fighters found two mobile trailer units on fire from a barrage of Molotov cocktails. The arsonist or arsonists broke a lock on a gate in a chain fence surrounding the trailers. Untouched were four 400-gallon tanks of propane gas adjacent to the most heavily damaged trailer, a 500-gallon tank of gasoline 10 feet from the other trailer, and three 50-gallon oil drums.

The construction supervisor for Head Construction Company, Mendal Wilson, said the fire destroyed two outboard motors, four air conditioners, a large radio console, a refrigerator, blueprints, records, tools such as ax handles and hammers, and 12 cans of beer. Wilson did not expect the fires to delay construction, most of which involved heavy equipment. [“Arson Probed in Bridge Site Blaze,” *The Evening Star*, November 3, 1969]

Having been denied a place on the school board ballot, a group called D.C. Citizens Referendum Committee announced it would place their own ballot boxes in front of all city polling places on November 4. In the informal balloting, citizens would be asked to vote “yes” or “no” on:

Do you favor the construction of the Three Sisters Bridge and its connecting freeway system?

Dr. Halberstam, speaking for the committee, said, “We think the people are against the bridge. We will work to make Congress see the error it has perpetrated” by ordering the city to build the bridge.

He and other speakers at the press conference disowned the firebombing of the trailers on the project site. Some said, however, that they understood the desperation the arsonists must feel. [Weil, Martin, “3 Sisters Foes Plan Poll Today,” *The Washington Post and Times Herald*, November 4, 1969]

The committee managed to place ballot boxes outside about three-quarters of polling places throughout the city except the predominantly African-American wards 7 and 8 east of the

Anacostia River. Most people who voted in the school board election took time to vote outside the polling place on the freeway question. Overall, voters disapproved the freeway system, 9,850 to 1,819, with opposition overwhelming in the Georgetown area. One voter described in the *Post* as an “elderly Georgetown woman,” said, “Good Lord, yes, I want to vote against it.” [Valentine, Paul W., “D.C. Voters Oppose Bridge in Poll,” *The Washington Post*, November 5, 1969; “84 Pct. Polled in District oppose Three Sisters Span,” *The Evening Star*, November 5, 1969]

NCPC intended to consider the new plan for the South Leg Freeway in public on November 6, but the plan was removed from the agenda the day before. District officials requested removal of the item after news of the plan had been leaked to reporters the week before. Now, the city planned only to describe the plan to NCPC, not seek approval.

A spokesman for FHWA said the agency had provided an announcement about the South Leg Freeway for the White House to release the previous week, but it had not been released. It stated that the Department of Transportation and NPS had agreed on the plan. The depressed roadway would not “impair the beauty” of the monument area and would “permit development of the area in line with long-range plans of the park service.”

NPS Director Hartzog described the plan as a “compromise . . . we gave up a few things and gained a few things.” He would not elaborate on that statement when questioned by reporters. As for NPS officials who opposed the plan, he said, “I don’t count hands when I make a decision.” [“Planners Delay Action On South leg Freeway,” *The Evening Star*, November 5, 1969]

On November 6, Leonard DeGast, the highway department’s planning and programing chief, outlined the new plan for NCPC. Robert J. Lewis described the plan in the *Star*:

The District official disclosed that the substitute plan called for two 1,300-foot tunnels, one beneath the Lincoln Memorial and the other under the north projection of the Tidal basin.

Another tunnel section would carry the expressway 2,300 feet roughly along the right-of-way of the present Independence Avenue, from 23<sup>rd</sup> Street to 17<sup>th</sup> Street.

The main reason for the change, DeGast said, was cost. The new proposal would cost \$55 million, compared with \$95 million to \$100 million for the earlier all-tunnel plan. DeGast and Colonel Starobin, who was Mayor Washington’s representative on NCPC, said FHWA, which was providing the funds, preferred the revised version.

As Jack Eisen put it, NCPC members “voiced outrage” after DeGast’s presentation. Former NPS Director Wirth was especially upset. He said, “If you go ahead with this, you will isolate the Tidal Basin and the cherry blossoms and you will commit a national disgrace.” As for the cost comparison, he told DeGast:

I'd like to see the cost figure on the original tunnel under the Tidal Basin. I think you are putting in figures that will make an impression, but I don't think you are giving a proper value to the damage you will do to this monumental area.

Acting Chairman Edward said, "I am deeply concerned that the matter has come back to us" after NCPC had insisted in 1966 on the all-tunnel route. Paul Thiry said, "This is a disgrace . . . it is a national disgrace." [Lewis, Robert J., "Plan for South Leg Draws Bitter Fire," *The Evening Star*, November 7, 1969]

### **Freeway Consideration (or Not)**

While appearing before NCPC, DeGast discussed the path of the North Leg Freeway that would be one of the outlets for the Three Sisters Bridge. "Not content with only one surprise," as the *Star* put it, DeGast told NCPC that a study of the North Leg Freeway would give positive consideration to a route for the expressway along U Street and Florida Avenue, NW:

Freeway foes have long contended that this path, which would lead to the displacement of many households, has been under serious consideration by the highway department, even though department and other city officials denied it.

Mayor Washington, after learning about DeGast's comments, declared the U Street freeway plan dead. The route, Mayor Washington said, would be cited in the study only to meet "the technical requirements of the 1968 highway act," based on the reference in the conference report to the U Street corridor indirectly as the originally adopted route:

We . . . reaffirm in the strongest terms possible . . . that such a route is unacceptable to the city. It has been studied and rejected by the City Council, and National Capital Planning Commission and the Mayor. A principal reason for the rejection . . . was the relatively high displacement of family dwelling units.

The study would consider alternative routes, with public hearings being held before a final decision. [Green, Stephen, "Freeway Opponents Fet An Unexpected Assist," Interpretation, *The Sunday Star*, November 9, 1969; Eisen, Jack, "Mayor Axes U Street Freeway Plan," *The Washington Post and Times Herald*, November 9, 1969]

On November 10, ECTC's Booker took credit for demise of the U Street freeway corridor at a sidewalk press conference outside the Pride office at 16<sup>th</sup> and U Streets. ECTC, he said, would continue to oppose the Three Sisters Bridge and any other routing for the North Leg Freeway, including a tunnel under K Street. Further, ECTC was broadening its scope to include urban renewal and the suburban-oriented Metro lines. They would "investigate the whole urban renewal business in this town," which he suggested consisted of "efforts of white businessmen to get back into the black community." ["Defeat of Freeway Claimed by Group," *The Washington Post and Times Herald*, November 11, 1969; "Front Urges D.C. Riders To Withhold Bus Fares," *The Evening Star*, November 11, 1969]

In Baltimore, the Urban Design Concept Team was considering alternatives for routing the six-lane East-West Expressway through historic Fells Point, established in the 1760s along the north

shore of Baltimore Harbor and the northwest branch of the Patapsco River. Two alternatives involved an elevated six-lane expressway, one 30 feet high and the other about 70 feet highway. Another alternative involved a “bifurcated” road that would include three lanes below ground, and three elevated. The final alternative was a six-lane underground expressway. Opposition to any alternative remained strong as *The Baltimore Sun* reported in article about the Fells Point Fun Fest:

All during the afternoon, a borrowed loudspeaker system broadcast “SOS” messages from “Radio Free Fells Point.

Taking turns at the microphone, volunteers from the Southeast Council Against the Road drummed home their message to city dwellers and suburbanites. The East-West expressway is scheduled to come straight through Fells Point, Highlandtown and Canton.

The expressway would take “230 homes, 900 jobs and thousands of people,” the volunteers cried. “We are being politically courted and legally extorted. Sign the petitions to stop the road” . . . .

One volunteer, Miss Barbara Mikulski, ventured the opinion that “the British couldn’t take Fells Point, the termites couldn’t take Fells Point and we don’t think the State Roads Commission can take Fells Point either.” [Keidel, Janelee, “Expressway Proposals Outlined,” *The Baltimore Sun*, October 26, 1969; Keidel, Janelee, “Thousands Throng To Fells Point Fun Fest,” *The Baltimore Sun*, October 6, 1969]

Wolf Von Eckardt, the *Post*’s architecture critic, wrote that the Baltimore concept team “seems to have found a way out of much the same freeway dilemma that Washington is in.” District highway officials, however, rejected that option. DeGast said, “The Baltimore team hasn’t worked out,” even though FHWA had recently extended the team’s contract for 15 months and \$3.4 million Von Eckardt explained:

The idea of the design concept team is to use the freeway as a means to redevelop rather than maim the neighborhoods it runs through and to do so by employing an interdisciplinary team of architects, sociologists, economists and other urban specialists – in addition highway engineers – to plan and design it.

The idea was initially opposed in Baltimore, but now was helping break “a bitter, 20-year deadlock”:

Here and in Baltimore many freeway opponents call the concept team idea just so much baloney. It is true it hasn’t stopped the freeway in Baltimore.

But it has made the original Baltimore highway proposal a lot more sensible, acceptable and compatible with the social and physical fabric of the study.

Reaction to the concept in Washington was mixed. As noted, the District Highway Department was opposed:

Mayor Walter Washington reportedly believes such a team should be set up for the new study of the North-Central Freeway in Washington which Congress has ordered.

The team may, for instance, find ways to make Brookland a more viable community, strongly linked to Catholic University, rather than have the freeway slice it apart.

City Council Chairman Gilbert Hahn is said to feel however that the North-Central Freeway study should be conducted by the D.C. Highway Department without outside consultants.

Joseph M. Axelrod, Chief Highway Engineer in Baltimore, recognized that critics had the right to fight the freeways:

“But what if you lose?” he asks his opponents. “Why don’t you hedge your bet by helping us do a better job for your neighborhood?”

It is too early to tell how the freeway opponents will respond to this appeal to “realpolitik.” It would obviously be better if all cities had not freeway design teams, paid by that one special interest, but transportation design teams that truly balance all modes of transportation – rapid transit, moving sidewalks, mini-buses and whatnot – in the interest of the city as a whole and under the direction of the mayor . . . .

Some day we will surely take a rational, systematic approach to our urban environment. But the way things are, a good many more miles of concrete will be forced through our cities.

We might as well try to design them intelligently as they begin to do in Baltimore where the highway engineers have now learned to welcome the help of other experts. This city should insist that ours do the same. [Von Eckardt, Wolf, “Baltimore’s Freeway Team,” Critique,” *The Washington Post and Times Herald*, November 8, 1969]

Von Eckardt was back the following day to discuss the first National Register of Historic Places, released by NPS under the National Historic Preservation Act of 1969. It listed 1,100 historic places in the United States that were “not to be destroyed, altered, or maimed by a federal government project,” Von Eckardt explained. The places included 44 historic monuments, buildings, and other places in the District of Columbia. The Lincoln Memorial, the Chesapeake and Ohio Canal, Glover-Archbold Park, and the Georgetown Historic District were on the list:

Just as the National Register of Historic Places 1969 . . . was published, it became known that the D.C. Highway Department finds it too expensive to tunnel its six-lane South Leg of the Inner Loop Freeway under the Lincoln Memorial and Tidal Basin. Part of it is now to be an open trench.

The Tidal Basin was not on the National Register but “ought to be”:

The law says the Register buildings and places are to be protected not only from destruction and alteration but also from “isolation from or alteration of its surrounding

environment, or introduction of visual, audible, or atmospheric elements that are out of character with the property and its setting.”

I should think the highway boys will have to find pretty smart lawyers to convince the Advisory Council on Historic Preservation, which is charged with protecting the registered landmarks, that a freeway trench and tunnel within a few feet of the Memorial doesn't isolate, alter or visually, audibly and atmospherically mess up its environment.

The Council has already successfully kept a freeway from thus maiming the historic Vieux Carre in New Orleans. But in voteless Washington, the highway men in Congress can always defy the Council and sneak in an amendment to get their way, as they did in the case of the Three Sisters Bridge. [Von Eckardt, Wolf, “Historic Omissions From the List of Landmarks,” *The Washington Post and Times Herald*, November 9, 1969]

Von Eckardt was especially worried about recent actions by Secretary Volpe around the country. “The 10-month-long seesaw battle for the heart and mind of Transportation Secretary John A. Volpe seems lost.” In the next few days, he was to announce approval of the North Expressway (U.S. 281), in San Antonio that “would pave some 150 acres of Brackenridge and Olmos Park, the Alamo Stadium, Incarnate Word College, a zoo, the famous Sunken Garden area, hiking trails and other recreation areas.” This was the plan that had prompted Senator Yarborough to introduce Section 4(f) of the Department of Transportation Act of 1966. Moreover, “Just a few days ago Volpe decided to sacrifice Overton Park in Memphis, Tenn.” These actions were “a clear victory for the militant highway builders, led within the Department of Transportation by the uncompromising Frank Turner, the federal highway administrator.”

The problem was that “Volpe is said to be overly susceptible to political pressures”:

Just where Volpe stands on the Washington freeway fight is unknown. While [Secretary] Boyd sided more or less openly with the freeway opponents and the March 1966 report by Arthur D. Little, Inc., the renowned systems analysts, who found Washington's proposed freeway system “inconsistent and incompatible with urban transportation needs,” Volpe has kept his own counsel in his negotiations with Congressman William H. Natcher (D-Ky.) who insists on building the system.

Approval of the San Antonio freeway raised concerns about District parks and historic places. “Now that it is to be routed across the Three Sisters Bridge, Virginia Route 66 [sic] traffic is pointed directly at Glover Archbold Park and the area north of it up to the Beltway.” The District Highway Department had published a plan showing the traffic turning sharply east along the Georgetown Waterfront:

This obviously makes little sense. And people who have watched freeway politics over the last few years predict with some certainty that as soon as the bridge is built, the highway militants will start pressuring for a Glover Archbold route . . . . The loss of Brackenridge Park and Volpe's disregard for Section 4 (f) can only encourage them.

The attorneys fighting in the U.S. Court of Appeals to block the bridge “are optimistic.” They think the “notwithstanding” clause in Section 23 of the 1968 Act “seems too murky a clause to survive judicial scrutiny.” [Von Eckardt, Wolf, “Paving Our Parks,” Point of View, *The Washington Post and Times Herald*, November 15, 1969]

Contrary to Von Eckardt’s understanding, Secretary Volpe announced on December 23 that based on available information, he could not approve construction of the North Expressway through the park. The location would remain under study. He did, however, approve construction of segments of the expressway north and south of the park – the section between Mulberry and Tuxedo Avenues – that would not affect options for bypassing the park.

In a Department of Transportation press release announcing the decision, he said, “The principal focus of the study will be upon an expressway alignment west of Alamo Stadium and along Devine Road”:

I want to make it clear that I have not reached any conclusion. This study is not made to provide additional justification for the present proposal.

It should be a demonstration of what professional engineering could accomplish if in fact the Devine Road configuration were the only location available.

The press release added:

Secretary Volpe said that his decision to approve construction of those portions of the North Expressway lying north of Tuxedo Avenue and south of Mulberry Avenue was based on several factors, including the decision of his predecessor, Alan S. Boyd, that there is no feasible and prudent alternative location for these segments, and that their design included all possible planning to minimize harm to affected parkland; the fact that the Texas Highway Department had already acquired and cleared substantial amounts of necessary right-of-way prior to passage of the Department of Transportation Act; and the severe displacement and hardship which a major realignment would cause.

“San Antonio has waited for the North Expressway too long,” Secretary Volpe said. “I feel that construction should begin without needless additional delay on the approved portions, while we obtain detailed information on a proper design for the segment of the Expressway between Mulberry and Tuxedo Avenues.

“While we are attempting to expedite this project,” the Secretary said, “we are determined to preserve the amenities of San Antonio’s valuable parkland.”

### **Metro Advances in Congress**

Congress was considering the future of Metro. The National Capital Transportation Act of 1969 was the vehicle for approving expansion of the bobtail system to 97.7 miles, and the Federal share of construction costs. However, for construction to begin, as planned, in December, Congress had to appropriate the District’s matching share. Chairman Natcher had agreed to appropriate the funds, but the legislative process had to be completed. In addition, the

Department of Transportation's appropriation for FY 1970 would include appropriations for the Federal two-thirds share of pending Metro costs.

On November 13, the House Committee on Appropriations approved an appropriation of \$43,173,000 in Federal funds for the Department of Transportation's contribution to Metro construction. The subcommittee headed by Chairman Edward P. Boland (D-Ma.), approved the Department of Transportation's request for the funds. The committee's report explains, "The Committee believes that the need for a rapid rail transit system for the National Capital area has been well established and that because of continuing cost escalation, any further delay would jeopardize the construction of the system." The report added that this amount was to pay two-thirds of total cost, with the District responsible for the balance. [Department of Transportation and Related Agencies Appropriation Bill, 1970, Committee on Appropriations, U.S. House of Representatives, 91<sup>st</sup> Congress, 1<sup>st</sup> Session, Report No. 91-642, November 13, 1969, page 31]

The House Committee on the District of Columbia approved the National Capital Transportation Act of 1969 on November 20 to authorize the Federal contribution of \$1,147,044,000 (including the \$100 million previously authorized for the bobtail system) for the 97.7-mile, 86-station Metro system. The bill, sponsored by subcommittee Chairman Fuqua, also called for a study, at a cost not to exceed \$150,000, of extending the system to Dulles International Airport.

The committee's report stressed the urgency of the situation:

The streets and highways of the Nation's Capital and its suburbs are beset by massive traffic congestion during the rush hours . . . . Traffic congestion is extremely serious today. It will become appalling in the years ahead, unless we move forward promptly with the development of an areawide system of exclusive right-of-way, high-speed, high-capacity rapid rail transit, to supplement the already stupendous interstate highway systems channeling traffic to and through the area.

In addition to authorizing the Federal share, the bill authorized the Commissioner (mayor) of the District of Columbia to contract with WMATA for the District's one-third share of construction costs.

WMATA had informed the committee that construction would begin within 75 days after receipt of the construction funds. The schedule called for completing the entire 97.7-mile system by the end of 1979.

The report concluded:

The unique and major Federal interest in Washington and the National Capital region, as well as the Federal Government's direct responsibility for assuring efficiency in the conduct of its own business and in preserving the beauty and improving the quality of the environment of the National Capital, necessitate a Federal capital contribution toward the cost of design and construction of the regional rapid rail transit system, which together with the contributions by the local jurisdictions and the issuance of revenue bonds by the Authority, will assure completion of the regional transit system . . . .

The actions of the Authority and the efforts of the local jurisdictions have furthered the transit program to the point where it is essential that the Congress provide at this time the additional authorizations necessary to assure orderly progress toward completion of the long-awaited rail rapid rail system. Your committee urges that this legislation receive the favorable consideration of the Congress. [National Capital Transportation Act of 1969, Committee on the District of Columbia, U.S. House of Representatives, 91<sup>st</sup> Congress, 1<sup>st</sup> Session, Report No. 91-677, November 20, 1969, pages 3, 6, 13]

Elsewhere on Capitol Hill on November 20, Chairman Natcher's District subcommittee approved the appropriation of \$40,322,000 for the District's one-third share of Metro construction:

Included in this amount is \$18,736,000 requested for fiscal year 1969 which the House did not consider last June due to the impasse existing on the construction of the Freeway System. With the release of Federal funds held in reserve pending the appropriation of the District's share of fiscal year 1969 funds, the appropriations recommended in this bill and the Department of Transportation Appropriation Bill, the Authority will have a total of \$120,967,000 to embark on actual construction of the subway. [District of Columbia Appropriation Bill, 1970, Committee on Appropriations, U.S. House of Representatives, 91<sup>st</sup> Congress, 1<sup>st</sup> Session, Report No. 91-680, November 20, 1969, page 22]

Jack Eisen wrote that with these two actions by the Committees on the District of Columbia and Appropriations, "the final pieces of an intricate legislative jigsaw puzzle began to fall into place, virtually assuring metropolitan Washington that it will finally have the rapid transit system that has seemed so elusive." Chairman Natcher had "made good on his agreement" with President Nixon and Secretary Volpe to appropriate the matching funds.

WMATA had begun sending out invitations to officials and others for the December 9 ceremony to be held in Lafayette Park with President Nixon throwing an electrical switch to start the digging. [Eisen, Jack, "House D.C. Unit Backs 98-Mile Metro Network," *The Washington Post and Times Herald*, November 21, 1969]

On November 24, the House considered the two critical bills for the future of Metro. First was the National Capital Transportation Act of 1969, introduced by Chairman Fuqua. He described it as "a bill which makes it possible to realize the long-sought objective of a rapid rail transit system for the National Capital area; a bill which will provide to the Nation's Capital – the one major Capital in all the world which lacks such a system – a modern, high-speed, transit facility."

For 20 years, "it can be seen that a long bipartisan congressional-executive effort has steadily moved forward the cause of rapid transit for the National Capital region." He referred to "some 22 separate, significant congressional acts" that had led to this moment. It was "the fruition of the visionary hopes of the Congress, four Presidents, and the citizens of the eight jurisdictions making up this great National Capital area, for the building of a rapid transit system in the Nation's Capital."

The bill was consistent with the bill the Senate had approved on July 8. It approved the 97.7-mile system at a cost of \$2.5 billion. To pay for it, WMATA would issue \$835 million in

revenue bonds. The eight jurisdictions would provide \$573.5 million. The Federal share would be \$1.147 billion making for a 55-45 local-Federal match.

Representative Durwood G. Hall (R-Mo.) asked if Chairman Fuqua thought the estimated cost of \$2.5 billion would hold. The chairman replied that the committee has carefully examined that very question:

In the projections of the cost they determined by the finest engineering expertise in the country what the total cost would be to build this system today. Then they added a 10-percent contingency fee for items they were unaware of which might develop in construction. In addition, they have added a 5 percent compounded annually increased-cost-of-construction escalation. So, with that added to it, then we arrive at the \$2.5 billion total cost figure. So this has been taken into consideration.

Representative Broyhill provided a lengthy statement in support of Metro. Among many supportive statements, he said, "Mr. Speaker, the case for the approval of this proposed legislation is overwhelming." He concluded, "So, let us get going and get the job done."

Representative Gross, the penny-pinching Congressman from Iowa, responded that "we are today, with this bill, embarking on another trip into wonderland." He did not care how many subways were built in the District, Maryland, or Virginia. "All I want the people of this area to do is spend their own money to build them." If the system had "such a wonderful, rosy financial picture," it would pay for itself. "Why come to the Federal taxpayers?"

He was certain the system would cost more than \$2.5 billion. If anyone on the House floor wanted to stake his reputation on that cost estimate, he wished they would do so "now for the record, so that he can live with it in the days to come." Everyone recalled what happened with D.C. Stadium, by now renamed Robert F. Kennedy Memorial Stadium. The House was assured it would not cost the Federal payers a dime, "but it is costing the Federal taxpayers, and it has every day since it was completed and occupied."

Representative Broyhill replied that they did the best they could to come up with an accurate estimate, using the best information available from experts. "We have no way of guaranteeing to the gentleman or anyone else that it will cost less or more than we anticipate."

Representative Harsha, the highway supporter from Ohio, reminded his colleagues that he opposed National Capital Transportation Acts in previous years. He was concerned, back then, about efforts to curtail the highway program to create passengers for rail rapid transit:

But since that time these problems have been resolved, and I am firmly convinced that if we are going to have an integrated and effective transportation system in the District of Columbia . . . then we need this rapid transit system.

He responded to Representative Gross that because of the Federal Government's impact on the local economy, "we have a responsibility as the Federal Government to participate in this program."

Representative Gross did not agree that taxpayers from around the country had an obligation to spend hundreds of millions of dollars for Metro.

Representative Harsha tried again:

If the Government here is bogged down by inadequate transportation facilities or service, then service to the general public over the whole country suffers, and there would be less service to all concerned than if there were adequate transportation. That is part of the problem.

Representative Charles A. Vanik (D-Oh.) shared some of Representative Gross's concern. In general, he supported proposals for better public transportation:

The thing that concerns me about this bill is that the Federal commitment is so large that I am afraid it will destroy any real hope of getting any comparable kind of support for other mass transit needs in the rest of the country. I feel that this could just become a bottomless pit which could usurp incredible Federal revenues to support the system. I must confess to the gentleman, I do not think [it] is going to be a profitable operation. I must tell the gentleman that I cannot see where the revenues are going to carry the anticipated costs of this program. But if it would, it would be contrary to all of the experience we have had with transportation systems through the United States.

I think we have to assume this is going to be a money loser and we will be confronted with a deferral and a difficult experience in the repayment.

The thing that concerns me is that in getting into this very multibillion Federal outlay, we may be getting ourselves into a situation where we might have to continue to pour more work and more bureaucrats into the Washington area in order to support the subway system. I think we ought to try to decentralize the bureaucracy and remove from Washington the activities that can be carried on more efficiently in other areas.

Representative Broyhill assured Representative Vanik that only 20 percent of Federal employees were in the Washington area and that local communities "involved are guaranteeing that these revenue bonds will be paid. The cost to the Federal Government would be \$1.1 billion, not \$2.5 billion, and the Federal share was comparable to the Federal share for Federal-aid transit projects elsewhere.

Representative Harsha also defended Metro. WMATA "has had the best engineers and the best accountants available, and the most experienced people in the transit business estimating the amortization of this obligation and how the revenues can be realized."

Representative Gross asked for confirmation that \$41 million had been spent thus far. Chairman Fuqua confirmed that amount for preliminary studies and engineering work among other things:

Mr. Gross. So \$41 million has already been expended and not a wheel has moved, not a passenger has been transported anywhere, and not a shovelful of dirt has been turned toward an operating transit system or anything else. Is that correct?

Mr. Fuqua. If the gentleman will come up on December 9, we will be happy to let him participate in moving some of the first dirt, but there have been some soundings made, and there has been some dirt moved.

Mr. Gross. I thank the gentleman and good night.

Representative Nelsen told his colleagues that he and former Chairman Whitener, who had been defeated in his 1968 reelection bid, had been the authors of the original subway bill for the District of Columbia:

I am under no illusion that this will be a system that can be cheaply constructed. On the original estimates, I think many of us were well aware of the fact that we probably missed the mark by a great deal – and we apparently did underestimate the cost at that time . . . .

I think we must view everything we do regarding the District of Columbia in a little different light than when we deal with any other problem for any other city. This is our Federal City, our Nation's Capital, and I think when we look around, we will have to admit there are many areas we have overlooked to which somehow or other more attention should have been given. I am proud to see that in many respects some things we have done are working out. I hope this transit system works out as well as some of the other additions to the District government have worked out.

He introduced a lengthy statement in support of the bill. He recommended approval of the bill to any of his colleagues "who wish to provide a balanced transportation system for the Nation's Capital."

Representative Hogan, the new Congressman from Prince George's County, Maryland, spoke about the need for Metro, and responded to one of Representative Harsha's points:

The distinguished gentleman from Ohio commented that the system was not likely to ever show a profit. That may or may not be the case, but we do not require that our freeways show a profit, and the rapid rail transit system is as essential for the movement of people and goods as is our highway system. We need highways that are adequate to the population. We need rapid transit, and we need adequate bus service. No one mode of transportation can solve the problems of transportation in Metropolitan Washington.

Representative Gross introduced an amendment to strike out the provision authorizing a \$150,000 study of the "feasibility, including preliminary engineering, of extending a transit line in the median of the Dulles Airport Road from the vicinity of Virginia Route 7 on the 1-66 Route of the Adopted Regional System to the Dulles International Airport." He said, "this is an attempt to salvage a little something out of this bill if it is passed, and I hope it will not be passed." He thought they should wait until the bobtail system was completed "and see how it operates before sinking hundreds of millions of dollars" into extending the system:

Taxpayers have already been hit with a huge bill to provide for a four-lane highway from Dulles to the beltway. Ever since that highway was completed it has carried almost no

traffic. I do not know why the taxpayers should be called upon to spend another \$150,000 to find out what use is proposed to be made of this highway.

It is already there. It is usable. What else do they want? It is a mystery to me and I will be glad to yield to anyone right now to tell me why a \$150,000 study is needed when there is a superhighway already running from Dulles to at least the beltway.

Representative Broyhill pointed out that the study was about extending Metro to the airport. The airport, he added, was not for Virginia or Maryland. "We built it for the Federal Government."

Representative Gross was not impressed. "I do not know for whom Dulles Airport was built but it is still losing \$7 million a year." He had thought Friendship International Airport near Baltimore could have been expanded for Federal needs at a fraction of the cost of building Dulles International Airport. "Now you have a white elephant that is costing the taxpayers \$7 million a year and no evidence . . . as to when it will break even, much less pay a dime on the \$100 million dollar investment."

Representative Broyhill countered that "many of us in northern Virginia opposed the airport being constructed." Nevertheless, Congress had insisted on the airport. He did not deny it benefited people in northern Virginia, "but you did build it." Representative Gross interjected, "No; I did not."

Chairman Fuqua pointed out that the study had been initiated by the Senate bill. He did not know if extension of the system to the airport would ever be feasible, but it was widely supported among airport-related agencies and interests.

Representative Gross responded, "I do not doubt that every agency that spends money around here, and can put some more people on the payroll, are for this so-called study. There is nothing easier than the spending of other people's money."

Representative Dowdy interrupted the discussion to point out that Representative Gross may have misunderstood the purpose of the study. It had nothing to do with the Dulles access road. It was about extending Metro to the airport.

Representative Gross thought that subject had been studied already under the \$41 million expended thus far. "In other words, do we not have to spend another \$150,000 to tell us what to do with a super highway?"

Representative Dowdy again pointed out the study had nothing to do with the access road. He said, "this has to do with extending this subway another 25 miles in addition to the 97 miles."

Representative Gross, who apparently had misunderstood the provision, said, "This gets worse by the minute. Someone got away with a lot of money in the \$41 million study if that is the case."

Representative Broyhill agreed that the airport was "somewhat of a white elephant." The study was an effort to see if "we can make the airport more successful and more convenient insofar as

getting more people out to the airport, and in the long run maybe we can get back that \$150,000 through making the airport a going proposition.”

Finally, the House rejected Representative Gross’s amendment by a vote of 52 yeas and 256 nays. The House then voted in favor of the bill, 286 to 23. [National Capital Transportation Act of 1969, *Congressional Record-House*, November 24, 1969, pages 35511-35526]

Later in the day, Chairman Natcher introduced the District of Columbia Appropriations Act for FY 1970. He discussed the many aspects of the bill, including the provisions covering the District’s matching funds for Metro. After reciting the history of the impasse, including the assurances he had received from President Nixon, Secretary Volpe, Director Mayo of the Bureau of the Budget, and Director Airis, he said:

All these acts indicate clearly that we are in complete agreement that freeway construction as provided under the Highway Act of 1968 must proceed with rapid rail transit construction.

I will now recommend that the \$18,737,000 deleted from the supplemental appropriations bill together with the \$21,586,000 in the regular appropriations bill for the District of Columbia for fiscal year 1970 be appropriated for rapid rail transit construction. I will further recommend that the Federal share for rapid transit construction appropriated for fiscal year 1969 totaling \$43,772,000 be released.

He made one point very clear:

The Highway Act of 1968 must be complied with and as long as the freeway system proposed in this act continues underway we will, at the proper time, appropriate funds for continuing the construction of this rapid rail transit system. Mr. Chairman, both systems must continue underway, and if this takes place we are definitely of the opinion that this will be in the best interest of the Nation’s Capital.

Representative Davis joined several colleagues, including Chairman Mahon, in complimenting Chairman Natcher for the bill he had introduced:

I can assure my colleagues that no man worked more carefully or more effectively in order to assure a balanced transportation system for the District of Columbia than has the chairman of our subcommittee. Sometimes it has been necessary for him to be very firm, but anyone who is familiar with the legislative process and who is familiar with the approaches that are taken by people in and out of Government on some matters of this kind, will recognize that only through that kind of firmness, and a great deal of patience that went with it, has the goal and expressed desire of the President for a balanced transportation system for this metropolitan area come into being. I think this is a contribution for which history will properly reward the gentleman from Kentucky for his leadership in this area.

Following discussion of other provisions in the bill, the House voted 305 to 9 to approve it. ["District of Columbia Appropriations, 1970," *Congressional Record-House*, November 24, 1969, pages 35527-35529]

Jack Eisen wrote of House approval of the National Capital Transportation Act of 1969:

The action, so unexpectedly emphatic that it surprised even ardent subway backers, expands the 25-mile rail system, mainly within Washington, that was approved by Congress in 1965.

Because of some technical variances from the Senate bill, the Senate would have to concur before the bill went to the President for signature. "This is only a formality since the bill's Senate managers already have agreed to them."

In addition to discussing approval of Chairman Natcher's appropriation act, and the threat posed by Senator Proxmire, Eisen wrote, "Groundbreaking is scheduled for Dec. 9 in Lafayette Park."

[Eisen, Jack, "House Approval Clears Way For Area Rapid Transit Net," *The Washington Post and Times Herald*, November 25, 1969]

In a statement issued by the Department of Transportation, Secretary Volpe said he was "absolutely delighted by the emphatic support" for Metro by the House of Representatives. Coupled with previous Senate action, the House gave "a hearty impetus to a project which is vital to the well-being of the Washington metropolitan area and I am grateful to those who supported the program." Metro, he said, would "pull this city together":

Cities originally evolved to provide opportunities for their citizens. Today, because they lack good public transportation, most of our cities isolate people from jobs, education, entertainment, cultural activities and community affairs. With the start of the Metro system, Washington begins the road back.

A dream of nearly half a century is now to be a reality.

The Senate acted on the bill on December 2. In a floor speech, Senator Tydings explained, "Now that the controversies and delays are past history, it is time to go full speed toward completion of the full 98-mile system at the earliest possible date." To complete action, Majority Leader Mansfield requested Senate concurrence in the bill; the Acting President pro tempore stated "the motion was agreed to" without a discussion or vote, reflecting its noncontroversial nature.

As the *Star* reported, the last obstacle was Senator Proxmire's vow to reduce spending for the system. [National Capital Transportation Act of 1969, *Congressional Record-Senate*, December 2, 1969, pages 36313-36314; Grigg, William, "98-Mile Metro Is Authorized By Congress," *The Evening Star*, December 2, 1969]

## Considering the Freeways

Although Mayor Washington had rejected the U Street/Florida Avenue corridor for the North Leg Freeway, *Post* editors were skeptical. Comparing the route to “a cat with nine lives,” the editors wrote that the “controversial ghetto route” kept “reappearing to cloud public discussion as an alternative to “the officially favored K Street tunnel as a means of bringing freeway traffic across town.” By confirming the study, DeGast had inadvertently confirmed “the charges of anti-freeway forces that more than 2,000 homes in the inner city would be destroyed by completion of the freeway program.”

The editors thought that if District Highway Department officials were left to their own devices, they “would prefer to use the U Street route because it would be more easily engineered and would cost less than K Street.” Mayor Washington had emphatically rejected the route, calling it “unacceptable to the city.” He even ordered that the routing be removed from official highway planning maps.

“Unfortunately,” the editors speculated, “we have not heard the last of the U Street proposal.” The Federal-Aid Highway Act of 1968 had ordered a study of the U Street routing along with the K Street tunnel and “other alternatives.” The editors urged Mayor Washington to “make it clear to the consultants doing the study that they must find a route other than U Street if they hope to get the North Leg built.” [“The North Leg Again,” *The Washington Post and Times Herald*, November 25, 1969]

City officials had still not decided how to comply with the requirement in the 1968 Act for a study of the North-Central Freeway. With 15 months elapsed since the 1968 Act started the clock ticking on an 18-month study, the city was still planning how to meet the deadline of February 23, 1970. Although the city had solicited bids for consultants to conduct the study, the *Post* reported on November 27:

No decision has been made on the form the report will take, although several private consulting firms have proposed to undertake a feasibility study of the route.

But one city official hinted Sunday that the city may decide not to make a feasibility study at all, but merely report on the freeway to Congress.

One consultant proposal under consideration, by Wilbur Smith and Associates and Alan M. Voorhees, “pledged to examine the location of the route, its cost, its effect on the surrounding community, the displacement of homes and its engineering implications.” Both consultants had been involved in previous studies of the North-Central Freeway:

Some city officials favored the study, while others argued for an in-house study:

But as one federal officials said, having an in-house study would be “like having 50 other children tugging at our coattails. The way it’s being approached here is that we’ll have outside technical assistance.”

City officials recognized that anti-freeway forces considered the Smith and Voorhees firms as pro-highway and, therefore, would consider any study they conduct to be suspect.

Mayor Washington and Secretary Volpe would, in the end, decide whether to hire a consultant or conduct an in-house study.

Appearing on WTOP-TV's "Washington News Conference" on Sunday, November 30, Deputy Mayor Fletcher said that with time so short, "We may well have to do an in-house study with our own people and with the Bureau of Public Roads." The city would have to hold public hearings before submitting its report to Congress by the February 23 deadline. The city, he said, also had to report on the North Leg and South Leg segments of the Inner Loop Freeway. [Price, Richard E., "NE Route Feasibility Study May Be Undertaken," *The Washington Post and Times Herald*, November 27, 1968; "3 Controversial Freeways May Be Studied by District," City Life, *The Washington Post and Times Herald*, December 1, 1969]

On December 3, Mayor Washington and Chairman Hahn announced that the District Department of Highways and Traffic would prepare a study of routes, inhouse, for the North-Central Freeway and the South Leg Freeway. The study had to be completed by the February 23 deadline or, under the 1968 Act, the approved corridor for the North-Central Freeway would be mandated for construction. The scope of the study was uncertain, prompting Director Airis to say:

We'll have to get busy immediately; we don't have much time. Anything we do will have to be quick. We simply don't have time to look at it in depth.

The study would necessarily rely on existing reports, although Airis said the department might hire consultants for small segments of the study.

Airis promised that the city would hold public hearings between January 12 and February 23 before submitting its report to Congress. The hearings would ensure "local participation" in the study while the city provides the "technical end."

At the same time, Mayor Washington and Chairman Hahn announced that they would ask Congress for an 18-month deadline of the time for a study of the North Leg of the Inner Loop. They needed the time because there had been "no thorough studies and no public hearings" on the route. [Green, Stephen, "Delay Asked on North Leg Planning," *The Evening Star*, December 5, 1969; Prince, Richard E., "Deadline Is Pushed On Freeway Study," *The Washington Post and Times Herald*, December 5, 1969]

## **Launching Metro**

On December 2, WMATA announced that the groundbreaking ceremony for the start of Metro construction had been moved from Lafayette Square to Judiciary Square at the request of the Nixon Administration. Neither the White House nor WMATA explained the move, but the *Post* speculated that the security of the White House, across Pennsylvania Avenue from the park, may have been a factor. The capacity of the park may have been another factor. WMATA expected a crowd of about 2,000 people; U.S. District Court Judge George L. Hart, Jr., had limited the park to 500 people in advance of antiwar demonstrations in November.

Whatever the reason, the ceremony would be held in Judiciary Square at 2:30 p.m. Officials did not know if President Nixon would attend, but were hopeful he would. If so, his role would be different. Instead of throwing a switch to start an auger, as was planned at Lafayette Park, he would participate in the more traditional turning of shovelfuls of earth. [“Metro Ceremony Shifted to New Plot,” *The Washington Post and Times Herald*, December 3, 1969]

The day of the announcement, WMATA opened the first construction bids for the G Street section of the subway. An Ohio construction contractor submitted a low bid of \$12.3 million, which was 19 percent above the engineers’ estimate. The bid came from the joint venture of American Structures, Inc., and the Mining Equipment Manufacturing Corporation, both of Youngstown, Ohio. A New York firm submitted the high bid of \$17.4 million.

WMATA’s chief engineer, Roy T. Dodge, said he was “disappointed” by the low bid. All the bids would be studied to ensure the contract was awarded not only to the lowest bidder but the most responsive bidder. The fact that the bids came in higher than expected raised an initial concern that the estimated cost of Metro, on which the financial plan was based, might have to be increased. Dodge said, “We’ll have a better idea after our first year of awarding contracts.” [Eisen, Jack, and Fiske, Phineas R., “\$12.3 Million Metro Link Bid Submitted,” *The Washington Post and Times Herald*, December 3, 1969; Green, Stephen, “Officials Fear 20% Increase in Metro Cost,” *The Evening Star*, December 3, 1969]

On December 3, the Senate Committee on Appropriations released the FY 1970 Department of Columbia Appropriations bill as prepared by Chairman Proxmire’s subcommittee. The bill cut requested funds across the board for the city. With only 7 months left in the fiscal year, he said, “I feel it is unnecessary to fund this bill in full.” In his view, the amount the city requested and included in the approved House bill was inflationary. The Proxmire bill appropriated \$645 million or \$37.7 million less than the House had approved and \$107.6 million less than the city had requested. The bill also cut \$29.7 million in new construction projects from the House plan and \$7.8 million in operating funds. The bill called for a Federal payment of \$100 million.

The report noted that the District of Columbia would receive an estimated total of \$210,328,000 under Federal grant programs. Many other jurisdictions also receive funds under these programs, but “the District fares exceptionally well in almost every category.” The District and capital region also received Federal assistance, other than grants, totaling \$239,414,308. A study of this assistance “indicates that almost without exception it again does extraordinarily well either as to size, scope, or level of funding.” The report cited as an example the difference in Federal-aid for the BART system (8.4 percent of a total estimated cost of \$1.3 billion) and aid for Metro (46 percent of \$2.5 billion).

The report discussed the concern about inflation as reflected in President Nixon’s September 4 message calling for a reduction in Federal construction and for State and local governments to reduce their public works projects. The next section in the report discussed the Metro system, providing a straightforward summary of its history, estimated cost, and financing plan. Although Chairman Proxmire told reporters the project “flies in the face” of the fight against inflation, his subcommittee and the full committee had outvoted him on reductions in appropriations for Metro construction. [District of Columbia Appropriations Bill 1970, Committee on Appropriations,

United States Senate, 91<sup>st</sup> Congress, 1<sup>st</sup> Session, Senate Report No. 91-564, December 3, 1969, pages 50-51; Levey, Robert F., “Budget Cuts Explained,” *The Washington Post and Times Herald*, December 5, 1969; Grigg, William, “D.C. Budget Slashed by Senate Unit,” *The Evening Star*, December 3, 1969]

Although Congress would not complete the appropriations process for several weeks, the Senate Appropriations Committee’s action ensured appropriation of the District share of construction funds.

On December 9, officials and a crowd of about 2,500 gathered in Judiciary Square at 4<sup>th</sup> and E Streets, NW., for the groundbreaking for Metro construction. President Nixon, who had gone to New York City to attend the National Football Hall of Fame Dinner at the Waldorf-Astoria Hotel, did not participate. (At the hotel, he entered through a garage entrance and did not see the shouting, window-smashing mob demonstrating against the Vietnam War.) Secretary Volpe, representing him, announced that earlier in the day, President Nixon had signed the National Capital Transportation Act of 1969 (P.L. 91-143), making official the full 97.7-mile Metro system.

Four hours before the ceremony, WMATA awarded the first construction contract to a joint venture of Gordon H. Ball, Inc., Danville, California; J. F. Shea Company, Inc., Oakland California; and Norair Engineering Corporation, Washington. The contract involved three-quarters of a mile of subway tunnel from 4<sup>th</sup> and E Streets to 9<sup>th</sup> and G Streets, NW. The winning bid was for \$33.7 million. The joint venture also was a major contractor on the BART line.

Participants in the 45-minute ceremony outside the D.C. Juvenile Court building at Judiciary Square included Secretary Volpe, Mayor Washington, Governor Mandel, U.S. Park Police Chief Grant Wright, and area officials and Members of Congress. Chairman Babson, who planned to retire from public service at the end of the year, was master of ceremonies for the event. Jack Eisen reported:

The ceremony was marked by restrained oratory in which speakers noted the decade of efforts to get started on the rail system and its bright potential, chiefly as an instrument for the region’s social and economic advancement.

The unintentional high points were a side comment by Mayor Washington and a slip of the tongue by Gov. Mandel, accompanied by a slip of technology.

The mayor smilingly began his talk by noting, “I am delighted to be here to cut another ribbon.” This was an obvious reposit to public remarks by Rep. Joel T. Broyhill (R-Va.), a key House sponsor of rapid transit legislation, who called the mayor a fine ceremonial ribbon-cutter but a poor administrator. Broyhill grinned broadly at the mayor’s comment.

Mandel’s prepared speech said he was proud to help “illuminate” a map showing the Maryland part of Metro, but his tongue slipped and he said “eliminate” – and sure enough, the map failed to light when he and Mrs. Spellman threw the switch. An electrician later came successfully to the rescue amid audience applause.

Secretary Volpe said construction of Metro would be a model for cities around the country. President Nixon, he said, had instructed the Department of Transportation to establish a computer databank on construction of Metro to be available to help other cities plan subway systems. He predicted that Metro would “bring new life to Washington, new growth, new development, new improvement, much greater than any of us have realized.”

Those shoveling pre-softened earth were Secretary Volpe, Mayor Washington, Governor Mandel, Chairman Hahn, Chairman Babson, Prince George’s County Commissioner Spellman, and Falls Church City Councilman Lee M. Rhoads. All but Secretary Volpe used traditional shovels:

Volpe used a simple garden spade donated to the old National Capital Transportation Agency in 1965 by local units of the American Automobile Association with the advice to stop talking and start digging. The donation marked an about-face by an organization previously critical, along with others in the highway field, of the subway plan.

“Not content with a single spade full,” Eisen added, “the seven officials dug in time and again, mainly for the benefit of photographers.”

Senator Spong, representing Virginia, and Broyhill had attended the event but had to return to the Capitol before the groundbreaking.

WMATA had lined up 34 gold-painted shovels for the event. Cody Pfanstiehl, WMATA’s director of community relations, shouted, “It’s a do-it-yourself subway,” as he handed shovels to members of the audience. The *Star* reported, “One after another they shoveled to the strains of march music from the U.S. Navy Band.”

Asked about the map glitch, Pfanstiehl said, “I don’t know how much the map cost. I haven’t received the bill yet.”

The ceremony ended as rush hour was beginning, leaving many members of the audience unable to find a taxi. One woman said, “I wish we had the subway now.” [Eisen, Jack, “Ground is Broken on Metro, Job Let,” *The Washington Post*, December 10, 1969; “Angry Mob Mars Nixon Visit to N.Y.,” *The Washington Post*, December 10, 1969; Green, Stephen, “Do-It-Yourself Event Marks Start of Metro,” *The Evening Star*, December 10, 1969]

In a formal statement issued by the Department of Transportation, Secretary Volpe called the start of construction “an excellent example of a metropolitan approach to an urban issue. The approach which exemplified a spirit of cooperation in the highest sense, is one worthy of duplication by urban areas in other parts of the country.” The groundbreaking was “demonstrable evidence of achievement through combined efforts of men of goodwill dedicated to the best public interest.”

### **A Departure and an Arrival**

Deputy Mayor Thomas W. Fletcher, who had been appointed along with Mayor Washington by President Johnson in September 1967, had announced on October 8 that he would leave office on December 15. He was returning to his home State of California to become city manager of San

Jose. In July 1967, he had left his position as city manager of San Diego to drive his family across the country to become Deputy Assistant Secretary in the Department of Housing and Urban Development. The *Post* wrote:

An FBI agent stopped him along the way, put his family in a hotel and put him on an Air Force plane for Washington and a presidential interview. President Johnson had heard about him, wanted him for the D.C. job and put out a nationwide alert to find him

On September 6, 1967, President Johnson had announced his intention to nominate Walter E. Washington as Mayor and Fletcher as Deputy Mayor. As city manager of San Diego from 1961 to 1966, the President said, Fletcher had “won a national reputation as one of America’s outstanding city executives.” His pioneering work advancing city management-budgeting techniques had served as a model for other cities:

He is an innovator. He is experienced, highly respected, and eminently qualified for his new job. He is a man who can make government work for the good of the people it serves.

During the freeway battles, Fletcher had taken the lead, allowing Mayor Washington to remain, politically, above the fray. But as a *Post* article about the resignation pointed out:

One of the low points in his career here came last spring, when word of the negotiations [with staff of the House Committee on Public Works] leaked out and he faced 50 indignant freeway opponents in the City Council chambers.

“You’re a liar, Fletcher, and you’re yellow,” one shouted at him as the meeting broke up.

Fletcher stopped briefly, as if to reply. Then he turned, his shoulders slumped and walked slowly back to his office.

His frustrations over the freeway issue and other aspects of his job seemed to weigh particularly heavy on him during last March and April. He spent a week in the hospital in April when an ulcer he had had for several years flared up.

While Mayor Washington was a political leader, Fletcher’s job was to modernize the city government:

The D.C. government was a relic of the horse-and-buggy era when Fletcher came, a creaky and cumbersome bureaucracy. He brought about a difference, if not a transformation.

The *Star* reported:

He could not read his resignation statement yesterday for fear of breaking down, he said, but he did manage to tell reporters in the District building that the San Jose offer “was a professional opportunity that I could not resist.”

Mayor Washington, in Boston for a speech, told Fletcher and reporters via speaker phone that, “I regard you, Tom, as the top man in the nation in municipal management”:

The mayor cited his right-hand man’s qualities in emotional tones: “Sensitivity, commitment and competency.” Asked about a successor, he said, “I haven’t gotten over the shock of the situation.”

. . . Fletcher, a tall, silver-haired man of 45, stood quietly with reporters as Washington spoke over the phone. “This is the guy closest to me in the city,” the black mayor said of the white administrator before listing the crises they had been through, including the riots of April 1968 and Resurrection City.

The *Post* reported that regarding a successor, Mayor Washington had said, “When you’ve got the No. 1 city administrator in the country, you usually don’t think about who’s No. 2”

President Nixon said he would accept the resignation “with extreme regret, as he has served the nation’s capital with enormous distinction.” [Moore, Irna, “Fletcher Quits City Post for San Jose Job,” *The Washington Post*, October 9, 1969; Milius, Peter, “Fletcher: Man for All Cities,” *The Washington Post*, October 9, 1969; Basham, William, “D.C. Deputy Mayor Leaving Dec. 15,” *The Evening Star*, October 9, 1969]

On November 12, President Nixon announced that he had chosen Graham W. Watt, city manager of Dayton, Ohio, to be Fletcher’s successor. Although a native of Elizabeth, New Jersey, Watt had been raised on Maryland’s Eastern Shore. He had been city manager of Alton, Illinois, and Portland, Maine, before taking the position in Dayton. Fletcher described Watt as a “city manager’s city manager – probably one of the best city managers in the country today.” He had recommended Watt to Mayor Washington.

A *Star* profile of Watt began:

Graham W. Watt is the man credited with changing the direction of this industrial city from a brick-and-mortar government to an era of social concern.

Since coming to Dayton 2½ years ago, Watt had instituted such federally backed projects as Model Cities and the Concentrated Employment Program, both of which he will encounter again as deputy mayor of Washington.

In fact, Watt is no stranger to Washington or its programs. He probably has spent more time in the Capital than anyone else from Dayton except its congressman.

Most of the time, he returned to Ohio with new federal commitments for grants-in-aid. He is well known within the federal agencies as an administrator who can spend federal dollars quickly and visibly.

Watt, the profile stated, was “regarded as a calm, efficient administrator who never lost his cool.”

During a White House press conference, Watt said he would work toward President Nixon's goal of making "this city of Washington not only the first city of the nation, but one of the leading cities of the world." The job was, he said, a "great challenge and more than that a great opportunity."

Mayor Washington expected Watt to play the same role as Fletcher. "We [hope to] develop the kind of Mr. Inside-Mr. Outside relationship based on our own personal relationships that seems to transcend the professional ones."

Watt told reporters that he realized his new job would involve more pressure than his former position. However, he expected "to meet the community on its terms." He said:

I know it sounds kind of preachy, but I believe we have a tremendous job to do to make the cities serve today's people. And I think that whatever it takes to do that job, we've got to do.

Making citizen participation in government decisionmaking effective might be, he said, "the toughest job for a city manager in the country." That was, however, "part of the fascination and the challenge of the job here."

He and Mayor Washington would have to work out their relationship over time. "I'm a successor, not a replacement for Mr. Fletcher. I couldn't try to be anything other than my own man."

He also indicated that he was a registered independent and planned to stay that way. [Horner, Garnett D., "Dayton's Graham Watt Named D.C. Deputy Mayor by Nixon," *The Evening Star*, November 12, 1969; Goldwyn, Ronald, "Watt No Stranger in D.C.," *The Evening Star*, November 12, 1969; Levey, Robert F., "Deputy Mayor Named," *The Washington Post and Times Herald*, November 13, 1969; Moore, Irna, "Graham Watt: Cool Professional," *The Washington Post and Times Herald*, November 13, 1969]

The Senate confirmed Watt's appointment on December 11 as Deputy Mayor Fletcher was saying his goodbyes to the city. The Metropolitan Washington Board of Trade honored Fletcher at the Mayflower Hotel on December 9.

On December 12, he joined Mayor Washington and Chairman Hahn in a farewell meeting with President Nixon at the White House. Before departing for the White House, Fletcher had one last meeting with reporters, an opportunity to fulfil a promise he had made 2 years earlier. He handed out six envelopes that contained jigsaw-puzzle pieces of a report he had withheld regarding the District's juvenile delinquency programs. Fletcher had said 2 years earlier, that "before I leave office, I am personally going to hand you a copy." It had become a standing joke in the District Building, with reporters periodically asking "Whatever happened to the McGee report?" Handing out the envelopes with the chopped up report, he jokingly told reporters to "work together" to reassemble it.

After leaving the White House, he got into his car for the drive to San Jose. [Sarrow, Ronald, "McGee Report Issued In Piecemeal Fashion," *The Evening Star*, December 12, 1969; Moore, Irna, "Fletcher Bids Off Farewell," *The Washington Post and Times Herald*, December 13, 1969]

Graham W. Watt took the oath of office as Deputy Mayor on January 2, 1970.

Watt had met his wife Mary Irish of Baltimore, known as "Bidi," at Washington College in Chestertown, Maryland. They had a son and daughter, 13-year old Terry and 11-year old Laurie. The Watts moved into an apartment in Van Ness North at 2001 Veazey Terrace in the District's Forest Hills neighborhood near Connecticut Avenue and Rock Creek Park.

### **The District's Appropriation Act, 1970**

The District of Columbia Appropriations Act, 1970, had not yet cleared Congress. Chairman Proxmire brought the bill to the Senate floor on December 11. The *Post* expected a floor fight over several issues, including the freeway program. Senators Tydings and Eagleton of the Senate District Committee believed the bill intruded on their jurisdiction:

Proxmire's budget cutting also abolished 252 jobs in the department of highways and traffic – all of them positions used in connection with freeway construction.

The city has been holding those positions vacant for the time when work begins on the entire freeway system. Highway department officials said yesterday they planned to fill at least 50 of those positions in the next few months for building of the Three Sisters Bridge.

If other stalled freeway projects, including the North Central Freeway and the North Leg, are approved soon, all 252 positions would be needed, according to Deputy Highway Director R. Dana Wallace.

Restoration of abolished positions would have to be requested in future city budgets if the freeway program is to be completed. [Moore, Irna, and Jewell, David A., "Senate Floor Fight is Expected Over District Budget," *The Washington Post and Times Herald*, December 11, 1969]

Although several portions of the bill generated lengthy debate, provisions related to freeways or Metro did not. Chairman Proxmire explained that because of the delay in passing the Revenue Act, 5 months of FY 1970 had passed. That, plus the obligation to support President Nixon's efforts to reduce inflation by curtailing new construction starts, resulted in a reduced capital outlay program. The bill "is \$70 million below budget estimates and \$30 million below the House bill."

He also pointed out that the Revenue Act had limited District jobs to 41,500, but his bill reduced that total by 700. The Appropriations Committee "strongly urges vigorous and inclusive study and critical analysis of the District's present and future manpower needs with a first-year goal of reducing by at least 1,000 the total of authorized positions established in this bill."

He explained that the bill appropriated the full amount for WMATA.

The Senators discussed several issues at length, but the expected floor fight over freeways or the unfilled positions related to the freeways did not materialize. The Senate approved the bill, 92 to 0. [District of Columbia Appropriations, 1970, *Congressional Record-Senate*, December 11, 1969, pages 38352-39366; the brief discussion of Metro is on 38354]

A House-Senate conference committee met to reconcile differences between the two appropriations bills, with the *Post* predicting a Proxmire-Natcher clash on several issues, particularly the 252 positions for freeway construction. Chairman Proxmire promised to “go to the mat” in conference over the personnel issue. [Moore, Irna, and Levy, Robert F., “City’s Budget Faces Hill Conference,” *The Washington Post and Times Herald*, December 14, 1969]

The conference committee released a reconciled bill on December 15. As the *Star* pointed out, “In another unusual turnabout for the city’s finances, House-Senate conferees asked congress today to approve a final ‘compromise’ District budget that is smaller than either of the earlier versions passed by the House and the Senate. The bill totaled \$650.3 million, including a Federal payment to the city of \$104.2 million. Funds for FYs 1969 and 1970 for Metro construction and restoration of jobs in the Department of Highways and Traffic were included. [Grigg, William, “\$650 Million District Budget Is Approved by Conferees,” *The Evening Star*, December 16, 1969; District of Columbia Appropriations, 1970, Conference Report, U.S. House of Representatives, 91<sup>st</sup> congress, 1<sup>st</sup> Session, Report No. 91-754, December 15, 1969]

The Senate approved the conference report the following day with brief discussion, none related to Metro. [District of Columbia Appropriation Bill, 1970-Conference Report, *Congressional Record-Senate*, December 16, 1969, pages 39329-39331]

Chairman Natcher brought the conference report to the House floor later in the day. The bill, he explained, restored the positions the Senate bill had cut from the District Department of Highways and Traffic. Most of the positions were “directly connected with the Department’s major construction programs”:

The freeway impasse is finally broken and these positions will be necessary to enable the freeway system program to get underway. The Department has over \$200 million in previously appropriated funds and they are available to fund these positions as well as the contracts for actual construction.

The House approved the conference report without a recorded vote. [Conference Report on H.R. 14916, District of Columbia Appropriations, 1970, *Congressional Record-House*, December 16, 1969, pages 39387-39391]

President Nixon signed the bill on December 24 (P.L. 91-155).

### **Pondering the Bad Options**

As 1969 neared an end, officials looked to February 23, 1970, as a date of reckoning for the North-Central Freeway and the North Leg of the Inner Loop Freeway. Section 23 of the Federal-

Aid Highway Act of 1968 had given the District of Columbia 18 months to study what to do about these two freeway segments:

The government of the District of Columbia and the Secretary of Transportation shall study those projects . . . and shall report to Congress not later than 18 months after the date of enactment of this section their recommendations with respect to such projects including any recommended alternative routes or plans, and if no such recommendations are submitted within such 18-month period then the Secretary of Transportation and the government of the District of Columbia shall construct such routes, as soon as possible thereafter, as required by subsection (a) of this section.

The city council had spent nearly a year of that time fighting Section 23's mandate before reluctantly agreeing on August 9 to comply. Several months passed while officials debated whether to conduct the study inhouse or by hiring a consultant. When the city decided to hire a consultant, Chairman Fallon of the Public Works Committee and Chairman Natcher wrote to President Nixon to object. They said that too much time had been spent talking:

Testimony before the Committee on Public Works indicated that enough money had been spent on endless studies and that positive action was required in order to complete the interstate system in the District of Columbia.

They said the 1968 Act "was not intended as a vehicle for the complete restudy of half the District of Columbia." As the *Post* put it, they "made it clear that they did not want another report challenging the congressional mandate. They apparently felt that a report from the D.C. highway department would not."

The city announced on December 3 that the District Department of Highways and Traffic would conduct the study. The announcement included the intent to ask Congress for an 18-month extension of the deadline for the North Leg, which had not been subject to public hearings. Neither Chairman Fallon nor Chairman Kluczynski was receptive. Chairman Fallon said, "They've had enough time. We gave them 18 months. That's what they asked for and that's what we gave them." With Congress in recess, he did not expect his committee to take up the matter until after January 15. Committee sources told reporters that the city had virtually no chance of an extension, which would require a new law to amend Section 23.

None of the alternatives the city faced was favorable. The North-Central Freeway had been one of the most controversial segments of the city's Interstate System. Maryland and the District had agreed on the alignment along the Baltimore and Ohio Railroad tracks to reduce dislocation of families, but opposition to the route continued. The city's rehabilitation and rental of some of the homes taken for the route had reflected the city council's abandonment of the alignment, regardless of Section 23.

As for the North Leg, two alignments had been identified to provide the link between the Potomac River Freeway and the North-Central Freeway. Mayor Washington had made clear the city would not seriously study one of them, along Florida Avenue/U Street, NW. The alignment had been removed from District Highway Department maps, which now showed the North Leg in

a tunnel under K Street, NW. The city wanted flexibility to consider the best location for the other alternative, possibly to shift it to some other route between K and U Streets.

Chairman Hahn said on December 23 that the city council would make a recommendation after holding a public hearing in January. "I believe we must comply with the law." [Prince, Richard E., "D.C. Freeway Dispute Coming to Head," News Analysis, *The Washington Post and Times Herald*, December 23, 1969; Green, Stephen, "North Leg Decision Planned by Feb. 23," *The Evening Star*, December 24, 1969]

### **The Three Sisters Bridge Battle**

On January 7, Roberts Owen again asked the U.S. Court of Appeals to block further construction of the Three Sisters Bridge. He claimed the District and Federal governments were dragging their feet in U.S. District Court, which had refused an injunction on bridge construction. The *Post* reported:

Government attorneys denied any intentional delay on their part and contended that Owen and his clients had swamped them with various legal motions and demands for documents in preparation for the court suit . . . .

Owen argued . . . not only that the government was stalling but that it was planning to let contracts later this month on the east leg of the inner loop, a segment of the city freeway system of which Three Sisters Bridge is also a part. Government attorneys said the east leg has no direct connection with the bridge and should not be included in the litigation.

The court did not issue a ruling on the request for an injunction. ["Freeway Foes Seek Halt of Bridge Work," *The Washington Post and Times Herald*, January 8, 1970]

Because plaintiffs and defendants filed motions for summary judgment in their favor, the case never went to trial. On January 12, 1970, Judge Sirica granted the Federal and District of Columbia defendants' request for summary judgment and denied the plaintiffs' request for an injunction stopping construction of the Three Sisters Bridge.

The decision turned on the phrase in Section 23 directing that construction proceed "in accordance with all applicable provisions of title 23 of the United States Code." Federal and District officials argued that the requirement applied only to the Title 23 provisions dealing with actual construction, not the planning and public hearing requirements also in Title 23. They also argued that the intent of Congress was to require construction of the bridge, not to impose additional obstacles to its construction. Plaintiffs contended that compliance with Title 23 requirements meant the bridge project was subject to the planning and public hearing requirements.

Judge Sirica found that:

The resolution of this suit thus comes down to a question of statutory interpretation. The court is of the opinion that the interpretation of Section 23 of the 1968 Highway Act proposed by the defendants is the most reasonable. The court has taken into

consideration the fact that the Act was passed soon after the Airis decision, supra, which had held up the construction of the Bridge pending compliance with the planning provisions of the D.C. Code. That this was a factor motivating the passage of this legislation is shown by the opening language of Section 23(a) “[n]otwithstanding \*\*\* any court decision\*\*\*to the contrary.” The intent of Congress is most clearly shown by the provision that work shall commence on the bridge “[not] later than 30 days after the date of enactment.” The court believes that in passing this legislation, Congress intended that the District of Columbia commence construction on the bridge project as soon as possible, and that no further planning or hearing requirements of Title 23 need be complied with. [*D.C. Federal of Civic Associations et al., v. John A. Volpe et al.*, Civ. A. No. 2821-69, U.S. District Court District of Columbia, January 12, 1970]

Owen told reporters he would appeal the ruling to the U.S. Court of Appeals.

The following day, city highway officials submitted their recommendations in response to Section 23 of the 1968 Act to Mayor Washington and Chairman Hahn.

The District Highway Department supported the North-Central Freeway to Silver Spring, but proposed a route that would take 54 fewer residences and 3 fewer businesses. Total displacement would be 223 residences and 121 businesses. The route remained in the Baltimore and Ohio Railroad corridor, but would be shifted further west from 10<sup>th</sup> Street, NE., in the Brookland area. With the shift, the alignment would not affect the homes that had been rehabilitated and rented.

Support for the freeway was based on relief of traffic congestion in the central city, particularly in the parallel 16<sup>th</sup> Street, NW., corridor:

A point that tends to be overlooked is that change in the vicinity of the proposed North Central Freeway is going to occur whether the facility is built or not. The Silver Spring line of the Metro system is programmed for the same general location of the freeway – adjacent for most of the route.

Bruce T. Weaver, president of the Brookland Civic Association, opposed the recommendation despite the shift in alignment to protect the rehabilitated homes. “Freeways are nothing more nor less than a semblance of the plantation philosophy.”

The District Highway Department recommended building the East Leg of the Inner Loop to connect with the Baltimore-Washington Parkway and the South Leg, as revised in response to the objections of the Fine Arts Commission, to connect the Southwest Freeway with the Theodore Roosevelt Bridge. The department also favored construction of the South Leg Freeway with tunnels under the Lincoln Memorial and the north edge of the Tidal Basin, the tunnels to connected with a depressed roadway along Independence Avenue. Airis pointed out that this plan would permit the depressed roadway to be converted into a tunnel.

Airis suggested that the city council ask Congress for an 18-month delay in submitting recommendations on the North Leg of the Inner Loop.

Mayor Washington forwarded the department's recommendations without comment to the city council. Chairman Hahn was doubtful that Congress would approve a request for more time to study the North Leg Freeway, but announced plans for public hearings to begin on January 29 and 30, and February 3 through 9 if necessary. He added that the hearings would be televised by the area's public broadcasting station, WETA (channel 26). No one, he said, would be excluded from the hearings.

ECTC's Booker told a press conference that he had not read the department's report, but could tell from a summary that it did not reflect the views of citizens "because it was drawn up by a bunch of bureaucrats." He joined the D.C. Federation of Civic Association in demanding that the hearings be held at night "so that working people will not be economically penalized for attendance and participation." Booker objected to the plan to televise the hearings, claiming it was "a clear attempt by the D.C. government to circumvent public hearings . . . and a clear attempt to keep the public from voicing its opinions." [Prince, Richard E., "New NE Freeway Plan Takes 54 Fewer Homes," *The Washington Post and Times Herald*, January 14, 1970; Green, Stephen, "Fewer Homes Hit In North Central Freeway Revision," *The Evening Star*, January 13, 1970]

As the *Post* pointed out, WETA also was concerned that the presence of television cameras might affect the witnesses and members of the city council:

Channel 26 officials realize they may run into special problems at the hearing, particularly if those witnesses who have threatened disorder are successful in creating it . . . . Channel 26 may turn their cameras off if they find their presence has dramatically changed the nature of the hearings. ["TV Eye on the Council," *The Washington Post*, January 26, 1970]

*Star* editors considered the District Highway Department's recommendations "a responsible endeavor to comply" with Section 23 of the 1968 Act. The request for an 18-month delay on the North Leg was reasonable because, as a practical matter, the city was nowhere near agreeing on a location for the link in the Inner Loop Freeway. "And the over-all transportation picture might well benefit by giving more study to this most complex of all the projects, while other less complicated projects proceed.

The editors favored the all-tunnel option for the South Leg, even though it was more costly. The all-tunnel option had been created to satisfy NPS officials that impacts on the surrounding park would be minimized. "Since federal dollars will pay the cost in either event, this is a choice which Congress might well desire to make itself."

The editors also supported the North-Central Freeway routing. The highway agency's report "persuasively reaffirms the need to build" the expressway.

Despite these positive thoughts, the editors realized that the report was not the final work. The council would hold hearings that based on experience "are not apt to produce much in the way of constructive suggestions about how to make freeways – any freeways – really work." The proposals would be "assailed bitterly, and in some cases hysterically by critics who broadcast

their intention before the proposals were even disclosed.” After the hearing, Mayor Washington would send his recommendations to Congress, which would have the final say.

The editors hoped city officials would keep two points in mind in deciding whether the freeway system should be completed. First, “Congress already has decided that – in the affirmative.” Second, other provisions in the 1968 Act had liberalized right-of-way rules to reduce the hardship involved in relocation. City officials had not fully explored this liberalization, but if they did, they might find that they could complete their task “with less negativism – and considerably more hope of broader community support.” [“Highway Hysterics,” *The Evening Star*, January 16, 1970]

The *Post*'s editors also were encouraged. The city council faced choices that it must make before submitting its recommendations to Congress by February 23. For example:

The council must choose between reaffirming its endorsement of a freeway route out New York Avenue to Maryland and going back to the discarded North Central Freeway (and its companion Northeast Freeway) along the B. and O. railroad tracks, which both the Highway Department and Maryland favor.

The North-Central Freeway, the editors pointed out, would displace more homes and businesses, “but New York Avenue would be much less convenient and would pour unwanted traffic on the Baltimore-Washington Expressway, the Capital Beltway, and a number of north-south streets in the District, including some that are already congested beyond their capacity.”

The South Leg could be placed in a 5,300-foot tunnel, “entirely out of sight” except for “unsightly ventilating towers above ground.” The editors preferred the option of two tunnels connected by a depressed expressway “provided the proposed landscaping is acceptable to the park people.”

Clearly the North Leg “needs further engineering study” of the K Street tunnel option. The Florida Avenue/U Street option “has been rejected out-of-hand by the city government [and] should not be revived.”

Congress, as usual, would have the last word, but the city council’s recommendations would receive a better hearing on Capitol Hill “if it manages to come up with a workable system for handling the freeway traffic” based on their merits, not “a repetition of the disorders that characterized the hearings last summer.” A repetition of those disorders “would play into the hands of those in congress who couldn’t care less what the council, or the community thinks.” [“The Council, the Congress and the Freeways,” *The Washington Post and Times Herald*, January 18, 1970]

### **Before the Hearings**

Although the city council’s public hearings on the freeways were expected to be a major activity, it was not the only problem area officials had to deal with.

In Montgomery County, officials were dealing with protests against the Northern Freeway, a proposed 4.9-mile freeway the Maryland State Roads Commission proposed to connect the Capital Beltway with the planned Outer Beltway. It also would link with the North-Central Freeway from the Capital Beltway and the District line.

Opposition centered on the fact that the six-lane Northern Freeway would slice through Sligo Creek Park and Wheaton Regional Park. Edward T. Borda, attorney for Citizens to Save Our Parks, referred reporters to Section 4(f) of the Department of Transportation Act of 1966, which generally prohibited the use of parkland for Federal-aid projects unless no feasible and prudent alternative was available. "It is most likely there are many feasible alternatives to this dismal proposal." The freeway, he said, would destroy Sligo Creek Park and damage the larger Wheaton Regional Park. ["Plan for Freeway in 2 Parks Draws Fire in Montgomery," *The Evening Star*, January 6, 1970]

When county officials met on January 7 with the Maryland State Roads Commission and the county's delegation to the Maryland General Assembly, over 200 people showed up to protest the Northern Freeway. The *Post* reported:

Last night's meeting . . . was intended to be a work session . . . . But several times during the session, opponents of the 4.9-mile Northern Freeway stood up to denounce the roads commission's plans. Leading the opposition was Sammie A. Abbott, who had been in the forefront of the movement to kill plans in the District for the North Central Freeway and also the Three Sisters Bridge.

He interrupted Chairman-Director David Fisher several times "and about five police officers were summoned to the building." About 2 hours into the meeting, Abbott rose to leave:

But before doing so, he gave a short statement denouncing the commission and the Montgomery delegation as "criminals and racists. He was ushered from the room by police officers but was not arrested. [Scharfenberg, Kirk, "225 Turn Out to Fight Montgomery Freeway," *The Washington Post and Times Herald*, January 8, 1970]

The *Post* reported that "county and state officials have been stunned in the past month by a mounting public outcry against a plan to use 90 acres of parks for the North Freeway, a six-lane speedway for trucks and commuters traveling into and out of Washington." The strong opposition included a few critics who "are calling into question the basic role of freeways and the automobile in urban transportation."

Carrying on the battle, about 1,500 protesters walked through a section of Sligo Creek Park "to protest the freeway and to view the parkland they say will be destroyed by it." Although the plan called for replacing the parkland, critics pointed out that little land would be available in the congested area of the county where the park was located. [Edwards, Paul G., "Outcry Brings Restudy," *The Washington Post and Times Herald*, January 19, 1970]

On January 19, Walter Bucher of the county commission told 500 opponents that the Maryland State Roads Commission had deferred planning for the Northern Freeway by a year. In addition,

when work resumed, the road would be a four-lane parkway for passenger cars only, not a six-lane freeway as presently planned. The deferral, as the *Star* noted, “means county officials will not be compelled to take action on the controversial project during the current election year.” [Lorman, Alvin, “Northern Parkway Deferred for Year,” *The Evening Star*, January 20, 1970]

On the eve of the public hearings, the District Corporation Council Duncan raised doubts about the city’s authority to use air rights over freeways for housing and other buildings. Duncan, on January 29, issued a formal opinion that Congress would have to grant approval before the District could proceed with its air rights plan, including construction of housing over the North-Central Freeway.

As noted earlier, the city had asked Congress to pass legislation addressing air rights. Congress had approved a bill covering District roads and streets (the District of Columbia Public Space Utilization Act, P.L. 90-598), but not the bill for freeways. The House District Committee informed the city that it already had the needed authorization under Federal-aid highway law. Duncan explained that Federal-aid law allowed States to use freeway air space under State or local laws. The District did not have a local law covering the use of air space over or under freeways.

Duncan’s ruling would not affect construction of a freeway under a Labor Department building at 2<sup>nd</sup> Street and Constitution Avenue, NW., or a major housing project planned over the Center Leg Freeway near H and 2<sup>nd</sup> Street, NW. Other agencies had granted easements for the air rights usage. Construction of a hotel over the 9<sup>th</sup> Street Expressway also would not be affected; Congress had authorized the project in 1961.

Duncan’s opinion was expected to provide another basis for citizen opposition to the freeways. [Flor, Lee, “Air Rights Opinion Puts Housing Plans in Doubt,” *The Evening Star*, January 29, 1970; Eisen, Jack, “Hill Must Approve Air Space Rights,” *The Washington Post and Times Herald*, January 29, 1970]

### **The City Council’s Public Hearings**

The city council’s transportation committee began public hearings in the council chamber at 7:30 p.m. As planned, WETA-TV broadcast the hearings. Fourteen policemen were on hand, ringing the chamber. Other policemen waited outside the chamber in case of need.

As it turned out the security precautions were not needed; the hearing was less fiery than expected. The audience of about 100 cheered loudly the nine speakers who opposed the freeways, but were orderly.

Airis, the first witness, discussed the department’s endorsement of routes for the South and East Legs of the Inner Loop Freeway and its plan for the North-Central Freeway. He explained the routing shift that would reduce the taking of homes and businesses in Brookland.

Regarding the North Leg of the Inner Loop Freeway, he said an additional 18 months would be needed. When Councilman Yeldell asked if Congress would be receptive, Airis replied that, “My informal advice is that an 18-month extension would be acceptable.” Councilwoman

Shackleton asked what a new study would show in view of the city's opposition to the Florida Avenue/U Street routing and the business community's opposition to the K Street tunnel. Airis replied, "Maybe we could hollow out a pair of streets up there," referring to a possible routing north of K Street.

He wanted legislation that would allow the department to use highway funds to build homes when housing was not available for people displaced by freeway construction. "I will hold firm to this: Homes will be available or there will be no work." In the case of the North-Central Freeway, he believed ample lots were available for replacement structures.

The evening included support for the freeways from G. Yates Cook of the Federal City Council and Daniel J. Hanson of the city's Traffic Board and an executive vice president of ARBA.

All the other witnesses opposed the freeways. "As usual," the *Star* reported, ECTC's Sammie A. Abbott and R. H. Booker led the freeway opposition. In the *Post*, Jack Eisen described Abbott's speech:

Abbott's desk-pounding, finger-pointing, 30-minute high-volume presentation was the highlight of the hearing. Airis was his chief target.

At the end of his testimony, Abbott read a letter from the West Montgomery Citizens Association, opposing construction of another beltway and bringing access roads into residential neighborhoods.

"And who is the vice chairman of this organization?" Abbott asked. "None other than Mrs. Thomas F. Airis, the wife of the same Mr. Airis who is desecrating the city of Washington and doesn't even live in this city," he answered himself.

The *Star* continued the narrative. "Even Airis and council members laughed but they quickly became solemn again as Abbott berated them for encouraging 'institutional racism' by retaining an all-white planning staff in the highway department."

Photographs accompanying the articles showed Airis grimly looking on during one of Abbott's finger-pointing moments as police officers lined the chamber wall.

(Airis, like many city officials, lived in the suburbs. His address was 10119 Gary Road in Potomac, Montgomery County, Maryland. Harold Aitken, his predecessor, had lived at 512 Horner Court in Fairfax, Virginia. These addresses were not secret; each annual edition of the *Congressional Directory* contained the addresses during the years they were in office.)

Channing E. Phillips of the Democratic National Committee, urged the city council to tell Congress that "no more freeways or bridges are warranted at this time." George W. Brady of the Federation of Citizens Associations recommended halting freeway construction until the subway system was completed. Henry Bain of the Washington Center for Metropolitan Studies warned that continued freeway construction would lead to the "Los Angeles-ization" of the District of Columbia.

Former Councilman Nevius said that as an attorney, he did not think that recommending an end to freeway construction would comply with Section 23 of the 1968 Act. However, he opposed further Interstate highways in the city, but could support a system of small parkways. [Eisen, Jack, "Roads Start to Wait for New Housing," *The Washington Post and Times Herald*, January 30, 1970; Green, Stephen, "9 of 12 Testifying at Hearing Strongly Oppose Freeways," *The Evening Star*, January 30, 1970]

On January 30, 12 speakers opposed the freeways, while 6 endorsed the District Highway Department's plan. Members of the city council expressed their own reservations, but feared the congressional reaction. The *Star* summarized their view:

Chairman Gilbert Hahn, Jr., Yeldell and other council members suggested that they would either like to seek more time for further study, or recommend no freeways are needed, or implement the thoroughfare plan passed by the council in 1968.

Councilman Yeldell put it this way, "I shudder at the thought of recommending additional study and then having the Public Works Committee urge Congress [to] approve the old routes."

Former Council Vice Chairman Fauntroy testified against construction. "We must state to Congress without fear what we believe. I haven't learned to move to a position of expediency when a question of conscience is involved."

Former Chairman Hechinger urged the city council to adopt the truncated plan approved under his leadership in 1968 without the North-Central Freeway. He was convinced that the 1968 plan met the congressional mandate to build the new roads. Hahn told him, "I may, indeed, in the end follow your advice."

Jerry White, testifying for the Maryland State Roads Commission, supported the North-Central Freeway, but acknowledged that the route still had legal hurdles to clear in Montgomery County.

Witnesses from Montgomery County opposed extension of the North-Central Freeway into the county. Irving Woloch of the Montgomery County Civic Federation said, "Thus, if you should regrettably decide to go ahead with the North Central Freeway, you may well find that the freeway will terminate at a dead end in Montgomery County and we intend to continue to exert every effort to keep that end dead." Montgomery County Councilwoman Idamae Garrott said that during a meeting in Rockville on January 31, she would vote to remove the North-Central Freeway from the county's highway program.

Eisen summarized the day's hearings:

From the line of Council questions, it was clear that members were searching for a way out of voting for the road without angering Congress. [Eisen, Jack, "D.C. Freeway Foes Get Backing in Montgomery," *The Washington Post and Time Herald*, January 31, 1970; Green, Stephen, "Council Members Cool To More City Freeways," *The Evening Star*, January 31, 1970]

Councilwoman Garrett's proposal to remove the North-Central Freeway extension from the county's plan was put to a vote when the Montgomery County Council met on January 31. She said, "It's going to result in depression of our property values, in air pollution, in diminution of transit ridership." Her motion failed to secure a majority vote; the council voted 2 to 2, with Gleason abstaining.

She also opposed the Northern Parkway, which would run parallel to Georgia Avenue, described in the *Post* as "the county's most overburdened artery, now traveled by 60,000 cars daily." The council members made their concerns about the parkway clear. The council voted to remove the parkway from the county's 5-year program, apparently because they learned that if they deleted the parkway entirely, funds would not be available for studying alternatives.

The council also approved an amendment stipulating that "Sligo Creek Park not be one of the routes to be considered." They also voted against having the Maryland State Roads Commission to propose the route to the council within 5 years. The council indicated that the State should hold off until Metro was opened in the parallel Georgia Avenue corridor; Metro might lessen the need for the parkway.

Councilman Feeny summarized the action:

The Council has taken the position that, if it had the authority, it would prohibit the parkway through Sligo Creek Park. And in the absence of this we are strongly hinting to the State Roads Commission that they follow our advice. [Lorman, Alvin J., "Montgomery Refuses Use of Park for Road," *The Sunday Star*, February 1, 1970; Cohen, Richard M., "Don't Build Sligo Route, Council Says," *The Washington Post and Times Herald*, February 1, 1970]

The city council's public hearings resumed on February 3, with all but one of the 16 witnesses opposing the freeways.

Witnesses from two business groups in the vicinity of Connecticut Avenue and K Street testified in opposition to the crosstown North Leg of the Inner Loop Freeway. Stanley O. Sher, an attorney for the Connecticut Avenue Association and the recently formed Committee Concerned for K Street, said the proposed K Street tunnel, would be a "disruptive white elephant." In an area already slated for disruption from Metro subway construction, the North Leg tunnel would not "revitalize, feed, or even serve downtown." The businesses also opposed the Florida Avenue/U Street alignment. Sher suggested that the city council could satisfy the congressional mandate by advising against building the North Leg instead of suggesting an alternative route.

Former NCPC Chairman Rowe said the network threatened "the character and livability of the city." She did, however, support the 24-mile system that NCPC and the city council had endorsed in December 1968. The pattern for that plan, she said, had been set by the roads already built.

Dr. Daniel B. Fisher, whose degree was in cancer research, pointed out that automobile pollution threatened the health as well as the safety of the community. He added that the South Leg of the

Inner Loop Freeway could destroy the famous cherry trees around the Tidal Basin. “We must attack the cause, the overuse of the automobile, for access into the city.”

ECTC’s Charles Cassell, who had just won election to the board of education, addressed the city council on behalf of the Capital East Citizens Organization. He called for “not another inch” of freeways. He said the only people who supported the freeways were business groups and Members of Congress. The *Star* reported that he “thundered” as he said, “How much more technical information must we give you to impress upon you that your major responsibility is to us and not to the Congress of the United States.”

Eisen described a confrontation between Cassell and Councilman Moore:

The appearance of the militant Cassell led to a verbal clash in contrast to the generally calm tenor of the session.

After displaying an enlarged photograph of a freeway, Cassell refused the request of Councilman Jerry A. Moore Jr. that he sit down to continue testimony. Moore presided as chairman of the Council’s Transportation Committee.

For 10 minutes, as tension mounted, sharp words were exchanged, with Cassell insisting that he be permitted to stand and demanding that six armed special guards leave the room.

“Listen to me,” Moore said. “There are just certain things that are courteous.” In the end Moore relented and Cassell remained standing to finish his testimony.

Dr. Yale Rabin, a consultant to the NAACP and the National Coalition on the Transportation Crisis, warned the city council that if the full freeway network were built, the city would be following a proven path of self-destruction. Studies of urban roadbuilding “show a consistent pattern of flagrant disregard for inner city minority groups and for the urban environment.” Displacing approximately 20,000 people was reason enough to halt freeway construction. The *Star* summarized Dr. Rabin’s testimony:

Rabin labeled as “myths” the ideas that new roads provide additional jobs for low income groups and revitalize the downtown area. On the contrary, he said, easier access to the suburbs causes both people and industry to move out of the city, leaving it to those who had neither the skills nor the money for mobility.

Further, citing experience in other cities, he said no city in the country with freeways emptying into the downtown area has found the arrangement capable of producing anything but congestion.

He endorsed the expanded rapid transit system as the only solution to the city’s transportation problems:

The “balanced” transportation system – coordination of highways and subways – envisioned by proponents of the freeways was a “deception,” he said, adding that if road

and Metro lines run along the same right-of-way the roads would seriously undermine Metro patronage, particularly if they are built first.

A spokesman for the Yellow Cab Company was the lone witness in support of the freeway system. [Eisen, Jack, "2 Business Groups Hit Freeway," *The Washington Post and Times Herald*, February 4, 1970; Holden, Constance, "Planner Warns D.C. Council Of Dangers in New Freeways," *The Evening Star*, February 4, 1970]

The hearing the evening of February 4 was similar to previous hearings where critics far outnumbered the lone supporter. The *Star* reported that most of the speakers "seemed impatient with the council for not flatly turning down the Highway Department's plan for an Inner Loop." The members of the city council should not fear congressional reprisal. "Let the blood be on their hands," several witnesses said, referring to Congress.

Several witnesses criticized Section 23 of the 1968 Act. Donald R. Allen of northwest pointed out that the plan required by Section 23 was based on 11-year old statistics and had never been subjected to cost-benefit analysis.

Merle Van Horne, representing Americans for Democratic Action, said, "It would be hard to find a modern urban environmental planner who could say a kind word for freeways in the core city today." The Section 23 plan ignored the idea of people-oriented cities geared to pedestrians, with the automobile existing only by sufferance.

Leslie Logan of Preservation of the Potomac Palisades ridiculed the concept of balanced transportation. No such balance could be achieved if the Federal Government would not subsidize the losses on subway operations. He denied that the two systems had been coordinated, as reflected in the absence of fringe parking that would encourage commuters to use public transportation for trips into the city.

William B. Middleton predicted that freeways into the city would "be obsolete in a few years with expansion to outlying areas." While Metro was under construction, he suggested the use of express buses and commuter trains on existing rail lines.

The *Post* summarized the hearing:

Last night, speakers opposing further freeway construction here attacked freeways for disrupting and isolating neighborhoods, polluting the air, displacing residents from their homes, spawning more traffic problems and creating even more reliance on the use of automobiles for private transportation.

When a pro-highway witness, Washington attorney Harry Wender, pointed out that the city's 10 miles of freeways were already proving to be safer than its 1,070 miles of surface streets, members of the audience heckled him. ["Foes Heckle Advocate of Freeway," *The Washington Post and Times Herald*, February 5, 1970; "Freeway Proposals Draw More Public Criticism," *The Evening Star*, February 5, 1970]

Newspaper coverage of the hearings was shrinking as the next-to-last hearing took place on February 5. In a four-paragraph summary, the *Star* reported that “some speakers began to show impatience with the procedures used by the council.” Councilman Moore argued with Wendell A. Daniel of the Plymouth Congregational Church when he complained that only two members of the city council were in attendance. (Chairman Hahn was present along with Moore.) Another witness, Johnnie D. Wilson, criticized the city council for favoring the rich over the poor. “I think this [hearing] is an exercise you’re going through that doesn’t mean a thing. Chances are you’ve already made up your minds.” [“Freeways Opponent Criticizes Hearing,” *The Metro Scene, The Evening Star*, February 6, 1970]

On the final day of hearings, February 6, Montgomery County Councilman Kenney said the county supported completion of the North-Central Freeway from the District line to the Capital Beltway. It was “absolutely vital,” no matter what opponents said. He had “no doubt” that the county was “fully prepared to support” the freeway. He did not endorse a specific route. He recognized that any freeway route would be controversial, but he was certain the North-Central Freeway would “be of significant economic and social value to the residents of both our areas.”

His views were contradicted by recent actions by other county officials. On February 2, Montgomery County’s delegation to the House of Delegates voted 13 to 3 to strike the Northern Freeway from the State’s highway plans. They favored “immediate study” of transportation needs in the Georgia Avenue corridor. The vote was binding on the Maryland State Roads Commission.

In addition, the Montgomery County Council had voted to delay further right-of-way acquisition in the Northern Freeway corridor to allow study of alternatives. Chairman-Director Fisher agreed to participate in the study of alternative routes for the freeway and ways to alleviate congestion along Georgia Avenue. [“Northern Freeway Postponed,” *The Washington Post and Times Herald*, February 3, 1970]

None of the final day’s witnesses supported the freeway system. Witnesses opposed the North-Central Freeway, the route of the South Leg of the Inner Loop Freeway, and called for a moratorium on all new freeways pending further study.

ECTC’s Sammie Abbott attended the hearing. Despite being warned that he would be thrown out if he said anything, he spoke up when someone else had the floor. The *Star* reported:

Sammie A. Abbott . . . was lifted out of his chair by two policemen and removed from the room . . . . Until he was allowed to return several minutes later, Abbott’s supporters shouted at the councilmen and the police.

Abbott . . . said later that he had been warned . . . [but] “sometimes I find it necessary to comment,” he said.

It was “the first time [the council] had to call upon security forces that have been on hand at all nine sessions.” [“Central Freeway Called Vital,” *The Washington Post and Times Herald*,

February 7, 1970; Robinson, Alma, "Freeway Foe Ejected From Council Hearing," *The Evening Star*, February 7, 1970]

Summing up the hearings, the *Post's* Wolf Von Eckardt noted, "Freeway proponents have lately become as scarce as hawks." City council staff had invited freeway advocates such as AAA and the Rubber and Tire Manufacturers to testify, but they did not appear:

Only the Bethesda Chamber of Commerce, the truckers and spokesmen for several downtown business organizations, notably Yates Cook of the Federal City Council, still favor the freeway "system" this city officially rejected over a year ago.

The community did not want the freeway system that Chairman Natcher was insisting be built, "as some 200 citizens, representing all kinds of persuasions and organizations, patiently told the City Council once more last week in the course of nine sessions of public hearings":

They were not just the urban proletariat, supported by a few intellectual snobs who hate automobiles. The freeway opponents included city planning experts and environmental scientists, and some of them were even more respectable than that. They were suburban commuters.

He cited the opposition to the Northern Freeway in Montgomery County as evidence that suburbanites, too, were "becoming disenchanted with the notion that the way to remedy a mistake is to escalate it."

The opposition also reflected the fact that we "now all know much more about what is happening to our environment than we did when this freeway system was conceived back in 1956." Combine this knowledge with the "almost unanimous opposition" to the District's system, and "it now seems politically as unthinkable for the City Council to consent to completing this system as it would be for President Nixon to re-escalate the war."

Inevitably, the city was "in for a period of difficult negotiations" over a "balanced transportation system," which Von Eckardt said was "about as vague a term as they come."

Recalling that on "one hot August Saturday morning" in 1969, the city council was "forced to surrender," but he argued that "this time the city seems in a much stronger position." He dismissed Director Airis's restudy of the network in support of the freeways, including the North-Central Freeway, as "arrogant intransigence" that would not do the highway cause much good on Capitol Hill and in the Department of Transportation." Von Eckardt did not believe area Members of Congress would "condone blackmail again to protect suburban commuters, because suburban commuters, too, are turning against freeways":

It therefore seems time for this city to call the bluff about "balanced transportation." We have paid our ransom with the Three Sisters Bridge. Now the city must speed subway construction, and press for better bus service, more parking, and the long overdue improvement of the existing street system with grande [sic] separations, synchronized traffic lights and more enlightened traffic engineering.

We are a big city now and need no longer be pushed around by unenlightened self-interests. [Von Eckardt, Wolf, "Tracing the Changing Mood of Freeway System Victims," *The Washington Post and Times Herald*, February 8, 1970]

City Councilman Yeldell agreed. Speaking to the local chapter of the American Society of Civil Engineers, he said that freeway advocates had not made a convincing case that the city needed the full 29-mile Interstate System planned for it. Some more freeways might be needed, but that need would be reduced by the full Metro system. "At that time we would want to discourage the commuter from using the roads." ["Freeway Issue Seen Still Open," City Life, *The Washington Post and Times Herald*, February 11, 1970]

On February 16, the TPB of COG recommended the city support the freeway system, including the North-Central Freeway and I-95/Northeast Freeway. The vote was by voice, but no opposition was expressed. The city councilmen who serve on the board were absent. [Eisen, Jack, "D.C. Freeway Plan Backed by Board," *The Washington Post and Times Herald*, February 17, 1970]

The same day, Secretary Volpe announced during a press conference that "projects of the Department of Transportation will not be approved if they involve the dislocation of people, black or white, unless and until adequate replacement housing has already been built or provided for." He added, "All replacement housing must be fair housing – open to all persons regardless of race, color, religion, sex or national origin." The term "adequate" housing meant "decent, safe, and sanitary." The new policy applied to all projects, including highways, subways, airports, railroads, and Coast Guard activities. (The United States Coast Guard, in those days, was in the Department of Transportation during peacetime; it would join the Department of Defense during war.)

Secretary Volpe said the policy clarified compliance with the provision in the 1968 Act requiring the government to provide housing for displaces "to the extent that can reasonably be required." Now, if adequate replacement housing did not exist, the sponsoring agency would have to build it. "In every case where a family desires housing, they are now absolutely assured of it."

Highway officials in Maryland and Virginia endorsed the policy, but Secretary Volpe could not predict how it would affect specific projects. He said he had met with Mayor Washington and Chairman Hahn to discuss the potential impact on District freeways. However, he emphasized that he intended the policy to be taken literally:

We are determined that the great demand for transportation construction capacity that faces this nation will be met, but that it will be met with full consideration given to the extremely important factors of environment and housing. [Hebald, Anne, "Volpe Ties Road Plans To Housing," *The Washington Post and Times Herald*, February 17, 1970; Green, Stephen, "Volpe Links Road Funds to Housing," *The Evening Star*, February 6, 1970]

The following day, the city council voted 9 to 0 to omit the North-Central Freeway, and the Northeast Freeway branch into Maryland from its recommendations to Congress in response to

Section 23 of the 1968 Act. Traffic on I-95 would travel east on the Capital Beltway 4 miles to the Baltimore-Washington Parkway and enter the city on New York Avenue, NE., until the parallel Industrial Freeway could be constructed.

The Industrial Freeway would take up to 137 houses, depending on routing. The *Post* reported that, “The council suggested that the Industrial Freeway be designed in conjunction with a ‘major industrial park, including a center for truck operation, capable of creating new employment and a tax base for the District.’”

The city council accepted construction of the Three Sisters Bridge and its approaches, but other elements of the plan included:

East Leg of the Inner Loop – The highway department had proposed routing the East Leg from the Robert F. Kennedy Stadium area to the south end of the North-Central Freeway near the Ivy City railroad yard. The city council rejected the freeway plan, favoring construction of the Anacostia Parkway from terminus of the Southeast Freeway at Barney Circle, through the National Arboretum, and connecting with the Industrial Freeway in an interchange at South Dakota Avenue.

North Leg of the Inner Loop – The plan called for tunneling the route across downtown Washington under E Street, NW., or beneath K, L, or M Streets, NW. Councilman Moore said that the 18-month study period that Airis had requested “does not comply with . . . the letter or the spirit” of the 1968 Act.

South Leg of the Inner Loop – The city council rejected both plans for the South Leg, including a tunnel all the way from the Lincoln Memorial to the Tidal Basin or two shorter tunnels connected by a depressed section. The approved plan called for a short tunnel beneath Lincoln Memorial Circle linking Independence Avenue with the stub end of the existing freeway to the north.

Overall, the plan was closer to the plan approved in December 1968 than the plan approved in August 1969.

The *Post* pointed out that the meeting was “marked by a bomb scare attributed to a crank and by unaccustomed bursts of applause from the audience.” The longest ovation from the crowd of about 200 came when the newly appointed Councilman, Dr. Henry S. Robinson, Jr., said that 69 homes in Brookland that had been acquired for the North-Central Freeway should be restored.

(On September 23, 1969, President Nixon had nominated Dr. Robinson to serve the remainder of former Councilman Thompson’s term after he was appointed an Associate Judge. Robinson, 64, was a District native, an orthopedic surgeon, a Republican, and an African-American. He and his wife lived at 1800 Randolph Street, NE. [Griffiths, Harriet, “Nixon Picks Robinson for D.C. City Council,” *The Evening Star*, September 23, 1969]

(Thompson’s term was to expire February 7, 1970, but on March 10, 1970, President Nixon nominated Dr. Robinson to a full term. At the same time, he nominated Councilman Anderson for a second term and the Reverend Carlton W. Veazey, pastor of the Zion Baptist Church, to

succeed Councilwoman Shackleton. Veazey, an African-American and a Republican who worked as a supervisor at the Opportunity Industrialization Center in Cardozo, lived at 230 M Street, SW. On April 10, 1970, General Sessions Court Judge Thompson, the former councilman, administered the oaths of office for Councilmen Anderson, Robinson, and Veazey. On April 23, Mayor Washington appointed former Councilwoman Shackleton to the at-large seat on the District of Columbia Model Cities Commission.)

Although Section 23 appeared to make construction of the North-Central Freeway mandatory, Chairman Hahn and Councilman Moore insisted that the decision complied with the law since the report contained the city's recommendation.

The city council was to forward the plan to Mayor Washington, who could accept it or dissent from it. If he accepted, it would become the city's official plan. The *Star* explained that if he rejected the plan "he will either have to negotiate a new recommendation with the council or produce his own to submit to Congress along with that of the council." Secretary Volpe had said he would make his recommendations after seeing the city's plan.

Eisen reported:

The Council's position is almost certain to arouse substantial criticism, at the very least, from profreeway members of the House Public Roads Subcommittee which originated the 1968 law.

But it is not clear what the freeway advocates can do. They do not have the same handle on the issue that existed last summer when a principal overseer of the city budget, Rep. William H. Natcher (D-Ky.) threatened to withhold money for the Metro subway system if the road system and notably the Three Sisters Bridge across the Potomac, was not built.

ECTC's Booker was less enthusiastic than others in the crowd. He saw the city council's action as a result of ECTC's "unceasing struggle." Sammie Abbott, who had slipped on ice the day before, could not attend. [Eisen, Jack, and Prince, Richard E., "North Central Road Barred by Council," *The Washington Post and Times Herald*, February 18, 1970; Green, Stephen, "Freeway Veto Faces Threat By Natcher," *The Evening Star*, February 18, 1970]

Mayor Washington, Deputy Mayor Watt, Chairman Hahn, and Director Airis were among the top city aides who met with Secretary Volpe, Federal Highway Administrator Turner, and other officials for an hour and a half on February 18 about the District's plan. The goal was to brief the Federal officials on the city council's action, but Hahn acknowledged afterwards that the meeting was inconclusive.

Mayor Washington, who met privately with Secretary Volpe for 10 minutes, told reporters he had not yet read the city council's plan. "It would be impossible for me to give an opinion until I read the documents." Turner also said he had not had a chance to review the city's plans. He said, "We've obviously got a lot of homework to do" in view of the statutory deadline imposed

by Section 23 of the 1968 Act (technically February 23, but since that date was the George Washington Federal holiday, the deadline had become February 24).

Secretary Volpe told reporters that he had not taken a position on the city's plan, but said he would give great weight to FHWA's views. Department sources told reporters that FHWA was almost certain to recommend construction of the North-Central Freeway and the East Leg Freeway north of Bladensburg Road. Although Secretary Volpe said the White House had not pressured him on the issue, he added that the Nixon Administration's recent emphasis on environmental problems would "play a big role in the location of any highway" in the plan.

He had received reaction from Capitol Hill. "Yes, I had a call this afternoon from the Capitol," he told reporters. He refused to disclose the source, but the Congressman was reportedly unhappy with the city council's action. Chairman Natcher, as usual, declined to comment on the city council's decision, but congressional sources told reporters that he will again threaten to withhold District matching funds for Metro if the city repudiates each requirement of Section 23 of the 1968 Act.

The sources also cited the city council's decision to support the Anacostia Parkway, between Barney Circle and the Industrial Freeway, instead of the East Leg of the Inner Loop Freeway, as called for in the 1968 Act. Barney Circle, which is south of Bladensburg Road, was outside the bounds established by the 1968 Act.

(President Nixon had signed the landmark National Environmental Policy Act of 1969 on January 1, 1970, creating new environmental requirements that as of February 1970, were not completely clear to highway officials. A month earlier, the Environmental Protection Agency (EPA) began operations. For more information, see "Addressing the Quiet Crisis: Origins of the National Environmental Policy Act of 1969" on the Highway History Web site.)

Officials of the Maryland State Roads Commission, meeting in Baltimore, expressed their disappointment with the city's actions, particularly the decision to drop the North-Central Freeway. The State planned to open the eight-lane I-95 freeway linking the Baltimore Beltway and the Capital Beltway in 1971. Maryland, the District, and FHWA had agreed on the Y-shaped I-70S/I-95 link, with I-95 carried from the Inner Loop Freeway on the North-Central Freeway before branching off near Gallatin Street, NE., to continue on the Northeast Freeway to connect with I-95 at the Capital Beltway.

Walter Bucher, Montgomery County's representative on the commission, said the city council's plan would create "a hell of a mess" based on simple arithmetic. Traffic would leave I-95's eight lanes to merge onto the Capital Beltway's overcrowded six lanes, travel south onto the four-lane Baltimore-Washington Parkway, before reaching New York Avenue, a non-access controlled facility. Moreover, he said the parkway pavement, without reconstruction, could not absorb the increased traffic even if the NPS continued to prohibit trucks on the facility. [Eisen, Jack, "City Aides, Volpe Meet on Roads," *The Washington Post and Times Herald*, February 19, 1970; Green, Stephen, "Volpe, Mayor Meet On Freeway Issue," *The Evening Star*, February 19, 1970; Eisen, Jack, "I-95 Creates New Planning Crisis," *The Washington Post and Times Herald*, February 22, 1970]

Congressional concerns became clearer on February 20 when Chairman Kluczynski told Eisen that the city would be “in trouble” if its recommendations omitted the North-Central Freeway. The council, he said, would be defying the provisions of the 1968 Act. He added that Chairman Natcher was “upset” by the council’s action. Chairman Natcher did not comment on the situation, but a congressional source recalled the chairman’s November 24 comment that, “The Highway Act of 1968 must be complied with and as long as the freeway system proposed in this act continues under way we will, at the proper time, appropriate funds for continuing construction of this rail rapid transit system.” He added that “both systems must continue under way . . . .” [Eisen, Jack, “Hill Opposition Expected on Freeway Plans,” *The Washington Post and Times Herald*, February 21, 1970]

On February 21, Mayor Washington informed Congress that he supported the city council’s abbreviated highway plan, including the recommendation to remove the North-Central Freeway from the Interstate System. He had given “full and careful consideration” to the council’s recommendations before drawing his own conclusions. He had considered citizen opposition to the freeway, as well as “environmental, socio-economic and housing considerations,” in deciding to endorse the Industrial Freeway alternative parallel to New York Avenue. It would be, he said, “attended with less disruption to the community.”

By then, the city council had amended its recommendations to clarify that the East Leg would be built near Bladensburg Road and that the Anacostia Parkway would run north in a tunnel from there. [“Congress Is Told Mayor Supports Freeway Deletion,” *The Evening Star*, February 21, 1970; Green, Stephen, “Mayor to Support Council On Opposition to Freeway,” *The Evening Star*, February 20, 1970; Moore, Irna, “Mayor Backs Council Plan On Freeways,” *The Washington Post and Times Herald*, February 22, 1970]

The *Post*’s editorial board was not impressed by the city council’s approved plan:

The most that can be said for the city council’s report on the Washington freeway program is that it probably complies technically with the requirement of the Highway Act of 1968 that some such report be made. Beyond that, the alternatives approved by the council are essentially the same ones which the council put forward at the end of 1968 – and which failed then to resolve the controversy over the freeways.

The council’s decision on the North-Central Freeway was particularly troubling. The Department of Highways and Traffic’s original plan “remains the most logical place to put the road since it would go in a transportation corridor already occupied by the railroad and about to be occupied by the subway system.” The alternative routing in the New York Avenue corridor was “really no alternative at all since it will not serve the same part of the city.” The council had also failed “to assess the impact of the proposed New York Avenue routing on the Maryland interstate system, particularly the Beltway.” The best option at this point was to request an urban design study “to permit a team of architects, engineers, urban planners and environmentalists to assess the implications of this route” in cooperation with Maryland and Metro officials. [“The Freeway Debate,” *The Washington Post and Times Herald*, February 24, 1970]

## Secretary Volpe's Decision

The *Post* reported that the Assistant Secretary for Urban Systems and the Environment, former Seattle Mayor James D. Braman, had told the Secretary that the city council's plans for an abridged freeway network were a better fit with the Nixon Administration's environmental goals than the plans proposed by the District Department of Highways and Traffic. Braman said the Department's concerns focused on the South Leg Freeway because of fears about pollution, destruction of trees and parkland, and its appearance in a park-like area.

As for other segments, Braman said, "We were concerned with disturbances to neighborhoods," but thought the city council's plan was a "reasonable response" to the demands of Section 23 of the 1968 Act.

Chairman Fallon disagreed. He said the city council's plan was "nowhere close to the action that Congress took in 1968." He added, "Certainly, they're flouting the will of Congress." He expected Congress to place more confidence in Secretary Volpe's plan than in the city council's proposals. [Prince, Richard E., "Volpe Sets District's Roads Plan," *The Washington Post and Times Herald*, February 24, 1970]

On February 22, Secretary Volpe sent his recommendations to Congress in accordance with Section 23 of the 1968 Act. His letter to Speaker of the House McCormack and President of the Senate Agnew expressed general support of the city council's decisions:

In my opinion, the recommendations of the Government of the District of Columbia reflect a determined effort to comply with the requirements of the Congress as well as to remain sensitive to the expressed concerns of the citizen groups of the District of Columbia. It is necessary to remember in this connection that the time available for preparation of studies and for Government action was considerably reduced by the practical necessity last year to resolve the controversy concerning the relationship of rapid transit and highways in a balanced transportation program for the metropolitan area. Yet the completed freeway network reflected in the District Government's recommendations includes in mileage over 73 percent of the network set forth in the 1968 Cost Estimate. With the New York Avenue addition proposed by the District Government, the total mileage would be 87 percent of the mileage in the 1968 Cost Estimate.

His focus was on the three freeway projects that Section 23 of the 1968 Act had designated for further study, not immediate construction: the South Leg, North Leg, and North-Central Freeways.

He commented on each pending freeway. For the South Leg Freeway, he favored the city council's proposal known as Plan C, as recommended by FHWA, to build a tunnel about 1,400 feet long beneath the Lincoln Memorial grounds returning to the surface on Independence Avenue about 1,000 feet beyond the south tunnel portal. He recommended one change in the city's plan. The vertical clearance in the tunnel section could be reduced to 12½ feet, instead of 14½ feet, "since commercial traffic will not be permitted on this route." That reduced height

would “accommodate all foreseeable emergency needs and other routings are available for the movement of military vehicles requiring larger clearances.”

The tunnel, with a capacity of 60,000 vehicles a day, would reduce impacts on the landscape, avoid the Tidal Basin area, and cost about \$22.5 million, much lower than the cost of alternatives calling for a tunnel under the Tidal Basin. “This plan will do the least damage to the esthetics and monumental character of this area and permit its easy accessibility to visitors and city dwellers alike.”

Secretary Volpe agreed with the city council that the North Leg Freeway required additional study that would take about 18 months. He advised that the study should not be restricted to the alternatives the city had specified (“4-lane tunnel along K Street, 2-lane tunnels along L and M Streets or some combination of these, or as an alternative, a tunnel connecting the E Street Expressway to ‘Downtown’”):

There is a strong possibility that the “E” Street line extension, across the area in the rear of the White House and extending beyond Pennsylvania Avenue, perhaps ultimately to the Center Leg Freeway, can be accomplished. This will be the “release” from the pressure for a traffic service line along “K” Street – and certainly would give relief to the present problem of “just too many cars and too much confusion in [the] area between the White House and the Washington Monument.”

Secretary Volpe hoped that outreach to HUD and others would help solve the relocation problems while the 18-month study was underway. He recommended that “there be prepared within 18 months, in cooperation with the District Government, a final action plan on this segment of the Interstate System in the District.” The key was that the study must not be limited to the city’s proposed alternatives.

He did not adopt the city’s proposal to remove the North-Central Freeway from the city’s Interstate System. “In my opinion, any judgment requiring or precluding this segment is premature.” This section of the city was one of the most heavily traveled, and traffic was bound to increase. The city’s Industrial Freeway alternative in the New York Avenue corridor was not an actual alternative:

The New York Avenue freeway proposed by the District Government as a substitute is not in fact an alternative; it is primarily an east-west corridor and offers little relief to north-south traffic. Nor can possible improvements in managing traffic arterials as suggested by the District Government meet but a part of the problem.

The concept of the North-Central Freeway was to combine northwest, central, and northeast corridors into one central route. As such, it would require “an exceedingly high capacity, 4-2-4 lane freeway with reversible express center lanes”:

The wide swathe needed for such a cross-section with extreme traffic concentrations in the vicinity of the Capitol dictated an arbitrary cutback to a 4-4 lane proposal.

This cutback was “generally recognized as inadequate for future needs,” but two considerations made it acceptable:

First, another outlet to the northwest will eventually be supplied upon completion of the George Washington Memorial Parkway on the District side of the Potomac River from the Three Sisters Bridge to the Beltway, Interstate 495. Although commuter travel over parkways is generally undesirable, it would seem the river valley is too important a resource to be devoted solely to “pleasure” driving.

Second, an outlet to the northeast is possible in two ways. The proposed New York Avenue Freeway via the Kenilworth Interchange and northward on the Baltimore-Washington Parkway to the Beltway may be built. The northeast branch from the North Central corridor to meet Maryland’s Interstate 95 at the Beltway would provide similar service.

Housing had always been a factor in discussing the North-Central Freeway. Ongoing work with HUD might establish new methods of helping relocates. “One possibility is a new goal to provide replacement housing while reconstructing the 1968 riot-damaged areas.”

Cost-per-mile was another consideration. “Coupled with incompletely satisfied capacity needs, the price tag is inordinately high”:

Undoubtedly the Baltimore and Ohio Railroad’s presence adds considerably to the costs. The five underpasses are intrinsically expensive because of the angle of crossing and the need to maintain railroad operations by detour tracks and supports. The proximity of the railroad itself and the future rapid transit lines add to the costs by requiring additional retaining walls and other appurtenances.

Because the railroad had an alternate connection into Washington via Laurel, Maryland, some consideration had been given to acquiring the railroad right-of-way in the North-Central corridor:

Removal of the operating rail line would allow joint development of the transportation corridor by the highway departments in conjunction with the Washington Metropolitan Area Transit Authority.

In addition to making joint development easier to coordinate, acquisition of the railroad right-of-way would accelerate construction plans, improve highway alinement and geometrics, eliminate the need for expensive retaining walls, narrow the highway right-of-way to reduce the number of displacements, decrease tunnel costs and construction time, and perhaps allow for extending I-70S along the existing railroad corridor north to an interchange with the Capital Beltway in the vicinity of Gaithersburg.

Professional staff in the Department of Transportation believed that the Baltimore and Ohio Railroad corridor offered “the most practical and feasible alignment for freeway development in the North-Central area with the least disruption to the community.”

Much additional study and planning for the North-Central Freeway were needed:

- A concerted effort was needed to obtain community involvement and “meaningful citizen participation.”
- Highway planning should be more closely coordinated with comprehensive land use and environmental planning for the community.
- Continuing discussions with HUD were needed “to establish in advance attractive replacement housing alternatives for persons potentially subject to relocation,” consistent with his recently stated policy.
- The study also should consider the option of removing the rail line from the corridor “so that the most advantageous program for joint development of the corridor with the Washington Metropolitan Area Transit Authority can be developed in order to save construction money and time, improve design features, and enhance appearance and utility.”
- The additional time and study would permit officials to clarify “the uncertainty which appears to have developed in Maryland regarding the Maryland connecting links.”

Final judgment should be deferred until these issues could be resolved. He thought the work could be completed in about 16 months.

Although the proposed Industrial Freeway would not serve the North-Central traffic, Secretary Volpe thought it had merit “as an addition or alternate routing for that portion of I-95, which is to be carried jointly with I-70S south of Gallatin Street”:

This section is very heavily loaded because the design was administratively restricted to eight lanes despite the larger traffic load demand. It is further complicated by undesirable weaving movements at and between the inter-changes [sic].

He would be willing to consider adjusting the system to reroute I-95 if other adjustments are consistent with this option.

Secretary Volpe also discussed the status of routes that were underway. He recounted the progress on the Center Leg of the Inner Loop Freeway:

Preliminary design is underway for joint development housing and freeway facilities on a 5-acre site between H and K Street, N.W., on the Center Leg, I-95. The segment of the route between the Southwest Freeway and H Street is under construction and is well along. The mall tunnel is about 50 percent complete. Grading walls and structure for the depressed section between D Street and H Street, N.W., are complete. Paving and stone facing operations are awaiting improved weather conditions.

As for the East Leg Freeway, he explained that the 1968 ICE called for it to extend from I-695 on the District side of the 11<sup>th</sup> Street Bridge across the Anacostia River, along the river to Barney Circle at Pennsylvania Avenue, north past the East Capitol Street Bridge, to the south edge of the National Arboretum, before terminating at Bladensburg Road. As this routing was set in the 1968 ICE, the city is “preparing for construction contract work on the south end of the line described.” He added that the entire segment had received clearance under Section 4(f):

The first section from 11<sup>th</sup> Street to Barney Circle (Pennsylvania Avenue) is partly under construction. Detailed design work is underway for ½ mile east of Barney Circle. Bids were opened January 15, 1970, for a short grading project in this area.

Along the Anacostia River in the vicinity of D.C. Stadium, the alignment was going to be adjusted because of NPS plans for recreational development along the river.

Progress, Secretary noted in one of the shortest sections of his letter, also had been made on the Three Sisters Bridge. “The Fine Arts Commission approved a single span structure design in September 1967.” The 1968 Act had lifted the February 1968 injunction imposed by the U.S. Court of Appeals. Construction of two river piers was underway. The U.S. District Court had rejected recent efforts to enjoin further action, with an appeal pending.

The city had contracted for design of the Potomac River Freeway, but Secretary Volpe reported that FHWA thought “further consideration should be given to the design along the Georgetown Waterfront, particularly the area downstream from Key Bridge.” The 1968 Act had envisioned a tunnel for the eastbound lanes between the Three Sisters Bridge and Wisconsin Avenue, with the Whitehurst Freeway carrying westbound traffic at present. “It is felt that further consideration should be given to an earlier design concept which provided two elevated structures and reserved the area beneath and riverward for park and recreation purposes.” He cited the advantages:

Full development of the Georgetown Waterfront requires the removal of all commercial and industrial activities between the Potomac River and the C&O Canal and the Whitehurst Freeway. Under existing concepts for highway development, the entire cost of acquisition for this land can be financed from the Federal-aid highway fund. The National Park Service would be the logical agency for developing the park and recreational use.

The proposal [as] described permits full and unrestricted access from the entire Georgetown area to all of the Potomac River bank. The tunnel east of Key Bridge creates a severe barrier to access because of the approach grades towards the completed structure at 31<sup>st</sup> Street. The elevated facilities would obviate the necessity for the elaborate construction techniques, ventilation equipment and constricted operations that are the earmark of all highway tunnels.

With additional study needed, the connection between the Three Sisters Bridge and the George Washington Memorial Parkway would have to await final decisions regarding the Georgetown waterfront.

The Department of Transportation issued a news release that was embargoed until noon on February 24 regarding Secretary Volpe’s letter to Congress, making it public. Newspapers reported on Secretary Volpe’s letter on February 25.

Reaction to it was slow in coming, as officials needed time to review it. However, Chairman Fallon made his displeasure clear in a letter to President Nixon on February 27. The study undertaken by the city in late 1969 “went far afield of the Federal Aid Highway Act of 1968”:

The Congress has now received from the District of Columbia and the Department of Transportation their respective reports as required by the act. The reports are for the most part in disagreement with each other and are radical departures from the 1968 act. [District of Columbia Appropriations for 1971, Hearings before a Subcommittee of the Committee on Appropriations, Part 1, U.S. House of Representatives, 91<sup>st</sup> Congress, 2<sup>nd</sup> Session, H181-37, page 385]

He voiced his concerns publicly in an “extension of remarks” on March 2. He said the 1968 Act was intended “to clarify the confusion which had reigned for so many years” regarding the District freeway network. By contrast, the two reports “presented a confusing set of recommendations” that were in “wide variance from what is contained in the 1968 Highway Act.” While these reports were being developed, the city’s freeway program “again showed signs of bogging down and for the same old reasons.”

The Congress, he said, “cannot sit idly by and allow millions of dollars of taxpayers’ money to be wasted in an unending series of studies” that would never result in agreement, much less construction, among the public bodies involved. “Nor can they permit projects to proceed which have only had superficial examinations, and little, if any, factual basis.” Even the Metro system, after “such painstaking effort” to get construction underway, “is subject to delays by the various recommendations.” Reluctantly, he concluded, “it is imperative that the Congress act to insure the Nation’s Capital a proper transportation system.” [The Interstate Highway System in the District of Columbia, *Congressional Record* – Extension of Remarks, March 2, 1970, pages 5554-5555]

The *Star* reported that the city’s recommendations and Secretary Volpe’s report were “unlikely to be taken seriously by the public works committee.” Whether in the Federal-Aid Highway Act of 1970 or a separate bill, “The committee will give the city its marching orders” based on the four freeways that Section 23 of the Federal-Aid Highway Act of 1968 had ordered the city to build. In specifying the four freeways to be built, the “city was given no other option for these roads.”

Secretary Volpe’s comments on the Potomac River Expressway, one of the four Congress had ordered built immediately, were singled out for criticism:

Volpe, according to congressional sources, suffered a serious loss in credibility by offering advice on the building of the Potomac River Freeway – a road that the city already has been ordered to build, with its route spelled out in the 1968 legislation . . . .

The FHA [sic] had long opposed plans – endorsed by Congress – to place the east bound lanes in a tunnel, permitting renewal of the waterfront, including the tearing down of the Milton Hopfenmaier Co. rendering plant.

Even President Nixon, in order to insure subway funds would be released, assured Congress the District would build the Potomac River Freeway and the three other projects ordered in the 1968 law.

Volpe, Congressional sources believe, never would have commented on the Potomac River Freeway, had he realized the full political meaning of his statement. They believe he was the victim of poor staff work. [Green, Stephen, "Congress to Draft Freeway Orders," *The Evening Star*, March 2, 1970]

On February 26, a three-judge panel of the U.S. Court of Appeals heard arguments in the Three Sisters Bridge suit. Roberts Owen, representing the anti-bridge groups, argued that public hearings and other steps required to comply with Title 23, as required by the 1968 Act, had been skipped. He added that Secretary Volpe had never approved the bridge as required by Federal law.

Thomas L. McKeivitt of the Justice Department told the panel that the Johnson Administration and Secretary Boyd had opposed the bridge. However, as reflected in the 1968 Act, Congress supported it. "The administration changed and the whole [attitude] in the Department of Transportation changed . . . . We finally had the administration back in tune with Congress, that's all that happened." He pointed out the "notwithstanding" provision in Section 23 that made clear the congressional intent that construction of the bridge begin immediately regardless of any other law, court decision, or administrative action.

At the same time, 10 national and local environmental groups filed a friend of the court memorandum in the case. They contended that the Three Sisters Bridge "threatens to destroy for all time the scenic and recreational values of the Potomac River Gorge. The bridge would harm parks, traffic, recreational facilities, air quality, and the Georgetown Historic District. [Eisen, Jack, "Environment Groups Ask Bridge Halt," *The Washington Post and Times Herald*, February 26, 1970; "Bridge Suit Sent to Court of Appeals," *The Evening Star*, February 26, 1970]

### **The Washington Plan**

WMATA, on January 22, announced that because of the 14-month delay in securing the District's matching funds from Congress, the opening of the first section of Metro would be delayed about 7 months. Instead of opening in December 1972, WMATA now hoped to open it in July 1973. Other sections of the original bobtail Metro would be delayed for several months, but extensions to complete the 97.7-mile system were on schedule.

James Gleason of the WMATA board commended WMATA staff for the "great achievement" of cutting down the 14-month delay to a 7-month lag in the opening. Lee Flor reported:

Roy Dodge, chief of engineering and operations for the agency, said construction schedules could not be shaved in any other place and said any further delays in appropriations, labor strikes or other delays could not be accommodated by reprogramming to meet the completion date. [Flor, Lee, "Funds Lad To Delay D.C. Metro," *The Evening Star*, January 22, 1970]

On January 26, a new coalition called the Washington Area Construction Industry Task Force, held a press conference at the District building to announce a drive to put black workers into

construction jobs in direct relation to the city's percentage of black population, then at 74 percent. The so-called "Washington Plan" differed from the approved "Philadelphia Plan," which called for an agreed percentage of black workers, not the equivalent of black population in the city.

Clifford L. Alexander, counsel for the coalition and BUF, said, "In a city where the population is three-quarters black, the first two contracts let by Metro to white contractors asked only that they present a plan for the training of 5 percent of the total work force." Calling this percentage a "manifest absurdity," he pointed out that the contracts did not require the contractors to hire black workers who already had the needed skills, that training must cover every skilled craft, and increased involvement of black contractors.

Marion Barry, Jr, of Pride, Inc., said the 20 organizations in the task force concluded that immediate action was needed to ensure hiring of black people. The task force, which he said would monitor Metro projects on a daily basis to ensure its goals are met, was not focused exclusively on the subway work. Barry said the task force's aim was equal employment opportunity in "all of the building trades," including "federal construction projects, FHA and HUD housing projects, those of the District and the work of independent agencies such as the Washington Metropolitan Area Transit Authority."

Alexander agreed that Metro was "only a part of the over-all picture." The task force would "press for the implementation of its objectives on every construction project in this city. The time has come, and long since passed, for the full and fair participation of the black man in every aspect of construction work in this city." Although Alexander threatened court action, the Reverend Douglas Moore of BUF called on black residents to mobilize and "use any damn means necessary" to block Metro if the task force's goals were not met.

The next day, the *Star* reported that the "broadside attack yesterday on alleged racial discrimination in the District's building trades by a new coalition has taken aback the leadership of the city's unions . . ." City Councilman Yeldell, WMATA's chairman in 1970, said the coalition's objections "already are the stated objectives of Metro." He said WMATA was working on programs to hire and train the hard-core unemployed and expected the workforce to include about 70-percent minority workers.

Former Councilman Turner, president of the Greater Washington Central Labor Council, AFL-CIO, considered the task force's attack "just undeserved." He said that organized labor in Washington had the best anti-discrimination record in the country. He also pointed out that Metro was a regional project, not a Washington project. Using the task force's logic, Metro contractors should employ about 22 percent minority workers because minorities constituted

22 percent of the area's population. [Basham, William, "Blacks Ask 74% of Building Jobs," *The Evening Star*, January 26, 1970; Basham, William, "Black Demands For 74% of Jobs 'Stun' Unions," *The Evening Star*, January 27, 1970]

WMATA and the Department of Transportation negotiated with the task force after rejecting the initial proposal to require contractors to hire a workforce that included 74/26 percent black/white ratio.

Secretary Volpe, who had taken aggressive steps from the start of his tenure to increase African-American participation in the upper ranks of the Department of Transportation, announced on February 17 that his department would assume compliance responsibility to assure equal employment opportunity on Metro construction projects:

Metro contractors and subcontractors will be required to take affirmative action which will result in employment of minority group persons throughout their work force. This means that contractors and subcontractors will have to provide for employment of minorities in high-paying, skilled jobs as well as unskilled and semi-skilled jobs. If minority persons are not available for the skilled jobs, programs will have to be developed to train them.

UMTA would work with WMATA to spell out equal opportunity obligations in bid specifications. Secretary Volpe expected UMTA to ensure full compliance:

We expect to have 100 percent cooperation in this effort from all parties interested and involved, including WMATA, the contractor organizations, labor unions, and community organizations concerned with equal employment opportunity. This is a truly metropolitan undertaking and we want cooperation from all quarters.

He expected WMATA to ask contractors already at work to comply with the program voluntarily even though it was not part of their contracts.

WMATA's board of directors agreed to consider adopting an affirmative action plan on its construction contracts. General Graham had suggested that his staff draft a plan, but the board established a committee of its members to do so (Yeldell, Spellman, Councilman Moore, and Carlton Sickles). Gleason expressed concern that an affirmative action commitment might raise the costs of the contractors with the first two contracts who had bid on the basis of specifications that called on them to design their own minority hiring plan.

The authority asked the first active contractor, Gordon H. Ball, Inc., to suggest a more detailed plan than the 5-percent requirement in the contract. The *Star* reported that at the time, Ball had 17 employees on the project in the Judiciary Square area, all African-Americans. He expected to hire approximately 300 workers, and planned to work with Project BUILD, Inc., on its minority hiring plan. ["Subway Agency to Consider Minority-Hiring 'Action' Plan," *The Evening Star*, February 19, 1970]

On March 3, Harold D. Williams, director of UMTA's Office of Civil Rights, ordered a halt to the awarding of further WMATA contracts until the Department of Transportation approves a minority employment program. The order did not apply to the first two contracts, already awarded, or a third contract on which WMATA had just opened bids. It would take effect with

the next bid opening, scheduled for March 18, for construction of the subway between Judiciary Square and Union Station.

General Graham announced the freeze to construction industry representatives after opening bids for the third construction contract. He said there was “no justification for holding up the Metro program for the National Capital Region at this early stage of a 10-year construction program. Last week there were 17 metro construction workers, incidentally all black. By July, there will be only 100 workers total and by a year later 1,000. The maximum employment of 5,000 will not be reached until 1973,” he said, adding that WMATA had 238 additional contracts to award.

WMATA was working on its affirmative action plan, but wanted to canvass all of its political jurisdictions and community organizations before presenting its plan to UMTA. General Graham said, “We recognize the authority of the Department of Transportation in this matter, and are proceeding to develop an acceptable program as rapidly as possible.”

Gleason called UMTA’s action “irresponsible” in view of WMATA’s assurance that it would comply with all fair-employment requirements. WMATA Chairman Yeldell conceded the department’s authority and said “the board has no choice but to abide”:

It would appear to me that there is no insurmountable barrier because the affirmative action program must be worked out anyhow. Perhaps this will put an added spur to get this worked out soon.

Clifford Alexander declined to comment until WMATA’s rules were ready for adoption. He did say, however, that, “We don’t want any delays” on the subway, “but we do want it built with black hands and white hands.” [Green, Stephen, “U.S. Halts Metro Contracts Pending Minority Job Plan,” *The Evening Star*, March 4, 1970; Eisen, Jack, “Metro Told to Halt Bids, Await Fair Hiring Rule,” *The Washington Post and Times Herald*, March 4, 1970]

With negotiations deadlocked, WMATA’s directors met with Secretary Volpe on March 11 to ask him to end the freeze. Chairman Yeldell told reporters that WMATA agreed that an affirmative action program was needed and should be drafted quickly. However, the directors did not believe a freeze that could delay the construction timetable was needed. “We hope that we will be able to resume awarding contracts by March 25,” the date set for bid opening on the postponed contract.

Meanwhile, the task force sent a telegram to Secretary Volpe asking to inspect the plan before it could be approved. “We stand ready at any time to meet with you and consider what you may have developed to meet our stated goal of 70-80 percent minority employment in each tract [sic] having any responsibility with the construction of Metro.” [Green, Stephen, “Volpe Asked To End Metro Bid Freeze,” *The Evening Star*, March 12, 1970]

On March 16, Secretary of Labor George P. Shultz announced that his department would hold hearings on a “Washington Plan” on April 13 and 14. He said his department has been “actively promoting hometown solutions of matters like this and we hope the information we develop will prove useful for such a solution in this area.”

In view of Secretary Schultz's announcement, Secretary Volpe lifted the freeze on Metro contracting on March 17. The Labor Department's proposal to develop a Washington Plan offered "the best answer not only to minority employment problems in the area but also to the critical need for skilled manpower in the construction industry." Another factor in his decision to lift the freeze was WMATA's plan to hire "an equal employment opportunity officer oriented to the interests and problems of minority citizens in the Washington area." The new officer would ensure compliance by contractors and subcontractors with their obligations to make maximum use of minorities in the Metro construction program. The officer also would be responsible for equal opportunity hiring within WMATA and would solicit participation by minority contractors.

With the freeze lifted, WMATA opened the bids for the contract that had been postponed from March 25 because of the freeze. ["Hearings Orders on D.C. Hiring," *The Washington and Times Herald*, March 17, 1970; "Volpe Lifts Metro Pact Ban While Job Plan Is Devised," *The Evening Star*, March 18, 1970; Carter, Philip D., "Ban Lifted On Metro Contracts," *The Washington Post and Times Herald*, March 18, 1970]

Potomac Watch's African-American columnist, William Raspberry, pointed out that although Secretary Volpe said he was lifting the freeze because of the Labor Department's announcement, that announcement offered "a good deal less" than what Secretary Volpe implied. Hearings could be useful, but Raspberry warned against confusing the gathering of information "with the development of a plan, nor even with any real intention of developing a plan." He doubted Secretary Volpe's stated motives. "The suspicion is that Volpe's recantation had nothing to do with Labor's announcement but was a result of pressure from the White House, the Transit Authority and, indeed, from members of his own staff." [Raspberry, William, "U.S. Backs Down On Metro Hiring," Potomac Watch, *The Washington Post and Times Herald*, March 22, 1970]

In any event, the lifting of the freeze was short lived. On April 8, Secretary Volpe ordered WMATA to stop awarding construction contracts in view of the Labor Department's commitment to approve a Washington Plan for minority employment by June 1. Assuming the Labor Department met its new schedule, WMATA faced a 2-week delay in awarding a contract, estimated at \$30 million, for construction of the Metro Center station and a smaller contract for work in the Union Station yards.

Secretary Volpe expected the freeze to cause "minimal disruption to the construction schedule, but WMATA's board members were not happy about this second freeze. Fairfax County Supervisor Herbert E. Harris II responded angrily, "I'm having the worst time understanding this situation. At what point does [WMATA] act like an independent authority and stop acting like a federal agency?" Chairman Yeldell asked staff to reply to Secretary Volpe informing him that the delay in awarding contracts would not only increase the cost of the subway but could hinder WMATA's ability to sell construction revenue bonds. Moreover, WMATA was developing its own affirmative action program to be written into contract specifications. That plan would be used if the Labor Department did not meet its schedule for developing a Washington Plan.

That same day, WMATA announced the hiring of Pete Brown, described in the *Post* and *Star* as "a Negro who lives in Takoma Park" as the first equal employment officer for the agency. At the

time of his hiring, he held a similar job with the Labor Department. [Green, Stephen, "Volpe Again Halts Metro Contracts," *The Evening Star*, April 9, 1970; "Volpe Clamps New Freeze On Metro Jobs," *The Washington Post and Times Herald*, April 10, 1970]

One question that WMATA's directors had was whether the freeze applied to any other Federal contracting in the Washington area. Staff said the freeze applied only to WMATA. On April 13, the Department of Transportation ordered a freeze on the award of Federal-aid highway and airport construction contracts in the Washington area pending imminent completion of the Washington Plan. Richard F. Lally, the department's civil rights director, issued the order while asking the Labor Department to extend the freeze to other federally funded projects in the area. "This is the Nation's Capital," he said. "We should set an example here." The freeze was expected to delay contracts for widening portions of Maryland's Capital Beltway, rebuilding parts of the Shirley Highway, and several non-Interstate roads in the area, as well as two airport projects. ["U.S. Orders Area Freeze on Highway Contracts," *The Evening Star*, April 13, 1970]

After the first day of the Labor Department's hearings, Jack Eisen described the day:

In contrast with similar hearings on a job plan for Chicago last September during which the federal building was ringed by angry white union members who clashed with police, yesterday's session in the department auditorium was so subdued that it verged on the ponderous.

William D. Wright, a vice chairman of the Washington Construction Industry Task Force, walked out after saying he would "disregard these hearings as a useless and invalid attempt to pacify the black community." He did so after his group was denied its request to cross-examine witnesses.

Wright had given Assistant Secretary of Labor Arthur D. Fletcher, the presiding officer, a letter signed by eight black Democratic members of Congress describing cross examination as critical. "What we have here is simply government witnesses talking to each other in public":

Only if the advocates for the community have a right to cross examine and question . . . can we begin to hope that this hearing can result in a complete and accurate picture of employment practices in the construction industry.

Fletcher denied the request, prompting Wright's walkout.

(The eight Democratic signers of the letter were Shirley A. Chisholm (NY), William L. Clay, Sr. (Mo.), John Conyers, Jr. (Mi.), Charles C. Diggs, Jr. (Mi.), August F. Hawkins (Ca.), Robert N. C. Nix (Pa.), Adam Clayton Powell (NY), and Louis Stokes (Oh.))

During the hearing, HUD Assistant Secretary for Equal Opportunity, Samuel J. Simmons, testified that 19 of 28 contractors working on HUD-financed projects in the area were violating anti-discrimination rules. He also said his recent study showed that in 10 skilled trade unions in the area that included 11,700 craftsmen, "fewer than 12 percent were Negro, and the opportunity to enter any of the trades for minorities remains severely restricted." He urged the Labor Department to crack down on such practices.

Chairman Yeldell testified about his concerns that the Labor Department's schedule for producing the Washington Plan would slip, causing delay in construction of the critical Metro Center station. In reply, Assistant Secretary Fletcher promised that if the plan was delayed, the Labor Department would work with Metro "to see if we can't take the pressure off" by helping complete a minority employment action plan to include in the contract so it could be awarded on June 2 in the absence of an approved Washington Plan.

Labor representatives, including former Councilman Turner, defended the unions against discrimination charges. Turner touted Project Building, which he said would train young Negroes and other minority groups to help break down job barriers. [Eisen, Jack, "Area Projects Frozen To Push Black Hiring," *The Washington Post and Times Herald*, April 14, 1970; Green, Stephen, "Negroes in House Press Quizzing of Hiring Witnesses," *The Evening Star*, April 14, 1970.]

On the second day of the hearings, ECTC's Booker, now also chairman of the Washington Area Construction Industry Task Force, staged a demonstration outside the Labor Department. Protestors, totaling between 20 and 40, circled the sidewalk for more than an hour. They criticized for the Labor Department for refusing serious consideration of the task force's demand that minorities receive 70-80 percent of Metro construction jobs. Accompanying Booker, Sammie Abbott explained the relationship between the task force and the "transportation crisis" saying, "To get the subway built, we're going to have to get jobs for blacks."

Assistant Secretary Fletcher invited Booker to testify. Booker declined in the absence of a written invitation and approval of the task Force's executive committee. He added that the task force had not submitted a detailed proposal because its spokesmen were not permitted to cross examine witnesses. "This is just the beginning," Booker said. "Next time we'll be back with 500 people . . . we want you to know we're serious," he told the Labor Department officials who extended the invitation.

Chairman Yeldell sent a telegram to Secretary Volpe warning that the freeze could cost the agency \$84 million in Federal funds. "The June 1 target date may be too late for the Senate to act favorably on our supplemental money request. This . . . could result in Metro having no federal funds, thereby running the risk of the entire transit program being scuttled."

On May 6, Clifford Alexander called for an end to the contract freeze. To avoid peril to the subway, he recommended that the Transportation and Labor Departments allow WMATA to resume awarding contracts that "put the burden on the contractors" to hire minorities while the Washington Plan is completed. The task force would keep a close watch on hiring. [Green, Stephen, "Metro Says Contract Freeze May Bridge \$84 Million Loss," *The Evening Star*, May 4, 1970; "Freeing of Funds For Subway Asked," *The Washington Post and Times Herald*, May 7, 1970]

The pending contract for the Metro Center Station was described at the time as the largest single contract in the construction program. The opening of bids was scheduled for June 3 if the Labor Department released the Washington Plan on June 1 and Secretary Volpe lifted the freeze. WMATA's problem was that to include the plan in the Metro Center Station bid documents, the

plan had to be available by May 21. WMATA had a backup plan to include the new WMATA affirmative action plan if it did not have Labor Department's plan by then. [Green, Stephen, "Metro Awaits Green Light on Pact," *The Evening Star*, May 18, 1970]

Secretary Volpe did not appreciate the criticism he was receiving for the freeze. The final straw was an article, labeled "an editorial," in WMATA's staff publication *Metro Memo*. It stated that "assurance that Metro will continue to move ahead will require almost immediate action by the Departments of Transportation and Labor on the issues of minority hiring." It added that, "any slight delay at this time would place serious strain on the delicately balanced plan for financing the construction of Metro. Substantial delay would render the financial program inoperable."

After seeing the article, Secretary Volpe called Chairman Yeldell. As described in the *Star*:

Volpe . . . said he had been hurt over the criticism of the freeze voiced by area newspapers and radio and television stations.

Volpe said he does not believe it is fair for the authority to promote critical remarks of his order, since he helped the subway agency obtain release of construction funds from Congress last year.

In a letter to Secretary Volpe, General Graham wrote:

WMATA has neither fed self-serving information nor has it promoted for selfish reasons any editorial comment on the existing freeze . . . . Because of my high personal regard for you, I have been distressed at some of the more intemperate criticism, but I am also distressed that you feel WMATA is culpable in this regard. [Green, Stephen, "Volpe Assails Metro On Criticism of Freeze," *The Evening Star*, May 27, 1970]

As promised, Secretary Shultz issued the Washington Plan on June 1, with the plan going into effect immediately. It imposed mandatory quotas for the hiring of minorities on Federal and Federal-aid construction projects in the Washington area. As the *Post* described it:

Under the plan . . . approximately 3,500 minority-group workers must be hired in 11 skilled construction trades here by employers on such federal jobs as construction of the Metro subway system, highway building and federally subsidized housing projects . . . .

The Washington Plan will cover all construction contractors with federal jobs of \$500,000 or larger in the entire Washington Standard Metropolitan Statistical Area . . . . The contractors will be required, by the end of the fourth year of the plan in 1974, to employ between 25 per cent and 43 per cent minority workers, with the percentage range varying from trade to trade.

Secretary Volpe released the freeze on contracting by WMATA, which scheduled bid opening for the Metro Center Station contract for June 16.

On behalf of the task force, Booker termed the plan "unacceptable":

We can't support any plan that doesn't guarantee us at least 90 per cent of all jobs on all levels – 70-to-80 per cent because of population and 10 per cent for reparations. This “Washington Plan” is an insult to the intelligence of the black community.

The Washington Building and Construction Trades Council, representing 20,000 union members, denounced the plan, saying the percentages were unattainable. It was “further evidence of the determination of the Nixon administration to continue to make a whipping boy of the construction industry . . . . We do not see the administration requiring 40 per cent minority employment in any other industry or institution of our society.” Nevertheless, the council committed to complying “to the best of our ability, if we can get the people. We must comply.”

The Construction Contractors council agreed that meeting the targets would “be a problem,” but Executive Secretary John S. Oldfield said, “I think we'll be able to surmount it.” The council's Project Building, which had been established in 1967, planned to place more than 500 minority workers in the industry over the next year. “The doors to union membership for qualified workmen in the building trades of this area are open and have been open. What we need is more jobs!”

The task force held a press conference at the Labor Department to denounce the plan. Booker wanted to hand the letter to Secretary Shultz, but he designated Fletcher, the department's highest ranking African-American, to receive it. The letter claimed the plan was diluted because it included the white Maryland and Virginia suburbs:

It serves little purpose to offer an unemployed but eligible black construction worker residing in D.C. a job in Reston, Va. or some other remote construction site when in his own city the overwhelming majority of jobs will continue to go to whites.

The plan, Booker said in the letter, “appears to reward unions such as the sheet metal workers, which have historically been guilty of the most discriminatory conduct, by applying its lowest ranges to the worst offenders.” Further, the plan contained “an abundance of escape clauses” and probably was “unenforceable.”

The letter repeated the task force's demand for 70 to 80 percent in all crafts for minorities, plus 10 percent for reparations for past discrimination in the construction industry. He was not concerned that the workers might lack the needed skills. “We're talking about black people right off the streets, skilled or unskilled. If they're unskilled, they can be given on-the-job training after being hired. We see no reason why the quality of work would suffer.” That fear was a “smokescreen used by unions and the Labor Department to keep blacks out.” The demands were, he said, nonnegotiable and warned that Washington blacks “will use whatever means are at our disposal” to meet them.

[Downie, Leonard, Jr., “U.S. Sets Quotas for Area Jobs,” *The Washington Post and Times Herald*, June 2, 1970; Green, Stephen, “Shultz Issues Minority-Hiring Order,” *The Evening Star*, June 2, 1970; “Agencies Laud, Task Force Scores Labor Plan on Area Minority Hiring,” *The Washington Post and Times Herald*, June 3, 1970; Meyer, Eugene, “Washington Plan Goals

Criticized,” *The Washington Post and Times Herald*, June 4, 1970; “D.C. Group Demands Construction Jobs,” *The Baltimore Afro-American*, June 13, 1970]

On June 17, WMATA opened the five bids for the Metro Center Station contract, “the single biggest construction contract in the area’s rapid-transit building program,” as the *Star* described it. The apparent lowest, responsive bid, from Peter Kiewitt Sons Inc., of Omaha, Nebraska, was for \$37.9 million, 17.8 percent above the engineer’s estimate. WMATA had been concerned that the first contract awarded had been 17 percent above the estimate, while the second had been 20 percent over. When the third and fourth contracts were awarded below the engineer’s estimate, WMATA’s fears of price escalation had subsided somewhat.

Despite the concern about the bid being nearly 18 percent above the estimate, WMATA awarded the contract to Kiewitt, bringing total construction contracts to \$100 million:

Of 261 workers to be employed for three years on the Metro Center job, 48 iron workers, 9 pipe fitters and 14 electricians will be covered by an affirmative-action plan for minority hiring ordered by the Labor Department.

The Metro Center station will be a double-level, subterranean structure with the G Street subway line to Maryland on the upper level and the 12<sup>th</sup> Street line to Virginia on the lower level. [Green, Stephen, “Bid on Station For Metro 17% Over Estimate,” *The Evening Star*, June 18, 1970; “Extra Metro Costs Seen on G Street,” *The Washington Post and Times Herald*, July 3, 1970]

(Professor Schrag described the origins of the station’s name. “Graham held that it was better to make an imperfect decision than to tolerate delay”:

In one extreme case, WMATA planner William Herman complained that the system’s main transfer station was badly named. He argued that “12<sup>th</sup> and G” was both confusing (several entrances would be on other streets) and too undistinguished for so important a station. Ever reasonable, Graham agreed to let Herman choose a better name. “I’ll let you know,” responded a relieved Herman. “No,” Graham explained, “I’ll give you twenty seconds.” Stunned, Herman blurted out the first words that came into his head: “Metro Center.” “Fine, that’s it, go on to the next one,” replied the general. And they did. [Schrag, page 153])

## **On Appeal**

On April 7, the three-judge panel of the U.S. Court of Appeals ruled, 2 to 1, that the District must comply with Federal requirements in Title 23 on community participation. The ruling reversed Judge Sirica’s finding and returned the matter to his court to ensure compliance with the Appeals Court’s ruling.

As discussed earlier, Judge Sirica had found that in the 1968 Act, Congress had waived the pre-construction requirements of Title 23, including Section 134 (Title 23’s version of Section 4(f)) and public hearing requirements, because it ordered work to begin as soon as possible, but not later than 30 days from enactment of the 1968 Act.

Federal and city attorneys had restated that argument before the three-judge panel, but they disagreed. Circuit Judge Wright wrote:

If we were to accept appellees' interpretation of Section 23, we would be confronted with difficulties possibly of constitutional magnitude.

They did not believe that Congress had "intended to deny the residents of the District of Columbia the protections accorded all United States citizens by Title 23." The environmental provisions "are the essential safeguards which Congress has established, on a nationwide basis, to ensure that massive freeway projects are not constructed unless there has been a good faith effort on the part of the state and local planners to take community needs and resources into consideration."

If the District's and the Justice Department's arguments were valid, citizens affected by road projects would be divided into two classes:

One small group of citizens, the residents of the District of Columbia who will be affected by the Three Sisters Bridge, is deprived of these important rights to participate in planning the future of the community. The other class, consisting of all residents of the 50 states, still retains these federally guaranteed rights to influence all federally assisted road building.

This discrimination was only the starting point of the inquiry. Under the Constitution, many discriminations "are simply benign." The question, then, was "whether this discrimination is based on an invidious classification between groups of citizens which rises to the level of a violation of the equal protection clause of the Constitution." Appellees' interpretation "would endanger its constitutionality." Therefore, "We reject that interpretation to save the statute."

Since the city and the Department of Transportation conceded that they had not held a design hearing, Judge Wright wrote that "the District Court should enjoin further action on the bridge project until (the government) has complied." The ruling also called on Judge Sirica to determine what other requirements were still to be met.

Judge Wright summarized the history of the Title 23 provisions intended to "keep federally assisted highways from encroaching on local parks, from being located except in accordance with an intercommunity scheme of comprehensive planning, and to make sure that state planning officials are apprised of the nature and depth of local residents' feelings about the wisdom of a particular project." The 1968 Act had broadened the hearing requirement, which now involved location and design hearings, and required consideration of economic, social, and environmental impacts. "According to appellees, however, Congress, while broadening (in the Highway Act of 1968) this federally enforced right to a hearing, has at the same time deprived one small group, the citizens of the District of Columbia, of this right to be heard."

Congress would not have insisted on broader citizen participation "unless it intended to expose the road builders quite closely to the direction of participation of citizens in the formulation of their decision." Appellees argued that Section 23 directed District officials to bypass the hearing

process, which would again only “expose community sentiment adverse” to the bridge and that Congress intended construction to begin “irrespective of the wishes of the citizens of the District of Columbia.” Further, a public hearing would delay the start of work that Congress wanted to begin within 30 days, with construction to follow in 90 days:

Such a reading of the statute would condemn it as unconstitutional. A legislature may not constitutionally disenfranchise a group of citizens because of their expected views . . . .

If we were to accept appellees’ reading and interpretation of Section 23, congress would have excluded from the statutory protection only one group, a totally unrepresented and voiceless minority of citizens. Any legislative classification which singles out for invidious treatment a small group of citizens totally excluded from the political process does not meet the usual deference from this court. The usual deference which courts accord legislative and administrative judgments stems from the confidence which courts have that these judgments are just resolutions of competing interests . . . .

Because the resulting classification would deprive only an already voiceless minority of its important personal right to contest disruptive highway projects enjoyed by citizens generally, we conclude that we would be hard pressed to find on this record reasons adequate to sustain the “heavy burden of justification” necessary to support the discrimination which would result from appellees’ interpretation of Section 23.

The panel rejected the argument that this classification was justified by the congressional desire to avoid delay. If that were the intent, Congress could have found a “less burdensome path,” such as directing that the hearings be held “with reasonable promptness.” Whatever the justification or alternatives, “we are convinced that appellees’ position that Congress intended such discrimination is unsupported by the language and history of the statute.”

The panel also rejected the argument that Congress intended Title 23 to apply only to the project’s construction stage, such as the provisions on competitive bidding. The legislative history, including the Senate and House reports and the floor debates, contained no statement by advocates of Section 23 that the planning requirements of Title 23 did not apply to the Three Sisters Bridge or the other three projects mandated for construction. In fact, Judge Wright wrote, the only discussions were to the contrary:

For example, Representative Cramer, a leading proponent of Section 23, explicitly stated that the City Council could hold further hearings to determine route locations and designs, within the broad “corridors” established by Congress. Senator Randolph gave his word to the Senate that Section 317 of Title 23 would be in effect for a specific project mentioned in Section 23(d) of the Act. We also take note of the fact that when the bill was passed the Secretary of Transportation also interpreted Section 23 as we do today. The contemporaneous construction of a statute by one charged with its enforcement is entitled to great weight from this court.

Appellees had argued that hearings would be futile because the statute had prescribed the locations and design plans for the four routes. Congress, Judge Wright pointed out, had referred

to the routes as set forth in the 1968 ICE. “These cost estimates by their own terms did not constitute final route placements. They only located a ‘corridor’ within which roads were proposed.” Therefore, the panel found nothing in the record indicating that a public hearing or other actions required by Title 23 would not serve a useful purpose. Moreover, Section 101 of Title 23 defined “construction” to include many pre-construction stages, including planning, not just physical construction.

In short, Congress had directed construction to begin on a bridge following a general configuration used in the 1968 ICE. In a public hearing forum, “citizens may well be able to offer constructive alternatives” for bridge design and location, including placement of access ramps, that could be adopted. Similarly, the Secretary of Transportation might find “other feasible routes, or a tunnel, [would] destroy fewer acres of valuable park land.”

As for the “notwithstanding” clause, Congress intended to counter the prior ruling by the U.S. Court of Appeals that the District was developing Interstate freeway projects in violation of the 1893 District highway statute. The city, Judge Wright wrote, could have gone back and complied with that 1893 statute’s provisions for the Three Sisters Bridge. Instead of doing so in the case of the Three Sisters Bridge, the city abandoned the project, NCPD disapproved the bridge, and the Secretary of Transportation removed it from the Interstate map. The panel recognized that Congress intended by the “notwithstanding” clause to exempt the four projects from the Appeals Court’s ruling as well as the administrative actions of local and Federal agencies:

But nothing in the statute indicates that Congress intended the Bridge to be built contrary to its own laws. In essence, then, Section 23 amounts to a direction from Congress to the relevant District and federal officials to continue with the bridge and highway plans they had been formulating prior to the Airis decision.

Therefore, the panel held that the Three Sisters Bridge project must comply with all applicable provisions of Title 23. Because Judge Sirica had ruled otherwise, “we remand the case to the District Court for an expedited evidentiary hearing to determine whether appellees have in fact complied with the provisions of Title 23.”

To aid in the District Court review, Judge Wright observed that Judge Sirica, after hearing the evidence, could determine whether the 6-year old hearings, which appellees had referred to, satisfied 23 U.S.C. 128:

The basic requirement is that both a location hearing (held “before the State highway department is committed to a specific proposal) and a design hearing (held “after the route location has been approved, but before the State highway department is committed to a specific design proposal”) must be scheduled. The regulations make specific provision for projects like this one on which some hearings have been held before the effective date of the regulations. Since the regulations apply by their terms and since in promulgating the regulations the Secretary made reasonable provisions for those projects which had been the subject of hearings before the effective date of the regulations, we see no reason not to apply these regulations to this case.

Chief Judge Bazelon, a member of the three-judge panel, concurred “that the case must be remanded to determine whether there has been compliance.” His views were based on the statutory language and legislative history. Therefore, he did not find it necessary “to reach the constitutional questions.” The statutory history revealed “a fundamental conflict”:

Undoubtedly some legislators thought that a statute ordering immediate construction of the Bridge would eliminate the necessity for at least some preliminary procedures. Others contemplated that the statute would simply reverse the District government’s inaction and compel the government to recommence work on the bridge in compliance with the procedures of Title 23. The conflict produced an ambiguous statute, compelling the court to resolve the disagreement.

The plain language of Section 23 directed the city to begin work on the bridge in accordance with all applicable provisions of Title 23 within 30 days. Congress could have expressly exempted the bridge project, and the other three projects cited, from the planning and hearing provisions of Title 23, but did not.

The panel’s interpretation was “further fortified” by avoiding treatment of “District residents less favorably than all other citizens with respect to the federal highway system.” Aside from constitutional or other considerations, “we should not lightly presume that Congress has deprived District residents of an opportunity afforded to all other citizens, at least in the absence of the clearest legislative mandate, which is lacking here.”

In dissent, Judge George MacKinnon disagreed with the majority’s description of the legislative history. A reading of the entire record convinced him that “Congress clearly directed that the Three Sisters Bridge be built immediately and I do not find that such direction was improper or invalid.”

The majority had not found any support in the legislative history for exempting the District of Columbia from complying with the pre-construction phases of “construction.” On the contrary, Judge MacKinnon cited Chairman Randolph’s remarks during Senate consideration of the conference report on July 29. Despite reservations, especially about the Three Sisters Bridge, he said the Senate conferees had agreed to construction of the bridge as long as the project protected Glover-Archbold Park. He also referred to the fact that “design of the bridge” would not intrude on the park. Judge MacKinnon asked, “Does this sound as though the ‘design of the bridge’ was still an open question?” He answered, “Obviously, it was not and Senator Randolph so recognized.”

He dismissed the individual views of members of the House and Senate because what matters was the intent of Congress as reflected in the words of the law. “No disclaimers by individual Senators or Representatives can effect [sic] what the two houses did collectively by adopting the bill *with* the D.C. highway provisions.” Moreover, all discussion of the matter assumed construction of the bridge in the current location and design.

The legislative history cannot be “twisted,” as the panel had, to argue that the Three Sisters Bridge required additional design. Other projects, particularly the Potomac River Freeway, did

require design work, but the bridge “had an approved design” that would affect the design of the freeway.

He also disputed interpretation of Representative Cramer’s comment cited by Judge Wright:

Congressman Cramer said in effect that the D.C. City Council could still hold hearings as to location within the corridors of the *interstate highways* to be constructed. His remarks were directed generally to the House bill *at that time* which directed that “all routes” of the Interstate Highway System in the District be constructed – not just the four projects now contained in section 23.

His comment applied to the Interstate highways generally, not specifically to the bridge. Neither the conference report nor the final version of Section 23 existed at the time he addressed his colleagues on the House floor; his comment could not have general application to interpretation of the enacted provision.

Judge MacKinnon also cited the statement of the House managers contained in the conference report, which Judge Wright had cited but not quoted. The managers had cited NCPC’s prior action, but did not require further action by that agency. The managers clearly were not ordering extensive hearings to be held on location and design, “pre-construction requirement preliminaries which had already been satisfied as the statement observed” by referring to the agreement in early 1966 by all parties as to the location of the Three Sisters Bridge. The statement also pointed out that consultant engineers had completed design, which had been approved by the Commission on Fine Arts on September 20, 1967.

The majority’s remarks referring to all applicable provisions of Title 23 reflected confusion. They failed to understand that the reference to Title 23 applied to four projects in different stages, not just to the Three Sisters Bridge. He summarized the status of the four projects. As reflected in the House statement, Congress directed the city to begin work within 30 days so that the construction contract could be advertised within 90 days.

“Now it is perfectly obvious from this factual situation that nobody in Congress was going to designate what provision of Title 23 did not apply to any particular project because *all provisions applied to some of the projects.*” Instead, Congress referred to each project advancing with applicable provisions of Title 23. If the intention had been that all four projects must comply with all provisions of Title 23, Congress would have deleted “all applicable provisions of” from the statute.

That it did not do so resulted in the logical conclusion that different provisions applied to each project. To test this logic, Judge Wright applied it to the Center Leg Freeway, which was under construction. Applying all Title 23 requirements, including the public hearing requirement, to this project “would be an absurdity and hence the rigid application of *all* Title 23 provisions to *all* the projects must be rejected as unreasonable and obviously not intended.”

He also rejected Judge Wright's application of the U.S. Court of Appeals' decision related to the 1893 law in the District code. Section 23 clearly was intended to "supply the congressional directive to the projects that the court had found to be absent in the first case":

So to permit the same plaintiffs, with the court's concurrence, to obstruct the second congressional directive on grounds they failed to allege in their first action, and to do so under the guise of carrying out the intent of Congress, is not a result that commends itself to sound judicial administration.

As for 23 U.S.C. 128, it requires the State highway agency to certify that it has had public hearings or offered the opportunity for them. FHWA had submitted an affidavit on October 16, 1969, that "is substantially uncontroverted," stating that public hearings had been held on November 22, 1961, and November 24, 1964, and asserting that the city requested project approval on September 21, 1966, within 3 years of the hearings. The affidavit also stated that planning requirements had been satisfied along with consideration of social, economic, and environmental impacts as required by Section 128. Based on the uncontested record, "there is no basis for sending the case back for section 128 compliance hearings. Full compliance shows from the record."

Further, the affidavit demonstrated that in approving the project on August 12, 1969, Secretary Volpe had determined that under Section 4(f), no prudent or feasible alternative existed to the taking of parkland and that all planning had taken place to minimize harm.

Regarding hearings, the majority called for location and design hearings, a requirement contained in the PPM of January 17, 1969, "some *five months after* congress passed the law directing that work begin on the Three Sisters Bridge within 30 days and that within 90 days 'substructure contracts be advertised for construction.'" Clearly, Congress would not require public hearings to change the location and design of a project that it expected to be advertised for construction within 90 days. As a result, the panel's opinion directing such hearings "creates a monstrous result and completely frustrates the express will of Congress."

Further, Congress intended that the only applicable provisions of Title 23 that applied to the Three Sisters Bridge related to physical construction. "Such interpretation of the sentence would be reasonable and would not attribute to Congress an intention to require duplication of prior planning that had already been completed with respect to the Three Sisters Bridge when Congress enacted section 23."

Judge MacKinnon rejected the majority's characterization of the District's residents as a "voiceless minority" being abused by Congress. Their success "in obstructing this project now for onto four years is mute testimony that they are not 'voiceless.'" They had access to the press as well to Members of Congress who lived in the District and nearby suburbs, giving "them more actual influence in Congress than citizens of states."

In fact, the District had developed the Interstate projects in accordance with the same Title 23 provisions that the State highway agencies used in developing their Interstate projects. The District and State highway officials complied with the provisions in existence at the time of their

actions. “There is no showing that amendments to the Federal highway laws were made to apply *ex post facto* to highway projects that had previously passed through particular stages *before* new provisions were added.” He concluded:

I do not consider that the 1968 amendments to title 23 or the 1969 PPM require any project to be backed up for different consideration of planning or construction phases that it had previously passed through. I would affirm. [*D.C. Federal of Civic Associations, Inc., et al., v, John A. Volpe et al.*, 434 F2d 436 (1970), No. 23870), April 6, 1970. Italics in original.]

The same three-judge panel was considering other freeway suits involving the East Leg of the Inner Loop Freeway and the Potomac River Freeway. On April 7, the panel ordered the city not to approve contracts for construction of the East Leg Freeway pending a decision in the case, which plaintiffs had based on the same objections as their case against the Three Sisters Bridge. The Center Leg Freeway, which was under construction, was not subject to litigation.

[Bernstein, Carl, “Review Eyed Of Court Rule On 3 Sisters,” *The Washington Post and Times Herald*, April 8, 1970]

### **Reaction to the Decision on Appeal**

How long a delay would be needed to comply with the ruling was unclear.

After reading Judge Wright’s ruling closely, city officials concluded that the delay in construction would not be lengthy. Judge Wright had not specifically stated that proper hearings had not been held; the court’s majority simply asked Judge Sirica to make that determination. As Judge MacKinnon had stated, two hearings had been held that, in FHWA’s view, satisfied the requirement. For that reason, the three-judge panel had not ordered work on the bridge to stop. That would be Judge Sirica’s decision. If he concluded that needed hearings had been held, as Judge MacKinnon had found and as the city believed, the bridge project could proceed under the current contract.

The city’s concern was stated by Assistant Corporation Counsel Richard Barton, who said “the Court’s language would appear to apply to all other segments of the freeway system. For that reason, he said, the city would seek an *en banc* review (by the nine judges of the U.S. Court of Appeals) of the panel’s decision because “the whole freeway program now is in doubt.”

Attorney Owens said he would seek a preliminary injunction to halt construction of the Three Sisters Bridge if the city did not voluntarily stop work. He declined to say whether he would seek injunction to halt the three other freeway projects that city officials conceded had advanced without design hearings. However, a city “source noted ruefully,” according to the *Post*, “that once the freeway program is enjoined, citizens groups will do everything within their legal power to keep the projects from being built.” [Osnos, Peter, “Hearings Ordered on Three Sisters,” *The Washington Post and Times Herald*, April 7, 1970; “D.C. Aides Don’t Expect Long Halt on 3 Sisters,” *The Evening Star*, April 8, 1970; Bernstein, Carl, “Review Eyed Of Court Rule On 3 Sisters,” *The Washington Post and Times Herald*, April 8, 1970]

The *Star* agreed with Judge MacKinnon that the Wright ruling was a “monstrous” distortion of the clear intent behind Section 23. The question was “whether Congress meant what it said.” Chief Judge Bazelon, in a brief concurring opinion, had said the congressional intent was “ambiguous,” but the *Star* said:

It seems inconceivable that any such ambiguity existed in the minds of the members of Congress. Public hearings on this project, as Judge MacKinnon noted, had previously been held. There was no serious evidence of congressional uncertainty or dissension as to the location or design of the bridge. Congress directed that construction proceed “notwithstanding any other provision of law, or any court decision or administrative action to the contrary.” And it specifically set 30-day and 90-day deadlines during which various stages of progress were to be achieved.

The editors suggested that it was “at least conceivable . . . that in the course laid out by the Wright-Bazelon ruling the situation might work itself out.” They cautioned:

But no one should bank on it. The history of this long dispute has been chiefly distinguished by cleverly orchestrated delays, one leading to another, stalling not only a rational transportation system for the Washington area but jeopardizing the city’s fiscal relationship with Congress as well.

Congress thought it had “broken the stalemate,” but additional congressional action might be needed. In the meantime, the *Star* recommended an appeal to the full Court of Appeals “in the hope of a swift, reasonable redress through legal means.” [“Three Sisters Showdown,” *The Evening Star*, April 10, 1970]

### **Superhighway-Superhoax**

Helen Leavitt, mentioned earlier, was a free-lance writer and civic activist who lived in the Dupont Circle area. She found that her home was in the path of the North Leg of the Inner Loop Freeway, then proposed to run along R or S Street off Connecticut Avenue, NW. What particularly incensed her was the claim that the freeway would help the neighborhood’s development. “I’ve never seen a freeway revitalize a neighborhood,” she told a *Post* reporter, Judith Martin, shortly after her book, *Superhighway-Superhoax* was published in April 1970 (Doubleday and Company).

The book, which she had begun working on in 1967, was a denunciation of every aspect of the Federal-aid highway program, including urban Interstates, the highway lobby, road officials, and the Highway Trust Fund. The “never ending flow of Highway Trust Fund money,” she said, had created “the vast imbalance in our transportation situation.” As a result, “the highway program is simply not subject to the same competitive pressures as other programs.” The Highway Trust Fund and its State counterparts “must be eliminated as an exclusive conduit of money for highways.” [Leavitt, pages 277-278]

One of her central ideas was that transportation “planning” was “guided by funding, not the other way around,” since “there was no money available for alternatives.” [page 277]

As for the since-abandoned route of the North Leg, she said it “would wipe out the core of this neighborhood of people of mixed ethnic, racial, and economic backgrounds. It would not, however, provide any funds to redevelop the blight that exists in the area. [page 18]

Although the book was a denunciation of the national highway program, Leavitt often illustrated her thesis by discussing the District’s freeway program. For example, she discussed Commissioner Duke’s deposition, January 3, 1967, in the lawsuit arguing that the city had not complied with the 1893 highway law. Responding to questions shortly before leaving for Vietnam, General Duke “admitted that no public hearings had been held on the latest alignment of the North Central Freeway.” BPR, he said, had assured him all requirements had been met:

The funds would not be given if they had not met the requirements established by the Bureau of Public Roads . . . . I am confident as I am sitting here that not only have the requirements of the BPR been met with respect to all of these projects, but the interest of the citizenry has been met at the same time.

He explained that if officials believed they could further improve the location of the freeway and reduce adverse effects of the freeway, *then* they held public hearings. But if they felt that the changes that had been made and the appearance of the freeway represented the best possible location and that further public hearings would not result in improvement, then no further hearings would be required. “If we don’t think that constructive suggestions with respect to the improvement of the facility would be forthcoming from a public hearing, we would not hold one.”

Leavitt noted, “That the law required the hearings seemed to elude him.” In any event, he admitted that neither he nor his fellow commissioners read the transcripts of the public hearings.

General Duke was asked if he consulted with Chairman Natcher about withholding funds for Washington’s rail rapid transit system. He replied “. . . I certainly would not deny that in the course of our discussions this problem came up.” [pages 94-96]

BPR and Members of Congress, she wrote, did not admit that freeway opponents had “an intelligent point of view to get across – that highways can do more harm than good.” She pointed out that ECTC’s Sammie Abbott “is summarily dismissed at the Bureau as a fanatic.” [page 182]

She also narrated the history of Section 23 of the Federal-Aid Highway Act of 1968. After Congress completed work on the legislation, President Johnson had been “deluged with letters and telegrams urging him to pocket veto the bill:

On the very day the pocket veto would go into effect if the bill was not signed, Senator Randolph, fearing the President would allow it to expire, hustled to the White House and pleaded with Mr. Johnson to sign the bill. The President went to the Texas White House that night at ten P.M. and took along the unsigned bill. By midnight, Texas time, he signed it.

She quoted President Johnson's statement on why he signed the bill despite his reservations, particularly about Section 23. [pages 222-223]

While writing about the period when Chairman Kluczynski was developing the freeway provision for the 1968 Act, she wrote:

In light of the attitude the newspapers have taken on the freeway issue, it is interesting to note that Washington *Star* vice president John W. Thompson, Jr., and Washington *Post* board vice chairman John W. Sweeterman and vice president Gerald W. Siegel are members of the Federal City Council and weekly receive their dose of freeway promotion to crank into their editorials. [page 107]

She ended her book, which was completed as Owen was going to court for the case that Judge Wright ruled on in on April 6, by recalling President Eisenhower's comments on seeing the plan for the District of Columbia. She recommended strict conflict of interest laws to avoid "the kinds of commingling of interests between public officials and representatives of private interests so prevalent in such organizations as ARBA and the Road Gang." In a discussion that contains material quoted earlier regarding President Eisenhower, she wrote:

In this manner, highway boosters in both private industry and public offices will no longer be able to mislead the public, a feat which they managed to accomplish with President Eisenhower at the time he endorsed the Interstate System in the mid-fifties. This was revealed in 1959 at a White House meeting at which Washington planners presented their proposed regional transportation plan for the city to the President.

After perusing the plan, which contemplated extending numerous interstate freeways into the heart of the District of Columbia, particularly I-95, President Eisenhower commented that he never thought when highway advocates proposed the interstate program to him that freeways would be extended into the centers of cities. He said he understood that the Interstate System would connect to the cities but not enter them.

One of the planners who was present at the 1959 meeting recalls that the President also commented at that time about the heavy commuter traffic he observed during his drives to suburban Maryland's Burning Tree Club for a game of golf. Mr. Eisenhower noted that a large number of automobiles was entering the city, but that most of these carried only one person. He suggested that since those automobiles clog streets and demand precious space for parking it might be feasible to limit the number of automobiles entering the city.

President Eisenhower's doubts and reservations about our highway program were voiced many years ago. They are even more valid today. [pages 298-299]

During an interview with a *Post* reporter, Leavitt pointed out that, "The birds down here look very, very sooty" near her home. "I don't know why they don't have lung cancer." The cause: the automobile, a foe that she and her husband had been fighting since moving to Washington 8 years earlier. "And when Mrs. Leavitt identifies an enemy, she goes after him." She told the reporter:

The automobile just doesn't belong in the urban scene. The time will come when people who feel they have to have an automobile will do what people do who feel they have to town a horse do – buy two-acre lots out in the country, where they can drive their automobiles around and around all they want.

There is a definite policy to make the automobile and the airplane the only means of transportation. They cut off all the other modes, and then say, "But people just love automobiles." I'd like to see the area blanketed with transportation – not just the Metro, but jitney service, adequate bus service in the suburbs, trains. I'd like to see the trolleys run again. They were sacrificed to the automobile.

Leavitt lived with her husband, their two sons who were in public school, and their dog Judy. [Martin, Judith, "Enemy: The Auto," *The Washington Post and Times Herald*, April 10, 1970]

Reviewing the book in the *Post*, Jack Eisen described it as "passionate in tone, selective in content and argumentative in thrust – so much, in fact, that it is guilty of overkill." To accept her thesis, he wrote, a reader must be prepared to believe that every highway supporter "is engaged in one huge conspiracy, motivated by greed or stupidity."

Freeways in many cities, "including over-maligned Los Angeles, perform the task of skimming off through or crosstown traffic (including trucks) and returning the regular surface arteries to their neighborhood residential and commercial purposes." Leavitt sought to dispel such a "notion" at every turn for "it is the automobile traffic itself that she sees as the basic villain. Freeways, she insists, induce unwanted travel to enter urban centers."

The best part of the book, Eisen wrote, is Leavitt's dissection of the "fabled" highway lobby and Members of Congress who support the Federal-aid highway program. Those Members of Congress, working on the Federal-Aid Highway Act of 1970, were, "at this very moment, preparing to extend its life in a form that is not likely to be less lucrative to the builders."

He also commented on his discussion of the freeway battle in the Washington area:

The analysis of Washington's road disputes illuminates some shadows. But Mrs. Leavitt, in common with most local freeway foes, dismisses the very real political threat to our Metro system that was posed by the controversial congressional edict to build the Three Sisters Bridge, among other projects. [Eisen, Jack, "The Freeway Fight," *The Washington Post and Times Herald*, April 20, 1970]

Stephen Green, reviewing the book for the *Star*, agreed with Eisen that her chapter on the highway lobby was "the real blockbuster in this book." Its members had "tried to perpetuate an image of the interstate highway system and its financing trust fund that is akin to motherhood and apple pie":

Many of the allegations made in the book have been well reported in Washington in recent years: urban freeways induce more traffic instead of reducing it; they divide and cripple more cities instead of restoring them to economic health.

Green predicted that when the Highway Trust Fund came up in Congress later in the year during development of the Federal-Aid Highway Act of 1970, “Mrs. Leavitt’s book will provide ammunition for those who oppose the trust fund as it now is constituted:

Her labors may prove more fruitful than those of the city’s louder and more visible freeway opponents, for she has written a damning indictment of the Interstate System and the men responsible for it, particularly that portion which makes up our urban expressways. [Green, Stephen, “Foe of the System Of Building Freeways, *The Sunday Star*, May 31, 1970]

Several other anti-freeway books would be published during the same period, usually citing the Washington freeway battles. For example, Ben Kelley, FHWA’s director of public affairs under Administrator Bridwell, published *The Pavers and the Paved* in 1971 (Donald W. Brown, Inc.) In his insider’s look at the negative world of highways, he wrote:

No catalogue of urban highway grief would be complete without recognition of the District of Columbia’s years-long running war of resistance to freeways – a community-wide movement that has remained alive and vigorous despite heavy-handed maneuvers by road lobbyists and their congressional collaborators to put down more pavement in a city already crisscrossed with more freeway miles per capita and per square mile than any other in the United States, including symbolic Los Angeles. [page 109]

When the city council rejected the Three Sisters Bridge in 1967, the House Public Works Committee reacted “with a mixture of amazement and fury,” turning “with a vengeance to the task of reversing the city’s disposition of its freeway problems.” [page 111]

After quoting extensively from the minority opinion of Representatives McCarthy, Schwegel, and Waldie, Kelley discussed the U.S. Court of Appeals decision on February 15, 1968, enjoining the city for failure to comply with the 1893 District highway law. “The court’s opinion might have been written in vanishing ink so far as the House Public Works Committee majority seemed concerned.” The result was Section 23 of the 1968 Act. Kelley recalled the result from his insider perspective:

Secretary Boyd found himself in a string of meetings with citizen groups opposed to Section 23, as well as with District government officials and members of his own staff who were close to the issue. Finally in mid-August, pressed to give the President a recommendation, he called together his senior staff and top officials from the department’s Federal Highway Administration – including the director of the Bureau of Public Roads [Frank Turner] – for an informal poll. Predictably, the highway agency officials urged against veto, while the Secretary’s policy advisers tended to be for it. It was finally decided that although the District provision was profoundly objectionable, other provisions of the bill, including its broad reform of relocation housing assistance, justified the President’s signature. [pages 114-115]

Kelley’s account ended with the city council’s report to Congress in February 1970.

The Road Gang, which began in 1942 as an informal luncheon forum for the exchange of ideas by public and private executives whose interests were broadly related to highway transportation, invited Leavitt in 1970 to defend her book. *Road Gang Goes for the Gold*, published in 1992 to celebrate the group's 50<sup>th</sup> anniversary. Described the event:

Another "first" was a woman guest speaker, Helen Leavitt, who not only drew a large attendance but sparked some of the liveliest, if not the loudest, discussion in Road Gang experience. In the words of Chairman [Charles W. "Bill"] Day, who even used his horn to help sustain order, the debate was "brisk."

Others remember the meeting as loud, maybe even a bit raucous. [Knight, Don, editor, *Road Gang Goes for the Gold*, A Special Commemorative Newsletter Tribute to the Road Gang, June 25, 1992, page 5]

Despite the Road Gang's views, *Superhighway-Superhoax* has endured as one of the best books of the genre. In 1996, the New York Public Library included Leavitt's book among the Books of the Century. "The book's argument and central paradox, that most superhighways bring increased traffic congestion rather than less, has never been effectively countered." The citation noted some of her criticisms, "most notably, she demonstrates environmental degradation, strangled cities, and ruined public transportation systems." [Diefendorf, Elizabeth, Editor, *The New York Public Library's Books of the Century*, Oxford University Press, 1996, p. 147])

### **Threatening Metro**

Chairman Natcher made his displeasure with the court's ruling known during hearings in April 1970 on the District of Columbia Appropriations Act, 1971. On April 14, Mayor Washington, Deputy Mayor Watt, and other city officials testified before the Natcher Subcommittee on the city's diverse financial needs.

On transportation, Mayor Washington promised that the city would "continue to take important steps forward toward a comprehensive transportation system," including a contribution of \$34.2 million in capital matching funds for the Metro system. "In fiscal 1971, contracts will be let for 16.1 miles of planned subway routes within the District."

As for the city's freeways, he said:

The interstate highway program, which will facilitate the movement of vehicular traffic, will continue to be developed with substantial construction being funded for the Three Sisters Bridge, Potomac River Freeway, the Center Leg Inner-Loop Freeway, the East Leg and Interchange "C." The total District share of this construction costs \$4 million, which will be matched by Federal grants totaling \$38 million. [District of Columbia Appropriations for 1971, Hearings before a Subcommittee of the Committee on Appropriations, Part 1, U.S. House of Representatives, 91<sup>st</sup> Congress, 2<sup>nd</sup> Session, H181-38, page 27]

Congressman Davis asked about the status of the Interstate System. “We keep getting reports in the newspapers of dissension among the officials of the District government and, of course, matters that are pending in the courts.”

Mayor Washington replied that he was not aware of any dissension within the city government. The city was proceeding “with every element that was called for in the 1968 Highway Act.” He asked Hubert B. Pair, principal assistant corporation counsel, to address the court case. Pair said, “We feel we vigorously defended the cases to the point that we prevailed at the trial level.” A three-judge panel reversed the trial court, but the counsel’s office had prepared a petition for a rehearing by the entire court. “We are hoping to overturn the decision of the U.S. Court of Appeals.” Construction, which had not been enjoined, was continuing.

Chairman Natcher questioned whether the city was in compliance with Section 23 of the 1968 Act. Referring to Chairman Fallon’s February 27 letter to President Nixon questioning the city’s compliance, Chairman Natcher told the city officials that he was surprised by the claim the city was in compliance:

I say to you quite frankly as one member of the committee that the District building [sic] is not in compliance with the Highway Act of 1968. That includes the Highway Department of the District of Columbia . . . . That letter has not been contested and that is the law and that is the law under which we intend to operate.

When Mayor Washington said he was relying on the opinion of the office of the corporation counsel, Chairman Natcher pointed out that the chairman of the Public Works Committee and his staff “who know more about this than anyone that I know, say that the District Building is not in compliance. They say that the recommendations from the Department of Highways and Traffic in the District of Columbia are not in compliance.” [pages 103-104]

Chairman Natcher returned to the issue on April 29 when Airis appeared to discuss the Department of Highways and Traffic’s budget. The chairman restated his view that the city needed freeways and a rapid rail transit system “to meet the tremendous day-by-day growth of traffic.” His committee “made every effort” to keep both moving, but had been forced to withhold funds for Metro because of the impasse blocking freeway construction. “After the matter was resolved we did just exactly what we told the House and the people downtown that we would do,” namely release the funds to begin construction of Metro.

President Nixon, Representative Natcher said, had taken a keen interest in the matter:

During the past several months, President Nixon has made every effort to see that this impasse was resolved. I want you to know, Mr. Airis, that he has done everything he told us that he would do. He has made a sincere effort to see that the impasse was resolved. And I say this to you frankly, he is the only President during the last 10 years that has had nerve enough to enter into this matter and try to resolve it. I know what I am talking about, Mr. Airis. I have served with several Presidents and I know the actions of others and I know what he has done. I say to you again, from the standpoint of the best interests of our Capital City, this matter must be resolved.

Chairman Natcher entered into the hearing record a collection of documents covering the attempts to end the impasse in recent years, including the President's letter of August 12, 1969, Chairman Fallon's letter to the President dated February 27, 1970, and his own statement in extended comments to the House.

The chairman said that since the Metro construction funds had been released, "the terms of the Highway Act of 1968 have not been complied with." He said that under no circumstances could he "recommend to this committee that we continue appropriating funds for rapid rail transit construction unless the Highway Act of 1968 is complied with in its entirety."

Since the submission of the reports and the letter to the President, Chairman Fallon and other members of the Public Works Committee had met with Secretary Volpe. "I am reliably informed that as a result of this meeting every effort will now be made to comply with the Highway Act of 1968, and that this will take place before the District budget is approved for fiscal year 1971 by this committee." If so, Chairman Natcher said he would recommend funding for Metro construction. "If not, then I do not intend to recommend construction funds for rapid transit for fiscal year 1971."

Congressman Davis agreed:

I was disappointed, as I am sure you were, to read some of the recent statements that did publicly appear, attributed to the Secretary of Transportation and the officials of the District of Columbia. I think the law is clear and unambiguous. I think the position of this subcommittee is equally clear and unambiguous and we have undertaken to act consistently with the enactments of this Congress. [pages 379-387]

Although the hearings were closed, reporters received transcripts of earlier hearings on April 29, including Chairman Natcher's warning to Mayor Washington about compliance with Section 23 of the 1968 Act. Congressional sources told reporters that Chairman Natcher's comments did not mean the city should ignore the U.S. Court of Appeals' decision on the Three Sisters Bridge project. The chairman was more concerned about the city council's recommendation to convert the Anacostia Freeway to a parkway on the East Leg of the Inner Loop Freeway north of Bladensburg Road and Secretary Volpe's suggestion that the Potomac River Freeway should be built on an elevated structure along the Georgetown waterfront. The Secretary's suggestion reportedly "infuriated" members of the Public Works Committee.

Jack Eisen reported:

As much as anything, however, a Public Works Committee spokesman said, there is concern that the city government is doing as little as it can to abide by the law, and that some officials quietly sympathize with delaying tactics.

The delay was symbolized by the fact that NPS had only recently provided the needed clearance for construction along the Anacostia River shore. [Green, Stephen, "Natcher Threatens New Subway Halt," *The Evening Star*, April 30, 1970; Eisen, Jack, "City Warned Of 2d Metro Fund Cutoff," *The Washington Post and Times Herald*, April 30, 1970]

Learning of the latest threat to Metro funding while the WMATA board was trying to resolve the minority hiring issue, Chairman Yeldell said, "We had no knowledge of this before it appears in the papers." General Graham pointed out that WMATA representatives had received "a fine reception" from Chairman Natcher when they testified.

Board member Gleason said:

I don't know if any organization can stand to be kidnapped time after time. Each crisis just makes the blood pressure rise more frequently and the patient dies. I don't know if transit can survive another crisis.

Vice Chairman Sickles suggested meeting with Chairman Natcher to bolster support for Metro, but General Graham replied that Natcher already knew "about our problems." [Meyer, Eugene L., "Metro, Warned of Fund Cut, 'Can't Survive Another Crisis.'" *The Washington Post and Times Herald*, May 1, 1970]

WMATA appeared before the subcommittee on May 5. Chairman Yeldell submitted a lengthy statement for the record in which he explained WMATA's request for \$34,178,000 to cover District's matching share, complimented the political leadership that resulted in the groundbreaking on December 9, 1969, confirmed the cost estimate of \$2,494,600 as long as Metro stayed on schedule, and assured that the final plan, while complex, was on schedule.

General Graham's statement confirmed the importance of staying on schedule. Despite the delay of 14 months before the groundbreaking ceremony, "we have compressed our construction schedule sufficiently to achieve initial train operations in July of 1973"

Our basic problem was threefold. First, we had to minimize the effect of cost escalation by compressing our schedule. Second, we had to hold the number of contracts in any given time period to the amount which would assure the benefits of contractor competition. Third, we needed to assure the advantages of a stable labor force.

We believe we have accomplished these objectives.

He outlined the work schedule for the 98.7-mile system, concluding:

The final segments will be completed and operational by December 1979 from Chillum to Greenbelt Station; from Silver Spring to Glenmont; from Kenilworth to Addison Road; from telegraph Road to Backlick Road; and along the Franconia Route.

Chairman Natcher was complimentary of the WMATA team:

As you have heard me say, probably on the floor, Mr. Yeldell, the members of this Board, together with the members who occupy staff positions are doing a good job, and I say that to you frankly. You have a lot of good people in this organization, a lot of good people. Mr. Yeldell, I just hope that the future will be such that we will be able to proceed with the rapid transit system.

He did not imply that developments might lead to another threat to the city's Metro matching funds. [Part 2, pages 1010-1026]

Eisen, using *The Perils of Pauline* analogy, wrote that the freeway-subway impasse "has burst back upon the front pages, sending new shock waves through the metropolitan political structure." He repeated Chairman Natcher's warning, but said that this time the chairman had "made clear that he did not really want to use it." Moreover, his ire was not aimed at city officials but at Secretary Volpe, leaving the city "caught helplessly in the middle." This reality explained, Eisen wrote, "the lack of anguished howls from City Hall." The goal was for Secretary Volpe and the city to agree on the East Leg Freeway and the Potomac River Freeway.

The future of the North-Central Freeway was another contentious question. "It was clearly the North Central that Chairman George H. Fallon (d-Md.) . . . had in mind" when he inserted his statement in the *Congressional Record* ("Even the rapid transit system which required such painstaking effort on the part of so many to get under way is subject to delays by the various [freeway] recommendations.")

Chairman Fallon and Chairman Kluczynski were the keys to resolving the issues. Referring to the reports submitted to Congress by Mayor Washington and Secretary Volpe in accordance with the Section 23 deadline, Eisen quoted Chairman Fallon's observation that the two reports were in disagreement with each other and were "radical departures" from Section 23:

These "departures" are what Fallon's ally, Natcher, has undertaken to rectify by invoking the power of the purse, if need be.

Eisen summarized:

One fact is clear: Washington is the nation's outstanding example of blockage of interstate freeways in an urban area, a symbol that heartens road critics and anguishes proponents. [Eisen, Jack, "New Threat Rocks Road Controversy," *The Washington Post and Times Herald*, May 3, 1970]

*Post* editors wondered how Metro became "the king in the decade-old chess game that has gone on over the District of Columbia's highway system." The game was complex, the players changed regularly, and much of it was taking place behind closed doors. If the game did not end soon, one thing was certain:

The king is going to be dead and with the demise of the subway will die the last best chance to make this metropolitan area a decent place to live in the future.

As for Chairman Natcher's threat, "If those funds are withheld, you can kiss the subway system good-bye."

Chairmen Natcher and Fallon did not seem to grasp, the editors wrote, that Metro is not an ordinary public works project:

It has to sell \$880 million in revenue bonds to complete its financing. What investor in his right mind is going to recommend or buy these bonds if the project is turned on and off as part of a political power play?

Congress was at fault, but “the anti-freeway lobby” also deserved some of the blame. Eventually the freeways would be built:

Those who fight against them so adamantly only succeed in depriving the city of a chance to use things like the north central freeway and the northern leg in a way that can help the city’s economic and social development.

Others were at fault as well:

Neither the Mayor nor the City Council has been a tower of strength. The city’s move towards a compromise last winter was made grudgingly, by the best interpretation that can be put on it, and deviously, by the worst. Secretary of Transportation Volpe then stuck in his two cents worth by tacking more ideas on the city’s proposal and sending the Congressmen up the wall in rage.

To further complicate the situation, the District’s freeway program has become the symbol of resistance of cities across the country to the use of freeway construction standards more appropriate in [a] rural area . . . . While it is one thing for the District to be a test case on such a major issue, it is quite another for the subway system to go down the drain while the battle is fought out.

The impasse could be “worked out fairly easily” by negotiation “if the game hadn’t been played out so bitterly for so long”:

It needs action, quickly – and not from men who are acting to please constituencies or pressure groups or to show that they have been right all along, but from men who are acting as responsible citizens trying to solve a difficult problem.

Congressional action to ram freeways through by threatening the subway was “the worst kind of demagoguery,” but the city’s and Secretary Volpe’s actions were “insane” because they “put Congress in the position where it thinks this is the only course of action it has open to justify its past performances.” The editors called for “some sanity and common sense” before the next moves. Otherwise, “the game is likely to end in total disaster.” [“The Game Called Freeways,” *The Washington Post and Times Herald*, May 3, 1970]

*Star* editors saw a way out of the impasse. The city needed to overcome two hurdles. If the good faith efforts to overcome the court challenge failed, the city should hold hearings to dispose of the problem. In addition, the differences between the ideas the city and Secretary Volpe submitted to Congress should be reconciled. This hurdle was more complex than the first one. “The House Public Works Committee, in fact, was sufficiently infuriated by the snarl some weeks ago to lodge a written protest with the President.” Chairman Natcher, while issuing his threat, reported that efforts were underway to work things out. “We trust he is right.”

The region could not afford another subway setback. “And the gravest mistake which Secretary Volpe and Mayor Washington could make would be to ignore the prodding which Natcher is giving them, at this point, in relatively gentle terms.” [“A Word to Wise,” *The Sunday Star*, May 3, 1970]

On May 6, Judge Sirica rejected plaintiffs’ request for a temporary injunction to halt construction of the Three Sisters Bridge. After what the *Post* characterized as “the judge’s rapid-fire rulings,” he cut off Owen’s arguments:

Suddenly, Sirica stopped Owen’s argument to ask whether the civic groups would be able to post a bond in the amount of contracts already let for bridge construction “to protect the government and taxpayers of the District of Columbia.

He concluded that even if he issued the injunction, the plaintiffs would be unable to post the bond, as commonly done. The bond would be an estimated \$1.5 million.

Owen said he would immediately appeal to the U.S. Court of Appeals.

Judge Sirica set June 11 for the start of the trial. [“Judge Refuses to Halt Bridge Construction,” *The Washington Post and Times Herald*, May 7, 1970]

Eisen reported on May 12 that the plaintiffs were seeking to halt construction at least in part on the basis of a deposition that attorney Gerald P. Norton had taken with Charles E. Hall, FHWA’s Division Engineer in the District of Columbia. During an April 28 deposition, Hall said FHWA had not yet approved the design for the bridge, which was being reviewed on orders of Administrator Turner.

Turner, in a March memorandum, had written:

[We are] still concerned that the combination of the adverse geometry of the superstructure, the unconventional design details, the extreme lack of design experience of a structure of this type and the complete absence of this construction experience in this country makes the undertaking extremely hazardous and fraught with danger.

To the best of our knowledge, very little has been accomplished to alleviate this concern.

Hall expressed doubts about whether the graceful, single-span bridge that the Commission of Fine Arts had approved could be built. Instead, he opened a consultant study to display an illustration showing a multi-span design and said that if the design were rejected, the bridge “could look like the pictures we had in this book.”

In a second deposition on May 5, Hall said he understood that Turner was firmly committed to the present design.

Robert Kennan, roads committee chairman of the Committee of 100 on the Federal City, argued that the questions Hall raised about the design were serious enough to justify a halt in construction. John L. Hess of the District’s corporation counsel’s office dismissed plaintiff’s

concern. “Everybody is now agreed, including Mr. Hall, that the bridge approved by the Fine Arts Commission is the one that is going to be built. No question about it.” [Eisen, Jack, “Approved Design of Three Sisters Bridge Is Challenged,” *The Washington Post and Times Herald*, May 12, 1970; quote from Turner memorandum in Green, Stephen, “New 3 Sisters Bridge Design Weighed,” *The Evening Star*, September 2, 1970]

### **Appropriations Action, 1971**

On June 1, the House Committee on Appropriations approved the FY 1971 District of Columbia bill drafted by Chairman Natcher’s subcommittee. The report explained that the committee was “still of the opinion that there is a place for both a freeway system and a rapid rail transit system in our Capital City.” However, freeway construction “must be carried out along with the rapid transit system.” After summarizing the reports submitted in February that contained “certain proposals that are not in compliance with the intent of the law,” the report concluded:

Another impasse has evolved. Until the current impasse on freeway construction is resolved no funds will be recommended for the District’s share of the Washington Metropolitan Area Transit Authority’s fiscal year 1971 construction program.

At the time, the city’s authority to borrow from the U.S. Treasury had expired, requiring congressional action that had not yet occurred. Because the loans were used as an advance on payment for highway projects, the city had not requested appropriations for matching funds for highway development. In the absence of loan authority, the committee recommended appropriating only \$500,000 for construction. It was for the Three Sisters Bridge to “complete the financing of that structure and is available from existing resources.” [District of Columbia Appropriation Bill, 1971, Committee on Appropriations, U.S. House of Representatives, 91<sup>st</sup> Congress, 2d Session, Report No. 91-1135, June 1, 1970, pages 4-5, 17]

WMATA saw the refusal to appropriate the requested \$34.2 million in District matching funds for Metro as a long-term peril if it prevented future contract awards. In the short term, the delay would be less of a problem because construction could continue.

Mayor Washington responded to the report by saying, “I am hopeful that the current impasse can be resolved quickly so that the much-needed subway program can proceed.” General Graham said WMATA had enough funds available to “keep Metro on schedule until the new freeway impasse can be resolved.” He added that the Senate had a pending supplemental appropriations bill that contained \$84 million in Federal funds for Metro. Approval of that bill was “absolutely crucial.”

Secretary Volpe was out of town and could not be reached for comment. Chairman Natcher, asked by Eisen for comment, said, “I have no additional comment other than what’s in the report.” [Eisen, Jack, “House Panel Again Refuses Metro Funds,” *The Washington Post and Times Herald*, June 2, 1970]

On June 4, the *Star* reported that Secretary Volpe had reversed his position on the Potomac River Freeway. In a letter to Chairman Fallon, Secretary Volpe said he now favored building the

freeway in a waterfront tunnel, as anticipated in Section 23 of the 1968 Act, instead of on an elevated structure. The freeway would be an eight-lane split-level facility, with the tunnel carrying the eastbound lanes while westbound traffic used the elevated Whitehurst Freeway:

The eastbound lanes will be built from an expressway stub, now running from 31<sup>st</sup> Street NW to 27<sup>th</sup> and K Streets NW. It will proceed parallel to and just south of the existing Whitehurst Freeway into a more than 4,000-foot-long tunnel starting between 400 and 650 feet west of Wisconsin Avenue.

From beneath the waterfront, the tunnel will continue under the C&O Canal, surfacing on the north side of the canal between Georgetown University and Canal Road. From there it will connect with the eastbound lanes of the Three Sisters Bridge.

From the present Whitehurst Freeway, the westbound lanes will go into a tunnel just west of Key Bridge and run for 1,750 feet to surface north of the C&O Canal. From there it will proceed west past the intersection of Foxhall Road and MacArthur Boulevard to join the westbound lanes of the Three Sisters Bridge.

The *Star* noted that FHWA had favored Secretary Volpe's proposed elevated structure, which in a joint use venture would have a park beneath the freeway. "But plans for redevelopment of the Georgetown waterfront, that include demolition of the Milton Hopfenmaier Co. rendering plant, have hinged on construction of the tunnel."

Secretary Volpe's letter to Chairman Fallon expressed the hope that the "clarification" would help resolve the city's transportation tangle. However, it addressed only one of the issues that Chairman Natcher had cited as the basis for withholding Metro funds. [Green, Stephen, "Volpe Switches on Freeway, Backs Georgetown Tunnel," *The Evening Star*, June 4, 1970]

Chairman Natcher brought the District of Columbia Appropriations Act, 1971, to the House floor on June 4. He explained the committee's support for a balanced transportation system that required construction of freeways at the same time as Metro:

Until the current impasse on freeway construction is resolved no funds will be recommended for the District's share of the Washington Metropolitan Area Transit Authority's fiscal year 1971 construction program. For this reason, Mr. Chairman, we do not recommend at this time the sum of \$34,178,000 for the District's share of the rapid transit construction program costs.

He once again went through the history of efforts to force the District to comply with Section 23, inserting into the record his summary from the April 30 hearing.

In the time since he had last recommended the appropriation of District matching funds for Metro, he said, it was clear "that the terms of the Highway Act of 1968 have not been complied with, and this is the situation we are confronted with today." When the city complies with Section 23 of the 1968 Act, he would recommend the funding.

Virginia's Representative Scott pointed out that his constituents depended on construction of Metro in the city. How, he asked, can the impasse be cleared?

Chairman Natcher again summarized the basis for the impasse, emphasizing that his decision would not affect current construction:

If between now and the time the bill passes the Senate, or at any time the District officials and the Department of Transportation comply with the Highway Act of 1968, I will recommend to the members of our subcommittee, to our Committee on Appropriations and to the full House that we appropriate the \$34,178,000 requested . . . .

But I must say this: As long as there is not compliance with the law passed by this House and the Congress of the United States I will never come to the floor of the House and ask for money to continue construction.

Representative Gude of Maryland said he understood the complexity of the impasse, but added, "I realize that I am one of a very small handful of Congressmen who take exception to a deepseated [sic] feeling in this House that we should not go ahead with funding the transit system unless we have corresponding progress in the expressway system." The freeway system and Metro should each be judged on its own merits. "I do not feel that we should hold one program hostage to the other."

Chairman Natcher simply thanked Representative Gude "for his statement."

Chairman Kluczynski took this opportunity to explain that as chairman of the Subcommittee on Roads, he had included Section 23 in the 1968 Act "to put an end to the years of unnecessary and ridiculous bickering which has gone on in the District of Columbia concerning interstate highway routes for the Nation's Capital." With just a few miles remaining to be built, "It is just intolerable that the city government continues to obstruct and delay and drag its feet on this vital project." He continued:

Where positive action is required all that can be seen is negativeness coupled with a cowering every time a militant voice is raised to object. I read recently that the great Roman statesman and philosopher, Seneca remarked long ago, "that government is ill-conducted, when the mob rules its leader." . . . .

Earlier in the day, Chairman Mahon had said the country must have a National Capital we can be proud of. Chairman Kluczynski said, "We can hardly be proud of unfinished freeways and intolerable congestion which has resulted from a government of indecision."

Representative Broyhill also was concerned about deletion of the Metro funds. "We are all aware of the seriousness of traffic congestion and have agreed to the necessity of a subway system. The more we delay doing something about it, the more it will cost to solve the problem."

Chairman Natcher went through the provisions of Section 23 to demonstrate the city's lack of compliance:

First. Not later than 30 days after enactment of the law, which was signed on August 23, 1968 – almost 2 years ago, work was to be commenced on four specific projects – the Three Sisters Bridge, the Potomac River Freeway, the center leg of the inner loop, and the east leg of the inner loop.

Second. The remainder of the projects would be studied for a period of 18 months and reported back to Congress by February 23, 1970.

With regard to the first step of the act the District government proceeded not only to completely ignore the law but within a period of about 4 months proceeded to remove from the plan three of the four required projects as they were designated by the Congress. Most of the remaining study projects were changed completely from what was indicated in the act.

The District's report to Congress in February, the second step, had been "a warmed over version of the plan which was rejected by the Transportation Planning Board over a year earlier." The Department of Transportation's report to Congress "proposed a still different plan than either that of the District of Columbia or that proposed in the 1968 Act." He continued:

It is my understanding that the Secretary of Transportation has now agreed to conform to the first step of the act but has retained his original position on the study projects.

This appeared to be a reference to Secretary Volpe's support for the tunnel option along the Georgetown waterfront.

We have now reached the point wherein the only thing that has been accomplished since the 1968 Highway Act was passed is to let one small contract on the piers of the Three Sisters Bridge and to begin the design of the Potomac River Freeway. Aside from that all is again in confusion.

In conclusion, he said he would like to recommend "tomorrow, next week, next month" to restore Metro construction funding, but that could happen only when the District and the Department of Transportation are in compliance with Section 23.

Of course, the floor discussion covered many other topics, but in the end, the House passed the bill, absent Metro funding, without a recorded vote. [District of Columbia Appropriations, 1971, *Congressional Record-House*, June 4, 1970, pages 18358-18370]

*Star* editors appreciated the efforts of Representatives Broyhill and Gude, both freeway supporters, to separate the freeway fight from Metro construction. "But what their pleas did reflect was a recognition that the transit program now has reached the critical stage in which a prolonged delay in appropriations could sink the whole business, probably permanently."

The editors could not contest Chairman Natcher's recitation of the history of "broken promises which have left the highway program once again 'in confusion.'" Secretary Volpe and Mayor Washington "should be hammering on Natcher's door in search of an agreement."

In 1969, the impasse had been broken only by President Nixon's intervention. "We see no way out of the present mess short of a repetition of this action, in which a new agreement could be reached in terms of the conditions that exist today." Sadly, Secretary Volpe and Mayor Washington do not seem able, "of their own volition," to reach such an agreement. "But there is no reason to anticipate that they will do so in the absence of a strong push from the boss." ["Those Subway Funds," *The Evening Star*, June 12, 1970]

The Senate Committee on Appropriations approved its bill for the District of Columbia on June 18. Working from the House bill, the Senate committee deleted the \$500,000 appropriated for the Three Sisters Bridge, but recommended appropriating \$34.2 million for Metro construction. Chairman Proxmire realized changes would be a major issue during the House-Senate conference, but said, "It seems to me we have a clear commitment to move ahead with the subway. Once you start work on it, it's bound to be wasteful and increase the cost if you interrupt it." He added, "I think Mr. Natcher and I will be able to arrive at a fair settlement." [District of Columbia Appropriations Bill 1971, Committee on Appropriations, United States Senate, 91<sup>st</sup> Congress, 2d Session, Calendar Nol 939, June 18, 1970; Moore, Irna, "Metro Funds Put Back in Budget," *The Washington Post and Times Herald*, June 18, 1970]

On June 26, Chairman Proxmire brought the District of Columbia Appropriations Act of 1971 to the Senate floor. Referring to the Metro funding, he told his colleagues, "This is the principal difference between the House and the Senate. They did not fund the subway, we did." The Senate approved the bill without discussion of the Metro funding or the freeway impasse. [District of Columbia Appropriations, 1971, *Congressional Record-Senate*, June 26, 1970, pages 21686-21689]

In conference, Representative Natcher prevailed, as explained in the conference report:

The list of projects approved does not include funds for the District's share of the Washington Metropolitan Area Transit Authority's construction program. The managers on the part of the House reiterate their opinion that there is a place for both a freeway system and a rapid rail system in our Capital City. In order to meet the tremendous day-by-day growth of traffic, the freeway program must be carried out along with the rapid transit system. There is no desire on the part of the House managers to halt the subway program and the denial of funds at this time will not stop construction already underway and the managers are determined to do everything they can to enable the Authority to maintain its construction schedule and the integrity of the financial plan. When the current impasse on highway construction in the District of Columbia is resolved, every consideration will be given to a supplemental request for the District's share of the cost of the Washington Metropolitan Area Transit Authority's fiscal year 1971 construction program. [District of Columbia Appropriations, 1971, Conference Report, U.S. House of Representatives, 91<sup>st</sup> Congress, 2d Session, Report No. 91-1267, June 30, 1970, page 4]

According to the *Star*, the phrase beginning "are determined to do everything" was included in the report language at Chairman Proxmire's request. He told reporters

Conferees also retained the appropriation of \$500,000 for the Three Sisters Bridge.

Chairman Proxmire told reporters that Senate conferees understood Chairman Natcher's view on the importance of developing Metro and freeways at the same time. "Proxmire said the Senate conferees felt that unless they took the position they did, a bill might not have been reported out until fall. [James, Betty, "D.C. Budget Cleared by House," *The Evening Star*, July 1, 1970]

On the House floor, Chairman Natcher explained the decision by conferees to remove the Senate's appropriation for Metro. Referring to the language quoted above, he said, "It clearly shows that the other body and this body, and especially the Committee on Appropriations in the House, believes that we must have both a rapid transit system and a freeway system in our Capital City." On June 30, the House approved the conference report without further discussion of the subway funding. [Conference Report on H.R. 17868, District of Columbia Appropriations, 1971, *Congressional Record-House*, June 30, 1970, pages 22158-22156]

Senator Proxmire introduced the conference report in the Senate on July 1. After the report was read into the record, Senator Tydings said he opposed the report because it denied funds for Metro construction. In so doing, he said, "it insults the citizens of the sovereign States of Maryland and Virginia and the District of Columbia; and because it represents an unprecedented and intolerable interference in the local affairs of these States."

He recognized that Senator Proxmire had tried his best to retain the funds, and that the House conferees had forced the deletion:

Mr. President, speaking for the government and the citizens of Maryland, I deeply resent this continued interference with our purely local questions. Nowhere else in this Nation has Congress so abused local governments than as in this case of stalling subway construction for the Washington Metropolitan area. Never has Congress blackjacked local governments as it has attempted to in this case.

What business is it of Congress where Maryland, the District of Columbia, and Virginia decide to put their highways and subways? What right has Congress to jeopardize the Metro program? By what authority does Congress tell the people of Maryland to go without their vital Metro mass transit system because of a highway mess in the District of Columbia?

He hoped the House would "reconsider its strategy of holding the subway hostage for construction of a few particular, highly controversial freeway routes." He did not intend "to stand idly by" in the face of this "gross insult to the people and governments of this area." He would not try to block the pending bill, but if the impasse were not resolved by the fall, he would have to "recommend that we amend this highway financing authority to make it clear that the Metro and the freeway program must be constructed together; that one will not be held hostage for the other; and that funds for the Metro system will be appropriated together with funds for freeway construction" to free both systems "to proceed in accordance with the desires of the people and governments of Maryland, Virginia, and the District of Columbia." He introduced

letters, resolutions, and statements from Maryland State and local officials in support of breaking the impasse holding up Metro funding.

Several Senators, knowing the conference report would be approved without a recorded vote, voiced that agreement with Senator Tydings. Senator Spong and Byrd of Virginia and Senators Eagleton and Clifford Case applauded the Tydings comments.

Senator Proxmire responded that “I agree with virtually everything he has said in his statement. I agree enthusiastically.” He explained:

Again and again in the conference I brought up the point that while there had been some reluctance on my part last year to fund the subway because of the inflationary tendency involved in starting the biggest construction project in the history of the country, it would be enormously expensive to halt it. And for that reason they agreed. And they realize that it would be a disaster if we had to stop construction on it.

We have to be realistic and realize that they can always stop anything we do over here. But there is every likelihood and every expectation that we will be able to resolve that impasse by mid-September.

House conferees were “adamant in reasserting the position advanced by Chairman Natcher.” The Senate conferees countered that maintaining the continuity of Metro construction was vital and that “it was both unreasonable and unrealistic to delay construction during the critical first phase of the project’s construction schedule.” Given the House insistence, the Senate conferees either had to yield or face the prospect of “ending up in a stalemate.”

The Senate approved the conference report with a recorded vote. [District of Columbia Appropriations Bill, 1971-Conference Report, *Congressional Record-Senate*, July 1, 1970, pages 22488-22495]

President Nixon signed the legislation on July 16, 1970 (P.L. 91-337).

### **Volpe Before the Subcommittee on Roads**

On June 10, 1970, Secretary Volpe appeared before the House Subcommittee on Roads to testify on plans for the Federal-Aid Highway Act of 1970. During the question period after Secretary Volpe testified about the needed 2-year reauthorization bill, Chairman Kluczynski asked about a letter the Secretary had sent to Chairman Fallon on May 4. (He sent a similar letter to Chairman Randolph.) It stated:

In the review of the individual State estimates by the Bureau of Public Roads there were identified several system segments on which question exists as to whether the highway can be built. In some cities the responsible officials have declared the highway is not wanted and will not be constructed. In certain instances the Governors have made similar declarations. The cost of completion reported for some sections is so great as to warrant bringing to the attention of the congressional committee.

The letter listed 13 areas with controversial Interstates totaling \$3.9 billion. The areas included Baltimore, Boston, Chicago, Cleveland, Hartford, New York City, Philadelphia, Providence, Seattle, Shreveport, and the District of Columbia. The list also included I-93 through Franconia Notch in New Hampshire and the adjoining segment in Vermont. Secretary Volpe explained that the list provided to Chairman Fallon included “projects on which there has been little or no progress in recent years.” He added:

They cannot be completed if we continue to procrastinate, as is the case in some of the projects, and defer decisions which we believe must be made in the very near future if we are to complete the Interstate Highway System in the time frame which we have been talking about.

The implication was that while the Department of Transportation had included the projects in the latest ICE, Congress may wish to consider removing them. None were “completely essential to an integrated national system.”

Chairman Kluczynski was particularly concerned because the list included the Crosstown Expressway in his hometown of Chicago, a freeway the city and Governor wished to complete. Similarly, Chairman Fallon was concerned about routes in his hometown of Baltimore.

Chairman Kluczynski noted, however, that the list included proposed freeways in the District of Columbia. The letter estimated that completing the District segments (Three Sisters Bridge, North-Central Freeway, Potomac River Freeway, the North and South Legs of the Inner Loop Freeway, and the East Leg, north of Bladensburg Road) would cost \$650 million from the Highway Trust Fund. If these and other controversial routes were not going to be built, or indefinitely delayed, Secretary Volpe thought the apportionment factor resulting from the ICE should be recalculated with these costs deleted. [“Federal-Aid Highway Act-1970,” Hearings, Subcommittee on Roads, Committee on Public Works, U.S. House of Representatives, 91<sup>st</sup> Congress, 2<sup>nd</sup> Session, Report 91-35, pages 954-956; Green, Stephen, “Volpe Casts Doubt on Freeway Future,” *The Evening Star*, June 11, 1970; Secretary Volpe’s letter appears on pages 1038-1039 of the hearing record.]

(Helen Leavitt appeared before the subcommittee on May 12 to testify against the highway program and the Highway Trust Fund. She also opposed a Transit Trust Fund because of her view that transportation decisions should be based on needs, not funding source.

(Representative Harsha questioned her qualifications. He had a copy of her book, which he said provided an incorrect name of his law firm. He asked if she drove an automobile. “Yes,” she answered, “occasionally.” He told her, “Then you contribute to all this pollution you are complaining about.”

(Who supported her study of highway programs? She did not understand, replying, “Who, if any? My husband.” He clarified that he was asking if she received money from any foundations. No, she had not, although she received an advance of \$2,000 from Doubleday.

(As for her criticism of the safety record on the Nation's highways, he said, "taking your suggestion to maybe the ridiculous point, if we did away with all highways, we would not have any accidents." She replied, "Well, we would not have any automobile accidents." He concluded, "Okay. That is all I have."

(Chairman Kluczynski admitted he did not have a copy of her book but would get a copy and read as much as he could before the next day's hearing. "This is one time Big Klu is happy he is not a lawyer, because you would have me quoted in that book of yours, too. [Laughter]" He said, "I admire you for your courage, fighting spirit, and it has been a pleasure to have you before the committee." If she had any more testimony, he encouraged her to send it in. [pages 411-416]

(If he did read *Superhighway-Superhoax*, Chairman Kluczynski would have found that he was mentioned and quoted several times, initially via a quote defending the Public Works Committee's wisdom in promoting the Interstate System in 1955-1956:

When the pressure was at its heaviest, one of the committee members made this remark, "We have heard from everyone except the public." No one can speak adequately for the public except their representatives in Congress. The public has no organized lobby or pressure groups and I am confident that we will give the public proper representation in the consideration of . . . [the proposed highway bill]. [Leavitt, page 50]

(She referred to or quoted him several more times, including his comment at the end of the December 1968 hearings on District freeway problems:

We want that bridge," said Subcommittee Chairman Kluczynski . . . . Serving notice that he expected Boyd to approve the new Potomac bridge by the end of the month, the chairman added, "If he doesn't act, the Congress will. That's a mandate." [page 98]

(In summing up the views of Chairman Kluczynski and his Public Works colleagues, Leavitt wrote, "It would be difficult to describe Kluczynski's committee as sympathetic to *any* criticism of freeways." [page 218, italics in original.]

## **On Trial**

As directed by the three-judge panel of the U.S. Court of Appeal, Judge Sirica convened a trial to consider the Three Sisters Bridge lawsuit on June 8.

In an opening statement, Owen argued that the city had violated planning requirements before beginning construction. He also questioned the design based on the deposition by FHWA's Hall. "The fact is that the District is proceeding with the construction of a bridge which may or may not fall down . . . nobody knows for sure." Construction must be stopped until the city held the required design and location hearings. He said the District Highway Department had signed a certificate approving the location belatedly in "an effort to paper over the crack in the government's case." He added that the city had approved the bridge only after "enormous political pressure" related to Metro funding and, therefore, should be ruled invalid.

John R. Hess, representing the District of Columbia, and McKevitt, representing Secretary Volpe on behalf of the Justice Department, said they would demonstrate that project development complied with applicable laws and regulations.

After the opening statements, Judge Sirica agreed that, “This is going to be a very crucial question, a very important question,” referring to the question of political pressures. [“3 Sisters Bridge Trial Opens With Accusations,” *The Evening Star*, June 8, 1970; “Three Sisters Trial To Include Politics,” *The Washington Post and Times Herald*, June 9, 1970]

The entire second day of the trial consisted of Owen questioning two FHWA officials, Associate Administrator for Planning E. H. “Ted” Holmes, and Rex I. Wells of the Office of Environmental Policy. They had prepared a memorandum recommending approval of the span. That memorandum was given to Secretary Volpe, who approved it in October 1969, about 2 months after Secretary Volpe restored I-266 to the Interstate System. Owen was attempting to demonstrate that the timing was intended to “paper over” legal defects in the approval process.

On June 10, Judge Sirica asked Hess and McKevitt to provide copies of any documents reflecting congressional pressure of Secretary Volpe. He rejected a motion by Owen to subpoena the documents and questioned whether documents could prove that Secretary Volpe was reacting only to congressional pressure when he restored I-266 to the Interstate System.

Owen referred to Secretary Volpe’s deposition in the case, during which he acknowledged talking with Chairmen Natcher, Fallon, and Kluczynski, as well as Representative Cramer about the bridge.

Former Administrator Bridwell testified during the day that his decision to remove the bridge from the Interstate System was not a result of political pressure. Eisen summarized:

He said that he gave “very much” weight to the Highway Act of 1968, in which Congress required building the bridge, and even sought a legal opinion on “the flexibility I had within the statutory language.”

Bridwell said he deleted the bridge at Mayor Walter E. Washington’s request after the National Capital Planning Commission and the City Council adopted a highway plan omitting it.

“It only came to me a few days before leaving office,” he explained, adding. “I acted promptly . . . .” [Eisen, Jack, “Hill Pressure On 3 Sisters Questioned,” *The Washington Post and Times Herald*, June 11, 1970]

On June 11, McKevitt told the court that no documents existed showing political pressure on Secretary Volpe to restore the bridge to the Interstate System. In view of former Administrator Bridwell’s testimony, Judge Sirica called for documents reflecting earlier political pressure by bridge opponents to kill the project during the 6 months between enactment of the 1968 Act and Bridwell’s departure from FHWA.

According to Eisen, the trial “moved slowly as lawyers for the bridge opponents methodically submitted evidence and questioned witnesses in an attempt to prove that federal and District of Columbia officials took shortcuts in required hearings and administrative procedures”:

Charles E. Hall, division engineer for the U.S. Bureau of Public Roads, acknowledged that the bridge now in preliminary construction stages is not the same in proposed design or precise location as the one considered at a public hearing in 1964.

He also testified that he still is not sure the bridge as designed, using a single span of long reinforced concrete, can be built. But he said a bridge of similar design could be built of steel. Whatever is built, he insisted, would be safe. [Eisen, Jack, “Judge Seeks Files on Cancellation of 3 Sisters,” *The Washington Post and Times Herald*, June 12, 1970]

Secretary Volpe took the witness stand for 5 hours on Friday, June 12. He testified that he approached the future of the bridge “with a completely open mind.” He ordered new department of transportation studies of the need for the bridge and its potential adverse impacts. He said that he met with bridge supporters and opponents and that he had considered their views. He was contacted by Chairman Natcher and other congressional leaders. However, he declared, “They know I don’t bend easily.”

In the end, he concluded that the Three Sisters Bridge was needed and that it was essential to the National System of Interstate and Defense Highways. He denied that he had approved the bridge to secure release of the Metro construction funds.

Owen noted that Secretary Volpe’s assertion that the bridge was essential to the Interstate System contradicted his May 4 letter to Chairmen Fallon and Randolph asserting that urban freeways were not needed for the national system although they may be of local importance. Eisen reported, “Questions by Roberts B. Owen . . . failed to resolve the seeming contradiction.” [Eisen, Jack, “Volpe Denies Hill Pressure On 3Sisters,” *The Washington Post and Times Herald*, June 13, 1970; Green, Stephen, “Three Sisters Bridge Vital, Volpe Testifies,” *The Evening Star*, June 13, 1970]

The following Monday, June 15, Administrator Turner told the court that politics and pressure did not play a role in his decision to restore I-266 to the Interstate System. He acted on the merits of the bridge. He had always favored the bridge project, he said, and believed it was needed for traffic relief.

To make their case, Owen and Norton traced the events leading to construction of the Three Sisters Bridge. Bridwell, in one of his last acts, removed I-266 from the Interstate System. Chairman Natcher warned that he would withhold the District’s matching funds for Metro if the city and Department of Transportation did not comply with Section 23. On August 9, the city council agreed to build the bridge. On August 11, Secretary Volpe ordered Turner to put I-266 back on the Interstate System. Turner did so the following day. The same day, Chairman Natcher made clear that his decision depended on actual construction, not promises. President Nixon’s August 12 letter to Chairman Natcher summarized the recent steps in an effort to convince Chairman Natcher to release the funds. “I trust these actions fulfill the criteria that you

set forth.” Once ground was broken on the bridge project, Chairman Natcher released the funds, allowing for the Metro groundbreaking ceremony.

Norton, seeking to have President Nixon’s letter entered into evidence over government objections, said, the letter was “the clearest evidence of the linkage between these two actions [bridge construction leading to subway funds] that there could be.” Judge Sirica admitted the letter in evidence. [Eisen, Jack, “Nixon Letter Cited as Evidence of Pressure to Build Three Sisters,” *The Washington Post and Times Herald*, June 16, 1970]

Director Airis testified in the trial on June 16. He did not recall any pressure to expedite construction of the bridge. He said the implication was that there is something wrong with speeding up the job. “That has always been my goal . . . . I try to do what is in the public interest and is proper.” He added, “All kinds of people give me advice . . . but when something goes wrong, there is the damndest scampering for cover that you ever saw . . . but I can’t dodge.”

He acknowledged that he sent progress reports to Chairman Natcher. Norton showed Airis transcripts of his appearances before Chairman Natcher’s subcommittee during which the freeway-subway impasse was discussed. Airis, however, said he could not recall discussing the political link between the modes.

Norton also asked about a September 2 letter from Airis’s deputy, Gerald I. Sawyer, to FHWA Division Engineer Hall, reading in part, “This will confirm our mutual agreement in the project. This action was taken due to urgency in getting the contract under way.” The copy in Norton’s hand had Hall’s initials and Hall’s notation: “This was to provide a two-week [contracting] period because of the urgency of starting construction at the behest of Congress and the need of D.C. for [Metro] construction money.” Asked about this exchange, Airis replied, “I have no idea . . . I don’t know what he’s referring to.”

Airis returned to the stand the following day, June 18. He testified that he had adhered to all requirements for public hearings and had considered possible social and economic impacts prior to approval. He said he had always acted in “a meticulous manner” in carrying out project development.

Judge Sirica recessed early for the week, at plaintiffs’ request, until Monday, June 22. [Eisen, Jack, “Outside Pressure on Bridge Denied by D.C. Road Chief,” *The Washington Post and Times Herald*, June 17, 1970; “Bridge Plan Legal, Airis Tells Court,” *The Washington Post and Times Herald*, June 19, 1970]

The trial lasted 11 days. As Professor Schrag explained, Owen had a unique strategy:

He had learned that a completed Three Sisters Bridge, with its approaches, would block Sirica’s own commute down MacArthur Boulevard. He could hardly make that argument in open court, so instead he simply laid out the maps, saying, “Judge, I think you need to understand this.” One of the government lawyers broke in, saying, “Ha, ha, ha. Judge, I see what he’s trying to do. He’s trying to persuade you that you will not be able to drive to work if the bridge is built.” Sirica looked stunned, then announced a twenty-minute

recess, during which he scrutinized the maps in the privacy of his chambers. Returning to the courtroom, the judge was much more sympathetic to the plaintiffs . . . . [Schrag, pages 136]

The final day of the trial was June 24. The key issue had been whether Secretary Volpe, Director Airis, and others had skirted statutory and regulatory requirements in moving ahead with the bridge to obtain Metro construction funds that Chairman Natcher had bottled up. At one point in the trial, Judge Sirica had said the issue was not whether political pressure had been applied, but whether the pressure was improper.

With the trial nearly over, Owen said he would ask for a preliminary injunction on the grounds that the safety of the bridge design had not been established. Jack Eisen reported that Judge Sirica said that the legal issues involved were complex and confusing, calling the case “highly emotional . . . on both sides.” Eisen continued, “Sirica, in an informal reply from the bench not included in the trial transcript, said: ‘I’m not going to act on any injunction in this case until I decide it . . . . I’m going to decide it at one time.’” [Eisen, Jack, “Bridge Work Halt Refused,” *The Washington Post and Times Herald*, June 24, 1970]

On August 3, Judge Sirica announced his decision. He did not question the legality of the bridge, which Congress had ordered to construction. “It is not for this court, or for any court to decide whether a bridge across the Potomac in the vicinity of Three Sisters Island is needed, or if the bridge as presently planned is a worthwhile project . . . .” The court’s role was limited to determining if all legal provisions had been followed.

As for political pressure, he found that plaintiffs had not demonstrated “that the actions of Mr. Natcher or any other individuals were in any way dishonest, illegal or unusual under the circumstances . . . . But if these actions had the effect of causing officials to disregard obligations imposed on them by statute, then this court must halt construction of the bridge until . . . statutory obligations [have been met].”

He concluded that Secretary Volpe had approved the bridge “on the merits of the project and not solely on extraneous political pressures.” Moreover, the city and Secretary Volpe had complied with Section 4(f) and other issues plaintiffs had raised, but with one exception. He found that city officials had overlooked the design hearing and acted too quickly in hopes of freeing funds for subway construction:

The court finds that the present design of the bridge is so substantially different from that proposed in 1964 that the public should be given an opportunity to present their views on the project as presently planned.

Last but not least, the cost of the present project is estimated at \$20 million as compared with an estimate of \$6 million in 1964.

He also ruled that no Federal-aid highway funds could be used for preliminary construction work on the bridge until tests took place to determine whether the design was structurally sound.

District officials indicated they were considering an appeal of the ruling; some said they would move fast to an appeal.

Eisen noted that the decision, while based on procedural issues, was a major victory for project opponents. ECTC's Abbott said that the lawsuit had been helpful because opponents "have gained valuable time to marshal their forces and to move on . . . the battle against air pollution."

[Eisen, Jack, "Judge Delays Construction of 3 Sisters," *The Washington Post and Times Herald*, August 4, 1970; Green, Stephen, and Hirzel, Donald, "D.C. Aides Indicate They'll Appeal Halt to 3 Sisters Span," *The Evening Star*, August 4, 1970]

The *Star* said of the decision that another "knot has been added to the District's transportation tangle." Nevertheless, the editors hoped "that the legal twists can be unwound this year and that neither the freeway nor subway projects will be thwarted." The call for public hearings on the bridge project "does not raise an insuperable barrier," but it would delay construction and "that is distressing."

The editors were encouraged that Judge Sirica had not ruled on the merits of the bridge or challenged Section 23 of the Federal-Aid Highway Act of 1968. Section 23's "nevertheless" phrase was "a stern command that has been tortuously circumnavigated in the drawn-out legal hassle over the project."

Regardless, the editors hoped that Chairman Natcher would note that "Judge Sirica is not attempting to foreclose the Three Sisters span, and will move to prevent the Metro from grinding to a halt in its infancy":

He and his committee should take into account that District officials and the Nixon administration both have striven in the best of faith to break the bridge-freeway impasse. The new Potomac crossing, the expressways, the subway are all vital components of a balanced system that is needed to rescue the Nation's Capital from traffic chaos. One component shouldn't be scuttled because another has suffered a temporary setback. ["Three Sisters Delay," *The Evening Star*, August 5, 1970]

After attorneys for the plaintiffs and defendants could not agree on the terms of an injunction, Judge Sirica wrote it himself on August 7. When the city asked for permission to complete the pier contract, Owen pointed out that the U.S. Court of Appeals had ruled that work must be halted unless Judge Sirica found that all legal requirements had been satisfied, and he had not done so. Judge Sirica signed the injunction halting work on the bridge, but included a phrase delaying the effect of the injunction for 20 days to give the city time to appeal regarding the existing contract. ["Bridge Injunction Delayed 20 Days For Appeal by D.C.," *The Evening Star*, August 8, 1970]

After the hearing, Airis told reporters that a 6-month delay in the contract would add \$384,000 to the cost of the bridge; a year delay, \$650,000. The city would reimburse the contractor for expenses at the bridge site. [Eisen, Jack, "Bridge Project Halted—Court Orders Three Sisters

Design Hearing,” *The Washington Post*, August 8, 1970; “Bridge Injunction Delayed 20 Days For Appeal By D.C.,” *The Evening Star*, August 8, 1970]

When the 20 days expired, the city was still deciding on an appeal. The city halted construction of the Three Sisters Bridge on August 27 in compliance with the injunction. Workers left behind two excavation holes they had drilled in the rock bed for support piers for the bridge. [“Work Stops on 3 Sisters Bridge Job,” *The Washington Post and Times Herald*, August 28, 1970; Green, Stephen, “Work Halting on 3 Sisters Bridge Today,” *The Evening Star*, August 27, 1970]

The Justice Department and the District’s corporation counsel advised the city to appeal Judge Sirica’s ruling, but on August 28, Mayor Washington and Secretary Volpe announced they would not do so. Although the decision was in contrast to President Nixon’s assurance to Chairman Natcher that court challenges would be fought vigorously, they concluded that complying with the Judge’s condition was the “most expeditious” way to get back to construction:

Officials said that by going ahead with hearings now, the city and DOT believe they will show Rep. William N. Natcher, D-Ky., that they are attempting to follow his wishes in building the bridge that is opposed by many individuals and civic groups.

City officials said they would let the Department of Transportation handle sensitive negotiations with Congress on how the decision to hold the hearing would affect Metro funding. Reporters called Administrator Turner, who had been designated to negotiate with Chairman Natcher. Turner said, I tried to call him but couldn’t reach him. “I don’t know what his reaction was.” Turner added, “It was the mayor’s decision to go ahead.”

Mayor Washington and Secretary Volpe announced that a hearing on design of the Three Sisters Bridge had been tentatively scheduled for November 17. The goal was “early completion of the Three Sisters Bridge.”

Kennan, speaking for plaintiffs, said they would appeal Judge Sirica’s August 3 ruling.

[Green, Stephen, “November Hearing Set on Three Sisters Bridge,” *The Evening Star*, August 19, 1970; Meyer, Eugene L., “No Appeal Planned On Bridge,” *The Washington Post and Times Herald*, August 29, 1970]

Robert L. Asher of the *Post* editorial page staff, published a lengthy article about the history of the Three Sisters Bridge on August 22, 1970. He began:

For something like 13 years, it has been possible in this town to say two words that can stop, start or totally destroy a conversation about local affairs: “Three Sisters” . . . . For when you see “Three Sisters” in the page one headlines, it refers to a bridge that one cannot see but which one can feel very strongly about. And its implications touch politics, home rule, money, planning, conservation, freeways, subways, housing and Presidents of the United States – among other things.

Asher traced the history of the bridge from the Mass Transportation Survey of 1959 through Judge Sirica’s injunction. After that decision, “Bridge foes and anti-freeway forces cheered,

vowing to renew their battle with vigor – and that’s where Three Sisters sits today, with some early construction equipment idling out there on the old rocks.”

He also pointed out that the North-Central Freeway had seemingly been put on a back burner:

That freeway, once planned through the predominantly white Wisconsin Avenue corridor, had been shifted on the drawing board to a mostly black area of Northeast Washington, running along the B&O railroad tracks through the Brookland-Catholic University area out to Silver Spring.

Leaders of ECTC led the fight against the freeway because they saw it “as destroying communities, removing houses, encouraging more cars, polluting the air and necessitating still more land clearance to park a new onslaught of autos.” They also “decried the action of Congress in doing unto a voteless city what a voteless city was legally powerless to undo: set a local policy and make it stick.”

At least Section 23 of the 1968 Act had called for a study of the corridor, not its immediate construction. Now, in the wake of Judge Sirica’s injunction, the North-Central Freeway was “something that Congress has not forgotten but that city officials would like to.” Congress could insist on its construction, as it did the bridge, whether city officials want to build it or not. Once again, however, the “subway is in new jeopardy with the old Natcher warning . . . . And again, the Metro faces serious construction troubles. And the bleat goes on.”

The White House, Asher wrote, was well aware of the situation “and of the need to do something very soon.” In that regard, he wrote:

There are rumors that (1) the White House will simply announce to Natcher, the city and everybody else that the North Central Freeway is going to be built; (2) that the 1970 Highway Act will emerge with language geared to accelerate the bridge, the freeway and any other problems that the public works committees see in their way; and (3) that the makeup of the city council may in time be changed, by moving some members into judgeships and replacing others when their terms expire.

Yet in this apparently endless, multimasterminded [sic], emotional set of developments over the years, rumors – like real reports – tend to be shortlived and shaky. In this newspaper’s library of clippings, for example, there is one dated Nov. 8, 1967, that begins: “The Three Sisters Bridge is Out.” An astute library assistant has added a succinct commentary in large, red letters all across the item: “DO NOT USE.” [Asher, Robert L., “The Three Sisters—and How They Grew,” *The Washington Post and Times Herald*, August 22, 1970]

### **The Road To Somewhere**

In November 1968, the *Star* reported that a few frustrated motorists, tired of “double crossing,” were using the so-called “road to nowhere” – the unpaved extension of the George Washington Memorial Parkway from the District line to Canal Road at Chain Bridge. NPS refused to pave the road until the District decided on the traffic network around Key Bridge:

Some time ago, some brave souls decided to just drive on the dirt and cinder roadway between the District line and Canal Road, taking a chance they will not be stranded. And since the impasse over completing the road still exists, they are still [driving] over the road in unfinished form.

The dirt road is very dangerous in wet weather, of course, and the deep potholes and tire marks give evidence of many stuck cars.

The report described what city-bound motorists experienced after reaching the District line:

After driving for about a mile after the pavement ends, the motorists come up a slight hill and have to wait for an opening in the stream of cars on Canal Road. Then they have to gun their motors and dart across to continue east on Canal Road NW.

Heading home in the evening, the motorists have little danger from the traffic because they just keep going west at the entrance to Chain Bridge, instead of turning south with the normal stream of traffic.

Commuters using the road were greeted by two signs. One read: "Rough Road, Proceed at Own Risk." The other read, "No Through Traffic, 7-9 a.m." ["It's a Rough Road, But Many Take It," *The Sunday Star*, November 3, 1968]

To dramatize the need to complete the parkway, Representative Gude joined officials of the Washington Aqueducts Division of the U.S. Army Corps of Engineers on September 11, 1968, in "an eels-eye tour" of the conduits under MacArthur Boulevard. "We are having this tour," he said, "because we just have to keep hammering away at the need to get the traffic off the conduit." Officials came equipped with hip boots and long rain slickers for the visitors.

Once in the 9-foot conduit, the visitors walked through about 6 inches of murky, muddy water and a slippery surface. Using his flashlight, Representative Gude pointed at crevices in the ceiling. "These pieces of stone are about to fall." He poked them with a ruler and hunks fell.

Colonel William J. Love said, "Traffic on the surface has caused the top to deteriorate and settle so that now it is only about 8 feet 7 inches in some places." Daniel W. Watt, chief of the Aqueduct Division, told the Congressman that a new road had been built to route traffic away from the most seriously damaged portion. [Christmas, Anne, "Guide Leads Tunnel Tour," *The Evening Star*, December 12, 1968]

The problem had persisted for several years, but an end came in view less than a year later when NPS Director Hartzog and Director Airis of the District Highway Department reached agreement on a solution. On August 19, 1969, Airis told reporters that he had been reluctant to proceed given the uncertainty of the location of the Three Sisters Bridge, Potomac River Freeway, and Palisades Parkway. The agreement became possible when the city council agreed to proceed with construction in accordance with Section 23 of the Federal-Aid Highway Act of 1968.

According to the *Star*:

Only a short distance from the unpaved section Chain Bridge empties Virginia traffic onto Canal Road which runs for three lanes between the bridge and Arizona Avenue. Two lanes are used for District-bound traffic in the morning and two lanes for traffic leaving the city in the afternoon.

Under the agreement between the city and the Park Service, a traffic light will be placed at Canal Road and Chain Bridge.

NPS expected the paving to be completed early in 1970 at an estimated cost of \$100,000, but no one could be certain how much traffic would use the paved parkway segment. Airis said, "We have to be careful that the parkway does not remain the only limited access road to the District from that part of Maryland."

At that point, about 200 motorists a day were taking the risk of using the unpaved roadway. The *Post* reported:

The rutted gravel road to Canal Road is used by some motorists except during the morning rush hour, when it is closed. Most traffic switches over to MacArthur Boulevard at a temporary ramp near the old Glen Echo amusement park.

Closing the "road to nowhere" promised some improvement, as a *Post* columnist explained, but was only a step to a completed network:

When the quarter-mile missing link has been added, this limited-access parkway will carry a heavy stream of traffic between the beltway and Georgetown. Full usefulness of the route will await, however, construction of the Palisades Parkway to carry traffic through Georgetown and into the downtown area. If the Three Sisters bridge controversy has at last come to an end, the construction of the Palisades Parkway and completion of Maryland's connecting Memorial Parkway (some of which is now only two lanes) should be among the first fruits of settlement.

[Green, Stephen, "Bids Sought to Link Parkway to D.C.," *The Evening Star*, August 20, 1969; Eisen, Jack, "Park Service To Close Gap In Parkway," *The Washington Post and Times Herald*, August 21, 1969; Around Town, *The Washington Post and Times Herald*, August 25, 1969]

On October 22, Representative Gude announced that NPS had awarded the \$98,000 contract for the paving. Work was to begin on November 17, with construction expected to take 3 months. ["Contract Let In Last Link Of Parkway," *The Washington Post and Times Herald*, October 23, 1969; "Work Slated To Pave Link Of Parkway," *The Washington Post and Times Herald*, November 13, 1969]

The paving took longer than expected, but at 9:30 on June 16, 1970, Representative Gude cut a ribbon and lead a caravan of cars into the city. The opening was expected to reduce traffic on MacArthur Boulevard, a long-sought goal of the U.S. Army Corps of Engineers that was still concerned about the conduit under the pavement. The newly paved roadway also was expected to reduce traffic on the Virginia section of the George Washington Memorial Parkway with the end of double crossing by Maryland residents bound to or from the District of Columbia.

[Hebald, Anne, "GW Parkway Is Completed, Last Section Paved to D.C.," *The Washington Post and Times Herald*, June 16, 1970]

June 17 was the first day that morning commuters had the full use of the road, but as the *Star* put it:

Motorists on the old "road to nowhere" this morning at last found themselves going somewhere – but very, very slowly.

By 8 a.m., traffic on the parkway had backed up a mile:

Angry drivers had to wait nearly 15 minutes before they were able to go through a new traffic light at Chain Bridge and Canal Road.

Chain Bridge motorists, who usually have a clear shot across the Potomac River, found their progress slowed to a crawl, as, for the first time, they had competition for Canal Road from the parkway motorists . . . .

"It's just not going to work," said Officer A. D. Kidwell of the Park Police. He could tell from first-hand experience since he rapidly was becoming the most unpopular man at the intersection.

Working the traffic light manually, Kidwell kept pushing a little brown button that changed the light from green to yellow to red and back again. All it brought him was verbal abuse from motorists who didn't make it through.

"Give us a break!" shouted one driver who at last managed to go on Canal Road from the parkway. ["Road Goes Somewhere—But at a Snail's Pace," *The Evening Star*, June 17, 1970]

Evening flow out of the city on the former "road to nowhere" went smoothly because motorists could turn onto the paved parkway without crossing a line of traffic.

By the end of June, the District Department of Highways and Traffic made some adjustments to operating rules. Left turns were prohibited from Arizona Avenue, NW., to inbound Canal Road between 7 and 9:30 a.m., Monday through Friday. The left turn also was prohibited from 4 to 6:30 p.m. because Canal Road was made one-way outbound from Foxhall Road to Arizona Avenue. Further, the newly paved segment was made a one-way road outbound during the evening peak period. Traffic moving from Montgomery County into the city would have to use alternative routes. ["Rules Revised To East Traffic," *The Evening Star*, June 25, 1970; "One-Way Rules Set For Section Of GW Parkway," *The Evening Star*, June 29, 1970]

### **The Federal-Aid Highway Act of 1970**

In general, Congress authorized funds for the Federal-aid highway program every 2 years. As Congress began working on the Federal-Aid Highway Act of 1970, many issues were controversial, including efforts to divert Highway Trust Fund revenue to transit, especially rail

transit – to fund their construction and subsidize operations. Members of Congress from large cities and those with existing or perspective rail transit systems strongly advocated diversion. They also were seeking ways to resolve controversies over urban Interstate segments. Often, local officials did not want to build them, but if they did not proceed, they would lose hundreds of millions of dollars in economic stimulus. They would have preferred to keep the funds for use on other projects, particularly rail rapid transit in the larger cities.

The District of Columbia's failure to comply with Section 23 of the Federal-Aid Highway Act of 1968 also was a concern, especially in the House of Representatives, as reflected in the action on the District of Columbia Appropriations Act of 1971. In considering the biennial highway bill, the Senate and House took different approaches.

On July 20, 1970, Sammie Abbott was the next to last witness to testify before the Subcommittee on Roads, with only Chairman Randolph in attendance; Senator Cooper joined shortly after the start. Abbott began with an insult:

The cold climate in this room, Mr. Chairman, does not have as much of a chilling effect on me as the absence of Senators who should be sitting up there listening to testimony in order to arrive at a judgment . . .

Abbott was interrupted regularly as he attempted to present his statement. For example, Senator Cooper asked if Abbott "had experience in this field." Abbott responded:

I don't know. I studied architecture. My experience came in fighting a freeway now for about 10 years. I have read every book on the subject. I think I am an expert, because nobody in the District of Columbia Highway Department or at any level will debate the issue in front of the media or in public. I consider myself an expert; yes.

He referred to an article in that day's *Post*, "20 Billion Dollars a Year for Highways." He said, "The Post belatedly has come around to a realization that the highway trust fund has to be put to solving the problems of the abuses that it has caused." Chairman Randolph interrupted. "Just a moment. You speak very fast, Mr. Abbott. Sometimes it makes it difficult for us to interrupt."

(After Abbott made a fairly long statement about the negative impact of Interstate freeways on cities, especially in Washington, including congestion and pollution, Chairman Randolph asked:

The Chairman. Do you own a car, Mr. Abbott?

Mr. Abbott. Yes; and I was asked once by Congressman Pucinski [sic, actually Congressman Clark], how did I get to a hearing.

The Chairman. I didn't ask you that question. I just asked if you own a car.

Mr. Abbott. Yes, I do.

The Chairman. Do you use the car?

Mr. Abbott. Yes, I do, because I have no other means afforded me, Senator, for transportation.

The Chairman. If you had other means, you would not own a car?

Mr. Abbott. I would do nothing in the conduct or my personal life to visit pollution on somebody else. My liberty to drive a car is being conditioned by the roads upon which it has to travel.

Chairman Randolph was increasingly annoyed by Abbott's testimony. He told him:

I hope you will, as a part of your day-to-day existence, say something good about something, or say something where some person has done something good.

He added:

I think, Mr. Abbott, that you perhaps should take a short course, or a long course, in how to influence people. I think that might be advisable.

Abbott was not deterred. As he ranted against the committee's role in favoring the automobile, he said, "You have made the automobile the master instead of the servant of the people."

Chairman Randolph interrupted, saying "I think that is a good point for you to stop," but Abbott continued his denunciation, concluding:

There is a so-called highway lobby . . . . I think that lobby determines the policy of the present Congress in that respect. I am blunt about it, and I think that Senators and Congressmen have to be servants of the people rather than servants of a lobby.

When the committee of the House met – Congressman Kluczynski's committee – every member of that committee was up there when we testified. And they never saw an unfilled chair in the days that those hearings were conducted, and four key members of that committee received \$43,000 in campaign contributions from the Truckers Association.

How else can we characterize it except by "bribery"? I am blunt about this thing.

The same chairman of that committee, who now has, I think, three members of his committee, working, running his restaurant in Chicago – that is the kind [of] stuff with which I will terminate my testimony in this hearing.

That is the problem we face in this country – this problem and everything else – whether or not the Senate is going to be responsive to deal with the issue, the way the people feel it should be dealt with, and not with special interests.

At one point, Chairman Randolph urged Abbott to continue his testimony with propriety and good taste. Abbott replied, "The manner in which I decide to testify is of my own concern, because nobody was more decorous than I, or soft spoken, until they tried to ram a freeway through my mother-in-law's home, and my own home. In these intervening 10 years, sir, I have lived with this issue night and day."

Earlier, in an exchange with Senator Cooper, Abbott had said:

I am devoting myself to the problem, Senator. You are talking to a man who is devoting himself to the problem, who is working as a citizen, unpaid. I lost one-third of my income last year fighting the freeways. So you are dealing with a man who is devoting himself to the problem on the basis of experience.

[Federal Highway Act of 1970 and Miscellaneous Bills, Part 2, Hearings Before the Subcommittee on Roads, Committee on Public Works, United States Senate, 91<sup>st</sup> Congress, 2<sup>nd</sup> Session, Senate Report 641-36, pages 1039-1052]

Without further comment on Abbott's denunciation, Chairman Randolph simply introduced the final witness, John Carter of the Citizens' Coalition Against D.C. Transit. Carter, an African-American, was there to suggest that the District be allowed to use its Highway Trust Fund share to buy the D.C. Transit System and run it as a nonprofit corporation. However, he immediately antagonized Chairman Randolph by claiming that when a delegation from Charleston, West Virginia, appeared before the subcommittee just before Sammie Abbott, Chairman Randolph had addressed all his questions to white members of the delegation, not to the sole black member, Mrs. Ruth Robinson, chairman of the Save the Triangle Committee. Mrs. Robinson was attempting to save her black community, located between the Elk and Kanawha Rivers, from destruction by construction of a six-lane combined section of I-64 and I-77.

Chairman Randolph denied the claim and suggested, "you would better serve your cause if you gave testimony on the matter about which you came to appear than to—" but Carter interrupted to accuse committee leaders of not conducting the hearings fairly. (The transcript shows that Chairman Randolph asked Mrs. Robinson several direct questions about her rental home at 719 Young Street, her work, and family, but that the other white witnesses provided most of the information about the situation facing residents of her neighborhood.) [pages 1052-1061; The testimony by Mrs. Robinson's panel is on pages 973-1039])

The resulting discussion and the Abbott exchanges prompted the *Post* to describe the appearances as being "sometimes acrimonious." [Weil, Martin, "Roads Funds Urged for Mass Transit," *The Washington Post and Times Herald*, July 21, 1970]

Secretary Volpe and Administrator Turner testified before the subcommittee on July 16, but issues related to the District freeways were not part of the discussion. Director Airis did not testify.

The Senate Public Works Committee reported its bill on September 30. It contained a provision repealing Section 23:

The effect of the enactment of this section would be to place the implementation of the interstate highway program within the District of Columbia on the same basis as in any other State. Repeal would constitute neither approval nor rejection of any particular Interstate System segment in the District.

Senator Cooper, the Ranking Republican on the Public Works Committee, had opposed the provision in 1968. As one of the conferees resolving differences between the House and Senate

bills, he had refused to sign the conference report on the bill because of Section 23 and had voted against the conference report in the final Senate consideration of the 1968 Act for the same reason. Now, he added “Individual Views” to the committee report on its bill. He was, he said, “very pleased” that the bill repealed Section 23, which he believed “contradicted the principles of federalism underlying the Federal-aid highway program.” He explained:

In section 23 the Congress for the first time – and the only time to my knowledge – directly interceded in the process of planning and approving specific projects in the Federal-aid highway program . . . . Local initiative and execution is essential. I said in 1968 that I believed Members of Congress lacked the expertise, experience, and authority necessary to determine the need, desirability, location, and design of specific highway projects. The major objection which I raised was that the section effectively superseded local responsibility and initiative in the District of Columbia and created a dangerous precedent for similar action with controversial highways in the several States.

Section 23 had caused “confusion and dismay” in the District and had been misinterpreted to mean that construction had to proceed “without regard to any local or Federal laws.” Senator Cooper agreed with Judge Wright’s view that the provision caused “discrimination between District residents . . . and all other residents affected by highway projects in their localities.”

Instead of resolving the District controversy, “section 23 has inflamed it.”

He appreciated Secretary Volpe’s February 24 report, but the Department of Transportation had not considered the Interstate segments in accordance with its own requirements under Title 23. “They have, rather, accepted the judgment of Congress, which in this case, in my judgment, is neither qualified, nor authorized by law, to make such decisions.” The committee’s bill, in repealing Section 23, “expresses the principle . . . that it is not the function of the Congress to prescribe and force upon the citizens of a State or the District of Columbia a particular highway construction program.” [“Federal-Aid Highway Act of 1970,” Report of the Committee on Public Works, United States Senate, 91<sup>st</sup> Congress, 2d Session, Report No. 91-1254, September 30, 1970, pages 25-26, 33-35]

The House Committee on Public Works addressed the District of Columbia’s freeway impasse in Section 129 of the bill, adopted October 2. Section 129 directed the District of Columbia to begin work within 30 days of enactment on (1) the East Leg of the Inner Loop, beginning at Bladensburg Road, I-295 (section C4.1 to C6); and North-Central and Northeast Freeways, I-95 (section C7 to C13) and I-70S (section C1 to C2). It repealed authorization for the South leg of the Inner Loop past the Lincoln Memorial and the Tidal Basin and removed its designation as part of the Interstate System. In addition, the bill called on the District and the Secretary of Transportation to study and report to Congress on the North Leg of the Inner Loop in the vicinity of K and U Streets, NW-NE., “with respect to that project including alternative routes or plans.”

The bill also included \$65 million for reconstruction of the Baltimore-Washington Parkway to Interstate standards, including six lanes. “The Committee expects that the Baltimore-Washington Parkway will be turned over to the State of Maryland after the authorized improvements are accomplished.”

The committee explained in its report that “a balanced transportation system including a rapid transit system and a cohesive freeway system is an absolute necessity for the continued viability of this community.” The “morass of public agencies and diverse authorities in the city” held such divergent views that “meaningful progress” appeared “highly unlikely.” The four projects that Section 23 of the 1968 Act directed the District to build “have for the most part been tied up in court actions and administrative foot dragging in the District government.”

Of those projects, the District and the Department of Transportation agreed on only one of them, namely the South Leg of the Inner Loop Freeway – the Plan C tunnel link to Independence Avenue. For that reason, the committee bill directed deletion of the segment from the Interstate System. “The effect of this action is to allow the plan agreed to by the District government and the Department of Transportation . . . to be built as a part of I-66 in the vicinity of the Theodore Roosevelt Bridge and the Lincoln Memorial.”

As for the North Leg of the Inner Loop Freeway, the report said, “There should not be any limitations on the area to be studied . . . . The potentially disastrous effects on many of the businesses on K Street should be given careful consideration . . . .” Joint development of housing above the freeway was also to be considered.

Representatives Schwengel and McCarthy, who had objected to Section 23 of the 1968 Act, also objected to the provision in the new bill. In “Additional Views,” they said that:

1. Section 129 violates the House rules governing the jurisdiction of this committee and creates a precedent that could be used to attempt to compel the construction of interstate highways in cities throughout the United States in the face of citizen opposition.
2. Section 129 attempts to deprive the District citizens of the right to participate in deciding whether interstate highways that drastically affect them should be built.
3. The interstate highway program in the Nation’s Capital will desecrate the city and gravely harm its business [sic] and its people.
4. The interstate highway program in the Nation’s Capital is totally lacking in planning justification and is overexpanded [sic] and unnecessary.
5. Section 129 will provide a basis for continuing to impose upon District citizens an interstate highway system they do not want as the price for their support of rapid transit.

In the course of elaborating on these five points, they urged that, “Congress should not become a party to urban suicide in the Nation’s capital.” They cited the Little Report of March 1966 as “the only independent review of transportation planning in the District” and it “found pervasive shortcomings” in the planning process:

The recommendations of the Arthur D. Little Report should have been followed. They were not followed. There was no valid reason or justification for not following them.

Imposing these freeways on the District was “a national disgrace.”

Representatives Schwengel and McCarthy also denounced the way the Metro system had been “held hostage” for the freeway network. They went through the history of how the city council

had little choice but to approve the freeway network. The comments at the time of those who voted for the resolution “reflect the tragic absence of democracy in the Nation’s Capital.” After quoting several of the comments, the Congressmen said of Section 129:

The blunt truth is that Section 129 of the present bill provides the basis for continued blackmail of the District of Columbia. It directs the District to “commence work” on the north section of the East Leg of the Inner Loop and the North Central-Northeast Freeway within thirty days, regardless of the law and regardless of the needs and wishes of the District citizens. It will be the mechanism for holding the Metro System hostage for the completion of these destructive freeways. Even if there were a demonstrated need or public support for the District Highway Department’s interstate highway program (and there is not), we dissent against this disgraceful blackmail of voteless American citizens.

They concluded their dissent:

Section 129 of H.R. 19504 would impose upon the people of the District of Columbia an overexpanded [sic] interstate highway program that is harmful socially, economically and esthetically, a highway program that lacks both planning justification and essential community support. Section 129 may provide a precedent for equally arbitrary action elsewhere in the country. Worst of all, it will provide a basis for the continued blackmail of the District by imposing this highway program on its people as the price for rail rapid transit. We dissent. [Federal-Aid Highway Act of 1970, Report of the Committee on Public Works, House of Representatives to accompany H.R. 19504, 91<sup>st</sup> Congress, 2d Session, House Report No. 91-1554, October 2, 1970, pages 23-24, 94-108]

### **Congressional Action on the 1970 Act**

The Senate took up the 1970 Act on October 1 and 2. In describing the provisions of the bill, Chairman Randolph came to Section 34 repealing Section 23 of the 1968 Act. Noting that his colleagues were well aware of the District’s freeway controversy, he said, “The committee hopes these problems can be resolved, and interstate construction can be completed in this growth area.” Instead of requiring freeway construction, the committee decided that “highways in the District of Columbia should be considered as highways in States in matters of this type, and there should not be a mandate by Congress that a road go here or there.” Senate conferees to the 1968 Act had yielded on Section 23 because if they had not “we would have had no Federal-Aid Highway Act of 1968.”

Chairman Proxmire of the Subcommittee on the District of Columbia commended Chairman Randolph on inclusion of Section 34. Residents of the District should enjoy “the same prerogatives with respect to highway construction enjoyed by residents in other localities.”

Senator Cooper said he recalled the lengthy conference on the 1968 Act and the reason the Senate conferees had gone along with Section 23 against his better judgment. Now, the Senate had an opportunity to correct that mistake:

In doing so, we are not attempting to approve or disapprove any segment of a highway system in the District of Columbia. We are saying that as a matter of law, as a matter of principle, and as a matter of justice to the people of the District of Columbia, Congress should not attempt to become highway engineers and impose on the District of Columbia, or any State, its idea of a highway system . . . .

I foresee a very controversial conference with the House. I do not know what will be worked out there, but I am very glad that the Senate at least, has expressed its will on this subject.

The Senate, on October 2, approved the Federal-Aid Highway Act of 1970, 51 to 0, with 49 Senators not voting – probably because they were on the campaign trail. [“Federal-Aid Highway Act of 1970,” *Congressional Record-Senate*, October 2, 1970, pages 34732-34733, 34750]

### **While Waiting for the 1970 Act**

Stephen Green, writing in the *Star*, discussed the future of Metro on August 5. He began:

Unless the District freeway controversy is resolved, the Washington area may be left with a subway system that served the downtown commercial area but will not reach many people.

Based on available funds, WMATA could build only about 7 miles of the planned Metro system, “a far cry from the planned 98-mile regional system.” The funds available included \$245 million in Federal funds appropriated for FY 1970 and \$85 million in local matching funds. “The cost of the entire regional system is estimated at \$2.5 billion.”

Judge Sirica’s injunction just 2 days earlier delaying the Three Sisters bridge at least until a design public hearing could be held “clouds the freeway picture and contributes to the uncertainty over the release of subway money.” Chairman Natcher had not made clear which projects the city had to advance before he would release appropriations for the city’s matching funds, but “Capitol Hill sources say the required freeways include the bridge and the controversial North Central Freeway,” as ordered by Section 23 of the 1968 Act. Observers expected the Federal-Aid Highway Act of 1970 to order the city to build the roads.

Green described the status of Metro construction:

With contracts already awarded and several to be awarded shortly, the area will have six miles of rapid transit line running in a semi-circle between Dupont Circle and Rhode Island Avenue NE and an extension running west from Farragut Square, under the Potomac River to Rosslyn.

This network would “provide access between different parts of the commercial area and a relatively small . . . residential section of Northeast, [while] hundreds of thousands of commuters would be left without rapid transit service.”

WMATA said it would not advertise additional contracts after August unless Chairman Natcher released the city's matching funds. [Green, Stephen, "7 Miles of Metro Money," *The Evening Star*, August 5, 1970]

On August 6, General Graham updated the WMATA board of directors during their weekly meeting. Outlining recent events, he said that "one or two or three people [at the White House] are working on this actively." Other sources informed Jack Eisen that "the President's advisers are reluctant to involve Mr. Nixon prematurely."

Later in the day, General Graham and Chairman Yeldell appeared before Senator Bible's Transportation Appropriations Subcommittee. Eisen reported that Yeldell and Graham "were scarcely settled in their chairs at the Senate hearing before the question of the road impasse was raised." Although the subcommittee was not directly involved in WMATA appropriations, Chairman Bible, as one of the authors of the original legislation authorizing rail rapid transit, asked about the stalemate. Chairman Yeldell said:

Being a member of the District government, I feel we have complied with the '68 Highway Act. It's well above our heads to handle . . . . The move to break the impasse will have to be . . . between the President and the chairman of the House Appropriations Subcommittee.

Chairman Natcher's decision to withhold District matching funds affected matching funds from other sources, with the result that WMATA would have to halt contracting in September.

They also explained, as Eisen reported, that "on-and-off financing of the subway by Congress imperils the sale of \$835 million revenue bonds that form a major feature of the 98-mile system's financial plan" for the \$2.5 billion system. [Eisen, Jack, "Need for Nixon's Help On Metro Funds Seen," *The Washington Post and Times Herald*, August 7, 1970]

On September 4, Representative Gude sent a telegram to President Nixon urging him to intervene to secure release of the Metro funds. Referring to "continued obstruction" and the city's failure to resolve the impasse, Representative Gude said the situation required White House intervention. "I strongly urge such action in order to assure commitments of subway money and to prevent further delays and escalating construction costs, if not the total loss of our rapid transit system." [Green, Stephen, "Nixon's Aid On Subway Fund Asked," *The Evening Star*, September 5, 1970]

With Congress planning to recess in October for election campaigning, WMATA officials and city officials saw no solution for the funding impasse in the near future. Unless Chairman Natcher released the District matching funds by October, the Metro construction schedule would have to be revamped. "It's critical now," a spokesman said.

Sources reported that if the city had really wanted to satisfy Chairman Natcher, they would have begun construction of the North-Central Freeway. That would, however, have been contrary to their own judgment and local opposition.

City Council Chairman Hahn said he was “still optimistic” that a solution would be found, although he did not know what Chairman Natcher wanted done. Deputy Mayor Watt agreed that the city did not know what steps were needed to satisfy the chairman. Mayor Washington speculated that Chairman Natcher wanted construction of the freeways to begin “expeditiously.”

Capitol Hill sources indicated that the price for \$34.2 million in Metro matching funds was construction of the North-Central Freeway and the East Leg of the Inner Belt Freeway north of Bladensburg Road, not the city’s planned parkway. Green explained:

The city’s recommendation to scrap the North Central has been especially galling to pro-freeway forces because the construction of it and its Northeast Freeway branch are considered essential to Maryland’s plan to build Interstate Route 95 inside the Capital Beltway . . . .

Pro-freeway forces want the East Leg built north of Bladensburg Road and connected with the Northeast Freeway to provide a complete express route through the city for Interstate Route 95 traffic.

Chairman Natcher, as usual, declined to speak with reporters about the impasse. His acquaintances told Green that Chairman Natcher was not allied with the highway lobby, but believed the city had an obligation to obey congressional wishes. “He also is reported to feel the city misrepresented its intentions about building freeways last year when he agreed to release subway funds” after President Nixon assured him the city and the Department of Transportation, with help from the Justice Department, would defend freeway construction vigorously in court.

Pro-freeway forces also were antagonized by the city’s decision to hold a design public hearing instead of appealing Judge Sirica’s decision. “They fear freeway foes will take advantage of the hearings to interject other issues, besides the design of the bridge, that would delay resumption of construction.” Green concluded:

With no sign of a breakthrough in view, the intervention by Nixon may be the only way to obtain release of money and keep subway construction rolling before current financial and building plans are doomed. [Green, Stephen, “Metro May Again Be Derailed,” *The Sunday Star*, September 6, 1970]

Jack Eisen confirmed that chances were “fading fast that Congress will provide the money this year to keep Metro construction on schedule,” according to “a key Capitol Hill source.” The source thought the impasse could be broken only by presidential intervention.

Another anonymous Federal official who was trying to break the impasse thought the city might try convincing Chairman Natcher that it is vigorously trying to build the freeway network. The official added, “That would be uphill sledding.”

Secretary Volpe, the Capitol Hill source told Eisen, “made the subway financing less likely by deciding not to appeal the recent court-ordered halt of work on the Three Sisters Bridge.” City officials agreed to the hearing, resulting in a halt to construction:

This decision opened an unexpected rift between profreeway lawmakers on Capitol Hill and equally profreeway officials in the Department of Transportation.

Although Secretary Volpe's advisers agreed with his decision, the lawmakers thought the case should have been appealed and taken to the Supreme Court if necessary. "They see the case as a test of the constitutional role of Congress as the lawmaking body for the District of Columbia." The anonymous source added:

Moreover, Natcher is understood to feel that President Nixon violated his public pledge of last year to provide[a] full and vigorous defense of all lawsuits challenging the road system. This, according to his purported view, would include full appeal.

The result was "a backstage debate among prohighway officials over the best strategy to get the road program moving again."

If the impasse could not be broken, WMATA would have to drop its program from the planned \$376 million in FY 1971 to \$178 million:

Of this drop, \$135 million would be in revenue bonds that the Metro hopes to sell and repay from future fare collections . . . . Metro officials privately acknowledge that they are nervous over their ability to market these bonds if the uncertainty over congressional appropriations persists.

The only remaining legislative vehicle for the \$34.2 million in District matching funds was the supplemental appropriation bill, but if it were not passed by the current Congress, the bill would die, and the next Congress would have to decide whether to pursue it and how to address the freeway-Metro impasse. [Eisen, Jack, "Construction Delay Likely On Subway," *The Washington Post and Times Herald*, September 11, 1970; Eisen, Jack, "Natcher Holds D.C. Subway Hostage to Freeway Program," News Analysis, *The Washington Post and Times Herald*, September 13, 1970]

As noted earlier, the House Subcommittee on Roads approved its bill on the Federal-Aid Highway Act of 1970 on September 16. Section 129 ordered the city to build the North-Central Freeway and the East Leg Freeway north of Bladensburg Road, as well as deleting the South Leg from the Interstate System and ordering a study of the North Leg of the Inner Loop Freeway. Chairman Kluczynski said the city must build the North-Central Freeway if it wanted Congress to approve appropriation of \$34.2 million for Metro construction:

If the District government doesn't want to do it, there won't be any subway system. I love this city and I'm trying to do what's best for it. I can't understand why the city council and mayor have listened to a Communist like Sammie Abbott and refused to build the freeway. [Green, Stephen, "Order Central Freeway Built, Hill Unit Asks," *The Evening Star*, September 16, 1970]

Councilman Yeldell, chairman of WMATA's board of directors, was asked about the North-Central Freeway while appearing on WTOP's "Washington News Conference" to be broadcast on September 20. He said that if the city council had no choice but to vote for the freeway to

obtain subway funds, he would resign. If that situation arose, the local government would cease to exist. "It's just not a matter of a freeway anymore . . . the people of D.C. are very tired of getting pushed around by whims of Congress." The government would no longer be "viable" if ordered to build the freeway. "I made my capitulation on August 9, 1969 . . . I don't plan to again." As for the possibility that the impasse might scare off investors in Metro bonds, he said, "If I were an investor, I wouldn't buy the bonds under the present circumstances." [Green, Stephen, "Yeldell Says He'll Resign If Forced to Vote Freeway," *The Sunday Star*, September 20, 1970]

Secretary Volpe was in Boston on September 21, 1970, for the annual meeting of the American Transit Association. In response to a question during a press conference, he revealed that he was again acting to break the impasse over Metro funding. In his first comments since the House Subcommittee on Roads approved its bill with Section 129, he said he and Administrator Turner had met on September 18 with Mayor Washington and other city officials in an attempt to resolve differences between the subcommittee and the city on the North-Central Freeway. He also was reaching out to members of the Committee on Public Works.

Eisen reported that Secretary Volpe ruled out dropping the North-Central Freeway from the plan, but thought there might be room to change its route or design. "It's got to be built somewhere," he said, "but you just can't slam it through without proper consideration."

Given the "delicate stage of the negotiations," Secretary Volpe was hesitant to get into details. "It would do little good to comment . . . on how and what we're coming up with."

In a Washington press conference the same day, Chairman Hahn said the city had complied with Section 23 of the 1968 Act. As far as the city council was concerned, the North-Central Freeway was dead. If Congress ordered it built, he would not even call for a vote; it could not be approved. The city, he said, already was in compliance with Section 23, having recommended deleting the North-Central Freeway from the Interstate System and replacing it with the Industrial Highway.

As he spoke, Sammie Abbott took over the microphone to tell Hahn that "no freeways can be built in the District of Columbia without Council approval. They have the power to tell Congress you can't build these freeways." He also took the opportunity to challenge Councilman Yeldell's statement that he would resign before he would vote for the North-Central Freeway even if it meant securing the subway funds. "He should not say that he is going to resign. He should say we are going to mobilize . . . the council members should fight or get out." ECTC was planning a rally at noon on Saturday, September 26, to protest Section 129. The rally was part of ECTC's efforts to "force the City Council to catch up with the city."

Chairman Hahn did not respond to Abbott, but after the press conference told reporters that under the 1968 Act, the city council had to vote on the freeway plan. He added, "If Congress wants to build a freeway, the Council is powerless to stop it." [Eisen, Jack, "Volpe Seeks to Break Roads-Metro Impasse," *The Washington Post and Times Herald*, September 22, 1970; Basham, William, "Can't Stop Freeway, Hahn Says," *The Evening Star*, September 21, 1970]

## **Broyhill and the 1970 Revenue Act**

Mayor Washington, Deputy Mayor Watt, and other city officials testified before a subcommittee of the House District of Columbia Committee on September 22 to discuss the city's revenue proposals. The proposals included an increase in the city's gas tax to help pay for the freeway program. (The official titles of Commissioner and Deputy Commissioner were used throughout the hearing rather than the informal Mayor and Deputy Mayor.)

In a discussion of sewage disposal, Representative Gude observed that "this upper Potomac intersection relief sewer is not going to be finished, and we are going to get raw sewage overflows in the Georgetown area, until we have the completion of the Potomac River Freeway plans." He added that at the rate of freeway construction in the city, "that sewage overflow is liable to go on for a number of years."

Representative Broyhill took this opportunity to ask if Commissioner Washington was required by the 1968 Act to secure city council approval to comply with Section 23. The commissioner explained that the city was in compliance with Section 23, having acted on every freeway cited in the legislation:

[E]very link that is in the 1968 act is being acted upon except those that are constrained by litigation, the bridge itself, the Three Sisters Bridge, and we have a contract ready for the east leg, which we have been enjoined from moving on. The matter of the north central, which has come forward, is one that was not in the 1968 act in the sense of it being built. The Congress asked us to "study an alternative." We did present an alternative, which was one that involved a link going from the east leg presumably under or at some point developed under the arboretum into New York Avenue, with existing street lines going as an alternative.

He recognized that the House Committee on Public Works was working on a bill that would require construction of the North-Central Freeway, and that litigation was involved, "but I think we have to distinguish between whether we are in compliance, which I think we are, and our lawyers indicate we are, as between something else that the Congress may wish."

Representative Broyhill pointed out that Chairman Natcher did not agree with the city's interpretation. Further, the Virginia Congressman was sympathetic to people, whether in the District or his own district along I-66, who have to move to make way for a freeway, but "at some point the Congress feels that this should move." He asked what Commissioner Washington thought Congress should do "at this point, in order to move this freeway along? Should they let Interstate 95 just die and not come into the Nation's Capital?"

Commissioner Washington replied that, "We talked on the one hand about not driving people out of the City, and where we take a route that goes right through one of our better tax paying neighborhoods." Without going into the history, he noted that the freeway "ended up over in an area that happened to be primarily black, of substantial homeowners." As required by the 1968 Act, the city made a study, found a viable alternative to the North-Central Freeway, and offered it

to Congress. “What I am trying to say is that the difference is the difference in terms of what the Congress wants now, not whether or not we have complied.”

Chairman Fuqua asked what the city was doing to expedite judicial review. Commissioner Washington explained that Judge Sirica had issued an injunction until the city complied with the public hearing requirements on the design and addressed the questions about the safety of the approved design. The city decided to hold the hearing, tentatively scheduled for November 17, instead of going through “a long process of appeal to the Court of Appeals.” The city “felt the straightest way here is to follow what the Court has suggested.”

The current city government, he said, inherited the freeway map and the attendant problems. “There is a problem . . . about protecting the local interests based on what local determination amounts to. That is inherent, and in my opinion something that locally we ought to have some arm room on.” If Congress determines by statute that the city must do something, “then I think the question is no longer relevant. We do that, but until that point, Mr. Chairman, I am saying that there has to be some kind of local consideration.” Every other district in the country has some say in where roads are built.

Representative Broyhill disagreed that the city had not been given adequate consideration. Congress recognized the relocation problem by including a major provision in the 1968 Act on that subject. That same legislation asked the city to consider alternative locations for the North-Central Freeway. “You say you complied with it, but you actually came up with the same plan that had been previously rejected prior to 1968, and thus found unacceptable as a part of the Interstate System.” The Transportation Board of the COG had turned down the Industrial Freeway “and I understand that the Bureau of Public Roads does not feel that it is either economically feasible or practical to build it where you had selected.”

When Commissioner Washington disagreed, Representative Broyhill said he had talked with Chairman Natcher and members of the Committee on Public Works about the suggested alternative. He would think that Commissioner Washington or other city officials would be in “constant communication with Mr. Natcher” to “find out where the misunderstanding happens to exist, because we are not getting anywhere by you and your advisers saying, ‘Well, I have complied’ and yet the Congress says you have not complied.” He added, “In the meantime, we don’t have any highways.”

Commissioner Washington, clearly annoyed, replied:

Mr. Broyhill, don’t you think we have done just that, tried to find out, where no one has told us, specifically now where we are not in compliance, and I say that today no one in this Congress or any place else has told us where we are not in compliance.

Representative Broyhill said that the Public Works and Appropriations Committees indicated that the city had not come up with an alternative that is satisfactory.

Commissioner Washington thought that observation proved his point:

Oh, that is different. That is different. Isn't that different than not complying? What they are saying is that that alternative which was written into the bill is not the one that is acceptable to the Congress.

They disagreed about whether the Industrial Freeway had been rejected before 1968, but Representative Broyhill moved on by disagreeing with the idea that the District of Columbia was not being given the same consideration as other communities. Congress, he said, would have moved on the freeway issue "long ago if they were not very much concerned with the interests of the property owners of the District of Columbia."

Commissioner Washington said again that it was a matter of local determination. The city came up with an alternative to the North-Central Freeway along the Baltimore and Ohio Railroad, but Congress apparently does not agree with that alternative. "You say it isn't acceptable, and that is a different point than whether we are complying." He added that the people in the path of the North-Central Freeway "were hard-working taxpayers with small houses which they could not easily replace, who had been there for some years, and they are the bone of the entire city, and this was the interest here."

Representative Broyhill said that every city was in the same situation as the District of Columbia because BPR "had to be satisfied with the proposed locations." The plans had to meet engineering and cost standards, leading to continuous back-and-forth adjustments. "We are just far behind, that's all."

Commissioner Washington reiterated his point about the difference between compliance and disagreement. He said, "You may disagree with my kind of statement but here is the kind of thing that always hits the voteless."

When Representative Broyhill disagreed that a misunderstanding had occurred, Commissioner Washington asked:

Then what are we faced with? Everything that we have going, including the subway which all of us need, is held hostage. The Revenue bill you are talking about is holding that hostage. Now, where else do you apply that standard in America?

Commissioner Washington was referring to Representative Broyhill's introduction of an amendment to the bill to prohibit release of the Federal payment to the city until it complied with Section 23 of the 1968 Act and any other conditions Congress may impose, starting with construction of the North-Central Freeway.

Representative Broyhill observed, "Well this, of course, is the Nation's Capital," to which Commissioner Washington said, "I know that." The Congressman continued by pointing out Federal funds going to the city, adding, "and, of course, we are financing a subway system at a much higher Federal contribution rate than in any place else in the United States." Meanwhile, the city was lagging behind other jurisdictions. "How much longer do you think the Congress should wait before they commence?"

Commissioner Washington suggested “we should work together” because they “want the same things . . . and hold out for this partnership to be all-embracing.” If there are differences, they could work them out. “I am for that,” but the Congressman replied:

We have the plan that you submitted that was rejected prior to 1968, and the North Central Freeway plan that you rejected, so we have those two extremes. That is all we have. We have nothing in between, so at what point do we move forward?

The commissioner said the city was moving forward on every section of freeway it could, subject to litigation, except for the North-Central Freeway.

Representative Broyhill pointed out that neither the Public Works Committee nor the Appropriations Committee thought the city had complied with Section 23. Commissioner Washington pointed out that the city was talking with Secretary Volpe, who would help answer some of the questions. “I don’t know whether they will fully resolve it,” but the commissioner was hoping for more of a partnership to come out of the discussions. “My concern is that I still don’t know where we are not complying.”

Then, Representative Broyhill observed, since the city felt it had complied, the city should not object to his amendment holding up the Federal payment pending compliance with the 1968 Act. “You feel that you should comply with that Act, don’t you?”

Commissioner Washington said:

I think not only should; would. I have questions just like the President of the United States may have questions, but when an Act is passed we intend to comply.

As the discussion of the freeway impasse neared an end, Representative Broyhill talked about his amendment. No one wanted to hold up the Federal payment to the city, and maybe his amendment would not be adopted in the final revenue act:

We are going to authorize a payment because we feel it is needed, but maybe what will be accomplished by this type of amendment is to give a little higher priority to this freeway construction and thus to clear up this confusion. There is no question in my mind but [that] reasonable men can get together and work out a solution. So, it is not that we want to hold up the Federal payment, nor that we want the District Government to do something that is improper or unfair, but we must bring this deadlock to an end. That is where we stand right now and it is not good. You don’t like it, and the committee doesn’t like it.

He asked if the commissioner wanted to place a bet on whether the language would end up in the bill. The commissioner declined to bet, although he would prefer the language not be included “and depend upon good faith between partners.” But, the Congressman pointed out, since the city was going to comply, what difference would it make if the amendment were enacted. In that case, the commissioner said, “I could just reverse the question and say if I am going to comply why do you put it in there.” The Congressman answered:

Because you haven't complied yet. I think, frankly, that between you, the Secretary of Transportation, and Mr. Natcher and Mr. Kluczynski, this thing will be resolved in the not too distant future. You have some people in the District of Columbia who don't want a highway at all. You are not going to please everybody, I can't do it in my District and nobody else can either, but at some point we are going to have to do what we feel is right, and if you feel that way also . . . . We just have to resolve this problem and we should do it right away. This is all we are trying to do. [Revenue Proposals, Hearings Before Subcommittee No. 4 of the Committee on the District of Columbia, U.S. House of Representatives, 91<sup>st</sup> Congress, 2d Session, September 17, 22, 23, and 28, 1970, pages 143-150]

When Chairman Hahn appeared before the subcommittee on September 23, Representative Broyhill raised the freeway issue again. They went through some of the same issues as the day before with Mayor Washington, but the Congressman said he disagreed with the mayor that the city had complied with the 1968 Act. Further, in view of Mayor Washington's claim that no one had told him how the city had failed to comply, Representative Broyhill had compiled a list of the ways:

Since the Commissioner doesn't seem to agree that you are in noncompliance, and says in fact that you are in compliance, and yet the Congress does not agree, I felt that somebody had better put these facts together so we could use this as a working paper, a fact sheet, and he can check it right back or you can check it back with the Appropriations Committee and Public Works Committee and see if this is in accord with what they feel is noncompliance.

He provided the list to Chairman Hahn:

The District of Columbia has not been in compliance with the 1968 Highway Act at any time since passage of the Act.

From August, 1968 to August, 1969 the District Government position was outright refusal to comply.

From August, 1969 when actions of the D.C. Government and written assurances from the President of the United States implied that the freeway system would proceed, to early in June of 1970 (when House action again deleted transit funds) the D.C. Government has been in non-compliance in the following areas:

Feb, 1970 – D.C. adopted and submitted to Congress a plan which had been rejected in its most essential points by the Transportation Planning Board in February, 1969. Such a plan requires approval of that Board under Section 134 of Title 23, United States Code. D.C. Government never submitted its 1970 plan to the Board and made no attempts to coordinate its plan with the areas outside the District of Columbia boundary.

Feb. 1970 – The D.C. plan for the East Leg of the Inner Loop recommends a tunnel through the Arboretum which is in direct conflict with the direction in Section 23(b) of the 1968 Highway Act to construct the East Leg as far as Bladensburg Road in accordance with the plan contained in the 1968 Interstate Cost Estimate. There has never been any engineering study whatsoever of the route recommended by the D.C. Government for this East Leg routing, and it was further quite obviously never the intent of Congress that the route should penetrate the Arboretum in such a manner.

Feb.-March, 1970 – D.C. Government after advertising a contract and receiving proper bids with an acceptable low bidder for the East Leg of the Inner Loop north of Barney Circle refused to award the contract during a 60-day period when award could have been made. At the end of the 60-day period the courts stopped any contract on the project.

May, 1970 – D.C. Government still had not begun design work on the East Leg between Benning Road and Bladensburg Road. Section 23(b) of the 1968 Act required this work to start within 30 days of the August 23, 1968, enactment date. (This work has subsequently started).

May, 1970 – D.C. Government was still seeking agreement with the National Park Service on the plan for the East Leg between Barney Circle and Benning Road which was directed to be under design by the 1968 Act.

An additional item which begs the question of whether the D.C. Government has any real intent to carry out in its entirety Section 23(a) of the 1968 Highway Act lies in the fact that the reports of the Department of Transportation and the District Government are completely different except for a single project, the South Leg. There was obviously no cooperation between the two as was anticipated in the Act.

The most recent occurrence of bad faith on the part of the District of Columbia was the failure to appeal the Court [decision] on the Three Sisters Bridge. Written assurances to the Congress from the President indicating that all would “vigorously defend” any lawsuit have certainly not been complied with.

In summary, the District of Columbia Government has obviously not made any attempt to vigorously pursue the construction of the Interstate System in the District of Columbia as spelled out in the 1968 Act but has rather taken reasonable opportunity to either drag its feet or inject confusion into the issue. Any reasonable definition of conformance with the Act would begin with a sincere effort to undertake all elements outlined in the Act until they are carried out – this the District has not done.

Chairman Hahn took issue with the list, which he was seeing for the first time. They discussed some of the points, but Representative Broyhill concluded the discussion because other scheduled witnesses were waiting to testify. He summarized:

I just want the subway started now instead of next year. I think every month or every day we delay this project will cost us a great deal more money. It is not my intention nor the intention of any Member of this committee that the District Government be denied any funds for any purpose for which it really needs them. We just want to accelerate – and I am repeating this for emphasis – that getting together that you are going to have to do. I want to be your “squeakiest” axle, so that you will get together and resolve these differences, because I bet you the greater part of this misunderstanding is due to lack of communication. I don’t think contact has been to the extent that the Commissioner pointed out yesterday.

Chairman Hahn offered to answer each point, adding, “If I paid as much attention to my practice [of law] as I have to studying this freeway situation I am sure I would be a wealthier man.” Representative Broyhill declined the offer, saying he preferred that the city address the points with the Committee on Public Works. [pages 153-176]

### **Not Quite Finishing The 1970 Act**

On September 2, 1970, the *Star*’s Stephen Green reviewed the question that had been raised about the safety of the design chosen for the Three Sisters Bridge. He reminded readers that Administrator Turner had “expressed doubt as to the safety of the present design planned for the bridge that calls for the main span to run suspended in air for about 740 feet between two supporting piers near each bank of the river.”

As noted earlier, FHWA’s concerns had been addressed. Officials pointed out that similar structures had been built in other countries. The New York firm that designed the bridge said that Europeans had “built many such structures and have indicated they will offer their construction expertise to contractors if they’d desire it.”

Director Airis also was satisfied that the design was safe:

But he said one or more alternate designs, possibly calling for more than two supporting piers, may be presented at the hearing now tentatively scheduled for Nov. 17 . . . .

Turner’s office will have to give its approval to any bridge design selected by the highway department after the public hearing. [Green, Stephen, “New 3 Sisters Bridge Design Weighed,” *The Evening Star*, September 2, 1970]

On September 23, the *Star* reported that President Nixon had designated Secretary Volpe to seek a settlement to obtain release of \$34.2 million in District matching funds for Metro. As noted earlier, Secretary Volpe had already entered into behind-the-scenes discussions with the city and on Capitol Hill. According to an aide to Secretary Volpe, he had been in regular contact with the White House to discuss the impasse. [Green, Stephen, “Nixon Asks Volpe to Act in Metro Row,” *The Evening Star*, September 23, 1970]

On September 24, the House Committee on Public Works approved a bill for the Federal-Aid Highway Act of 1970. It included a provision requiring the city to build the North-Central Freeway and the I-95/Northeast Freeway, with work to begin on both freeways “not later than

30 days after the date of enactment of this act.” As discussed earlier, the bill also eliminated the South Leg of the Inner Loop Freeway and called for a new study of the North Leg. [Moore, Irna, “House Unit Backs City Freeway Bill,” *The Washington Post and Times Herald*, September 24, 1970]

Mayor Washington and City Council Chairman Hahn held a joint press conference on September 25 to clarify their views on the North-Central Freeway. In a joint statement, they argued:

The City Council . . . and the mayor have approved a comprehensive freeway system for the District [that] is acceptable to its citizens and approved by the officials appointed to direct them. This system does not include a North Central Freeway.

Hahn said, “Freeways exercise such a dominating influence on the life of the city that the choice of location of freeways must be in the hands of the people who live in those cities and those governing officials who direct them.”

The two leaders were, they said, unalterably opposed to the project. At best, Congress should not force construction until the study recommended by Secretary Volpe had been completed. Mayor Washington declined to say what he would do if Congress required construction with subway funds at risk. Such a question was, he said, “speculative.”

Shortly after the press conference, they learned that the Senate Committee on Public Works had acted on its 1970 Act bill that included a provision repealing Section 23 of the 1968 Act. Senate committee members understand that their House counterparts had included a measure in their bill calling for construction of the freeway network. The *Post* reported:

Yesterday’s decision by the Senate Committee was seen as an attempt to prevent a recurrence of the 1968 conference by providing ammunition that the Senate conferees could bring to this year’s negotiations with the House. [Green, Stephen, “Don’t Demand Freeway, D.C. Asks Congress,” *The Evening Star*, September 25, 1970; Moore, Irna, “Road Act Repeal Backed,” *The Washington Post and Times Herald*, September 26, 1970]

ECTC staged a protest on the east steps of the Capitol on Saturday, September 27, urging citizens to engage in civil disobedience to block the North-Central Freeway. Stephen Green described the scene:

More than 150 freeway foes sat on the east steps of the Capitol for two hours. They were told they may have to be willing to break laws and face jail to prevent city officials from agreeing to build the freeway, which would run through Northeast Washington to Silver Spring.

As curious tourists watched, the freeway foes waved signs and sang protest songs in the hot sun . . . .

Julius Hobson called Mayor Washington “a make-believe mayor” and called the city council “spineless.” He predicted they would “knuckle under to Congress.” Freeway foes would “have to go to jail to show it’s not a game.” Charles Cassell added that they must “demonstrate a lack of respect for the fascist system.”

Sammie Abbott told the crowd, “It will have to be the power of the people in the streets” if the city council did not prevent freeway construction.” He announced that ECTC planned to lobby Congress on October 7.

Representative Gude said in a statement that he opposed holding District revenue “hostage to construction of the North Central,” calling Representative Broyhill’s amendment to that effect “blackmail.” Congressional action, he added, to force construction of the North-Central Freeway was “impractical” in view of uncertainty about the Maryland portion of the road.

The night before, appearing on WRC’s “Community Timeline,” Representative Broyhill had said that he and other area representatives would send a letter to President Nixon requesting a meeting to discuss the situation. “We’re at an impasse, obviously,” he said. [Green, Stephen, “Resistance Urged to Bar Freeway,” *The Sunday Star*, September 27, 1970]

When Congress adjourned on October 14 for the 1970 mid-term elections, the House had not acted on its bill, H.R. 19504. Unless Congress returned after the election for a lame-duck session, the Federal-Aid Highway Act of 1970 was dead.

### **Trying to Advance Metro**

Within an hour after Congress adjourned on October 14, 1970, Secretary Volpe announced that he was offering a 6-month loan of \$57 million to keep Metro construction moving forward despite congressional efforts to delay appropriations because of the freeway impasse. In a statement, he said:

I am today directing the urban mass transportation administrator, Carlos C. Villarreal, to entertain an application for an emergency loan . . . to enable the Metro program to go forward uninterrupted by confusion and controversy over particular freeway projects..

The loan would allow Metro to stay on schedule while, city officials hoped, the congressional fund impasse was resolved in a lame-duck session after the election. With the loan, WMATA would be able to continue awarding construction contracts through November.

Secretary Volpe said that he was acting “at the personal direction of President Nixon” to resolve the impasse. President Nixon had not personally approved the loan, but Secretary Volpe had cleared the plan with OMB. Although the Secretary’s aides said they had checked with key Members of Congress prior to the announcement, Chairman Natcher “was reported to be angry over the arrangement.” Before leaving Washington, he had called OMB to lodge a sharp protest, but had not connected with a ranking official.

The offer came after secret talks between Metro Board Chairman Yeldell and Secretary Volpe. Yeldell told the board that the loan would be repaid at 6-percent interest. He added, however,

that the interest could be wiped out if the board invested the principal at a 7-percent annual rate until it was needed to pay contractors.

Metro General Manager Graham had not been informed of the talks because, as Jack Eisen reported, his “long service as an Army Corps of Engineers general and his continuing ties with key lawmakers imbued him too closely with the congressional view of political wisdom.” In fact, Graham would have recommended that the board reject the offer, but he was not asked for his views:

The political risks in the loan scheme were not even discussed by the board until a reporter asked a question and Metro director Carlton R. Sickles, a former Maryland congressman, acknowledged that they existed.

The main risk is that Congress, ever jealous of its prerogatives, will respond to Volpe’s end run by stiffening its refusal to grant the funds that are now being withheld from the Metro. It could also bedevil some programs in Volpe’s Department of Transportation.

Should this occur, the Transit Authority might find itself in the predicament of owing \$57 million plus \$1.7 million interest to the Department of Transportation next spring but having no money to repay it.

On October 15, WMATA approved acceptance of the loan and directed General Graham to file the application with UMTA. Yeldell cautioned, “We all think this will be a key to the resolution of the impasse, but it shouldn’t be mistaken for a resolution of the impasse.”

Later in the day, President Nixon’s press secretary, Ronald L. Ziegler, announced that OMB had approved the loan.

[Valentine, Paul W., “Subway Funds Offered,” *The Washington Post and Times Herald*, October 15, 1970; Eisen, Jack, “Subway Loan Is Accepted,” *The Washington Post and Times Herald*, October 16, 1970; Green, Stephen, “Subway Board Accepts Offer Of U.S. Loan,” *The Evening Star*, October 15, 1970; Green, Stephen, “White House Approves \$57 Million Metro Loan,” *The Evening Star*, October 16, 1970; Eisen, Jack, “Volpe Gambles on Metro Loan,” *The Washington Post and Times Herald*, October 19, 1970]

### **Election Transitions**

Part of the city’s optimism stemmed from the fact that on September 15, 1970, Chairman Fallon had lost his primary election to State Delegate Paul S. Sarbanes and would be leaving Congress in January 1971.

Following the first Earth Day in April 1970, environmentalists had compiled a list of “The Dirty Dozen” Members of Congress based on their environmental records. Chairman Fallon was the most prominent name on the list. He had been Chairman since January 1965 of the Public Works Committee, which the environmentalists referred to as the Pork Committee. His hometown of Baltimore had long-running controversies over its Interstate routes, including I-70 through Leakin Park and a stable minority community and a planned I-95 bridge across the Patapsco

River overlooking historic Fort McHenry. The environmentalists cited his opposition to the use of Highway Trust Fund revenue for mass transit as one example of why he was a “tool of the highway lobby.”

In the Democratic primary, Delegate Sarbanes attacked Fallon for his age, 68, and health, remoteness from his constituents, close ties with the highway lobby, and support for the Vietnam War. After losing the primary, a bewildered Fallon said, “I used to be complimented on the great job I was doing for the highway program. Now that is the thing that is used against me.” As *Fortune* magazine pointed out:

Flushed with their success at knocking off the powerful Fallon, environmentalists have gone on to organize the Highway Action Coalition at the national level to eliminate the federal highway trust fund or stretch the uses to which it can be put. [Cameron, Juan, “How the Interstate Changed the Face of the Nation,” *Fortune*, July 1971, p. 31]

Further, the ranking Republican on the Public Works Committee, Representative Cramer, who had worked closely with Chairmen Fallon and Natcher on District freeway issues, had not run for reelection. Instead, he ran for the seat held by retiring Senator Spessard Holland, but lost in the general election.

In Maryland, Democratic Senator Tydings lost his reelection bid to Republican Representative J. Glenn Beall, Jr., whose father had held the seat before Tydings. As the *Star* put it:

Beall, 43, received massive aid from the Nixon administration including campaign visits by both the President and Vice President Spiro T. Agnew.

“I think the White House helped – considerably,” Beall said in his victory statement.

But the deciding factor, it appeared, was the degree of anti-Tydings sentiment in Maryland – antagonism toward the outspoken 43-year-old liberal which did not show up in pre-election polls that consistently showed Tydings out in front of Beall.

Other Maryland Democrats, including Governor Mandell, won reelection. Senator Tydings conceded, “I guess I was just too liberal . . . or at least they thought I was.” Much of the opposition came from gun rights advocates who opposed his efforts to tighten gun controls. Gun groups had distributed bumper stickers reading: “If Tydings Wins – You Lose.” As a result, the worst thing about his loss was, he said, that, “I suppose it will discourage others from taking on the gun lobby.” [Angle, Martha, “Beall Brings Home the Seat His Father Lost to Tydings,” *The Evening Star*, November 4, 1970]

Among the Senators who also lost their reelection bids was Democratic Senator Albert Gore, who had collaborated with Representative Fallon in crafting the Federal-Aid Highway Act of 1956 that launched the Interstate program. Senator Yarborough, the father of Section 4(f), lost his reelection bid in Texas.

Speaker of the House McCormack had not sought reelection. He wanted to spend time with his ailing wife of over 50 years. They had lived in a three-room apartment in the Hotel Washington

at 515 15<sup>th</sup> Street, NW., but he would stay with her in Washington's Providence Hospital until her death a year later.

Majority Leader Albert of Oklahoma would become Speaker of the House in the 92<sup>nd</sup> Congress.

In 1968, Montgomery County, Maryland, had approved a change in the county charter to create a position of county executive whose powers would be similar to a mayor. County Councilman James P. Gleason, who had been WMATA's first chairman, announced his candidacy for the post. In late September 1970, he announced that he would remain on the council, but would resign from several posts, including the WMATA board, to devote more time to his campaign. In a letter to County Council President Avis Birely, Gleason wrote, "I do not want this action to be construed . . . as lessening my complete dedication and support of the implementation of the mass transit system." However, the post of county executive was "far too important to give less than my full attention to the campaign other than my regular county council responsibilities."

On September 23, the Montgomery County Council elected President Birely to replace Gleason on the WMATA board.

Now, in the first county executive election, Gleason was the victor in a tight race. He took office on December 7. The county council consisted entirely of Democrats. [Taaffe, William, "Gleason Quits Transit Posts To Campaign," *The Evening Star*, September 23, 1970; "Mrs. Birely Gets Transit Job," *The Evening Star*, September 24, 1970; Greenhalgh Concedes in Montgomery," *The Evening Star*, November 9, 1970]

Another election affecting the District would not take place until March 1971. On September 23, 1970, President Nixon had signed a bill giving the District its first elected congressional representative since 1875 (P.L. 91-405). The winner of the election would be a nonvoting delegate to the House of Representatives. President Nixon had proposed the arrangement in April 1969, when he called it a step in an "orderly" road to self-government.

Ultimately, it was thought, an amendment to the Constitution would be needed to give the city a vote in Congress or change the concept that Congress was the city's legislature. The bill President Nixon approved also authorized establishing a 12-person commission on organization of the District's government. The commission would study the arrangement of the present city government to "determine what changes are necessary" to "promote economy, efficiency, and improved service in the transaction of the public business in the departments, bureaus, agencies, boards, commissions, offices, independent establishments, and instrumentalities of the District of Columbia."

The commission was nicknamed a "Little Hoover Commission," after a commission headed by former President Herbert Hoover that had advised Presidents Truman and Eisenhower on government organization. Although District officials were not enthusiastic about the Little Hoover Commission, they were elated about the provision establishing a nonvoting House delegate – as a first step.

Mayor Washington was initially seen as the leading candidate for the District's first delegate, but in November he announced he would not run. In announcing his decision on November 14, he cited the District's fiscal condition as the reason. He was focused on working with Congress to secure additional funds for the city; he did not want to divert attention to raising funds for an election campaign. He did not endorse anyone for the position, but said, "He should be someone who is committed, who understands the dynamics, who is going to work as a team."

With the mayor out of the running, Councilman Yeldell, chairman of WMATA, became the leading candidate. He had not announced his candidacy, but was seeking financial backing for a run.

On November 30, Yeldell announced his candidacy for delegate while submitting a letter to President Nixon resigning from the city council. He said that home rule would be one of his top priorities as delegate. He had some connections on Capitol Hill, but said, "it makes [no] sense for the District's delegate . . . to march to the Hill boasting of a host of friends in Congress." The District's congressional friends were in the minority. "Look at our schools, our housing, our unemployment, our public services, our courts, our crime rate, our revenue . . . and I'm sure you will agree with me that the District needs many, many new friends."

His resignation from the city council automatically removed him from WMATA's board of directors. On December 3, Councilman Moore took over for Yeldell on WMATA's board. Because the District had the chairmanship in 1970, the board elected Councilman Moore its chairman for the remainder of the year.

[Prince, Richard E., "D.C. Delegate Bill Signed by Nixon," *The Washington Post and Times Herald*, September 23, 1970; Grigg, William, "District if Cool to Prospect Of Little Hoover Commission," *The Sunday Star*, September 13, 1970; Kalb, Barry, "Mayor Won't Be a Candidate For Delegate, Yeldell to Run," *The Sunday Star*, November 15, 1970; Anders, Michael, "Yeldell Quits Council, Enters Delegate Race," *The Evening Star*, November 30, 1970; Grigg, William, "Moore Follows Yeldell As WMATA Chairman," *The Evening Star*, December 3, 1970]

### **The 1970 Lame Duck Session**

Congress returned to Washington for a lame duck session on November 16, the first held since the early 1950s. Most of the members who had lost their reelection bids returned to complete the 91<sup>st</sup> Congress. A few who lost or retired resigned to allow their successors to fill out the term, thus gaining credit toward seniority in the next Congress.

The Washington area had its share of pending bills, but overall, Congress would be focused on other issues. The *Star* listed the top issues:

Senators first plan to tackle three difficult issues left hanging when they adjourned in October: The women's rights constitutional amendment, the farm bill and a labor-sought industrial job safety measures.

In the House, a restrictive trade bill and a manpower training bill which includes a big program of public service jobs are expected to trigger floor fights.

With the session expected to last about 5 weeks, Congress would have time to consider the District freeway-subway impasse, but it was not most urgent business. [Bullen, Dana, "Party Line Battles Set In Congress," *The Sunday Star*, November 15, 1970]

On November 13, 1970, the District of Columbia and the Virginia State Highway Commission published notice of plans to hold a joint DESIGN PUBLIC HEARING on proposed Interstate 266 (capitalization in the original) in the Department of Commerce Auditorium on 14<sup>th</sup> Street, NW., on December 14 beginning at 10 a.m. and continuing into the evening:

The hearing will be conducted to consider alternative designs for proposed Interstate Route 266 between a point near the intersection of Canal Road and MacArthur Boulevard in Washington, D.C., and a connection with the proposed Interstate Route 66 near Lorcom Lane in Arlington, Virginia, including a proposed bridge across the Potomac River in the vicinity of the Three Sisters Islands.

Additional sessions were tentatively scheduled for December 15 and 16 "if necessitated by a larger number of witnesses than can appear on December 14, 1970." [Notice of Joint Design Public Hearing – Proposed Interstate 266, *The Evening Star*, November 13, 1970]

District officials said they would offer two designs for the bridge at the public hearing. One would be the suspended span of 740 feet between piers near the banks that the Commission of Fine Arts had approved. The other would be a more traditional steel box girder bridge supported by three piers, including one in the middle of the Potomac River.

The purpose of the hearing was to receive comments, oral and in writing, on the two designs, but as the *Star* pointed out, "freeway opponents have indicated they will use the session to voice opposition to any bridge." They would argue that the bridge was not needed and would increase air pollution and harm nearby neighborhoods. [Green, Stephen, "District Highway Officials to Offer 2 Plans at 3 Sisters Bridge Hearing," *The Sunday Star*, November 15, 1970]

While the House Rules Committee was deciding the terms of debate on the Committee on Public Works' version of the Federal-Aid Highway Act of 1970, the House District subcommittee headed by Representative Fuqua was considering the Broyhill amendment to the revenue act to withhold the proposed Federal payment of \$120 million to the District, increased by \$15 million from the previous year, until the city complied with Section 23 of the Federal-Aid Highway Act of 1968 or any subsequent legislation mandating freeway construction. On November 23, the subcommittee voted 7 to 3 for the measure.

Representative Gude voted against it. The newly elected Montgomery County Council had urged him to oppose any legislation that would force construction of the North-Central Freeway. The council's telegram to the Congressman stated that the freeway would be "more destructive than beneficial" to the city and its suburbs. The council favored the provision in the Senate's Federal-Aid Highway Act of 1970 that would repeal Section 23 of the 1968 Act. Without mentioning

Chairman Natcher, the telegram asserted that attempts to link Metro funding to highway construction were “unwise and unacceptable.” The telegram added, “This is particularly true in this period when Secretary of Transportation John A. Volpe has called for an 18-month study of this freeway proposal.”

That same day, Representative Gude testified before the Rules Committee in opposition to the District provision in the Federal-Aid Highway Act of 1970 because it required the District to build the North-Central Freeway to the District/Montgomery County line. Given the growing opposition to the Maryland segment, especially in the county, Representative Gude argued that the District provision could result in “Congress . . . directing the construction of a road to nowhere.”

The District revenue authorization bill included provisions to transfer the District’s prison complex in Lorton, Virginia, to Federal control and to renew the city’s authority to borrow money for construction projects. The subcommittee dropped the city’s request to increase its gas tax by a penny from 7 cents to 8 cents. Representative Fuqua explained that the subcommittee rejected the plan because the members thought the gas tax should be the same as in the surrounding jurisdictions in Maryland and Virginia, which charged 7 cents a gallon. [Taaffe, William, “Fight Against Freeway, Councilmen Urge Gude,” *The Evening Star*, November 16, 1970; Green, Stephen, and Grigg, William, “House Panel Oks Bill Tying D.C. Funds to Freeway Action,” *The Evening Star*, November 23, 1970; Moore, Irna, and Eisen Jack, “Build Freeway or Lose Extra Cash, City Told,” *The Washington Post and Times Herald*, November 24, 1970]

In the House, Chairman Kluczynski brought the 1970 Act to the floor on November 25. In his overview of the legislation, he said of Section 129:

Contrary to what some people might say this is not setting a precedent for this kind of action in other States, nor is it an attempt to substitute congressional action for sound engineering judgment. The committee has heard the testimony and received the reports of the District of Columbia and the Department of Transportation over the last few years and is only acting within the responsibility of the Congress toward the District of Columbia. I hope this body will support this section as it has been reported as you did in 1968, because I assure you gentlemen it is the only way your Nation’s Capital will ever have an adequate transportation system.

Because of the limited time available for debate on the House floor under the House Rules resolution, several Representatives who objected to Section 129 submitted comments to be inserted in the record. Representative Emilio Q. Daddario (D-Ct.), an attorney who had won election to the House in 1958 and was serving his final term after losing his bid to become Governor of Connecticut, objected to Section 129. He recalled that in 1960, Congress had rejected the 1959 Mass Transportation Survey, “plans which are similar to those which would be forced upon the people of the District of Columbia under section 129”:

The plans were unacceptable then and are unacceptable now for the very same reasons: high cost, destructiveness, and lack of demonstrated need for added arterial highway capacity.

He said that rarely had legislation “brought a more vehement and united outburst” from District residents. Forcing these freeways on the people of the District, “without fair and proper hearing, is to deny them the privileges enjoyed by the citizens of the 50 States.”

Representative Edward I. Koch (D-NY), the future Mayor of New York City who was a strong advocate for transit and bicycling while in Congress, mentioned the opposition to the freeways covered by Section 129. He preferred to delete the provision from the bill but offered a *reductio ad absurdum* solution:

I would suggest that if this body insists on retaining it, fairness and consistency demand that we add a provision . . . stating that all expenditures authorized by the Federal Highway Act will be suspended until construction on the District of Columbia system commences. [Federal Aid Highway Act of 1970, *Congressional Record-House*, November 25, 1970, pages 38938, 38958-38959, 38962-38963]

Representative Donald M. Fraser of Minnesota (Democratic-Farmer-Labor), a member of the District of Columbia Committee, introduced an amendment to delete Section 129. The amendment initiated a lengthy discussion. Despite opposition within the city, he said, “now comes Congress saying, ‘Well, the City Council does not know what they are doing,’ and in effect it says ‘No matter what they think or how much they know, we know best what is good for . . . the 700,000 or 800,000 people who live in the District of Columbia.’” At some point, “the District of Columbia ought to be given a voice in what happens to this city.”

This was not the first Congress, he said, that had overruled the city government. The District had complied with Section 23 of the 1968 Act “because we blackjacked them into it” by withholding funds for the subway. “Now we want to add another injustice to this unfortunate relationship between the Congress and the District.”

Another member of the District committee, Representative Brock Adams said, “I cannot stress how unhappy I am. I would use the word ‘bitter’ but probably that is not the proper word to use, but somehow I must manifest my terrible unhappiness over what has happened with this bill.”

He recalled the compromise that allowed release of the subway funds. The city complied and the funds were released. “I stand with it as I have stood with it on platforms in this city where my skin has been taken off in strips because many people of the District have said, ‘We do not want any more highways under any circumstances.’”

Regarding the North-Central Freeway, the city had studied the project in accordance with the compromise and concluded that it should not be built and that the Industrial Highway should be constructed instead. He explained the key difference between the North-Central Freeway and the Industrial Highway:

The difference in the two areas where you build the freeway, one goes through industrial-type lands, and lands that are not homes, and the other goes through a series of homes in the north end. This goes clear back to 1960. This route was shifted from one side of

Rock Creek over to the other side of Rock Creek, and it has been shifted back and forth for years and years.

Now, he had just learned that the District Appropriations Committee was working on a bill that would prohibit appropriation of any funds to the District unless the city complies with the 1968 Act or the present provision:

I just plead with you in the name of common decency that we keep our word as we have required the government of the District of Columbia to keep its word.

If Congress did not approve the Fraser amendment, “we will simply have broken our word” that was given under the previous compromise.

Representative McCarthy concurred, saying:

If you can mandate the construction of controversial highways in the District of Columbia, then you can do it in any State in the Union and in Puerto Rico.

District residents had made their views clear “with virtual unanimity.” He concluded that, “I think it is a basically undemocratic thing for us to force these highways on people who have said they do not want them.”

Chairman Kluczynski responded that the Committee on Public Works “has no intention of dictating to the various States what kind of a highway program it should have or where individual routes should be located.” Congress acted only after the courts had declared that the planned freeways violated the 1893 District highway code. Because only Congress could change the code, Congress acted in 1968 to require the District to build a freeway system that had been developed over a 20-year period and included in the 1968 ICE. “It was sound and was the product of local study and determination. It was not a creature of the Congress as some would have you believe.”

He would not want Congress to dictate highway locations in Illinois or any other State. “But in this case, in the District of Columbia . . . the Congress has the right and the Congress should designate the highways.” He did not mention the Constitution, but he was saying that it gave Congress a unique legislative role in the District that it did not have in the States.

Representative Gude and his Maryland colleague, Representative Hogan, took opposite positions on the Fraser amendment. Representative Gude pointed out that Maryland officials were in doubt about the North-Central Freeway:

At this time the State of Maryland and local government officials in Montgomery County have indicated that they are in doubt or in opposition to building a North Central Freeway. For us to order the immediate construction of a highway to the border of a jurisdiction that has indicated it does not intend to build it is ludicrous.

After discussing the history of the North-Central Freeway, he concluded that for Congress to order its construction in the District would be “sheer folly.”

Representative Hogan appreciated the provision in the bill providing for reconstruction of the Baltimore-Washington Parkway to meet Interstate standards as well as Section 129, which required construction of the North-Central Freeway:

If at this time we change the route of the North Central Freeway, as some are urging, further delays will result. The right-of-way has already been acquired for the proposed route, whereas any change of route will result in additional costs for this purpose. We can probably assume that any alternate route will also be objected to by elements of the community.

Chairman Natcher wanted to make clear to his colleagues that his committee supported a freeway system and a rapid rail transit system in the Nation's capital. He said, "we not only believe this to be true, but are willing to make any and all recommendations which will bring about a proper rapid rail transit system and freeway system for the District of Columbia." He summarized the years of effort to secure this outcome and cited editorial support from the city's newspapers. The Chamber of Commerce and the Board of Trade, he said, supported congressional intervention:

The majority of the people who pay the taxes necessary to operate our Capital City are for a balanced system of transportation. Those people who love and respect this city want this impasse settled and they want it settled now. They do not agree with the statement made several years ago by one of the dissidents that there shall be no more exists [sic] or entrances into our city.

The House defeated the Fraser amendment, 26 to 101. Later that day, the House approved the committee bill, including Section 129, without a recorded vote. A conference committee would be convened to resolve differences between the House and Senate bills. [pages 38978-38990, 38997]

Even as the House approved its version of the Federal-Aid Highway Act of 1970, Maryland opposition to the North-Central Freeway was growing. Governor Mandel wrote to Representative Gude, who had requested clarification of the State's position:

I have no intention to force an expensive improvement on an unwilling community, but before we abandon the North Central Freeway, we should be very certain that there is a real consensus in opposition . . . and that the local spokesmen really appreciate . . . the utter finality of such an action.

At the same time, Delegate Martin S. Becker (D), chairman of the Montgomery County delegation to the Maryland General Assembly, had written to Chairman Natcher. "Our delegation will exert all of its efforts to assure that [the North-Central Freeway] will become a 'no thru street' at the District of Columbia line." Becker urged Chairman Natcher to drop his efforts to force the city to build the freeway. [Eisen, Jack, "House Votes for Disputed N. Freeway," *The Washington Post and Times Herald*, November 26, 1970]

On November 28, *Post* editors took a dim view of congressional actions in an editorial titled "Making the Colony Step and Fetch." The House District Subcommittee, which had increased

the Federal payment by \$15 million, had “reckoned in its wisdom that, sure enough, we probably are entitled to a bit of extra change for the last six months of the budget – that is, ah, if we’re willing to do a few extra favors for it.”

The question was how many favors “because there are so many congressional overseers with so many pet projects.” In return for the additional \$15 million, all the city had to do was build all the freeways in Section 23 of the Federal-Aid Highway Act of 1968 and whatever ended up in the 1970 Act; abandon the penny gas tax increase but impose a 2 percent sales tax on linen services; turn over its Lorton prison complex in Virginia against its wishes; and so on.

While the House and Senate District authorizing committees fought over “the hostages and paraphernalia,” other committees were at work. Of course, the House Committee on Public Works was trying to force the city to build the North-Central Freeway, despite the city’s preference for an Industrial Highway in the New York Avenue corridor and growing opposition in Montgomery County. Meanwhile, Chairman Natcher’s District appropriations subcommittee was withholding Metro funds until the city built all the roads required by the 1968 Act. The Senate opposed the measures favored by the two House committees “but it hasn’t succeeded in getting that subway money for us either.” The editorial concluded:

All this is simply to give you a little peek (or is it pique?) at why the coffer’s a little hollow along about now. It seems like an awful lot of exercise for very little fiscal fitness. [“Making the Colony Step and Fetch,” *The Washington Post and Times Herald*, November 28, 1970]

On December 10, Jack Eisen reported that the House insistence on retaining Section 129 was weakening in conference. After five negotiating sessions, some conferees had told him “that negotiations on the national measure produced enough victories for the House version where its conferees became willing to give up their insistence on an early start of construction on the North-Central.” In return, some Senate conferees (“but not all,” Eisen emphasized) were willing to give up their efforts to retain the provision in the Senate bill repealing Section 23 of the 1968 Act. [Eisen, Jack, “Lawmakers Reported Wavering on Freeway,” *The Washington Post and Times Herald*, December 10, 1970]

As Chairman Natcher had mentioned, the District’s business community supported the freeway network. On December 10, the Federal City Council assembled businessmen representing the Board of Trade, Board of Realtors, D.C. Chamber of Commerce, the Washington Savings and Loan League, and many others to support the proposed freeways, including the North-Central Freeway. The *Post* explained:

They acted yesterday after it had been learned that a compromise may be reached on Capitol Hill that would delay a congressional order to build the North Central Freeway at least another year . . . while additional studies are made . . . .

The House Appropriations Committee, at Natcher’s request, is now refusing to grant \$34.2 million to continue building the subway system until the city complies with present highway legislation.

The business groups, which had supported freeways and rail rapid transit since the mid-1950s, blamed Mayor Washington and the city council for stalling freeway construction and thereby blocking progress on the subway:

The businessmen said they support both the pending House version of the Highway Act of 1970, which would require construction of the freeways, and a rider placed in the D.C. revenue bill Nov. 23 that would withhold \$15 million in city revenue until it complies fully with present and pending highway legislation. [McCombs, Philip A., "Merchants Push City Freeways," *The Washington Post and Times Herald*, December 11, 1970]

(The article in the *Post* about the event prompted Merle J. Van Horne of Americans for Democratic Action to write a letter to the editor. This coalition of business representatives "has consistently sought to inflict the monstrous William H. Natcher Memorial Freeway System on an unwilling city." In view of polls and reactions at public hearings showing "clear and massive opposition," the businesses "cannot plead ignorance or misunderstanding." Any attempt to "inflict such a profound environmental and social change on any city in the face of overwhelming citizen opposition is a despotic act of mind-boggling enormity." It is "more cynically destructive of public faith in the American system than a hundred flag-burnings." Their actions, accordingly, could be attributed only "to malevolence and greed." They "have clearly established themselves as an alien, hostile, pernicious force in this city."

(Mr. Van Horne was one of those arrested on August 9, 1969, during the protest of the city council's approval of the Three Sisters Bridge to secure release of the Metro matching funds. At the request of Chairman Hahn, the U.S. Attorney's office dropped unlawful entry charges on October 9, 1969, in the cases of 14 of those arrested, including Van Horne. [Van Horne, Merle J., "The Freeway Struggle," Letters to the Editor, *The Washington Post and Times Herald*, December 17, 1970; Curry, William N., "Illegal Entry Charges on 14 Dropped," *The Washington Post and Times Herald*, October 10, 1969])

The following day, December 11, the House District Committee dropped the provisions linking the Federal payment for the city to construction of freeways and transfer of the city's prison complex in Lorton to the Federal Government. Committee leaders decided to drop the measures when a coalition of liberals and conservatives, which one committee member called "an unholy alliance," threatened to defeat the bill:

A group of liberal, Northern Democrats and Republicans on the District Committee planned to fight the freeway and Lorton provisions on the House floor. The freeway section, sponsored by Rep. Joel T. Broyhill (R-Va.), would prevent the city from receiving the additional \$15 million until it agreed to build all congressionally ordered freeways, including the North Central freeway called for in the House version of the 1970 Highway Act.

Representative Brock Adams (D-Wash.), a leader of the liberal group, planned to offer a substitute bill that would not include the freeway and Lorton sections.

Conservatives opposed a provision, strongly supported by Committee Chairman McMillan, authorizing a Federal subsidy of up to \$62 million for Georgetown and George Washington Universities' "troubled medical and dental schools." Representative Abernethy, "usually a powerful member of the Committee's Southern conservative leadership," strongly opposed the provision:

Abernethy reportedly offered to support a substitute bill that did not contain Lorton, the freeway provision or the medical school section . . . . According to Broyhill, it began to seem that the bill contained so many controversial sections that a number of congressmen were willing to "burn down the whole barn just to get at their particular rat."

When House members of the conference committee on the Federal-Aid Highway Act of 1970 decided on December 9 to substitute a study for their prior insistence on construction of the North Central Freeway, Representative Broyhill offered to withdraw his amendment. Given the conferees' compromise, withholding \$15 million, he said, "would have been superfluous." Once Chairman McMillan agreed to drop the Lorton provision, Broyhill said, "there would be no opportunity for a general indictment of the bill from both liberals and conservatives." He expected that agreement by the conference committee on the Federal-Aid Highway Act of 1970 would result in release \$34.2 million for the subway, but Chairman Natcher declined to comment. [Moore, Irna, "Roads, Lorton to be Deleted in Money Bill," *The Washington Post and Times Herald*, December 12, 1970]

The provision, Title VIII ("Interstate Routes and the Federal Payment") remained in the District revenue bill until it reached the House floor on December 14. During the debate, Representative Broyhill explained that he had no desire to withhold funds from the District. He had introduced the measure to ensure District compliance with Section 23 of the Federal-Aid Highway Act of 1968 and Section 129 of the 1970 Act, but now a compromise appeared to have been reached by conferees on the 1970 Act that would bring the District into compliance with the law. "If they are in compliance with the law, then this title of the bill becomes unnecessary." In accordance with the agreement reached with Chairman McMillan, the House dropped Title VIII before passing the District of Columbia Revenue Act of 1970. [District of Columbia Revenue Act of 1970, *Congressional Record-House*, December 14, 1970, pages 41399, 41403-41404, 41409, 41415]

### **Design Hearing on the Three Sisters Bridge**

In compliance with Judge Sirica's ruling, the District, in cooperation with the Virginia Highway Department, held 3 days of hearings on the Three Sisters Bridge, which would carry I-266 traffic, including the trucks barred from the I-66/Theodore Roosevelt Bridge, across the Potomac River. The District indicated that 107 witnesses had been scheduled for the marathon sessions scheduled to run from 10 a.m. to 10 p.m. [Eisen, Jack, "3 Sisters 'Trial' Will Start Today," *The Washington Post and Times Herald*, December 14, 1970]

Even before the hearing on the Three Sisters Bridge, ECTC protested the appointment of Julian R. Dugas, the District's Director of Economic Development, as the hearing officer. ECTC argued that the District's 1967 reorganization plan required the mayor and city council to conduct

hearings on bridges and freeways. That meant, ECTC argued, personal participation by the mayor and the city council, not delegation to a representative. [“Group Raps Hearing On 3 Sisters Bridge,” *The Evening Star*, February 8, 1970]

Jack Eisen reported that in the 600-seat Commerce Department Auditorium, the hearing “moved briskly, sometimes as much as 45 minutes ahead of schedule.” He characterized the day’s presentations:

Many witnesses, as expected, expanded their statements into arguments on whether the Georgetown-to-Arlington span should be built. There were 14 presentations in favor, 28 against.

Generally, support came from business, professional and economic development groups and opposition from citizen and environmental protection organizations. However, a downtown organization of small businessmen was among the foes.

Leslie Logan, president of Arlingtonians for Preservation of the Potomac Palisades, was one of the first witnesses. He challenged the legality of the hearings, arguing that they were being held too long after the location hearing in 1964. Since then, Section 4(f) had been enacted to preserve the very resources the bridge threatened. He said it was ridiculous to “erase 31.6 acres of national parkland on the Virginia side . . . and impair the remaining acreage of the Spout Run Parkway.”

The hearing before a crowd that varied during the day and night from about 75 to 150 people was orderly for the most part. What little drama took place followed the decision by Dugas not to let William Buchanan of the Foggy Bottom Association testify when he arrived for his scheduled 11:35 appearance. Because the hearing was ahead of schedule, Dugas had called Buchanan’s name earlier and passed over him:

Sammie A. Abbott . . . loudly protested Dugas’ refusal to hear opposition testimony by William Buchanan . . . .

He yelled, “We’ll get to you, Dugas.” Four guards approached to warn Abbott to remain silent. He did so, but sat quietly with his arms folded.

Buchanan was called to speak a half hour later:

Both he and Abbott were among several who insisted that the hearing and the manner of its conduct were illegal. They claimed a hearing is needed on whether and where the project should be built, and they said they expect the U.S. Court of Appeals to uphold that view in a forthcoming appeal

Robert M. Kennan, transportation chairman of the Committee of 100 on the Federal City College, urged Dugas to call off the hearing on these grounds.

Dugas refused, having previously cited Judge Sirica’s ruling:

After an extended trial, Sirica ordered construction of the bridge piers suspended pending a design hearing but said that Congress in its 1968 law took the question of whether to build a bridge out of the court's hands.

Only one neutral presentation, by Arthur H. Fawcett, Jr., of the Potomac Boating Club, concerned the design of the Three Sisters Bridge:

If the bridge must be built, Fawcett said, the club wants the single overwater arch that has been approved by the Fine Arts Commission, omitting a mid-river pier he called a hazard to boat racing crews.

The plan that includes the midriver pier drew no support. Several opponents of the bridge said the arched design is attractive – one called it a work of art – but claimed it is unnecessary.

The safety of the bridge design came up during testimony by James O. Granum, president of the National Capital Section of American Society of Civil Engineers, which supported the project. Director Airis asked him if he had any concerns about the safety of the approved design. Granum replied, “No, sir.”

ECTC's John Carter was the day's 42<sup>nd</sup> and final witness. He predicted that “turmoil and uproar” would occur if the bridge were built. [Eisen, Jack, “Bridge Hearing Called Illegal,” *The Washington Post and Times Herald*, December 15, 1970; Grigg, William, “Legality of Hearing On Span Disputed,” *The Evening Star*, December 14, 1970]

On December 15, the second day of the hearing, Dugas reminded witnesses that under Judge Sirica's ruling, design of the bridge was the only issue to be decided. Judge Sirica had found that under Section 23 of the Federal-Aid Highway Act of 1968, whether to build the bridge was a settled point. As a result, the testimony thus far relating to whether the bridge was needed would prove useless to District and Virginia highway officials as they consider comments on design issues before advising FHWA and reporting their joint decision to the court.

Nevertheless, as the *Post* put it, the majority of the 38 witnesses “charged yesterday that the Three Sisters Bridge project is unnecessary, will cause pollution and disrupt neighborhood life in Washington.” Most of these opponents also contended that the hearing was illegal because Mayor Washington and the city council did not conduct them in person. By the time the hearing ended at midnight, another seven witnesses had supported the bridge while four did not take a position.

Two former members of the city council were among the witnesses who ignored those words of warning. Polly Shackleton said the council had “lost its soul” when it gave in to Congress by approving the Three Sisters Bridge against its better judgment. “The mayor and Council have ceased to be the heartbeat of the citizens of the District.” Most opposed the bridge, but in reversing course had lost the city council's credibility. Instead of discussing design of the bridge, she said the city should forget about building it.

The Reverend Fauntroy, a candidate for District delegate to Congress, agreed. “This bridge will function only if we pave the whole city. No design of a Three Sisters Bridge can increase the capacity of Arlington or D.C. streets to efficiently carry more traffic.” In short, “Design cannot fit a bridge where it should not be.”

The Reverend Channing Phillips of the District Democratic Central Committee, also a candidate for delegate, said the city council had approved the bridge only because of congressional “blackmail.” Mayor Washington “should take leadership of the District government on this vital issue, stop freeway construction and stop these hearings.” When Dugas asked if he had a preference on the bridge’s design, the Reverend Phillips said he preferred the view of the river and three small islands without a bridge.

A third candidate for delegate, Democrat George Mitchell, said the money that would be used for the bridge “should be spent on people who are going hungry instead of getting commuters in and out of the city faster.”

Former NCPC Chairman Rowe opposed the bridge. It would, she said, encourage trucks to go through the city instead of circling it on the Capital Beltway. The result would be more freeways that would “make North Central Freeway look like a community blessing.”

Harold O. Miller, vice chairman of the Fairfax County Board of Supervisors in Virginia, which supported I-66, pointed out that the Arlington County Board, which opposed I-66, might reopen discussions to cancel the Interstate in the county. “We shouldn’t proceed until we see if a road is going to be attached to it.”

The supportive witnesses cited the benefits of the bridge to Washington economic development. Supporters included representatives of Downtown Progress, the Institute of Traffic Engineers, Loudoun County Board of Supervisors in Virginia, the Virginia Automobile Dealers Association, and the D.C. Metropolitan Subcontractors Association. General Quesada of the Dulles International Airport Development Commission, who had helped pick the location for the new airport, said that a key factor in selecting the site was the expectation that the Three Sisters Bridge would be built. It would allow traffic to drive between downtown and the airport in about 30 minutes.

During the third day of hearings, most witnesses again addressed whether to build the bridge, not its design. Lawrence N. Bloomberg of the Palisades Citizens Association said the bridge would “distract from an open and uncluttered natural view of the Potomac valley and will increase and aggravate the pollution problems now facing Washington and its environs.”

By the time the hearings ended on December 16 at 3:40 p.m., Dugas had heard 130 witnesses. What the *Post* characterized as a “lopsided majority” of the witnesses recommended dropping the Three Sisters Bridge project. Many also questioned the legality of the hearings.

The *Post* reported that Federal rules for design hearings did not require clearance by the mayor or city council. District highway officials could report directly to FHWA. “Airis told a reporter, however, that he plans to clear his recommendations with those officials before transmitting them

to Charles E. Hall, the road bureau's D.C. division engineer." Division Engineer Hall had attended most of the sessions.

[McCombs, Philip, "Hearing for 3 Sisters Soan Develops Into Verbal Battle," *The Washington Post and Times Herald*, December 16, 1970; Grigg, William, "Ex-Councilmen Regret Vote for 3 Sisters Span," *The Evening Star*; "3 Sisters Span Called Stimulant for Dulles," *The Evening Star*, December 16, 1970; "Hearing End On Design For Bridge," *The Washington Post and Times Herald*, December 17, 1970]

### **Approving the Federal-Aid Highway Act of 1970**

Although the House-Senate conferees on the Federal-Aid Highway Act of 1970 had agreed on a study of the North-Central Freeway, instead of construction, one of the unwritten rules of conference committees is that nothing is final until everything is final. On that basis, despite earlier signs of agreement, conferees abruptly adjourned on December 14, unable to resolve differences related to the North-Central Freeway.

In return for agreeing to the study, House conferees asked the Senate conferees to delete the provision in their bill repealing Section 23 of the 1968 Act. The Senators said they would delete the provision if the House would agree to leave all language about District freeways out of the bill. If agreed to, the Senate-proposed compromise would leave the situation where it was, with the city refusing to build the freeway, a study underway on the North-Central Freeway, and Chairman Natcher withholding subway matching funds. [Green, Stephen, "Conferees Snagged On Freeway, Quit," *The Evening Star*, December 15, 1970]

On December 16, after the conferees met again, Chairman Fallon told reporters, "we're still hung up" on the District provisions. Senator Cooper said the Senate conferees were united in offering to drop its repeal of Section 23 if the House would drop the order for construction of the North-Central Freeway. The House was insistent on including a 1-year study of freeway, but the Senate conferees wanted no District of Columbia provisions in the conference report. That would leave Section 23 of the 1968 Act in place. "We've had enough studies," Senator Cooper said of the House offer of the new study. ["Conferees Stalls on Freeway," *The Washington Post and Times Herald*, December 17, 1970]

On December 17, House and Senate conferees completed work on the conference report for the 1970 Act. Section 129 now read:

#### District of Columbia

Sec. 129 (a) In the case of the following routes on the Interstate System authorized for construction by section 23 of the Federal-aid Highway Act of 1968, the government of the District of Columbia and the secretary of Transportation shall restudy such projects and report to Congress not later than 12 months after the date of enactment of this subsection their recommendations with respect to such projects, including any alternative routes or plans:

- (1) East Leg of the Inner Loop, beginning at Bladensburg Road, I-295 (section C4.1 to C6),
  - (2) North Central and Northeast Freeways, I-95 (section C7 to C13) and I-70S (section C1 to C2).
- (b) The government of the District of Columbia and the Secretary of Transportation shall study the project for the North Leg of the Inner Loop from point A3.3 on I-66 to point C7) on I-95, as designated in the “1968 Estimate of the Cost of Completion of the National System of Interstate and Defense Highways in the District of Columbia”, and shall report to Congress not later than 12 months after the date of enactment of this subsection their recommendations with respect to such project including any recommended alternative routes or plans.

Under the compromise, the South Leg of the Inner Loop remained designated as part of the Interstate System. [Federal-Aid Highway Act of 1970, Conference Report, U.S. House of Representatives, 91<sup>st</sup> Congress, 2d Session, House Report No. 91-1780, page 54]

The final bill also retained the authorization of \$65 million to reconstruct the Baltimore-Washington Parkway to Interstate design standards. Under Section 146, no funds could be expended until the Secretary of the Interior entered into an agreement with Maryland highway officials to convey the parkway to the State “without monetary consideration” and the State placed the parkway on the Federal-aid primary system under State responsibility.

The following day, the House approved the conference report, 319 to 11. The floor debate on the report did not include discussion of the District freeway provision. [Conference Report on H.R. 19504, Federal-Aid Highway Act of 1970, *Congressional Record-House*, December 18, 1970, pages 42514-42518]

The Senate, considering the bill on December 19, did discuss the District’s freeway controversies. Reviewing the conference report, Chairman Randolph said that the “most controversial sections” of the House and Senate versions of the 1970 Act concerned the construction of Interstate highways in the District of Columbia. Reconciling the two provisions “occupied considerable time and discussion”:

Behind the original positions of both Houses were strongly held convictions: the Senate – that the District of Columbia should be treated as a State, as the highway law provides, in determining the construction of highways; the House – that nonconstruction in the District of Columbia has seriously delayed completion of the Interstate System.

The conference decision, I believe, was the only one we could reach to avoid an impasse that would have imperiled the national highway program. It is a reasonable compromise in that there is no mandating of freeway construction in the city. The studies which the bill directs in an effort to determine the best way to resolve this very difficult program [sic] could be carried on without specific authorization.

He endorsed the Baltimore-Washington Parkway provision because the parkway “carries a heavy load of traffic, far beyond that which it was originally designed to accommodate” and “is in urgent need of improvement.”

Senator Cooper discussed some of the controversial measures in the conference report, including the question of the District’s highways:

I still consider, as I have for years, that the Congress should not attempt to lay out a highway system in the District of Columbia. On our side, we strove diligently to bring some order to this problem; to put full responsibility back where it belongs, with officials and people of the District of Columbia. We held out as long as we could for the Senate provision, to repeal section 23 of the 1968 act. There was no sign by the House of accepting the Senate provision, and we have ended our work. Perhaps the courts will now look at the proposed District of Columbia highway system. We cannot do it legislatively with any success.

He recalled that he had voted against the 1968 Act because of Section 23. The Senate provision was “especially important” because the House Public Works Committee “went even further than in 1968 in attempting to require the construction of interstate highways within the District – and without the fundamental provision which we were able to attach in 1968, so often overlooked, that all construction must be carried out according to all applicable provisions of title 23 of the United States Code.” The conference report rejected “any mandate for any new highway construction, or for designation or removal of designation of interstate routes” in the District:

The conference agreed to no more than another study by the District of Columbia government and the Department of Transportation of the North Central Freeway, and also of the East and the North Legs. Of course, these routes have been studied before, and a study of the North Central Freeway is now being carried out, and the administration supported the Senate position in this matter.

He introduced a letter dated December 15 that he had received from Secretary Volpe, who said he supported a balanced transportation program for the District, including necessary freeway projects and the subway:

I would prefer that specific highway projects be planned, designed, and constructed in accordance with the same procedures as apply to other cities and states under the interstate program.

If Congress “in its wisdom” repeals Section 23 of the 1968, Secretary Volpe said:

I would nonetheless assure the Committee that work on the construction of the Three Sisters Bridge will proceed as expeditiously as possible within the requirements of the law and the decisions of the courts – both because this Department and the District government are already committed to this project and because I believe it is necessary for a balanced transportation system for the area.

If Congress did not repeal Section 23, Secretary Volpe hoped that Congress would not require any further construction or studies. “As you know, my Department is already engaged in a 16-month study of the North Central Freeway which, again, will continue no matter what the Conference action is because I believe such a study to be needed.”

Senator Howard H. Baker, Jr. (R-Tn.) referred to the District provision as “a highly volatile issue, I dare say as emotional as almost any other issue, if not any issue that has been before the Senate in the past several days.” It was, however, worked out in accordance with “an old Tennessee adage that if no one is really happy with it, therefore it must be very good.”

The Senate approved the conference report without a recorded vote. [Federal-Aid Highway Act of 1970—Conference Report, *Congressional Record-Senate*, December 19, 1970, pages 42714-42723]

President Nixon signed the bill on December 31, 1970, without comment or a ceremony (P.L. 91-605). Secretary Volpe agreed with many observers who considered it the most significant highway legislation since the Federal-Aid Highway Act of 1956. He praised its extension of the Highway Trust Fund, the assurance it provided that the 42,500-mile Interstate System would be completed within the decade, and extension of the Highway Trust Fund revenue to “the very important areas of highway safety and access roads to national forests and public lands.” He added, “It gives the Department of Transportation and the Federal Highway Administration many of the tools we need to tackle the growing social challenges of our nation, especially in our urban centers.” He concluded:

The Federal-Aid Highway Act of 1970, in short, is designed to give Americans better and safer transportation in a manner that will not degrade our environment or threaten our health and welfare.

It indicates a strong awareness of the nation’s transportation needs and demonstrates an ability to approach them in a sane and reasonable manner.

Secretary Volpe did not mention the provision on District freeways, but influential columnist Tom Wicker of *The New York Times* took note. The “magnificent American interstate system” was now “nearing completion”:

On any rational timetable, this is about 10 years behind time, since these great highways essentially were the transportation system most required for the Forties and Fifties. Consequently, the nation also is running 10 or more years behind in developing the modern urban transit and rapid intercity transit systems that are the next necessary stage in American transportation.

Standing against this evolution was “a political juggernaut” that had formed during the Interstate years, namely the “highway lobby,” a phrase he put in quotes, and said it was “a shorthand way to describe the conglomerate of industrial, commercial, construction and political interests that have a big stake in building highways,” despite “a steady building of consumer resistance.” That resistance was nowhere more evident than in and around Washington:

The issue here ranges a high proportion of the voteless and mostly black citizens of the District of Columbia against the white Congressional masters of the District, most of whom represent largely white suburban or rural areas.

In 1969, Wicker continued, Congress had authorized funds for a 98-mile regional subway system, but the House District appropriations committee forced through legislation to force the city to build the freeways:

No one, for instance, has ever demonstrated a clear need for the Three Sisters Bridge over the Potomac to Virginia – the eighth such bridge in this area – but as a condition of letting subway construction begin, the House group forced the District to begin building the bridge. It also insisted on a route called the North Central Freeway, running through the inner city to the Maryland suburbs. By every conceivable gauge of public opinion, the people of the District are overwhelmingly opposed to the North Central Freeway.

In 1970, Congress adjourned without appropriating the District's \$34.2-million share of subway construction costs:

That has the effect of holding up the Federal matching grant of \$68-million, whereupon the State of Maryland refused to put up the \$10-million it owed the project. Almost simultaneously, the subway authority announced that due to inflation, higher interest and Congressional delays in providing promised construction money, the estimated cost of the system had risen by \$510 million to \$2.98 billion. And as if that weren't enough, such uncertainties and setbacks mean that there is little hope of selling this year the first batch of \$835 million worth of subway revenue bonds.

Secretary Volpe, "who bailed out the subway last fall with a \$57 million loan from the mass transit fund," was trying to resolve the problem, but the District was going to have to go back to Congress. "And it is clear that the Congressional purse-holders are going to demand final compliance with their highway mandate – building the North-Central Freeway – as the price for financing the subway."

District officials were divided. Some were proposing a commuter payroll tax for area residents, including those in Maryland and Virginia, to pay for the subway, while others, "including downtown merchants' groups, now want to build the freeway and end the fight, however ignominiously." Wicker concluded:

Washington is, of course, easier prey for the highwaymen than most communities, having no real vote. But other cities planning to upgrade their transit systems had better take note. The highway juggernaut is not easily stemmed. [Wicker, Tom, "The Highway Juggernaut," *The New York Times*, January 10, 1971]

### **Metro Wraps Up 1970**

On December 14, the House approved the District Revenue Act with the additional \$15 million in Federal payment without strings. The *Post* described the approval as "an anti-climax" because the House District Committee had dropped the controversial provisions, including Representative

Broyhill's penalty for not complying with Section 23 of the 1968 Act. The *Post* reported an exchange when Representative Abernethy of the District committee talked about the Broyhill provisions that had been dropped:

“We accommodated Broyhill by putting Lorton in this bill, but he chickened out,” Abernethy said. “And he chickened out on the highways. So he’s just a chicken, and he knows it.”

When Broyhill interrupted to protest that he did not chicken out, Abernethy shot back: “Then you copped out.”

This exchange was deleted from the *Congressional Record*. [Moore, Irna, “House Votes D.C. \$15 Million,” *The Washington Post and Times Herald*, December 15, 1970; District of Columbia Revenue Act of 1970, *Congressional Record-House*, December 14, 1970, pages 41380-41418]

The bill would now go to a House-Senate conference to resolve differences. Conferees completed work on December 19, including a compromise on the Federal payment. The Senate had voted to calculate the payment to equal 30 percent of the District general fund revenue derived from taxes, charges, and miscellaneous receipts. This calculation would have resulted in a payment of \$132 million in FY 1971. The House had rejected the percentage idea and authorized a flat \$120 million, an increase of \$15 million over FY 1970. Conferees agreed on a flat payment of \$126 million, for an additional \$21 million:

It is the position of the managers on the part of the House that the Federal payment authorization provided in the conference substitute is sufficient to cover any expense to the District of Columbia government which may accrue as a result of salary increases for D.C. government employees during the present fiscal year. [District of Columbia Revenue Act of 1970, Conference Report, U.S. House of Representatives, 91<sup>st</sup> Congress, 2d Session, Report No. 91-1789, December 19, 1970, page 13]

The House and Senate agreed to the conference report on December 21. President Nixon signed the District of Columbia Revenue Act of 1970 on January 5, 1971 (P.L. 91-650).

Freeway advocates and motorists received good news on December 23 when District highway officials opened the new extension of the Southeast Freeway to the 11<sup>th</sup> Street Bridge across the Anacostia River at 9:30 a.m. Motorists would no longer have to leave the freeway at 8<sup>th</sup> Street, SE., and drive through narrow streets and stop lights to reach the bridge. The extension was the first part of Interchange “C” to open. The last two segments of the interchange were scheduled to open in early 1971, giving motorists a direct connection with the Southeast Freeway on their trips to or from downtown.

Unfortunately, according to the *Star*'s Stephen Green, the city forgot to let motorists know about the opening:

A sign at the beginning of the extension said “Merry Christmas” from the highway department.

Highway department employees stood in the roadway and waved to motorists.

But most drivers just zoomed right by the extension and as usual left the freeway at 8<sup>th</sup> Street SE . . . .

Thomas Airis, highway department director, said that he expected that the extension will be used more in the afternoon rush hour today. “We’ll have to do some missionary work in the next few days,” he added. [Green, Stephen, “Drivers Ignore D.C. Yule Gift,” *The Evening Star*, December 23, 1970]

Although the District’s freeway impasse was causing WMATA problems, that was only one of the problems Metro construction was facing as the year ended.

The governmentwide supplemental appropriations act was in conference. The Senate had completed work on its bill on December 14, including a unanimous vote to include \$34.2 million for the District’s share of Metro construction. However, on December 17, the conferees agreed to delete the \$34.2 million the Senate had approved. Chairman Byrd told reporters, “We just couldn’t prevail. There was just no way of persuading the House.”

As news accounts explained, the decision would not halt subway construction, thanks mainly to Secretary Volpe’s loan that allowed WMATA to continue about \$100 million in construction contracts. However, it would affect new contracts in 1971, might cause local jurisdictions to withhold their contributions to WMATA, and raise doubts among potential investors when WMATA began issuing bonds to support construction. WMATA, reporters suggested, would have to delay the \$105 million bond sale planned for the spring. [“Hill Rejects \$24 Million Metro Fund,” *The Washington Post and Times Herald*, December 18, 1970; “Congress Tightens Grip On D.C. Subway Funds,” *The Evening Star*, December 18, 1970]

Knowing that nothing is final until everything is final, *Star* editors appealed “to the conferees to have another go at this dilemma before it’s too late.” They acknowledged Chairman Natcher’s dissatisfaction with the pace of freeway development in the city. “And indeed, the transit money had been placed in even greater political jeopardy by a recent Senate attempt to strike any reference to District freeways from national highway legislation.” The editors hoped that before the conference report was drafted, conferees would reconsider in view of the compromise language another conference had adopted for the Federal-Aid Highway Act of 1970. The editors agreed with Chairman Natcher about the need for the freeways, “but it is amply clear that holding the transit funds hostage will not advance that goal.” [“Natcher’s Choice,” *The Evening Star*, December 19, 1970]

Editors at the *Post* were even more blunt, saying Congress “has, in effect, doublecrossed the two million people who live in the suburbs of this city and has seriously jeopardized the future of rapid transit in the whole area.” Congress had been “hornswaggled [sic] by Representative Natcher and his friends, a band of men who are so angry about the freeway situation here that they are willing to dishonor commitments and themselves and Congress in order to demonstrate their power.” True, Congress was providing the Federal funds for Metro, but not the other part of its commitment in the form of the District matching funds. It withheld the funds “because a

group of spiteful men can find no other way in which to impose its wishes on the unrepresented citizens of the Nation's Capital." ["Default on the Subway," *The Washington Post and Times Herald*, December 20, 1970]

Conferees did not reconsider; the matching funds were not restored. President Nixon signed the Supplemental Appropriations, 1971, on January 8, 1971 (P.L. 91-665).

With agreement of conferees on the Federal-Aid Highway Act of 1970 to include a study of the North-Central Freeway, Representative Broyhill said the District would be in compliance with Section 23 of the 1968 Act and Section 129 of the 1970 Act. Chairman Natcher refused to comment.

The uncertainty prompted Maryland officials to say on December 19 that they would hold up the State's \$10 million contribution, due January 2, 1971, for Metro construction until they were certain Congress would release the District's matching funds. Governor Mandel said the conferees acted "at a very inappropriate time." He explained, "Maryland has an obligation and intends to fulfill its commitment to mass transit but before we proceed with such a huge outlay we want to get concrete assurances from the federal government that its money will be forthcoming."

As for the optimism about the 1970 Act compromise, Comptroller Goldstein said, "We've heard that story before and I don't want to take any more chances." [Rowland, James B., and Green, Stephen, "Maryland to Tie Metro Fund To Release of District Share," *The Sunday Star*, December 20, 1970]

On December 29, Goldstein announced that the State would not provide \$10 million to Montgomery and Prince George's County for their Metro share. Goldstein said congressional action in holding up the District's share raised concerns about the viability of Metro; he feared that the two States might be asked to pay the District's share.

As Tom Wicker had stated, the estimated cost of Metro had increased 29 percent to nearly \$3 billion. This change was revealed with release on December 7 of the report of General Graham's testimony in a closed hearing on November 24 before Chairman Natcher's subcommittee.

General Graham testified that the uncertainty about funding was causing planning problems:

Because of the uncertainties with regard to our funding, the initial sale of revenue bonds next year has been seriously jeopardized. In fact, we may find it impossible to issue bonds without additional federal support. We are now exploring this matter further with our financial advisers.

So, it is my painful lot to tell you today, Mr. Chairman, that we are in trouble with our financial plan because of the delays which have beset the transit program.

Our construction and financial schedules are stretched to the breaking point. The off-again, on-again appropriation experience has not been going unobserved.

Consequently, potential contractors are not sharpening their pencils as they develop their bids. We are not able to assess the effects upon the ultimate system cost at this time.

He recognized “that strongly held and divergent position” were delaying resolution of the highway impasse. “But while they are being reconciled, Mr. Chairman, collapse of many years of transit planning can serve no purpose.” He pleaded for a solution

We all seek a balanced transportation system for the National Capital area. In that common purpose, there is no profit or reason in the sacrifice of one element for the other . . . .

Chairman Natcher summarized the subcommittee’s support for balanced transportation and its efforts to secure that balance. He asked if WMATA still believed in its estimate of \$2.5 billion for the 97-mile Metro system.

General Graham replied that WMATA had been engaged for several months in new capital cost studies. Because the studies had not been concluded, he could not provide a precise figure, “but it appears that it will be substantially higher than the \$2.5 billion of costs.”

Chairman Natcher pointed out that he had said all along that Metro would cost more than \$2.5 billion. “General, in all fairness to this committee and to the Congress and to the District of Columbia, won’t this system come nearer \$4 billion than it will \$2.5 billion?”

General Graham explained the assumptions behind the estimate of \$2.5 billion:

We could not foresee at that time that construction costs would go up in this inflationary spiral, largely due to the wage agreements that were not for just one year but extending into the future for two or three years. We could not foresee the rise in the interest rates.

He expected the cost studies to raise the estimated cost by “some few hundreds of millions of dollars.” WMATA was “a long ways from being able to say that some day this may cost \$4 billion.” Ultimately, he hoped the Nixon Administration would “get the rate of escalation under control so we never go anywhere near that figure.”

If, Chairman Natcher pointed out, the estimate went above \$2.5 billion, WMATA would have to come back to Congress for additional authorizations. General Graham agreed. Chairman Natcher summarized the cost estimate increases over the years and the reasons for those increases. However, he favored a balanced transportation system that included the planned freeways:

General, I hope this matter can be resolved. I know you do, and all of your people and associates do, because when you come back for more money, unless there is a change in the over-all situation as I see it today, we may end up with about a 45- or 46-mile rapid transit system, not 97 miles.

If the Congress should simply say with all of the demands that are confronting the American people, we are not going to carry the amount up any more at this time, then we

would have to cut it back. I am hoping that we can resolve this problem and move it on and build this system . . . . This is a serious matter, and one that it will be right hard to take back to the Congress. I would like to have it all settled. It is a serious mistake for anyone to try to block a balanced transportation system . . . . Let me say to you again, I am going to travel the road with you. We are going to solve this matter.

General Graham said, "That sounds great." [Eisen, Jack, "Metro Cost Rises, Could Cut System," *The Washington Post and Times Herald*, December 8, 1970; "Capitol Hill Testimony on Metro's Fate," *The Washington Post and Times Herald*, December 13, 1970]

On December 31, WMATA released the results of the cost studies. A 10-page white paper explained that the estimated cost of the nearly 98-mile system had increased by \$400 million, a 19 percent increase to \$2.9 billion. WMATA attributed the increase to inflation in construction costs, higher interest rates, and delays in securing the District's share of funding as a result of the freeway-subway impasse. Under the existing cost-sharing formula, the contribution from area governments, including the District, to the total system cost would increase by \$150 million to \$725 million and the Federal contribution would grow by \$300 million to nearly \$1.5 billion. Bonds would make up the difference between contributions and costs, but Metro staff suggested that a Federal guarantee of repayment would probably be needed to convince investors to buy the bonds.

The WMATA Board of Directors rejected cost-cutting measures, such as smaller stations, curtailed air conditioning, and fewer escalators, saying they were a "backward step." Instead, the directors vowed to find \$510 million in local tax revenue and congressional contributions to meet the new budget.

Staff also had revamped the 10-year construction schedule. The new schedule projected completion of Metro construction by December 1979, but staff cut the initial section to 4½ miles (Rhode Island Avenue and Eighth Place, NE., through Union Station beneath G Street to the Farragut North terminal at Connecticut Avenue and K Street, NW., instead of continuing to Dupont Circle). It would begin operating in December 1973. [Eisen, Jack, "Metro Costs Rise 19% to \$2.98 Billion," *The Washington Post and Time Herald*, January 1, 1971; Grigg, William, "Metro Costs Up, 1<sup>st</sup> Segment Is Cut," *The Evening Star*, December 31, 1970]

The cost increase and contribution problem prompted the *Post* editorial board to state that the optimism inspired by the groundbreaking a year earlier "has been drained from us." An editorial on January 2 explained:

Indeed, the dream has become a nightmare, full of mischievous and narrow-minded men who care not for the Nation's Capital, for the people who live in its environs, or for the commitments they have made in the past.

The only people happy about the bad news were "Congressman Natcher and his friends on Capitol Hill . . . because these two things complicate enormously the financing of Metro and that, after all, is what Mr. Natcher has been busy doing for the past two years." WMATA should present Congress with a bill for the increased costs that the games Representative Natcher has

played have added to the cost “and see whether Congress has the moral courage to pay for the damage it has caused.”

Maryland Comptroller Goldstein’s stance was understandable, if regrettable, in view of Chairman Natcher’s actions:

This whole mess, of course, grew out of the fight over freeways in the District and the feeling of Mr. Natcher and the House Public Works Committee that they had been doublecrossed on the freeway program. As far as we can tell, the legislation passed this year [1970] has mollified the Public Works Committee. But it seems to have had no impact on Mr. Natcher. It is beginning to look more and more as if he doesn’t want a rapid transit system built at all, despite his often repeated remarks that he’s all for it.

The damage was not limited to the District since it affected Maryland and Virginia as well.

The editorial concluded by listing the other members of the District appropriations subcommittee, “a majority of whom seem eager to strangle this community’s rapid transit system in its crib.” The list:

They are William H. Natcher of Bowling Green, Ky.; Robert N. Giaimo of New Haven, Conn.; Edward J. Patten of Perth Amboy, N.J.; David Pryor of Camden, Ark.; David R. Obey of Wausau, Wis.; Glenn R. David of Waukesha, Wis; Donald R. Riegle, Jr. of Flint, Mich.; and Wendall Wyatt of Astoria. Ore.

Messers Natcher, Giaimo and Patten have residences in the District; Mr. Wyatt lives in Fairfax County, Mr. Riegel [sic] in McLean, and Messrs. Obey, David, and Pryor in Arlington. [“Strangling Metro in Its Crib,” *The Washington Post and Times Herald*, January 2, 1971]

On January 2, after WMATA released its new estimate, Secretary Volpe wrote to General Graham to ask the Metro Board to take no action on its budget until he had a chance to review it and offer possible alternatives for finding the extra \$510 million. He was concerned about “the mounting jeopardy into which the long-range financial plan . . . appears recently to have fallen.”

An aide said the Secretary’s goal was to expedite construction. WMATA officials were encouraged by his involvement since Nixon Administration support was essential to finding a way of keeping the project moving forward. [Eisen, Jack, “Volpe to Review Metro Cost Crisis,” *The Washington Post and Times Herald*, January 5, 1971]

When a jurisdiction did not make its contribution on time, WMATA assessed a penalty. With the District share on hold, other jurisdictions were hesitant to make payments that would end up idle and kept in an account earning 6 percent interest. As of January 1971, penalties totaled \$590,000. The District was incurring a penalty of \$2,000 a day.

In Maryland, the State and counties were arguing over whether the \$10 million payment was a grant or, as the State maintained, a loan. In addition, Governor Mandel, who chaired the three-member State Board of Public Works, added. “Our sources in Washington tell us the price will

be closer to \$4 billion than \$2.9 billion, and this will require a tremendous amount of money from within the State somewhere.” Maryland was not willing to make further payments until WMATA released a long-range spending plan that covered the likely cost of \$4 billion. The public works board, which had to approve all such expenditures, had refused to release the funds without the long-range plan. Comptroller Goldstein, a member of the board, said, “We got to have that information because otherwise our contribution will be a shot in the dark.” [Rowland, James B., “Subway Funds Hit New Snag,” *The Evening Star*, January 24, 1971; Kneece, Jack, “A Way Out of Subway Fund Crisis Proposed,” *The Sunday Star*, January 31, 1971]

The immediate problem was Chairman Natcher. As Professor Schrag pointed out, “Natcher’s thinking remained mysterious” even as he once again withheld subway construction funds:

He refused to talk to reporters, and in both his public statements and private journals he gave shifting, contradictory reasons for withholding the appropriation. At times he expressed concern about cost overruns, predicting a total cost of more than \$5 billion, rather than the \$2.5 billion then projected by WMATA. At other times, he claimed that “there is not a man, woman or child in the city of Washington that is stronger for a rapid rail system than I am,” but he simply felt obliged to defend the honor of the House of Representatives. By 1971, Natcher had convinced himself that support for Metro came mainly from “big banks, large brokerage firms and big law firms,” or possibly the Mafia, who presumably were seeking illicit gain. Daniel Inouye, Natcher’s counterpart in the Senate [having replaced Senator Proxmire as chairman at the start of the 92<sup>nd</sup> Congress], speculated that Natcher simply feared the shame of a headline reading “Natcher Gives In.” Perhaps most of all, Natcher wanted the highway acts enforced as a matter of law and order. He was an old-time southern Democrat, increasingly uneasy in a majority-black city whose residents were gaining political power by the day. Building the highways would prove that “our Capital City is under the jurisdiction of the Congress of the United States and not under the jurisdiction of the looters and the burners who have no respect for this city.” [Schrag, pages 136-137]

Funding aside, WMATA was still trying to resolve concerns about minority contracting, hiring, and training. On September 4, 1970, Jack Eisen had reported that, “Washington’s Metro subway agency and Project Build, a union-sponsored manpower training program, have reached a preliminary agreement on the training of unskilled workers for craft jobs on the subway.” Jack Brown, WMATA’s equal employment opportunity officer, disclosed the plan to the board on September 3. Project Build would provide an 8-week pre-apprenticeship program for 40 workers in skills needed on the project. Contractors would then hire the trained workers. Crafts were carpenters, cement masons, electricians, operating engineers and iron workers. The Department of Labor was providing funds for the training. Under the Washington Plan agreed to with the Labor Department, the hard-core unemployed were to comprise at least 5 percent of the subway work force. [Eisen, Jack, “Unskilled Training Plan Set,” *The Washington Post and Times Herald*, September 4, 1970]

On October 22, WMATA Chairman Yeldell told Brown, “I’m totally dissatisfied” with the lack of progress in involving minority groups in the project. Brown informed the board that only one minority firm had received a subcontract and that was for \$20,000. Further, WMATA did not yet

have final agreement on training of the hard-core unemployed. Contractors were to submit employment plans within 90 days of signing their contract, but none had yet done so. Stephen Green reported:

Yeldell said that unless the minority work situation changes, the entire metro program will be committed to contractors before minorities are involved at all.

Herbert E. Harris of Fairfax and Charles Beatley of Alexandria, members of the subway board, said they “applauded” Yeldell’s position.

“There’s only so much one man can do,” Brown said. Yeldell and Carlton Sickles, authority vice chairman, suggested that Brown ask the directors for help if it is needed.

He said the reason minority firms had difficulty securing contracts or subcontracts was their difficulty obtaining bonding and insurance:

Jackson Graham, general manager of the authority, said that “historically” minority contractors are not interested in heavy construction work. Yeldell replied that they are interested but have been barred from obtaining contracts. [Green, Stephen, “Subway Minority Hiring Inadequate, Yeldell Says,” *The Evening Star*, October 22, 1970]

A week later, Chairman Yeldell had confirmation of the problem for minority contractors. Minority Truckers, a combine formed a few weeks earlier by 21 minority-owned trucking firms to secure contracts on the Metro construction work, informed him that it could not obtain a multi-million subcontract because it was unable to secure bonding within 5 days, as required by the prime contractor, Peter Kiewit Sons, Inc., on a \$38 million contract to build the station at Metro Center. Kiewit replaced Minority Truckers with a white-owned firm that was able to secure bonding. The experience suggested to Chairman Yeldell that WMATA would have to get involved in bonding issues to “break the cycle” that had frozen minority contractors out of the work. [Eisen, Jack, “Bond Blocks Black Group In Metro Job,” *The Washington Post and Times Herald*, October 30, 1970; Green, Stephen, “Blacks Lose Metro Pact Over Bonding,” *The Evening Star*, October 29, 1970]

On November 5, WMATA’s board considered the agreement provided by the U.S. Department of Transportation to make the \$57 million loan official. The agreement required development of a far-reaching plan for involving minority groups in the construction work, as described by Stephen Green:

The department’s plan would have the transit authority train persons to qualify as journeymen in skilled crafts “through appropriate on-the-job and other training in connection with the construction of the Metro subway system.”

It also would have the transit authority work with minority businesses to aid them in obtaining subway contracts.

It also would have the transit authority submit to federal officials a program for the hiring of minority group members on the subway agency staff. [Green, Stephen, "Area Subway Panel Is Told to Develop Minority Job Plan," *The Evening Star*, November 5, 1970]

The Washington Area Construction Industry Task Force, which had focused on hiring for construction work, filed a suit in U.S. District Court charging that WMATA had discriminated in staff hiring and promotion. Joined by black engineer James Samuda, the task force alleged that WMATA "discriminated on the basis of race with respect to the hiring and promotion of professional and nonprofessional members of the staff." Attorney Clifford Alexander called it "outright discrimination" in staff hiring and promotion policies."

WMATA had 236 authorized staff positions. Only 205 were filled at the time of the suit, but of 130 professional positions, blacks held fewer than 10 positions. Of the 75 nonprofessional jobs, blacks held 35. Further, of the 70 staffers earning more than \$20,000 a year, only one was black.

Figures from WMATA identified 20 of 142 professional jobs and 35 of 63 nonprofessional jobs, but defined "minority group members" to include Oriental and Spanish-speaking employees.

Samuda claimed he had been approached in June and asked to apply for a position. He was, the suit claimed, "led to believe that he would shortly be offered a specific position on the authority staff." However, on June 29, his application was rejected "without adequate explanation."

The *Star* reported:

The suit asks for a ruling that WMATA has infringed the rights of the plaintiffs and for an injunction against future such infringement. It also asks the court to order WMATA to submit an affirmative action plan for hiring blacks to the staff in numbers "which shall reflect approximately the percentage of black residents of Washington, D.C.

The suit also sought an order that Metro establish a program to "actively and in good faith . . . seek out and recruit black residents of Washington" until their percentage equaled the black population of the city, about two-thirds of all residents. Plaintiffs also asked the court to prohibit Metro from hiring or promoting any white employees "to eliminate the effects of past racial discrimination." [Kalb, Barry, "Metro Accused of Bias In Hiring for Subway," *The Evening Star*, December 12, 1970; Eisen, Jack, "Suit Assails Metro On Staff Job Bias," *The Washington Post and Times Herald*, December 12, 1970]

A few days later, the *Star* reported that WMATA was working on a plan to set up a special panel of consultants to help black-owned businesses secure contracts. WMATA, by law, had to treat all bidders equally, but by setting up the separate panel, the agency could provide help black contractors overcome obstacles such as submitting competitive bids and securing bonds. "Black-owned firms, so far have received only \$300,000 in contracts from WMATA, compared with a total of more than \$18 million in subcontracts let." WMATA expected that funds for the panel might come from the Federal government or a private foundation. ["Metro Maps Steps to Aid Black Firms," *The Evening Star*, December 19, 1970]

## The Metro Revolt Begins

At the end of 1970, *Star* editors described Metro as being at a critical junction. Virginia's Alexandria, Arlington, and Fairfax Counties had delivered checks to WMATA for their 1971 share. Nevertheless, they shared Maryland's concern about "the incredible performance of Congress" in holding District matching funds "hostage." The editors feared, "The whole subway endeavor could soon come to a standstill."

Only Chairman Natcher can shore up the project. "Surely he perceives the intolerable losses – possibly fatal to the undertaking – that could result from a delay at this critical point." Although Congress had authorized \$68.4 million for the Federal share, the funds could not be used without the District's match. "Success of the program depends on continuance of the finely balanced multi-jurisdictional participation that has been worked out, on keeping ahead of inflationary erosion and avoidance of contracting delays."

Congress had postponed a decision on the North-Central Freeway by ordering a study. "We hope that Natcher will ascertain that there is some motion on the freeway question – all that is immediately attainable – and will turn the subway money loose." ["Critical Subway Juncture," *The Evening Star*, December 30, 1970]

As the 92<sup>nd</sup> Congress arrived in Washington to organize, District officials could contemplate the possibility that Chairman Natcher would leave the District appropriations subcommittee for chairmanship of another subcommittee. Following the 1970 election, rumors had suggested he would do so, thus leaving the post where he had caused so many problems by withholding District funds for the subway to force the city to build its freeway system. However, as committee memberships changed, his retention of his position became clear in early February. He refused to comment.

Representatives Patten and Riegle left the subcommittee, which gained several members: Representatives Louis Stokes (D-Oh.), K. Gunn McKay (D-Ut.), Robert C. McEwen (R-NY), John T. Myers (R-In.), and William J. Scherle (R-Ia.). ["Natcher To Stay As Chairman of D.C. Panel," *The Evening Star*, February 9, 1971; "Natcher Retains Unit Chairmanship," *The Washington Post and Times Herald*, February 10, 1971.

By 1971, Chairman Natcher saw his support lessening in Maryland and Virginia. Both States supported Metro, but the congressional insistence on construction of the North-Central Freeway in the District implied that Maryland would build the increasingly unpopular link between the District line and the Capital Beltway:

As suburbanites turned against that project, their elected representatives turned against Natcher. The vast majority of the Montgomery County delegation to the Maryland legislature proclaimed that the North Central Freeway "involves directly the interests of Maryland and her citizens, more particularly those residing in Montgomery County, and the decision should be made at the state and local levels," not by congressmen from Kentucky and Illinois [Chairman Kluczynski]. One Prince George's County state senator

wondered if it wasn't time for local congressmen to start blocking federal projects in Natcher's home district. [Schrag, page 138]

As Professor Schrag added, the difference between the District of Columbia and its neighboring States was that unlike the District, they, then as now, had representatives in the House and Senate who could vote the interests of their constituents. Representative Gude, recognizing that his constituents had turned against I-70S inside the Capital Beltway, encouraged his colleagues on the District Committee to judge each program on its merits. In Virginia, Representative Broyhill had supported construction I-66 inside the Capital Beltway and the I-266/Three Sisters Bridge:

Through 1970 Broyhill continued to scold the District government for not building freeways, but Broyhill had been burned by Natcher's caprice, and by a close reelection that November in which the freeway issue cost him some votes. Now, in the spring of 1971, even he wanted to separate the issues of subway and freeway construction. [Schrag, page 138]

At the same time, the White House was increasingly frustrated with the stubborn Congressman:

Nixon himself had no desire to get entangled in what he saw as a local issue. But daily liaison between the White House and the District was handled by Egil Krogh, Jr., a young lawyer from Seattle who had taken over D.C. duties from Moynihan. Krogh had fallen in love with the city and had been impressed by the demonstrations against the Three Sisters Bridge. He did not want to see the District surrender to blackmail. [Schrag, page 137]

Moynihan left his post as counselor to the President on December 30, 1970, to return to Harvard.

Within Chairman Natcher's subcommittee, Representative Giaimo, the second ranking Democrat, and a new member, Representative Obey, were planning a revolt. Representative Obey had been a State legislator when President Nixon, in December 1968, selected Representative Melvin R. Laird (R-Wi.) to be Secretary of Defense. In the special election to replace Representative Laird, the 30-year old Obey won. When he took the oath of office on April 1, 1969, he was the youngest Member of Congress and the first Democrat to represent his northwestern Wisconsin district, which included Superior and Wausau. He and his wife Joan, along with their young son, moved to the Washington area where they rented a home in Arlington.

After an initial stint on the Public Works Committee, he was assigned to the Appropriations Committee at the start of the 92<sup>nd</sup> Congress and to Chairman Natcher's District Appropriations Subcommittee. In his autobiography, Representative Obey described the chairman as a "respected, courtly, tough-minded Kentuckian." Although new to the Washington area, Representative Obey quickly sided with subway advocates and those who opposed the Three Sisters Bridge:

Georgetown was already strangling in traffic, and the District Government was resisting the construction of the new bridge . . . . It was also obvious to me that obliterating the

beauty of Spout Run by adding more lanes to the traffic and dumping even more cars into Georgetown's clogged streets was the wrong thing to do.

Representative Obey did not agree with Chairman Natcher's decision to withhold subway funds:

As the most junior member of the subcommittee, I reluctantly acquiesced in Natcher's decision because I felt there was no way I could change the outcome. But when the dispute spilled over into another year [1971], it became apparent that further delay would raise construction costs due to inflation . . . . When Natcher made clear that he intended to continue denying funds for the desperately needed subway system, I decided that, win or lose, I was going to start a fight by offering an amendment to the D.C. Appropriations bill restoring the needed funds.

He decided to approach Representative Giaimo, an attorney who had won election to the House in 1958 and was a strong supporter of Metro. Professor Schrag said of Representative Giaimo:

Giaimo knew full well the customs of the committee. "You be quiet," he was told, "you get along, you go along, you don't make any waves, you certainly don't challenge your sub-committee chairmen and your committee chairman with amendments." Only gradually did Giaimo emerge as a rebel. In August 1969 he wrote a constituent that "the anti-highway people blithely ignored the will of Congress," and that "Congress, not Mr. Natcher," had withheld the Metro funds as a means of overcoming "a noisy militant minority." A year later, at the beginning of the second impasse, he began to tilt. While highways had their place, he wrote, "the citizens of the District ought to be able to set their own public policy – making these crucial decisions in accordance with their own view of their best interests – even if they have to make their own mistakes." And by the spring of 1971, with Metro's future obviously at risk, he was fed up with Natcher's blackmail. "Bill," he told his chairman, "it's unconscionable. We can't hold up the Metro. We're going to need Metro in this town." [Schrag, pages 138-139]

Representative Obey described his discussion with Representative Giaimo:

I called Giaimo and told him that I could not continue to allow Natcher to go unchallenged on the issue. "I intend to offer an amendment unleashing the subway if I have to, Bob," I told him, "but the amendment should really come from you. People will listen to you who don't even know who I am," I told him.

"God, I agree with you," Bob said, "but taking on Natcher is damn near death defying in this place. You don't know him like I do. He never forgets who crosses him, and we will pay a hell of a price if we take him on – especially if we lose – and the odds of our overturning him are damn slim." "I know that," I told Bob, "but a few years from now if Spout run is destroyed and Georgetown is a mess, I will wish to hell I had done something."

They agreed to act fast. Representative Giaimo was leaving for Connecticut, but suggested that Representative Obey arrange a meeting to work out a plan with other members of the subcommittee, the Mayor's office, WMATA, and the White House:

When I made my calls, I found little interest from other subcommittee members. When I called the office of deputy mayor Graham Watt to ask them to send someone to a strategy meeting, they reacted like I had leprosy. "Oh no, we can't send anybody," they said. "We can't risk antagonizing the chairman."

"You have to be kidding," I said. "You want the money; the Subway Authority wants the money; you expect us to antagonize Natcher, but you don't have the guts to do the same thing?" I asked. Then I told them, "Look, the meeting is going to be held whether you come or not. We're sticking our necks out whether you do or not, but if you don't come, I will tell a press conference that the mayor's office is an Uncle Tom operation." The next week they showed up at the meeting.

The White House agreed to send their District liaison, Krogh, and convinced Speaker of the House Albert, who persuaded Chairman Mahon of the Appropriations Committee, regarding the revolt. Representative Giaimo, Obey, and their coconspirators had to await their moment. [Obey, David R., *Raising Hell for Justice: The Washington Battles of a Heartland Progressive*, The University of Wisconsin Press, 2007, pages 136-137]

**The D.C. Freeway Revolt and the Coming of Metro**  
**Part 8**  
**The Metro Revolt**

**Table of Contents**

Advancing Metro .....	2
The Volpe Plan .....	5
The I-66 Problem in Virginia.....	11
The New Delegate.....	20
Metro Funds.....	23
Three Sisters Bridge Design .....	25
Fighting for Metro.....	26
Chairman Natcher Makes His Point .....	31
On the Eve of Revolt.....	37
Day of the Revolt .....	40
After the Revolution .....	55
Trying to Move On .....	59
Trying to Break the Impasse .....	63
Hearings on District Appropriations, 1972 .....	67
The Ghost Bridge.....	72
On Appeal .....	77
The I-66 Lawsuit.....	86
A Blockbuster Ruling .....	93
Freeway and Metro Linkage Tightens.....	106
Cutting the Gordian Knot.....	115
The Revolt, Part 2 .....	120
After the Vote .....	138
Fighting For/Against Freeways.....	143
I-66 Hassles.....	151
The End of the Freeway Trauma?.....	154

## **Part 8**

### **The Metro Revolt**

#### **Advancing Metro**

On Saturday, January 2, Secretary Volpe sent a brief letter to General Graham regarding Metro's financial prospects. Secretary Volpe wrote that he "noted with increasing concern the mounting jeopardy into which the long-range financial plan . . . appears recently to have fallen." He asked General Graham, "Pursuant to my responsibilities in this area, I request that you take no further action on a new financial plan . . . until I have had an opportunity to review [it] . . . and possible alternatives" for finding the extra \$510 million needed to finish Metro construction."

Councilmember Moore, chairman of the WMATA board, replied that he welcomed Secretary Volpe's "review and help." He called on WMATA staff to honor the request. General Graham confirmed that he would comply with Secretary Volpe's request.

Jack Eisen reported:

An aide said Volpe's intention is to expedite the building of the system. A Metro official said he is confident that Volpe would reject any suggestion that the length or quality of the system be reduced . . . .

It was not clear yesterday whether Volpe acted completely on his own initiative, or had been asked to get involved in the Metro problem.

An aide said he understood that the Secretary's assistance was solicited by "a number of community leaders" not otherwise identified. [Eisen, Jack, "Volpe to Review Metro Cost Crisis," *The Washington Post and Times Herald*, January 5, 1971]

On January 6, Maryland's Board of Public Works agreed to release \$10 million to help its two Washington area counties may their \$15 million contribution to WMATA. However, release was dependent on receipt of current construction financing plans and clearance by State Attorney General Francis B. Burch that WMATA had satisfied all aspects of the mass transit bond statute the General Assembly had approved in 1970.

The three board members – Governor Mandel, Comptroller Goldstein, and State Treasurer John Leutkemeyer – expressed concerns about the ultimate cost of Metro and the Federal Government's commitment to the project. Governor Mandell, who suggested the cost could rise to \$3.5 or \$4 billion, wanted "factual figures and accurate figures . . . . I mean honest figures." Although Congress had authorized Federal funds for the present year, it was withholding the District share, prompting a concern that Congress might abandon the project and leave Maryland and Virginia to pay more for it. Goldstein asked, "Is there just going to be a big ditch dug and nothing else happens?"

Gladys Noon Spellman was one of the chief advocates to address the board in support of the funding. She was serving on the Metro board and the Washington Suburban Transit Commission, which was the conduit for the two Maryland counties' contributions to WMATA.

Although she conceded the counties were concerned about the long-term Federal commitment, she argued that the counties should make their payments with confidence that the project will be built.

She disclosed to the Public Works Board that in August 1969, as the District city council was deciding whether to advance the freeway system as a way of securing release of the Metro matching funds, she had warned council members that Prince George's County, where she lived, might pull out of the planned system. If the city council did not comply with Section 23 of the Federal-Aid Highway Act of 1968, county officials would lose confidence in the plan and withdraw from it. [Eisen, Jack, "Md. Acts On Metro Funds," *The Washington Post and Times Herald*, January 7, 1971; "Maryland Acts to Free Its Funds for Subway," *The Evening Star*, January 7, 1971]

On January 14, Carlton R. Sickles of Maryland became chairman of the WMATA board of directors, replacing District Councilman Moore in accordance with the annual rotation specified in the WMATA compact. Jay E. Richs of Arlington became first vice chairman while the Reverend Moore became second vice chairman.

That same day, WMATA staff proposed new minority hiring rules. The plan would require firms with \$500,000 or more in contracts to hire a specific number of minority employees in certain occupation classifications. The highest goal, 43 percent, would be for iron worker jobs by May 1974. Laborers, teamsters, roofers, cement masons, and brick layers would be excluded because local unions for those classifications consisted primarily of minority members. Carpenters, plasterers, and operating engineers also were excluded because they were "demonstrating affirmatively their intention of including minority group members within their ranks."

The staff plan also proposed a job training program for 220 minority members who, upon graduation, would be assured of jobs on the Metro construction project. Unions and the Federal government would fund the training program. [Kneece, Jack, "Minority Hiring Rules Offered For Subway," *The Evening Star*, January 14, 1971; Eisen, Jack, "Metro Acts to Bar Bias," *The Washington Post and Times Herald*, January 15, 1971]

WMATA held a seminar at Airlie House in Warrington, Virginia, with about 160 officials from Maryland, Virginia, and the District of Columbia to discuss the status of Metro. The key issue was how to pay for the 98-mile system. As WMATA Comptroller Lowe made clear, the Wall Street securities firms of Kuhn, Loeb and Company and Dillon, Read and Company had indicated that WMATA would not be able to market \$900 million in revenue bonds without a guarantee from the Federal Government or some tax means of retiring the bonds if revenue from fares were insufficient. The bonds would have to carry a 7.5-percent interest rate, not 5 percent as originally planned.

Officials discussed tax options, such as a payroll tax in the District or a regional tax, to be collected only if farebox revenues were insufficient. However, officials preferred other options, such as a regional gasoline tax or simply the Federal guarantee to make up the difference. Maryland and Virginia officials urged WMATA to pursue the Federal guarantee, but the

District's Chairman Hahn said that neither he nor Mayor Washington favored that approach at the time. They favored exploring tax options on a regional basis.

A week later, during a WMATA board meeting, Chairman Sickles asked about the District's "hard-line position" opposing the Federal guarantee and favoring a commuter tax. City Councilman Stanley Anderson, an alternate WMATA director, replied, "Chairman Hahn together with the mayor, the District WMATA board members and the rest of the District of Columbia Council reject at this time the WMATA staff recommendations."

The same day, however, Chairman McMillan of the House District Committee said he would oppose a commuter tax, which all area Members of Congress from Maryland and Virginia also would oppose. With the chairman of the House District Committee opposed, a commuter tax could not advance, leaving efforts to secure Federal backing of the revenue bonds the only practical option. The House Committee on Public Works would have jurisdiction on the necessary legislation.

Deputy Mayor Watt, a board member who was absent for the meeting, later disavowed Anderson's comments. "So far as I am concerned, as a member of the board, the matter is still very much open."

Aides to Secretary Volpe said he was considering a one-half percent District of Columbia payroll tax as a way to raise funds to back the bonds. The tax would apply to everyone working in the city, including suburban residents. Secretary Volpe was not available for comment.

[Eisen, Jack, "Tax Plan On Metro Hits Snag," *The Washington Post and Times Herald*, January 17, 1971; Kneece, Jack, "Area Subway Tax Suggested," *The Evening Star*, January 17, 1971; Kneece, Jack, "D.C. Opposes U.S. Prop for Subway bonds," *The Evening Star*, January 21, 1971; Meyer, Eugene L., and Eisen, Jack, "Subway Payroll Tax Eyed," *The Washington Post and Times Herald*, January 22, 1971]

Maryland officials received the requested information from WMATA, but it was not sufficient to allow release of the \$10 million to the two counties for their payments. WMATA submitted financial information based on the \$2.5-billion estimate, not the \$2.9-billion estimate. Comptroller Goldstein said the State would not release the funds until it received updated information:

We've got to have that information because otherwise our contribution will be a shot in the dark. It's not the spending of the \$10 million now we're so concerned about, but the future. What about the Federal contributions? Are the subdivisions going to end up having to pick up the entire burden?

Our sources in Washington tell us the price will be closer to \$4 billion than \$2.9 billion, and this will require a tremendous amount of money from within the State somewhere.

[Rowland, James B., "Subway Funds Hit New Snag," *The Sunday Star*, January 24, 1971]

Despite Maryland's explanation for its concerns, WMATA was assessing penalties on Montgomery and Prince George's Counties for failure to make the required payments on

January 2. As of the end of the month, the penalties totaled \$72,000. The District had been assessed \$590,000 in penalties for failure to make its payments on time – largely because of Chairman Natcher’s refusal to appropriate the matching funds.

The penalties were necessary to encourage jurisdictions to make their payments, but as Sickles explained, they served another purpose, too. The subway was investing idle funds for a return of 6 percent. “As you know, sometime we’ll have funds for a year or more before we use them. The interest was earmarked for executive and administrative costs.

The city was hopeful that if Chairman Natcher released 2 years of appropriations by August, the city’s payment of the 1971 contribution late plus the 1972 contribution early would erase all of the late penalties. [Kneece, Jack, “A Way Out of Subway Fund Crisis Proposed,” *The Sunday Star*, January 31, 1971]

### **The Volpe Plan**

On February 14, the *Star* reported that President Nixon had “ordered his staff to work to end the congressional impasse which has held up \$34.2 million in funds for Washington’s subway and has imperiled its financial foundations.” An anonymous White House official told reporters, “We are working on what we consider is a good basis to get decisions made to make funds available to continue work on the subway.” The President hoped the funds would be included in the next supplemental appropriations bill.

The officials “refused to say exactly why the White House thinks Natcher will agree to release the subway money.” However, the White House hoped to help WMATA solve the financial problems caused by the increased cost estimate. [Horner, Garnett D., “Resolve Impasse On Subway Funds, Nixon Orders Staff,” *The Sunday Star*, February 14, 1971]

In an interpretive report, Stephen Green speculated that the situation was similar to 1969, when President Nixon resolved the situation in direct communications with Chairman Natcher. “The willingness of White House officials yesterday to discuss the possibility of a solution to the current impasse problems means that the President again has directly or indirectly been in contact with Natcher or will be in the near future.”

Chairman Natcher “has not always explained exactly what progress will convince him to release subway money.” The controversy over the North-Central Freeway clearly was one of the problems. He believed that Section 23 of the Federal-Aid Highway Act of 1968 ordered the city to begin construction after studying routes. Instead, the city suggested abandoning the freeway.

Green recalled the conference committee on the Federal-Aid Highway Act of 1970 when conferees agreed on a study of the North-Central Freeway. Representative Broyhill thought agreement on the study would convince Chairman Natcher to release the Metro funds:

While House-Senate conferees on the highway bill were agreeing to the additional year’s study of the North Central, Natcher, during a separate House-Senate conference on a supplemental appropriations bill, refused to permit the subway funds to be placed in the measure – the last supplemental money bill of the 91<sup>st</sup> Congress.

This action convinced “many congressmen” that the 1-year study had not satisfied Chairman Natcher. Alternatively, “inclusion of the new study in the highway bill came too late.” Green concluded:

Natcher may agree to include the subway money in the first supplemental appropriations bill to come out of the 92<sup>nd</sup> Congress, but Nixon may have to do quite a convincing job on Natcher.

Natcher has said that District freeways have been studied to death and what is needed is less talk and more action. [Green, Stephen, “Nixon Pushes Subway Replay,” Interpretive Report, *The Sunday Star*, February 14, 1971]

The financial issue had exposed rifts within WMATA between the city and its suburban partners. According to Jack Eisen, Chairman Sickles and other suburban officials “feel the District is taking an independent course without proper advance consultation.” They blamed the rift on Chairman Hahn. Although he was not on the WMATA board, he appointed the city council’s representative. He also had become chairman of COG on January 14. Taking office, he had suggested developing a transportation policy for the 1970s, not the 1950s, one stressing public transit over the private automobile:

The ideas that I have discussed about a transportation plan for the ‘70s come directly from the work that Secretary Volpe is developing in the Department of Transportation. I have been and expect to continue working closely with Secretary Volpe to create a sound transportation policy for the metropolitan area.

He saw COG as the body that can best embody those ideas on a regional basis “even though they may be controversial and may not all agree on the solutions.”

The WMATA board usually heard directly from Secretary Volpe. Instead, he was scheduled to announce his views in a speech on February 16 in a COG-sponsored forum at the District Building. Suburban members were alarmed by this change and the relationship between Secretary Volpe and Chairman Hahn:

They see, in the Volpe intervention, the danger of an impasse developing between city and suburban representatives. For example, because of the city’s special relationship to the federal government, its representatives might, under urging by high federal officials, hold out for support of a payroll tax as a way to solve its financial bind [even though suburban directors] might favor a federal guarantee.

A source in the District Building, demanding anonymity, had told reporters that Secretary Volpe was considering a tax. “At Metro headquarters, this source was assumed to be Hahn.” [Eisen, Jack, “Volpe Metro Plan Eagerly Awaited,” *The Washington Post and Times Herald*, February 14, 1971]

On the evening of February 16, 1971, Secretary Volpe addressed about 200 Washington area government leaders in a speech to COG. He came to the meeting, he said, “with ideas and concepts and dreams.” He explained:

As the President has said so eloquently, now is the time for a driving dream. Now is the time to stop asking what can't be done, and to go out and do what can be done. For what can be done, must be done.

I am tired of studies and projections and more studies and more projections. I am tired of those who consider the means the end, who produce dire predictions because they are unable to produce viable solutions.

In view of President Nixon's "personal commitment," Secretary Volpe wanted to offer his aid "in finding sophisticated solutions to your transportation problems." He would propose ideas that, if adopted, would "turn the Washington Metropolitan area into a transportation model for the Nation." This was more than just a dream because the "realities" were that in less than 5 years, millions of people would descend on Washington for the Nation's Bicentennial Celebration in 1976. Millions of people, he added, would be coming "to an area which barely manages to transport its own citizens to and from work each day."

Secretary Volpe offered a wide range of proposals covering access to Dulles International Airport (including use of air-cushion vehicles on the federally owned Dulles Access Road), creation of a regional airport authority to operate the area's three facilities (Dulles, National Airport, and Maryland's Friendship International Airport), free minibus service downtown, and pedestrian malls on closed city streets.

He wanted to restore a sense of humanism to the city's downtown streets. "The city must be a gathering place for people, not vehicles." To relieve what *Newsweek* magazine had recently called the agony of the commuter, the cornerstone of the plan "must be the encouragement of an assistance to all forms of public transit – the Metro, the bus system and the railroads."

The experimental bus lane on Shirley Highway was "very exciting." Before it began, the AB&W Company carried about 1,900 passengers during the morning rush hour. "With the exclusive use of reversible lanes, plus an additional 1½ miles of busway, the company is now carrying 4,300 passengers in the morning rush hour." The target date for opening the last 2½-mile segment of busway was April 1, 1972.

Service would be improved further with the introduction of "30 new modernized buses." In general, bus service throughout the area must be upgraded. "Accordingly, this Administration supports appropriation action which would bring about integrated operations between the Metro and all the bus companies in the area."

In addition, he encouraged the city to develop "an extensive program of pedestrian malls and plazas in the downtown area and in other parts of the city . . . from which autos are eliminated during daytime hours." He had walked on F Street during its experimental period of automobile restriction in the fall "and it was a most pleasant experience." If the District expanded the idea, he "would be very interested in having the Department help finance a mini-bus system to move shoppers through it."

He suggested:

I would also like to see the long-dormant plans to utilize the little-used or abandoned railroad lines in this area be revived and implemented.

He had asked the Federal Railroad Administration to explore this option in cooperation with COG.

Secretary Volpe also addressed the area's freeway-subway impasse:

In the two years since I have assumed the duties of Secretary of Transportation, I have seen a complete change of attitude on the part of people in our metropolitan areas toward the unrestricted building of freeways.

People were asking "intelligent and important questions about the routes, the designs and purposes of many of our urban freeways." He had been "impressed by the validity of their questions," but he also was "aware of the tremendous contributions highways and freeways have made to the way we live, work and pursue happiness." As an example of how transportation can blend with an urban environment, he said his Department was working with the District government to study alternatives for the elevated Whitehurst Freeway, which might be replaced by a tunnel to restore the scenic waterfront view from Georgetown.

Nearing the end of the speech, Secretary Volpe said, "I have saved for last the most important of our transportation challenges – the new Washington Metro Subway System":

Few things have taken so much of my attention as this new Washington subway. President Nixon has charged me personally to work with Washington officials to help bring the subway into being.

He and his staff had spent "many hours" working with local and State officials as well as Members of Congress to keep Metro construction moving forward. He was pleased that the Department "could lend the Metro \$57 million to prevent work stoppage" in 1970.

Metro faced the long-term problem that the cost was increasing, now up to almost \$3 billion. But immediate problems included the inability to sell \$900 million worth of bonds in the absence of some form of guarantee, such as a tax, to back them. All of those "dedicated to the cause of the Metro . . . are studying the various alternatives. I expect an effective solution can soon be announced."

In the meantime, certain actions were needed to relieve WMATA's short-term difficulties:

I have taken the necessary action to make available immediately \$68 million of Federal matching funds, already appropriated by the Congress.

He also was considering additional short-term loans, including short-term loans from UMTA. "The important thing is that this subway must continue" because the alternative was "strangulation" of the inner city or severe restrictions on automobile use.

Secretary Volpe told the officials that “all the Governments represented here tonight will have to display an increasingly higher level of cooperation.” He had already communicated with the area’s congressional representatives and the two Governors “to urge their cooperation in resolving these Washington metropolitan transportation problems.” They all were, he said, “very responsive.” He concluded:

And so, now it’s time to go to work.

Prior to the speech, Secretary Volpe had spent much of the day on the phone with congressional leaders discussing the area’s mass transit plans. Chairman Eagleton of the Senate District Committee was pleased by the \$68 million offer. He said:

This provides temporary relief to the Metro. I hope that the administration will continue its worthwhile efforts to devise an effective solution to the long range financing needs of Metro.

Jack Eisen noted that in announcing release of \$68 million, Secretary Volpe “did not spell out the degree of political risk it may entail on Capitol Hill.” A source told Eisen that the White House had told Secretary Volpe to release the \$68 million and to disclose his action in the speech. The problem was that the funds could be applied only to the two-thirds Federal share of project costs, not the District’s matching funds. Congressional sources told Eisen that to be legal, the funds “must be followed before the end of the fiscal year on June 30, by the appropriation of the city’s \$34 million.” Appropriations acts typically included a provision prohibiting the use of Federal funds until the local match was in hand.

Eisen reported that Chairman John J. McFall (D-Ca.) of the House Transportation Appropriations Subcommittee, which handled appropriations for Metro, said Secretary Volpe had telephoned the day before the speech to discuss ways to resolve the funding problem, but had not mentioned the \$68 million. Chairman McFall said he would not object to release of the funds, but observed that he agreed with Chairman Natcher that all Federal laws must be obeyed, including those requiring freeway construction.

In the meantime, General Graham said the \$68 million would allow Metro to continue making contract commitments through April. [Kneece, Jack, “Volpe Pledges Metro Funds – Broad Plan for Area,” *The Evening Star*, February 17, 1971; Eisen, Jack, “Subway Money Pledged,” *The Washington Post and Times Herald*, February 17, 1971]

The *Star* and *Post* were pleased by Secretary Volpe’s speech. “If enthusiasm were a substitute for achievement,” *Star* editors wrote, “this region’s transportation problems surely could have been solved by Transportation Secretary Volpe’s address to the metropolitan area Council of Governments.” The tidy sum of \$68 million “had been sitting on the shelf” because of Chairman Natcher’s hold on the matching funds:

Volpe apparently is now confident that his release of the frozen federal funds in this moment of crisis will be followed in due course by a release of the hostaged District appropriation, with no strings on use of the federal money in the meantime.

In view of the White House's anonymous talk of solutions, perhaps Secretary Volpe's optimism was justified. Still, no word had come from Capitol Hill indicating a breakthrough:

In listening to this lengthy speech, however, we had the distinct impression of having heard much of this same kind of talk before, from other high-level public officials, with very little thus far to show for it. Whether the result be any different this time will depend, we suspect, not so much on local activity as on how much continued initiative and enthusiasm for decision-making comes directly from the top. ["Volpe's Responsibility," *The Evening Star*, February 18, 1971]

*Post* editors also appreciated release of the \$68 million, but it "remains to be seen what Congress will do about the District's appropriation." These were short-term solutions. Ultimate solutions "must come from the local governments here, from Metro itself and from Congress." Overall, the editors wrote that "the Secretary did demonstrate – and persuasively – a most welcome concern on the part of the administration for flexible approaches, backed with federal aid." ["Secretary Volpe's Efforts to Help," *The Washington Post and Times Herald*, February 18, 1971]

Chairman McFall, the *Star* reported on February 19, had ordered a staff review of Secretary Volpe's release of \$68 million. He said he had no reason to think the release was illegal; the review was routine. The chairman, who had once served under Chairman Natcher, praised Secretary Volpe's initiative to solve Metro's fund crisis, but praised Chairman Natcher for his support of a balanced network freeways and subways to solve the area's transportation problems.

"Capitol Hill observers" and a "highly placed congressional source" helped reporters understand the actions. They saw Secretary Volpe's announcement as "an administration tactic to pressure Natcher into relenting on subway funds, signaling a new kind of executive-legislative confrontation far more significant than the issue of subway construction."

The source said no precedent existed for release of the funds in view of the "clear intent" that Federal funds be held until the District matching share was available:

The source said Volpe's move threatens to undermine one of the traditional means of congressional leverage – power over purse strings.

"What can we say," asked the source, "if other jurisdictions around the nation now used a District situation as a precedent to request matching funds before making their contribution?"

But the source conceded that the move probably will not be technical illegal until the District fails to produce its \$34.2 million share. Should the District fail to produce its share by June 30, end of the current fiscal year, he added, any irate taxpayer could ensnarl the subway works with a lawsuit.

Asked how he would counter congressional opposition, Secretary Volpe said:

I wish I was Solomon. All I can say is, I found through life that you can get more with honey than molasses.

When I have gone to a congressman – and it takes a great deal of patience at times – and when I have laid before them a proposal on the basis of its merits, and not try to guild the lily, I may not have convinced them the first time, but I’m a pretty . . . stubborn . . . guy and I have gone back.

We are using persistent persuasion. I think that’s the way to do it.

As for the North-Central Freeway, he said:

I have reviewed the North Central Freeway at some length. I’m convinced that you just cannot say that where the route was laid out is the right route for today. It might have been the right route five years ago or longer ago. But I think the Congress acted wisely in giving us an additional 12 months to see whether the railroad right-of-way or some other route is desirable or see whether the North Central Freeway is desirable at all. [Kneece, Jack, “House Staff Probe Asked of Subway Fund Release,” *The Evening Star*, February 19, 1971; Eisen, Jack, “Hill to Study Volpe Move On Subway,” *The Washington Post and Times Herald*, February 20, 1971]

### **The I-66 Problem in Virginia**

A link from Washington, D.C., to Virginia’s Shenandoah Valley had always been part of the Interstate plan. Such a link appears on a map on page 7 of *Interregional Highways*, the 1944 report to Congress outlining the Interstate vision, showing the general location of routes of the recommended highway system. When the first designations took place in August 1947, the route was shown linking Washington to the north-south Interstate through the valley at Strasburg (farther north than shown in the 1944 general location map).

In 1957, when numbers were approved for the Interstate System, it was designated I-66 and the Shenandoah Valley route became I-81, with the two routes linked by an interchange in Front Royal. In the District, I-66 became part of the Inner Loop. As noted earlier, I-66 inside the Capital Beltway crossed the Potomac River on the Theodore Roosevelt Bridge and was to continue past the Watergate complex as the West Leg of the Inner Loop, then the North Leg parallel to New York Avenue, reaching I-95 north of the Capitol Building at the junction with the East Leg Freeway. FHWA’s 1971 *Interstate System Route Log and Finder List* indicated that I-66 was 79.6 miles long, with 75.4 miles in Virginia (the control points being Front Royal, Falls Church, Arlington to Washington). The list identified the District segment as 4.2 miles long.

The Potomac River Freeway carried the designation I-266; the even numbered prefix indicated the route was to connect with the Interstate System on both ends. It branched off of I-66 near the Spout Run Parkway in Virginia, crossed the Potomac River on the Three Sisters Bridge, then followed the Whitehurst Freeway along the Georgetown waterfront to connect with I-66 at K Street, NW.

The Virginia Department of Highways (VDH) built I-66 from I-81 to the Capital Beltway. The last 9.7 miles proved to be the most challenging.

Leland J. White, in an article about the battle over I-66, wrote:

The concept of an east-west highway through Arlington, Virginia, originated in 1938 when the county planner included the road in his “First Report to the Arlington County Planning Commission.”

As planning for I-66 began in the 1950s, the exact routing inside the Capital Beltway had to be decided:

The route through Arlington was similar to that proposed in 1938 by the county planner and later included in the 1941 Arlington Master Plan. In 1942 the Virginia General Assembly had authorized land acquisition along the abandoned Arlington and Fairfax Railroad right-of-way, to begin in 1946. Just a year before the Interstate Highway Act was signed [1956], because being along a highway route was considered desirable, both the Falls Church City Council and the Arlington County Board of Supervisors had asked the Virginia State Highway Commission to be included on the right-of-way for any proposed interstate highway across Northern Virginia.

As Virginia highway officials were considering the routing for I-66, they began to hear the “first rumblings against the highway” at a public hearing in Fairfax County on March 11, 1958. In these years, public hearings were an opportunity for the State to inform the public, not to gather information about potential adverse impacts or answer questions and concerns:

Two hundred people attended and were dismayed that the official had little definite information to give them. Many of those present expressed concern about the vagueness of the proposal, though most did not question the need for the road itself.

Opposition began to solidify later in the year when the Arlington County Board held a public hearing on potential routes:

More than 500 citizens turned out and, as in Fairfax County, their reaction was clear and negative. To repeated questions as to why any highway had to go through Arlington, County Highway Engineer Clifton G. Stoneburner could only reply, “Because if it must connect with the District’s Inner Loop, as the government says it must, then it has to come through Arlington some way.” County Board Chairman Ralph Kaul conceded after the meeting, “This put a new light on things – I don’t think any of us realized just how strong the opposition to this road was.”

The county appointed a Citizens Advisory Committee to analyze the issues.

When VDH held its only planned hearing in Arlington on October 29, 1958, over 800 people appeared to protest each proposed route:

Most of the speakers were concerned about the impact of the road on the property tax base and on the neighborhoods themselves. And, as Joseph Soultener, a member of the Mount Daniel Protective Association, admitted, “One group doesn’t like the route in their backyards and shifts it to another group; the other group shifts the monster back again.”

The Citizens Advisory Committee reported in November that citizens felt powerless because “binding decisions on these matters have been reached by the State of Virginia, the Federal Government, and the Government of the District of Columbia. There will be a Highway 66, and it will traverse Arlington County.” Even if it was a bad idea, “there is no way of securing the reversal of these decisions.” The only question was where it would be located.

The county, recognizing that the committee was right in saying the only question involved location, approved the Fairfax-Bluemont route for I-66 in November:

This road would go through Falls Church and Arlington along the abandoned [Arlington and Fairfax Railroad] rail line and along the right-of-way of the Washington and Old Dominion Railroad, soon also to be abandoned.

The VDH approved the route for an eight-lane freeway in November and BPR accepted it in June 1959. On June 6, 1959, the *Post* declared that BPR’s approval “marked a final breakthrough on Metropolitan Washington’s biggest highway controversy.” As White pointed out, this statement “would later prove to be a monumental case of premature judgment.”

While VDH officials dealt with complicated right-of-way issues involving the abandoned rail lines, citizen opposition continued to mount in the early 1960s. Arlington County officials tried to work with VDH to alter the precise routing to save homes, but they did not believe they had a reasonable chance of stopping construction altogether.

Other factors delayed construction. One factor was the plan to construct one of the planned rail rapid transit lines in the I-66 median:

When delays resulted over the construction financing for Metro, VDH could not complete final engineering plans and design work until it knew whether it would indeed have to accommodate Metro in the median.

Another complication was that trucks were banned from the Theodore Roosevelt Bridge over the Potomac River. Trucks would have to use the Three Sisters Bridge on I-266:

The I-266 spur line and the Three Sisters Bridge, however, ran into opposition on almost every front. Arlington residents and the National Park Service protested the virtual destruction of Spout Run Park, and anti-highway activists in the District attacked the proposal for the bridge, which was supposed to connect to highways they were trying to prevent . . . . The battle over the Three Sisters Bridge resulted in continued design delays for I-66, in part because the number of highway lanes depended ultimately on the fate of the bridge.

By 1970, White explained, “the VDH had acquired most of the right-of-way and was ready to proceed with the final design and construction of I-66 inside the Beltway.” However, NEPA and other environmental laws posed new challenges that VDH officials could not have anticipated:

By 1970 segments of Interstate 66 had been built through western Fairfax County, but the highway came to a dead end at the Capital Beltway. VDH put I-66 on a fast track, hoping to open the road inside the Beltway by late 1973 or early 1974. The state was required to hold one more hearing to allow Arlington residents to comment on the design of the road.

About 700 people filled the Washington and Lee High School auditorium on September 29, 1970:

[They] reacted to officials’ statements with what a reporter from the *Fairfax Sentinel* called “a great roar of righteous indignation.”

James and Emilia Govan were among those in attendance. They lived three blocks from the planned route and had hoped for specifics, such as the location of interchanges and noise walls. But as Jim Govan later told White:

“There was no information available for the public to look at . . . . There were no politicians or elected officials present. The highway officials were condescending and cut citizens off with curt responses. People couldn’t get answers to basic questions. People were very upset when the hearing was over and simply started exchanging phone numbers.” When VDH officials disclosed for the first time that I-66 would be 14 lanes wide in Rosslyn, “the whole thing crystallized for us,” Emilia Govan said.

They used those phone numbers to form the Arlington Coalition on Transportation (ACT) in October 1970 with about 20 other opponents. ACT, which would grow to a peak of about 1,500 members, petitioned the county for another hearing and joined other activists who had planned a walk along the right-of-way. “Much of the corridor was wooded, including the overgrown rail line, which had been abandoned for years.”

Under pressure from county officials, VDH held a second design public hearing on December 7-9, 1970:

The design hearings . . . were even more volatile than the hearing in September. *The Washington Post* reported, “The overwhelming sentiment was against building the road . . . . The highway proponents were booed and jeered by some persons at the hearing, and at one point . . . two men were on the verge of a fist fight over their differing views.” [White, Leland J., “Dividing Highway: Citizen Activism and Interstate 66 in Arlington, Virginia,” *Washington History*, Spring/Summer 2001, pages 53-67]

As would happen a few days later in the hearing on design of the Three Sisters Bridge, most of 27 speakers ignored the design of I-66 and “expressed sentiments on why the road should not be built through Arlington,” as the *Star* put it. The approximately 600 residents of Arlington who attended the hearing “booed and heckled representatives of nearby counties and businessmen as they spoke in favor of Interstate Route 66.” When opponents spoke, “the spectators clapped

approvingly.” [Brockett, Diane, “600 at Hearing in Arlington Boo as Officials Back I-66,” *The Evening Star*, December 8, 1970]

The December hearings prompted two letters to the editor that the *Star* published on January 8. Herman W. Jensen of Arlington felt that “the citizens of Arlington County owe the Virginia Department of Highways an apology for the immature and discourteous actions of a great many persons in attendance.” In view of the “juvenile behavior on the part of so-called adults,” he understood why “many of our young people have so little faith in us.”

He wondered how many of those in attendance woke up the next day and drove to work – and how many used public transportation. “Good public transportation can go a long way toward negating the need for I-66, Four Mile Run Expressway, Bluemont Expressway, Monticello Freeway, the Potomac Freeway and the South 15<sup>th</sup> Street Expressway.”

Mrs. T. L. Cain wrote that she had lived her entire life in Arlington County and was “proud for the strides Arlington County has made in such a competitive race.” In view of the “growing expansion,” State and local officials were “working feverishly (sometimes with limited funds) to accomplish nearly an impossible goal – that of providing adequate accessible roadways and freeways so the resident can arrive at his place of business or at his home without weaving in and around our quiet residential streets.”

She urged I-66 opponents to “take a long hard look at their streets and their routes to their jobs or destinations.” Do they wait for a crowded bus while breathing in a “good gulp of pollution caused by congestion”? She wrote, “Free moving vehicles expel less pollution than those idling along in congestion”:

If we opposed every medium of progress that is aimed at promoting our comfort and safety, some would still be riding horses! We live in the age of speed and, like it or not, we must have highways to accommodate our transportation needs. [“I-66 Hearings,” Letters to the Editor, *The Evening Star*, January 8, 1971]

Commissioner Fugate met with Governor Linwood Holton in mid January to say that abandoning or relocating I-66 through the county was “entirely out of the question.” In a letter, Fugate wrote that “the evidence is overwhelming that I-66 in Arlington County must be built if that area’s transportation needs are to be met in the years immediately ahead.” He added that “every traffic study made by this department, by the Arlington County government, by WMATA, and by the National Capital Regional Transportation Board has supported the need for I-66.”

Virginia has spent \$20 million acquiring right-of-way for the route and had cleared much of the land. He continued “there is a splendid opportunity here to develop I-66 as in many respects the model of urban highway construction, and we do not take this opportunity lightly.” He added:

The commission is aware, of course, of the obvious necessity for careful planning, and has employed probably the finest environmental consultant in the United States to help with design and construction of the freeway. [“Highway Commissioner Bars Interstate 66 Shift,” *The Evening Star*, January 18, 1971]

On January 29, the *Star's* Letters to the Editor column included one from Emilia Govan taking exception to Mrs. Cain's letter. "While I share many of Mrs. Cain's concerns about the quality of life in our community, I believe that construction of I-66 will have an irrevocably destructive effect on the entire metropolitan area." She disputed the notion that I-66 would take traffic off local streets:

By closing off many existing roads, I-66 will bring about intolerable congestion on the streets that will serve as crossover points and on streets which provide access to or from I-66 interchange ramps. Many of the proposed cross-over streets are themselves residential. Vehicles must weave their way through residential neighborhoods to reach cross-over points and interchanges. Also, much of the automobile and bus traffic seeking access to Metro stations in the Wilson-Fairfax corridor will have to cope with congested I-66 crossover streets, thus making Metro ridership an inconvenient proposition at best, and leading to reduced ridership and increased fares.

For three reasons, she considered erroneous the idea that traffic on superhighways produced less air pollution than slower traffic on local arteries. First, during peak hours, traffic on superhighways "will make necessary continuous lane-shifting and lead to inevitable back-up as drivers attempt to get on and off the short, narrow ramps." Second, an environmental consultant's report ACT had commissioned and presented at the design hearing "demonstrated that even assuming free-flowing traffic at 50 miles per hour with vehicles equipped with 1974 pollution control devices, the predicted carbon monoxide levels would be twice as high as recommended HEW [U.S. Department of Health, Education, and Welfare] standards and would constitute a potential threat to the community health." Third, the House Subcommittee on Roads had received testimony "that automobiles traveling at high speeds emit more nitrogen oxides and lead."

Govan concluded:

We have learned from the experience of the 1960s that more roads generate more automobile traffic. Building more roads has not solved transportation problems but aggravated them. A highway such as proposed I-66 will merely worsen the transportation crisis now faced by the Washington metropolitan area. In addition, I-66 will be an environmental disaster for the schools and neighborhoods through which it passes, as well as for the community at large. Is this progress?

Real progress can be achieved only by giving top priority to immediate development of mass transportation modes that move people—not automobiles—and that are protective—not destructive—of the environment. [Govan, Emilia, "Rebuts on I-66," Letters to the Editor, *The Evening Star*, January 29, 1971]

(The catalytic converter, which greatly reduced motor vehicle emissions, would not become standard on new vehicles until the mid-1970s, and was not required on older vehicles.)

The expert that Commissioner Fugate had mentioned in his letter to Governor Holton was John O. Simonds of the Pittsburgh firm of Environmental Planning and Design. Described in the *Post*

as an acquaintance of Fugate's, Simonds agreed to a "cost plus" contract with an "upper limit" of \$275,000 to study the route. Fugate said, "We needed the best expert in the nation and we needed most of his time. This is fairly new, and you get what you pay for."

The *Post* reported that the contract, which was "unprecedented," reflected the cost of environmental designs the public was now demanding "and the increasing responsiveness of officials and bureaucracies to those demands":

So far, there have been nothing unique about Simonds' suggested "environmental" improvements; his ideas closely parallel suggestions made at no cost by citizen opponents of the highway at a series of tumultuous public hearings recently.

Both his suggestions and those made by the citizens include acoustical baffles to reduce traffic din; earthen "berms," or dikes, to mask the sights and sounds of traffic, and trees and fences to soften the harsh geometry of concrete and macadam.

Simonds himself says his chief concern is noise abatement. There presently is little to be done in the design of highways that will abate the high amounts of pollutants that will pour into the air from vehicles using the highway.

He considered I-66 inside the Capital Beltway as "unique" because it involved "helping with the planning of a dual use right-of-way before the final drawings are done." This new public interest in environmental planning was only going to grow around the country. "I see nothing but more interest in the environment and growing feeling that if we don't do it now, when we're building, we'll never be able to recoup." He described the recent public hearings as "bracing," full of "thunder and lightning," but also producing "many good and valuable ideas."

As for the cost of the contract, VDT spokesman Albert W. Coates said, "This is the first time we have tried anything like this, and no state highway department in the country has done this before." In negotiating the contract, VDT and Simonds were guessing at the costs. As for hiring Simonds without advertising for bids, Fugate dismissed the bidding process for consultants:

It would be like asking doctors to bid on taking out an appendix. This is professional work, and ethics don't allow doctors, lawyers or engineers to bid on their services. [Wilkinson, Tom, "Ecological Planner To Work on I-66," *The Washington Post and Times Herald*, January 31, 1971]

(John O. Simonds was a nationally known landscape architect based in Pittsburgh. In addition, he was an author, teacher, and lecturer. From 1966 to 1968, he served on FHWA's Board of Urban Advisors, established in 1966 by Administrator Whitton to prepare a set of guidelines for the planning and design of urban expressways. In 1968, FHWA published the board's recommendations as *The Freeway in the City: Principles of Planning and Design*. Simonds edited the publication. Although FHWA published the report, it was entirely the board's independent work.

(The report, released on May 24, 1968, contained major recommendations that should have the "highest priority for action." As summarized at the time, they were:

- Expand application of techniques of Systems Analysis and Operations Research to problems of planning, locating and designing urban freeways.
- Adopt Systems Concept of an interdisciplinary team approach to urban freeway planning on every level – Federal, State, regional and local. (This design team approach already is underway in Baltimore, Maryland, and Chicago Illinois, and under consideration by several other metropolitan areas.)
- Appoint an independent review board of qualified professionals to serve the Federal Highway Administrator, the Director of Public Roads, the State Highway Engineer, or the City Public Works Chief in an advisory capacity.
- Encourage and aid formal education in urban transportation and highway planning and design.
- Establish a system of regional Urban Design Institutes for advanced research in all related disciplines, sponsored jointly by the Department of Housing and Urban Development and the Department of Transportation.
- Encourage formulation in each state of a total environmental planning commission to represent the legislature, the governor, and those agencies primarily responsible for physical planning in the state.
- Coordinate freeway considerations with the comprehensive planning of every affected community, city and region. Throughout the planning process, information should be made available to government agencies, civic and other organizations to develop public understanding and support. “It has been well said that every freeway is a political statement.”
- Promote the integration of freeways with all other elements of the urban transportation system. These include arterial streets, vehicular parking areas, other transit systems, trains, subways, etc.
- Stimulate more research on better ways of moving people and goods.
- Investigate possibility of giving highway departments authority to condemn and purchase lands adjacent to proposed freeways or interchanges. The states or cities could then sell or lease the excess property as “improved land.” The income benefits resulting would help defray, or perhaps even cover, the cost of the new highway development, offering relief to taxpayers.
- Encourage the multiple utilization of urban rights-of-way. This concept sees the highway as but one occupant of the right-of-way. The use of space beside, below and above the freeway should be planned and designed along with the highway, itself. Its planning, if related to urban renewal, can help restructure the city in a more efficient and orderly way.
- Encourage State and the City Highway Departments to purchase and develop freeway-recreation corridors. Freeways should not only provide access to, but should be considered in themselves as major recreation facilities. These multiple-use corridors would provide, besides the roadway, such desirable features as fishing and boating lakes and streams, golf courses, game courts, riding trails, wildlife sanctuaries and conservation lands.
- Develop and promote the passage by states and Federal Government of advanced highway-related enabling legislation. It suggests creation of a legislative task force to analyze current laws, needs and possibilities.

- Encourage a high level of visual quality in every proposed freeway. Urban freeways should contribute to the beauty of regions through which they pass, from the standpoint of both the users and viewers of the facility. The highway beautification program of the Federal Highway Administration is a very good beginning, the report adds.)

In view of citizen concerns, the Arlington County Board asked Commissioner Fugate for a look at the design plans. He replied by letter that he would show the board members the plans, but not in a public forum. He also indicated that he would not agree to an early board request that he stop acquiring right-of-way for I-66 until the design plans are completed.

Commonwealth Attorney William J. Hassan referred to the proposal as constituting a “backroom conference,” which the board rejected angrily. However, Hassan explained that Fugate was correct about acquisition because State law did not allow condemnation proceedings to be delayed once initiated. “That is a very fair answer on that part.”

Chairman Fisher said, “His response is, from my point of view, unsatisfactory.” The board authorized Fisher to send a “blunt letter” to Fugate demanding that a three-dimensional model of selected portions of the proposed design, as well as drawings, be made available in a “public forum.” [“Arlington Board Rejects Secret Meeting on I-66,” *The Sunday Star*, February 14, 1971; “‘Back-Room’ Talks on I-66 Rejected,” *The Washington Post and Times Herald*, February 14, 1971].

ACT visited Governor Holton on February 16 to ask him to halt development. According to sources, he told ACT that the project was too far advanced to be changed now.

On February 18, the Virginia Highway Commission approved major design features for the I-66 segment from Washington Boulevard to Lynn Street in Rosslyn. The route mainly followed the abandoned Washington and Old Dominion rail line. Approved design features included four lanes in each direction between Glebe Road and Lee Highway as well as three interchanges. The commission asked State highway officials to continue refining the design in cooperation with Simonds. He expected to complete his recommendations in a couple of months. Following FHWA approval, the construction would be ready in the fall.

The State planned to hold a public hearing for the remaining 6 miles of I-66 in Arlington County between Glebe Road and the Capital Beltway. The hearing would be scheduled for late 1971 or early 1972.

In addition, the commission approved the major design features of I-266 along Spout Run Parkway to the Three Sisters Bridge. Fugate explained that the project would convert Spout Run Parkway from “a park type highway to an interstate type highway.” He added that land taken for the spur would be replaced, acre-by-acre, by parkland to be acquired nearby. [Kelly, Brian, “State Panel Okays I-66 Design, Asks Environmental Aid,” *The Evening Star*, February 18, 1971; Wilkinson, Tom, “I-66 Work In Virginia Approved,” *The Washington Post and Times Herald*, February 19, 1971]

ACT, Arlingtonians for Preservation of the Potomac Palisades, and several property owners went to U.S. District Court in Alexandria on February 19 to file a suit seeking to halt acquisition of right-of-way for I-66 until VDH held location hearings. Named in the suit were Commissioner Fugate, Secretary Volpe, and FHWA's Virginia Division Engineer, Harold C. King. The suit also named Martha Sutton, Arlington's recorder of deeds, requesting that she be prohibited from recording sales of land for I-66 right-of-way.

According to the petitioners, VDH had not complied with Federal requirements for "timely public hearings on the need for and location of the highway." The last location hearing took place in 1958 and it concerned only the route of the highway, not its impacts. Further, VDH had not complied with NEPA. Significant social, economic, and environmental changes had taken place in recent years. Changes since then included population and employment shifts to the suburbs and approval of plans for Metro. The proposed Metro line in the corridor raised questions, not asked in 1958, about whether I-66 was needed. The suit claimed I-66 would "cleave" Arlington County in half, heightening racial and class differences between the halves.

Mrs. Govan told reporters, "The environmental factors weren't taken into account in 1958 and the public had not yet been given any evidence that the highway project will not harm the environment in 1971." [Brockett, Diane, "Arlington Coalition Sues for Hearings On Location of I-66, *The Sunday Star*, February 21, 1971; Edwards, Paul G., "Opposition Mounts Against I-66 in Arlington," *The Washington Post and Times Herald*, February 23, 1971]

The *Star's* Jack Kneece pointed out that the Three Sisters Bridge was a key factor in the lawsuit. The approved design "provides for a link at the Three Sisters in the vicinity of 24<sup>th</sup> Street in Arlington":

From near this point, it picks up the Old Dominion right of way and follows it to near an intersection with Fairfax Drive. The rail line loops to the south of the highway route at that point. The I-66 right of way picks it up again at Patrick Henry Drive then leaves it again, at Lee Highway, looping northward to cross the Old Dominion again near the completed portion of I-66 at the Beltway.

The lawsuit argued that because the route had been planned before the Three Sisters Bridge and the Metro line had become realities, the plans were based on data that might no longer be true. "Citizens have complained that the route was approved when there was a universal fixation among highway planners with freeways." Virginia Commissioner Fugate did not agree. He contended that VDH had followed all requirements and was ready to proceed. [Kneece, Jack, "Plans at 3 Sisters Spotlight I-66 Suit," *The Evening Star*, May 31, 1971]

## **The New Delegate**

On December 7, 1871, the District of Columbia's first nonvoting delegate to Congress took office. Congress had reclassified the District as a territory, similar to the western territories that would eventually become States. As such, the District was entitled to a Governor appointed by the President, a legislative assembly, and a nonvoting Delegate to Congress to advocate for the city. General Norton Parker Chipman defeated the former slave Frederick Douglass for the

Republican Party's nomination and went on to win the position. According to John P. Richardson's book on public works boss Alexander Shepherd:

The citywide elections April 20 brought no surprises. Republican candidate and Shepherd ally Norton Chipman, a Union officer who had prosecuted Henry Wirz, commander of the notorious Andersonville Civil War prison camp, easily defeated his Democratic opponent, Richard Merrick, for District delegate to Congress. The elected House of Delegates contained fifteen Republicans, including two blacks, and seven Democrats. Three blacks were appointed by President Grant to the Legislative Council, including Frederick Douglass. [Richardson, John P., *Alexander Robey Shepherd: The Man Who Built the Nation's Capital*, Ohio University Press, 2016, page 94]

Speaker of the House James G. Blaine administered the oath of office. According to James Eisen:

The many bills Chipman introduced and the debates in which he joined have an eerily contemporary ring about them even today. They dealt with public transit (horse-car franchise), bridge and street construction, expansion of the Capitol grounds, court reorganization, regulation of interest rates and, most of all, schools and municipal finance

....

Although entitled to speak on any pending House business, a browsing through the Congressional record of Chipman's 1½ terms indicates that he restricted himself to District matters.

At least once he was explicit in defining his role. The House was warmly debating an expansion of the Capitol grounds to form the central plaza of today, displacing private dwellings and a few saloons frequented, the discussion made clear, by some lawmakers themselves.

The pending measure was, Chipman said, a national bill. But, he told his colleagues, "You are holding the ax" over the affected property owners. "I am speaking now only locally and for the interest of those people most directly interested," he declared. "Either make this purchase now or say it will never be done." The purchase was made.

In 1874, Congress passed the legislation removing the city's territorial status, abolishing the Governor and legislature, and establishing the three-man board of commissioners that survived into the 1960s. President Grant approved the legislation on June 20, 1874 (P.L. 43-337):

Chipman did not fight it. Nor did he, on the record, attempt to preserve his own job. He only sought, however vainly, to make the new system of government more palatable to those it was to govern."

The bill made it through Congress in 2 days. President Grant's signature brought an end to the position of Delegate in 1875. [Eisen, Jack, "D.C. Delegate—100 Years Ago," *The Washington Post and Times Herald*, March 23, 1971]

One hundred years later, the city was going to vote on March 23, 1971, for its second nonvoting delegate. Candidates had many issues to debate, including transportation. For example, The Reverend Channing Phillips said he would promote policies to “get the American commuter to curtail use of his automobile by providing him with an attractive mass transit system – and a tax on all-day parkers in downtown Washington,” according to a position paper summarized in the *Post* on January 3:

In a position paper on transportation issued yesterday, Phillips said he would oppose construction of additional freeways and parking facilities, push for faster construction of the subway and urge that special lanes be allocated for buses. He said he would also work for government subsidies to reduce mass transit fares.

He wanted to shift air traffic from Washington National Airport to Dulles International Airport.

He anticipated that other candidates, such as former Councilman Yeldell, would have similar views on transportation, but it was actions that count. He criticized Yeldell because while he was chairman of the WMATA board of directors, the agency “had failed miserably to give any major contracts to black businesses or even to assure that blacks are employed in sufficient numbers on those contracts.” By comparison, he said, “the Housing Development Corporation of which I am president had a black contractor at Clifton Terrace, 15 of 20 black subcontractors, and 300 black workers.” He also criticized Yeldell for his vote in support of the Three Sisters Bridge.

Yeldell declined to make excuses for WMATA’s hiring and employment practices. As chairman, his focus was on bringing about changes. Further:

He has defended his vote for the Three Sisters Bridge, explaining that the congressional threat to withhold a \$105 million federal payment to the city made it a “responsible” decision. He said he is against new freeway “gateways” to Washington.

Reverend Phillips criticized former Councilman Fauntroy for being “virtually silent” against freeways since leaving the city council:

He repeated his statement that Fauntroy refused to join in a suit to block construction of the bridge.

Fauntroy issued a statement in reply asking, “Where was Channing Phillips?” when Fauntroy and other Council members were speaking out against further freeway construction in 1968, and before. Fauntroy said his “strong opposition” to freeways was a matter of record. [Boldt, David R., “Phillips Rips Foes on Issue Of Freeways,” *The Washington Post and Times Herald*, January 3, 1971]

On January 12, District residents voted in the primaries. They selected Reverend Fauntroy as the Democratic nominee and former Councilman Nevius as the Republican candidate. Julius Hobson would represent the D.C. Statehood Party in the election to be held on March 23.

As the *Star* introduced the results of the March 23 election:

The Rev. Walter E. Fauntroy, who based his campaign on a pledge to reawaken the spirit of Martin Luther King, has been elected overwhelmingly as the District's first congressional representative in nearly 100 years. Winning 58.5 percent of the vote in yesterday's election the 37-year-old moderate Democrat outscored his major opponent, Republican John A. Nevius, by better than two to one.

Julius Hobson, the D.C. Statehood party candidate, ran a weak third with less than 15 percent of the vote while other candidates mustered little more than 3 percent of the total. [Anders, Michael, "Fauntroy Wins 58.5% of Vote," *The Evening Star*, March 24, 1971]

On April 19, Speaker Albert administered the oath of office to Delegate Fauntroy in the well of the House, as Stephen Green described in the *Star*:

Among congressmen rushing up to Fauntroy on the House floor to shake his hand was Rep. John L. McMillan, D-S.C., chairman of the House District Committee.

Fauntroy said McMillan "invited me to come and see him this week."

Elected to the office on March 23, Fauntroy is automatically a member of the District Committee. Although he may not vote on the floor, he may vote in committee.

A packed gallery of some nearly 600 persons and about 70 congressmen present on the House floor gave Fauntroy a standing ovation that lasted for nearly a minute after he took the oath. Outside, by the East Front of the Capitol, additional hundreds of District residents watched as Albert and Fauntroy re-enacted the ceremony . . . .

On the steps, Fauntroy was flanked by a United States flag and a District flag. He was surrounded by family members, friends, including Mrs. Coretta King, widow of the late Dr. Martin Luther King, city officials, including Mayor Walter E. Washington, and members of Congress.

Fauntroy told the crowd he would continue to work for human dignity by attempting to abolish the office he now holds.

"I ask God's help and yours in . . . establishing full representation in the Congress and full self-government for our city which are God-given and constitutional rights of us all," he said. [Green, Stephen, "Fauntroy Sworn In, Gets an Invitation To Visit McMillan," *The Evening Star*, April 19, 1971]

## **Metro Funds**

Secretary Volpe, in his COG speech on February 16, had said he was releasing \$68 million to WMATA "immediately." Since then, the department had never announced that the funds had actually been released. In late March, General Graham admitted that he had never been able to confirm the availability of the funds.

Further, Representative Broyhill remained concerned about the congressional threat to continue withholding the District's matching funds pending compliance with the 1968 and 1970 Acts. In March, he wrote to the White House about the harm that would occur if construction did not resume on the Three Sisters Bridge. After receiving what he characterized as a "thank you for your letter" reply, he wrote a sterner letter. "I warned them I would not put up with a brush-off either" because Congress was "dead earnest" about the Metro funding threat.

He also was concerned about the city's plan to build a model of the bridge to test it for safety. It was, he said, the latest reason for delaying construction. "I think the White House has been trying to use this deliberately as a test confrontation with the Congress on the powers of the executive branch versus the Congress."

Under Secretary of Transportation Beggs met with Representative Broyhill on March 30. Representative Broyhill made clear that he did not believe the Metro funds should be held hostage to construction of the Three Sisters Bridge, but said the majority of House members wanted the city to comply with their legislative wishes before releasing the Metro funds. He asked Beggs to tell FHWA to stop studying a single-span design for the bridge and to order construction of a conventional double-span bridge as a prelude to release of the District's matching share for Metro. Beggs replied that in studying the single-span design, FHWA was complying with Judge Sirica's ruling concerning design of the bridge.

After the meeting, Beggs confirmed that the department had made the funds available. However, the Metro funds would remain in a special account, not released in a lump sum to WMATA. "It is our view that the money is available to permit the authority to move ahead in a meaningful way in advertising for bids. The issue of what will happen if the [Natcher] Committee does not provide the matching funds is one that is long in the future and we're not crossing that bridge yet."

Told of the release, General Graham said, "We hope to start obligating the money promptly on Wednesday morning." However, this response resulted from a misunderstanding of what Beggs was saying. The funds were set aside in the special account until Chairman Natcher released the District's matching funds.

As WMATA officials were trying to figure out whether the funds were available, they received a letter from Secretary Volpe saying he had "approved the release" of the \$68 million, but that the funds could not be used until the matching funds were available. "Your program must, therefore, be structured in accordance with this restriction."

Jack Eisen summarized the consensus:

At first reading this provision appeared to support the interpretation that the money actually was not being made available.

However, Beggs and Jackson Graham, Metro general manager, said Volpe's action means the \$68 million can be used as the basis for inviting construction bids from contractors between now and June 30.

Graham said the Metro cannot invite bids unless it has the money on deposit, which was assured by Volpe. Beyond that, however, it cannot actually agree to pay the contractor [by awarding a contract] until all restrictions on spending the money are removed.

[Kneece, Jack, “White House Orders Talk in 3 Sisters Rift,” *The Evening Star*, March 30, 1971; Eisen, Jack, “U.S. Says \$68 Million Available for Metro,” *The Washington Post and Times Herald*, March 31, 1971; Green, Stephen, “U.S. Can’t Match Metro Funds Until D.C. Share is Released,” *The Evening Star*, March 31, 1971; Eisen, Jack, “Financing of Subway Clarified by Officials,” *The Washington Post and Times Herald*, April 1, 1971]

### **Three Sisters Bridge Design**

On March 31, as part of the response to Judge Sirica’s August 1970 ruling, District highway officials submitted their recommendations to FHWA on design of the Three Sisters Bridge. Having considered the comments during the December hearings, the District’s highway agency recommended the design approved by the Commission of Fine Arts, a three-arch concrete bridge with the long arch across the river without a central support. The design, estimated to cost \$32.3 million, was not only safe but “a monument to man’s esthetic senses.” The 26-page report also rejected claims that the bridge would harm the environment, take parkland, worsen air pollution, spoil natural beauty, or adversely impact neighborhoods in the area:

[The bridge would provide] fast, safe and efficient transportation and relieve neighborhoods of unnecessary traffic while minimizing adverse environmental, sociological and economic effects on the city and the region.

District officials had considered alternatives, including a proposal by FHWA for a six-arch \$25 million steel structure, but rejected them. The city concluded that FHWA’s design “would be less attractive, take more parkland and cut back boating on the river.” The city also rejected proposals to reduce the number of lanes from six to four, build a tunnel instead of the bridge, and provide room for pedestrians and bicyclists.

If the project required parkland, the city would compensate by providing new land or making “needed improvements” to present parks. Noise impacts would be “negligible” because the nearest residence is 240 feet away on 44<sup>th</sup> Street, NW., although noise might be greater for people hiking the C&O Canal or boating on the Potomac. Traffic flowing smoothly across the new bridge would result in less pollution, not more. [Meyer, Eugene, “City Sends U.S. Agency New Design for Arched Three Sisters Bridge,” *The Washington Post and Times Herald*, April 1, 1971]

Jack Kneece, in the *Star*, explained that Administrator Turner now faced a “difficult decision” regarding the design, but “it’s a dilemma of his own making”:

During design hearings, Turner assured Judge John J. Sirica that every effort – including exhaustive tests on the scale model – would be made to assure the safety of an innovative, single-span design recommended by the Fine Arts Commission.

The pledge came back to haunt him when it was learned that there is probably enough data on hand to proceed with that design without testing the model.

Pressure was mounting on FHWA. District highway officials informed the department that the “design can be built now if the department so chooses – a move possibly to force the department’s hand.” Meanwhile, Representative Broyhill was accusing the Nixon Administration of stalling and using the scale model as an excuse:

The model, now being built by the Cement and Concrete Research Institute in Skokie, Ill., won’t be ready for testing until July. Testing, though, may be the wrong word. Eventually, the model will be crushed to death by huge hydraulic jacks, hopefully not breaking until the stress equivalent to a whole bridge full of tractor trailer trucks has been passed.

Engineers, aware that the design had been used successfully in other countries, considered the model unnecessary. Director Airis agreed, as did Fred H. Sterbenz, project engineer for the bridge on behalf of Howard, Needles, Tammen and Bergendoff, and FHWA’s District Assistant Division Engineer, John T. Isaacson:

Sterbenz, however, said perhaps it was wise that a model is being built “in view of all the controversy.”

Turner, Kneece wrote, had recently asked his Chief Counsel, David E. Wells, for an opinion. He replied:

It is not believed that we could approve the present Fine Arts approved structure on the basis of mathematical calculation alone.

You indicated in the court that you are satisfied from those calculations that the bridge could be built and would be safe. However, you further indicated that to be doubly sure and completely satisfied you felt a model should be constructed for testing.

The court indicates in its opinion that, with the novel structure, it believed from testimony that a model had to be constructed and subjected to tests before the standards could be met.

According to Isaacson, the District could begin some work now, regardless of the final design. “Meanwhile,” Kneece concluded, “the seagulls are finding the rusty steel piers of the structure a good roosting place.” [Kneece, Jack, “How Much Crushing Does the Three Sisters Bridge Need?” *The Metro Notebook*, *The Evening Star*, April 3, 1971]

### **Fighting for Metro**

On April 1, Airis appeared before Chairman Inouye and the District Subcommittee of the Committee on Appropriations. Using maps, Airis summarized the status of freeway development.

As defined by the 1968 ICE, the District's Interstate System was 29.5 miles long. Several segments totaling 10.6 miles were in use:

- Theodore Roosevelt Bridge (I-66) and a section of the Potomac River Freeway (I-66 including its connecting E Street Expressway;
- 14<sup>th</sup> Street bridges (I-95) except the new bridge;
- Southwest Freeway (I-95) including its northbound 12<sup>th</sup> Street Expressway and the soon-to-be-opened 9<sup>th</sup> Street Expressway;
- the Southeast Freeway (I-695) to the completed 11<sup>th</sup> Street bridges over the Anacostia River; and
- Anacostia Freeway (I-295).

“All of these elements,” Airis told the subcommittee, “are in heavy usage,” with the 14<sup>th</sup> Street Bridges carrying the highest volumes (144,000 average daily traffic).

Construction was underway on a further 2.6 miles of Interstate freeway:

- Center Leg (I-95) to New York Avenue;
- Southeast Freeway (I-695) between the 11<sup>th</sup> Street Bridges and Barney Circle; and
- Three Sisters Bridge (I-266).

Discussing the Center Leg, Airis pointed out that “this is the leg you see under construction right out here in front of the Nation's Capitol:

It is already covered over and it is indiscernible now to a large extent from the Capitol area, as it is underground – although the Department has yet to finalize the air-right development details with the Redevelopment Land Agency between H and K Streets; the remainder is scheduled for opening in late 1972.

The Southeast Freeway was scheduled for completion to Barney Circle in November 1972. Of course, construction of the Three Sisters Bridge was under injunction. Noting that the District had sent its design engineering report to FHWA, he emphasized that it was “an essential link between the center city and the Dulles Airport and I-66 to the west.”

As for the remainder of the Interstate network, not yet under construction, he summarized:

Technically, the Potomac River Freeway along the Georgetown waterfront (I-266), and the East Leg of the Inner Loop up to Bladensburg (I-295), are in the design stage, but work is slower pending further development and no construction work has started.

The remainder of the system, that is, the North Leg of the Inner Loop, the Northeast-North Central I-70S and I-95 connections, and the extreme upper end of the East Leg require additional study as called for in the 1970 Federal-Aid Highway Act.

Still using maps, he explained the main differences between the Interstate plan and the Major Thoroughfare Plan that the city council had adopted in February 1968:

You will note the main differences, sir, are in the north central area. The Thoroughfare Plan that was recommended by the Council was to have I-95 go out over a New York Avenue alignment and make some type of connection with the Baltimore-Washington Parkway and then via the beltway, to I-95 to the north, eliminating the North Central Freeway. This is the discrepancy that the 1970 Federal Aid Act hopes to resolve.

The Thoroughfare Plan contemplates a 24½-mile system versus the 29 miles [planned for the Interstate System].

Before Airis could continue, Chairman Inouye said that when he received his new assignment, the first call he had received from the District concerned Metro. “And I must confess, that at that time I had no idea what the Metro was.” He asked Airis to “enlighten us as to what is involved in the so-called struggle that includes the Three Sisters Bridge, the highway builders, and the Metro.” Airis responded, “that is quite a large order,” but Chairman Inouye said, “Please proceed.”

Airis provided a lengthy discussion of traffic generators and volumes and steps to relieve congestion, such as imposition of staggered work hours to spread peak periods. In response to the chairman’s specific question, he said, “There is no conflict between subways and freeways”:

The two need to go together . . . They complement each other; they do not conflict. They do not compete with each other, only to a very limited degree because they are serving different purposes. As good as the subway is, as good as the bus transportation is, it will not haul one crate of oranges, not one. It will not make one service call where the man has to carry the beer or carry tools, or doctors’ kits. Those trips are made in rubber-tired vehicles, those and the host of other things that you cannot take care of on mass transportation. That is, if we are going to keep our civilization at its present level, and the well-being of our citizens at the present level. [District of Columbia Appropriations for Fiscal Year 1972, Hearings before a Subcommittee of the Committee on Appropriations, United States Senate, 91<sup>st</sup> Congress, 1<sup>st</sup> Session, pages 780-787]

He did not discuss the impasse Chairman Natcher had created by withholding subway funds until the District complied with the requirements of Federal law.

On April 7, President Nixon released a special message to Congress about the District of Columbia. It was a wide-ranging look at city issues, including home rule. He fully supported Reorganization Plan No. 3 of 1967, which replaced the commissioner system dating to 1874 with a mayor-city council form of government. However, one of his primary goals for the country was “to place local functions under local control, and to equip local governments with the authority and the resources they need in order to serve their communities well”:

To this end I solicit the cooperation of the Congress in transferring many of the routine municipal function it now must exercise itself, into the hands of the District government. Several such functions whose transfer is requested in the District’s 1971 legislative program include the setting of liquor license fees, the execution of long term lease agreements, and the issuance of no cost driver’s permits for use by District police officers

on duty. It is clearly time to stop tying the city's hands, and squandering the Congress' valuable time, by holding on Capitol Hill minor powers that belong in the District Building.

He looked forward to the commendation of the Commission on the Organization of the Government of the District of Columbia, known as the Nelsen Commission after Representative Ancher Nelsen although formerly called the Little Hoover Commission. The recommendations were due in March 1972. He planned to submit legislation extending the commission's life so it can provide its views "on the subject of expanded self-government for the District of Columbia."

City residents had now voted in two presidential elections and election of a nonvoting member of the House of Representatives. "I was proud to personally congratulate the Reverend Walter Fauntroy immediately after his election to this important post two weeks ago." It was, however, only an interim step because the city was entitled to a representative who could vote in the House. "I reaffirm my strong support for a Constitutional amendment granting to the District at least one full voting representative in the House of Representatives, plus such additional representation in one or both houses as the Congress may approve."

Among other issues, he discussed Metro funding and preparations for the Bicentennial. He said that when Metro began operations in 1974, "it will be the Nation's most modern mass transit system" and "should do much to unify the metropolitan Washington community." It would reduce congestion and pollution while stimulating the area's economy:

I am confident that disagreements over implementation of the 1968 and 1970 Highway Acts – now tying up needed METRO funds – can be resolved, and I have urged all of the parties involved to give priority to meeting these legislative obligations.

He also proposed that the Federal Government remove "another major obstacle now confronting METRO" by guaranteeing WMATA's revenue bonds to expedite their sale. The guarantee would allow WMATA to sell its planned bonds "so that METRO construction can go forward at once." The bonds would be taxable as a condition of the guarantee, allowing the Federal Government "to cover 25 percent of the Authority's anticipated interest costs on the bonds, enabling the issuance of \$300 million in additional bonds." In all, WMATA would be able to "close two-thirds of its \$450 million revenue gap, in keeping with the two-thirds Federal and one-third local cost sharing arrangement that has prevailed for METRO funding in general."

As the Federal Government and the District of Columbia prepared for visitors during the Bicentennial in 1976, President Nixon thought that Georgetown, "the District of Columbia's living link to the colonial and Revolutionary eras" merited special attention. Unless steps were taken now "on an overall development and preservation plan for the Georgetown waterfront area," this resource would be lost "by default." He added, "New roads and commercial development threaten to change the waterfront forever, piecemeal." He had asked the District, NCPC, and the Departments of HUD, the Interior, and Transportation "to join with private citizens and move ahead at once in development of an overall plan for the Georgetown waterfront." The goal was to preserve historic buildings, increase parklands, save open vistas of

the river and Roosevelt Island, and “provide for the harmonious development of public, commercial, and residential facilities.”

In putting the full faith and credit of the Federal Government behind \$1.2 billion in WMATA construction revenue bonds, President Nixon overruled Secretary Volpe and Chairman Hahn who favored an areawide payroll tax. Briefing reporters at the White House, Secretary Volpe said, “there are many different types of plans” in considering the financing issue, including the payroll tax, reducing the system, and backing the bonds. The President’s backing for the bonds “was the most prudent way” to “bring success” to the construction bonds and Metro.

He did not suggest a way out of the freeway-subway impasse, but said he had talked to Chairman Natcher. “Once we are able to lay all the facts before Congress, I’m very hopeful that they will be convinced that we mean business and release the money.”

WMATA officials were reportedly “delighted” by the President’s announcement. The three jurisdictions subject to the areawide compact would have to approve the change in financing plans.

Chairman McMillan of the House District Committee expected prompt action because the bond guarantee was “the only way we have to get revenue” for Metro construction. Another promising sign was that Chairman Natcher’s subcommittee would not have a direct role in providing the guarantee.

Although neither the President nor Secretary Volpe suggested a way around Chairman Natcher, Secretary Volpe did tell key Republican members of Congress on April 6 that, as the *Star* put it, he “may ask the U.S. District Court here to authorize a resumption of Three Sisters Bridge construction in an effort to convince Natcher to let go of the subway money”:

Volpe would ask the court to permit construction of two bridge support piers in the Potomac River while a model of a controversial single-span design is built and tested. The testing will not be completed until early July, Volpe told the congressmen.

[Prince, Richard E., “D.C. Plan Pushed By Nixon,” *The Washington Post and Times Herald*, April 8, 1971; Angle, Martha, and Gilken, Stephen, “Home-Rule Study Proposal Hits a Snag,” *The Evening Star*, April 8, 1971; Boldt, David R., “Metro Bond Backing is Seen Likely,” *The Washington Post and Times Herald*, April 10, 1971]

(Representative Nelsen’s Little Hoover Commission report was delayed. The commission’s reports, beginning in May 1972, covered topics such as education; city youth programs; waste due to failure to centralize purchasing, data processing, and paperwork management; public colleges; underfunding the retirement funds for teachers, fire fighters, and police; and the city’s authority to set taxes. The commission also recommended eliminating the presidentially appointed Deputy Mayor, to be replaced by an assistant appointed by the mayor. Based on newspaper coverage, the commission did not address highway development or home rule.)

## **Chairman Natcher Makes His Point**

On April 20, Chairman Natcher assembled his subcommittee for its first meeting of the 92<sup>nd</sup>

Congress. Mayor Washington, and Comer S. Coppie, the District's budget officer, were at the witness stand along with General Graham, Schuyler Lowe, and Roy Dodge representing WMATA, to discuss the second supplemental appropriation act, 1971. The supplemental was to cover several District funding categories, including \$34,178,000 for the city's share of Metro construction costs.

Because the subcommittee included several new members, Chairman Natcher said that before questioning of the witnesses began, "I have a statement I would like to make regarding the current situation as far as the Highway-subway [sic] impasse is concerned." The statement occupied 38 pages of the hearing record, with extensive reproduction of newspaper articles and other documents.

It covered the history of the highway program, emphasizing that local officials, not Congress, had chosen the segments of the Interstate System subject to BPR approval. He listed the 13 freeway segments BPR had approved in the September 1955 Yellow Book (North Central Freeway, Palisades Parkway, Three Sisters Bridge, 14<sup>th</sup> Street Bridge, Potomac River Freeway, South Leg, North Leg (West), North Leg (Central), Northeast-North-Central Freeway, North Leg (East), East Leg, and Intermediate Loop). "Since the adoption of these projects there have been 82 studies made, at a cost of over \$20 million."

He covered the activities that resulted in Section 23 of the Federal-Aid Highway Act of 1968, including the city's failure to use all the Interstate construction funds made available to it each year. He described how Congress had released Metro matching funds in 1966 after NCPC approved the freeway program, only to have NCPC reverse course after the funds became available. A lawsuit was filed in February 1966 to block the freeways. Congress responded with Section 23:

The District of Columbia has not been in compliance with the 1968 Highway Act at any time since passage of the act. From August 1968, until August 1969, the District government's position was simply outright refusal to comply with the act. If the District officials had listened to President Nixon and carried out the advice given to them by the President we would have solved this impasse over freeways and rapid transit many months ago.

He introduced President Nixon's letter of August 12, 1969, along with editorials and articles regarding the issues.

In September 1969, the Appropriations Committee recommended release of the District matching funds for Metro. "Every assurance had been made that both rapid rail transit and the freeway systems would go underway and construction would be completed on both systems." The city awarded a \$1 million contract to construct the piers for the Three Sisters Bridge. However, shortly after construction began, the U.S. District Court ordered a halt to construction.

When, as a result, Congress refused to release \$34,178,000 to the District for Metro, Secretary Volpe loaned \$57 million to WMATA. He pledged another \$68 million in February 1971. This time, the lack of matching funds restricted the use of the funding.

He referred to Representative Broyhill's letter to the White House "concerning the stalling tactics of the District officials" on the bridge":

It developed that in order to continue stalling the construction of the bridge an order was issue directing that an 81-foot model of the proposed bridge be constructed.

Chairman Natcher summarized the history of Metro legislation, starting with the bobtail plan for a 25-mile rapid rail system that would cost \$431 million, with the funds coming from the Federal Government (\$100 million), the District (\$50 million), and revenue bonds. Even before construction began on the 25-mile system, Congress approved a 98-mile system in 1969 based on an estimated cost of \$2.5 billion.

He pointed out his subcommittee's doubts about that cost estimate or that revenue bonds could be retired from fares collected. "The rapid rail transit systems in this country have never been able to retire bonds out of the fare box." Finally in November 1970, WMATA admitted that the 98-mile system could not be built for \$2.5 billion. When he suggested that the cost was more likely to be \$4 billion, WMATA officials held to their own lower estimate.

Despite their assurances, they found that Chairman Natcher had been right about the revenue bonds:

Several months ago the officials of the Washington Metropolitan Area Transit Authority announced that the bonds could not be sold due to the fact that the bankers and brokers in this country would not buy these bonds unless some guarantee was given that the bonds would be retired when they became due. The bankers and the brokers in this country know that bonds such as the rapid rail transit system bonds cannot be retired out of the fare box; therefore, a proposal is now underway to reauthorize the rapid rail transit system providing for additional costs for the 98-mile system and further providing for a guarantee by the Federal Government of the bonds to be issued. Since the overall cost of the 98-mile system exceeds the original authorization, the rapid rail transit system must now be reauthorized and the question of the additional cost of the system and the guarantee of the bonds by the Federal Government must be approved by the Congress.

He pointed out that for FY 1971, the city had requested an appropriation of \$3,495,000 for street improvements and extensions with a total budget of \$12,149,000 for capital outlays by the Department of Highways and Traffic. Because the overall city budget was out of balance for the sixth straight year, the committee "could not appropriate the \$3,495,000 requested for street improvements and extensions due to the fact that there was no available money for this purpose":

[It] was naturally assumed that when the supplemental appropriation bill for fiscal year 1971 was sent to the President by the District officials and then to Congress this bill would contain adequate funds for maintaining and repairing the streets in our Nation's

Capital. Not a dollar was requested for this purpose. Here again we see the District officials not only making every effort to stall the freeway system from going under construction but at the same time refusing to make recommendations for funds for maintaining and repairing the streets in our Nation's Capital . . . .

When it developed that no request would be made for maintaining and repairing the streets, our committee made an inquiry concerning this matter and we were advised by the District officials that it might be possible to secure rebates from the Department of Transportation on the Federal highway system money which could be used to maintain and repair the streets in our Nation's Capital.

(No such "rebates" were possible under the Federal-aid highway program. Federal law prohibited the use of Federal-aid highway funds for maintenance of Federal-aid or other roads.)

He did not know if Congress would authorize assurances for the bonds. "With all of our problems in this country, concerning housing, urban renewal, education, health, pollution and the many other problems that we have existing throughout the 50 States, the fact that we now confront with this impasse is right serious:

We have gone along with you and not a person in this room can say that this subcommittee has not carried out every commitment it has made.

The subcommittee had released the matching funds in 1966 only to have NCPC and the courts reverse course. The subcommittee had again released the funds in 1969:

We met with the President. He carried out every commitment he made . . . . If they had listened to President Nixon, we would not be in this impasse today, we would not be sitting here discussing it . . . . We have the impasse now as far as freeways are concerned and rapid rail transit.

He referred to the most recent court actions and the November 1970 design hearing for the bridge:

Nothing was done about it, and nothing has been done about it up to this time. They are talking in terms of an 81-foot model that, according to my information, was broken by the company with the contract to construct it. More delay and now downtown they say it will be several more months before they can proceed.

We have inquired as to when the bridge and freeway system would start under construction again so we can appropriate the money for rapid rail transit and for our freeway system? We have \$200 million for our freeway system. When are you going to solve this impasse?

Assuring the new members that "we have carried out every commitment," he continued:

General Graham, you know that is true. Why does this impasse exist and why do they not do something about it? The law of 1968 is the law and it must be complied with. The law of 1970 provided for the studies and it must be complied with.

He emphasized that the Appropriations Committee favored a balanced transportation system. “We are for rapid rail transit, we are for the freeway system, and we are for the bus system which will tie in with the two systems.” He concluded his presentation by saying, “I want you to know that we on this committee are for both systems and that is our attitude at this time.” [Second Supplemental Appropriation Bill, 1971, Hearings before the Subcommittees of the Committee on Appropriations, U.S. House of Representatives, 92d Congress, 1st Session, 1971, pages 969-1008]

He then turned to Commissioner Washington, as he would be called during the hearing, to present his statement. He was hesitant to comment in detail on Chairman Natcher’s statement except to say that the chairman had relied extensively on newspaper articles. The facts, Commissioner Washington said, “are well-documented and I am not sure that the newspaper accounts adequately reflect what the situation is.” He said “that, in all candor, the District has attempted to proceed within the bounds of its understanding. Here and there we may have faltered, but on the whole I think we have, to the fullest extent of our ability, tried to resolve the entire matter before us”:

I would like to note at this time that we are building, and some of the complaints around the city indicate this, a good amount of highways; actually \$65 million is being built at this moment in freeways, but that is not really what I am getting at.

The city had made “an honest endeavor to comply with the requirements of the 1968 and 1970 Highway Acts.”

He submitted a status report, prepared by Deputy Mayor Watt, for each of the projects listed in the 1968 and 1970 highway legislation, summarized here:

Three Sisters Bridge, I-266: Enjoined by court order of August 7, 1970, pending safety findings, economic and social effects certification and design public hearing compliance. The hearing was held December 14-16, 1970 and the design report was submitted to the Department of Transportation on March 31, 1971. The environmental statement was under preparation.

Potomac River Freeway, I-266: Per the conference report on the 1968 Act, the District began right-of-way acquisition on October 1, 1969, and ordered the design consultant to begin work on September 9, 1969. “A design hearing would seem to be required and consultant effort is pending towards such a *hearing* in the summer of 1971.”

Center Leg of the Inner Loop, I-95, terminating at New York Avenue: Construction has continued to Massachusetts Avenue south of New York Avenue. The city is awaiting HUD’s approval of the air rights development between H and K Streets before work begins on the segment to New York Avenue.

*East Leg of the Inner Loop, I-295, terminating at Bladensburg Road:* The conference report for the 1968 Act called on the city to direct the consultant for the portion between Barney Circle and Benning Road to resume work. Consultant recommended design in July 1969. The city received bids on the first contract on January 15, 1970, but the U.S. Court of Appeals enjoined the city from proceeding on April 6, 1970.

East Leg of the Inner Loop, I-195, terminating at Bladensburg Road continued: The conference report called for the city to negotiate a design contract for the section between Benning Road and Bladensburg Road. The city signed the consultant's contract on June 5, 1970.

South Leg of the Inner Loop: The 1968 Act called for an 18-month study period to be reported to Congress by February 23, 1970. The city submitted the report on February 20. Congress did not mention the South Leg in the 1970 Act. "This section, therefore, needs further clarification by Congress and others. With concurrence, this project could proceed at an early date."

East Leg of the Inner Loop, I-295, beginning at Bladensburg Road: The 1968 Act allowed for an 18-month study and report period. The city submitted the report on February 20, 1970. The 1970 Act called for restudy and report within 12 months of enactment.

North Central (I-70S) and Northeast Freeways (I-95): Per the 1968 Act, the city submitted a report to Congress on February 20, 1970. The 1970 Act called for restudy and a report within 12 months of enactment.

North Leg of the Inner Loop, I-95: Per the 1968 Act, the city submitted a report to Congress on February 20, 1970. The 1970 Act called for restudy and a report within 12 months of enactment.

He was there "to reiterate, in the strongest possible terms, the District of Columbia's firm commitment to the development of the rail rapid transit system." Construction must proceed "to justify the good faith of so many, particularly our suburban neighbors" and Federal officials who had supported Metro "despite some very serious problems since that hopeful day just over a year ago when ground was broken on this immense project":

The \$34.2 million requested funding is a comparatively small portion of the total present cost. But it is critical in being an inextricable part of a carefully and tightly put together financial and construction plan for the total system.

Further delay "would mean even greater inflationary pressures and more uncertainty regarding the marketability of the necessary revenue bonds – at the very time when President Nixon has proposed a very sound plan for resolving these problems."

He recognized Chairman Natcher's commitment to Metro. "I believe that you, perhaps even more than I, understand what I mean when I say that in my opinion it is the lifeblood of the Nation's Capital." He urged Chairman Natcher to help find a way forward. "This is my concern,

my earnest plea that we do so and that we take out commitments strongly at this time.” [pages 1010-1011; the status report appears in Second Supplemental Appropriation Bill, 1971, Committee on Appropriations, U.S. House of Representative, 92d Congress, 1<sup>st</sup> Session, Report No. 92-187, pages 101-103]

Chairman Natcher asked the new members of the subcommittee if they had any questions for Commissioner Washington. Representative Stokes had no questions but thanked Chairman Natcher for his “well-documented and comprehensive statement.” Representative Scherle agreed with Representative Stokes’ “eloquent statement” and promised to do his homework to catch up with the subcommittee’s work.

Representative McEwen noted that the articles Chairman Natcher had produced for the record gave the impression that “this whole problem was brought about by one man, namely you, sir.” Having served on the Roads Subcommittee of the Committee on Public Works for 6 years, he recalled “some actions taken in that subcommittee and the committee . . . and the entire Congress and signed by the President”:

If nothing else, Mr. Chairman, I would hope that there could be an increased awareness of the fact of what you refer to, that we do have Federal highway laws that were passed, and are law, and it is more than just one or two people who have strong feelings on the need for both mass transit and highways.

Referring to the \$20 million in studies, he said that without exception, the studies “said that there was a need for both mass transit and for a highway system.” He hoped both would go forward.

Representative Myers said he also appreciated the chairman’s statement. He promised to do his best to cooperate with Commissioner Washington. [pages 1011-1013]

General Graham’s formal statement summarized the status of Metro design and construction, concluding:

I cannot too strongly stress the urgency of the appropriation of these funds. We have just revised our operational phases to take into account our financial and construction problems. Our schedule is compressed as far as possible without impacting the completion date of 1979 and further upsetting the associated financial planning.

WMATA Chairman Sickles, who was out of town, submitted a formal statement that referred to the 5 miles of construction that were under contract and mostly under construction. “So you can see, Metro is no longer an abstraction. It is well and visibly underway.”

He summarized the restudy of construction costs undertaken in 1970 as a condition of selling the revenue bonds. The restudy identified an increase of \$500 million. However, financial consultants pointed out that “some form of tax backup or guaranty would be necessary to attract investors.” WMATA’s compact partners had discussed ways to comply with this concern, but time was of the essence:

We are most encouraged by the President's proposal. It promises to provide the means of fulfillment of the objective which the Congress and the metropolitan community has sought for well into two decades. We pledge that with your assistance, Metro will be built – built on schedule – and built with the qualities which will encourage its maximum use and to a standard worthy of the Nation's Capital. [pages 1013-1019]

### **On the Eve of Revolt**

The plan hatched by Representatives Giaimo and Obey, along with Representatives Stokes and Silvio Conte (R-Ma.), was soon to reach the House floor as their colleagues considered the \$6.9 billion second supplemental appropriation act.

On May 6, Chairman Natcher had again prevailed in withholding the District's matching funds in an Appropriations Committee vote behind closed doors. In the majority report, he said he would be willing to reconsider the rejection "at a later date . . . in anticipation that the current highway-subway impasse will be resolved." [Second Supplemental Appropriation Bill, 1971, Committee on Appropriations, U.S. House of Representative, 92d Congress, 1<sup>st</sup> Session, Report No. 92-187, page 13]

In a dissenting minority report, Representatives Giaimo, Obey, Stokes, and Conte said Metro was "a sound and profitable investment" that should remain on schedule. They said, "The District must, of course, comply with congressional directives and we feel that it is in substantial compliance with appropriate directives of the Highway Acts" of 1968 and 1970. They knew they faced an uphill battle, as the *Post* reported:

The basic strategy of the dissenters, one insider said, is to crack the façade of solid support previously enjoyed by Natcher in withholding the subway money. This, he added, could make it easier for Senate conferees to prevail when the money bill goes to a House-Senate conference. [Pages 99-103]

Although the Senate supported releasing the District's share, Chairman Inouye was "reliably reported" to be worried that defeat of the dissenters' plans on the House floor "might make it harder for him to prevail in conference." [Boldt, David R., and Eisen, Jack, "4 Vow House Fight Over Metro Funds," *The Washington Post and Times Herald*, May 7, 1971]

Representative Gude wrote to all his House colleagues in support of the challenge:

There is no sensible basis for holding up these funds any longer, particularly in view of Congress' earlier commitments (1966 and 1969) to fund the subway program . . . . It appears that the District government has complied with all elements of the law and we fear that any further delay in the release of the \$34.2 million will endanger the very life of this vital project. [Kneece, Jack M., "Metro Proponents Challenge Natcher," *The Evening Star*, May 9, 1971]

On Sunday, May 9, Senator Inouye appeared on a local public affairs show, WRC-TV's "Dimension Washington." The Senator could understand Chairman Natcher's position:

In some ways I agree with him. I can't help but feel that certain people in the Department of Transportation have not been pushing this the way they should.

If the White House had come out forthrightly and assured those for a highway system that it would be built, I'm certain the Metro would be built.

In a telephone interview with the *Post*, Chairman Inouye explained that the root of the problem was that the Transportation Department "has been a little slow" in ensuring compliance with the 1968 and 1970 Highway Acts. "Someone has been dragging his feet, and it's noticeable to many, not just to Mr. Natcher." [Prince, Richard E., "Metro Fund Holdup Laid to White House," *The Washington Post and Times Herald*, May 10, 1971]

Editors of the *Star* and *Post* welcomed the challenge to Chairman Natcher. "Finally, after all these years," the *Star* editorial began, four dissenters had broken with "past practice" to set the stage for "a House floor fight – possibly a major fight – when the issue is called up next Tuesday." Clearly, "next Tuesday's revolt will be an uphill struggle [for Metro] . . . which everyone accepts," and it would turn on whether the city and the Department of Transportation, as Chairman Natcher contended, "have failed to comply in good faith with Congress' freeway-building demands."

The *Star* urged the House "to clear the subway funds immediately, and to couple that action with a clear-cut new demand for action on the highway construction previously ordered." Chairman Natcher's conciliatory comment in the majority report "strongly suggests that with a little more effort on the part of Mayor Washington and the White House, an agreement can be reached." ["Subway Revolt," *The Evening Star*, May 8, 1971]

On May 11, the day of the challenge, the *Post* anticipated the vote by calling it a "test both of the attitude of the 92d Congress toward the nation's capital and the ardor of the White House for the transit program here." This was the "first challenge on the House floor against five years of subway fund-withholding tactics" by Chairman Natcher. Representative Giaimo, the leader of the challengers, was optimistic, citing sympathetic House members and national conservation groups. "You don't go into these battles if you're going to lose."

However, some key figures were absent on this day, including the Nixon Administration:

The White House press office did not respond to inquiries on what steps, if any, the administration is taking. A spokesman for the Department of Transportation said that agency "certainly wouldn't get into anything that would infuriate the Appropriations Committee," which voted last week to withhold the subway money.

The office of Minority Leader Ford indicated he would support the committee, while WMATA "steered clear of involvement." The city's involvement had been "quiet." Deputy Mayor Watt had attended strategy sessions, and the city was trying to persuade undecided Republican Members of Congress, but Mayor Washington "left town yesterday for Bermuda on his first vacation since taking office."

The *Post* explained the strategy:

Giaimo is seeking not only the backing of liberal Republicans and Democrats, whose support should be nearly automatic, but also the support of nationally based pressure groups. Giaimo apparently has succeeded in convincing conservation groups that a subway will cut pollution and is therefore an environmental issue.

The Sierra Club and Friends of the Earth were among the supportive groups. Robert Waldrop of the Sierra Club said, “The very name of Natcher increases the pulse rate among antifreeway people across the country 10 times or so.”

The Democratic Study Group, which included more than 100 liberal Representatives, put out a “special alert” to its members, while Representative Gude planned to contact the 30 members of the Republican Wednesday Morning Club. Representatives Gude and Fraser wrote in a joint letter that, “Any further delay . . . will endanger the very life of this vital project.” Delegate Fauntroy had enlisted support from the 13-member House Black Caucus.

Representative Obey informed reporters why he had joined the fight. “I’m much more interested in hospitals and schools. But I don’t want to see the subway lost in a phony controversy. If they have some other objection, let them get it out in the open.” [Boldt, David R., and Eisen, Jack, “Fight is On to Get Metro Funds,” *The Washington Post and Times Herald*, May 11, 1971]

In an editorial that morning, editors of the *Post* acknowledged that it was “probably too much to expect the men and women of the House Appropriations Committee would buck their leaders” by voting in committee for Metro funding. There couldn’t be “a whole lot of political mileage in quarreling with their seniors over a mere \$34.2-million request.” Now, the entire House “will be asked to decide whether this region will have a subway or not.”

The editors praised Representative Giaimo and his cosponsors for deciding to fight their chairman. The traditional argument that Congress would release the Metro funds when it received evidence that the freeways were underway “sounds like a reasonable stance”:

But is it reasonable to ruin a regional transportation system because of a dispute with the city on another count? Is Metro the only club Congress can use to work its will? When the suburban taxpayers refuse to take any more financial risks [by contributing their share for Metro], and when the bonds cannot be sold for the subway – and when we are left with a set of expensive empty caverns around town – will Congress have acted *reasonably*?

Surely Congress could find some other way to show its dissatisfaction than “to kill the subway [and] ruin any chance of arriving at a ‘balanced’ transportation system here.” The editorial concluded:

When the issue comes to a vote on the floor, we hope every congressman will consider the question not out of pique at the District government – but as a matter of vital concern to all the people of this area. [“Does the House Want Metro or Not?” *The Washington Post and Times Herald*, May 11, 1971]

## Day of the Revolt

Chapter III of the supplemental appropriations act for FY 1970, H.R. 17399, covered the District of Columbia. Representative Giaino introduced an amendment that proposed to insert the following:

### Loans to District of Columbia for Capital Outlay

For an additional amount for “Loans to the District of Columbia for capital outlay,” \$34,178,000, to remain available until expended and to be advanced upon request of the Commissioner to the general fund

### District of Columbia Funds

#### Capital Outlay

For an additional amount for “Capital Outlay,” \$34,178,000, to remain available until expended.

He acknowledged from the start that it was “difficult . . . to stand on the floor of this House and try to do something for the District of Columbia which we think is right.” The White House and the Department of Transportation supported Metro wholeheartedly, and yet here he was, he said, asking the Administration and the Republicans “to put their money where their mouth is” by releasing \$34 million in District matching funds that had been blocked for years “because of the impasse in the struggle over the highway system.”

Chairman Natcher, “for whom I have the greatest affection,” supported a balanced transportation system of freeways and subway, but was preventing the District from paying its matching share for Metro even though Maryland and Virginia had paid their share:

I say this is not right. The people who are fighting about the highways – for the highways and against the highways – have their reasons and both have their remedies. They have taken legal remedies and proper remedies. They are in court. The Three Sisters Bridge is being held up by an injunction. There is another ruling against one of the other roads in the freeway system. The fact of the matter is that we, in the Congress – we who hold so much power – should be above maneuvering, forcing, and trying to blackmail the people into compliance.

Congress had voted \$180 million for the subway in the Department of Transportation budget to pay the Federal share, but at the same time “says on the District of Columbia share – the local share, the \$34 million share that we are withholding – Congress says ‘You are not in compliance with the law on highways.’” He added, “We can work out the highway problem, but let us not hold the subway hostage.”

He was concerned that without the District matching funds, WMATA would have to stop construction. “At this late date for Congress to jeopardize the construction of the subway already

authorized and approved by the Congress would be improper and unseemly.” Every delay simply increased the cost of Metro, then estimated to cost \$2.9 billion for the 98-mile system.

Representative Giaimo concluded his initial remarks:

As I said earlier, let the various forces who are fighting the freeway and the subway fight, using their legal means, and if they use some maneuverings and other unethical means, so be it. But let us in the Congress be men – and I say that generically with the gentlewomen present – let us be men in Congress and let us take the high road and say, “We are for mass transit. We are for the subway system. We are not going to hold it hostage any longer.” [Second Supplemental Appropriations, 1971, Congressional Record-House, May 11, 1971, pages 14437-14439]

Representative Broyhill supported the amendment. He thought it “interesting, when we stop to think about it,” that no one was debating the need for the Metro subway. “That question has already been decided” he said, “after so many years” of debate on Capitol Hill. He discussed the dire situation WMATA faced, with all available funds obligated or committed:

Why should we jeopardize the entire project just because of some disagreement or some misunderstanding between the Congress and the District government on another law, on another act, if it has nothing to do with this subway system?

Why should the other communities, the other States, and the people of the Nation, for that matter, be punished by being denied the use of this rapid rail system in the Nation’s Capital simply because someone downtown, someone in the executive branch, possibly, has not done as much as we think he should have done in complying with the law?

There are other ways of making them comply with the law. Holding up these subway funds has not been too effective up to this point. [pages 14439-14440]

Delegate Fauntroy commended Representative Giaimo for “his courage and intelligence” in introducing the amendment:

It makes absolutely no sense to fund the Federal share of the subway system while withholding, with no logical basis, the District’s. I agree that it is unconscionable to hold the subway hostage to force freeway construction, and I further agree that delaying the Metro funding will result in added cost escalation which we can ill afford in this community.

He contended that the District was in compliance with the 1968 Act. It began construction of the Three Sisters Bridge, which was halted by court order:

With regard to the other aspects of the freeway system mandated by the Congress in the Highway Act of 1968, construction is underway or being planned or being studied in accordance with the Highway Act of 1970. Nothing more can be required of the District of Columbia government which has proceeded diligently to comply with the law, despite widespread and deeply felt citizen opposition to several roadbuilding projects.

The subway was vital to the environmental and economic future of the Washington metropolitan area, as Congress recognized when it “gave overwhelming approval to the interstate compact creating the Washington Metropolitan Area Transit Authority” in 1966. He concluded:

I hope as you approach your vote on this amendment that you will vote not because it is safe, not because it is politic, not because it is popular and good, but because it is right that we move on with the construction of our subway system. [page 14440]

Representative Gude picked up on Delegate Fautroy’s final comment, saying, “as to whether it was politic to support this amendment, let me say that it is particularly politic, because by supporting this amendment you are going to save some taxpayers money.” Without the amendment, “the cost of the Metro system will escalate, and our commitment is going to cost more and more.” He cited several factors contributing to Metro cost increases that Congress could not control, including interest rates and a 7-percent escalation factor. The one factor that Congress could control was its own reluctance to let the District pay the share it is required to pay under the interstate compact backing WMATA. Congress could continue to refuse the matching share and contribute to the cost increases or “we can get on with the job of building the Metro system which the National Capital region so sorely needs.” [pages 14440-14441]

Representative Samuel S. Stratton (D-NY), a former mayor of Schenectady who had won election to the House in 1958, supported the Giaimo Amendment. He referred to ping-pong diplomacy that was in the news, referring to an exchange of ping pong players as a step in improving relations with China:

One of the things that we discovered is that even in Peking they have a subway, and a rather modern one, and a rather clean one. They have had one in Moscow for some time. So, if we are going to try to keep up with the Soviets in our Polaris submarines and in building ballistic missiles, I think we ought to at least try to match them in developing a modern, clean, and attractive subway here in the Capital of the free world.

Because of his respect for Chairman Natcher, he was disturbed to read in the newspapers that “one Member of Congress is holding up the financing of the subway.” He thought that the entire Congress should decide this matter, and Representative Giaimo had provided the opportunity.

He did not know the ins and outs of the Committee on Appropriations or the District freeway battles:

Well, I know enough about my own district in upstate New York – in Albany, the capital of New York State, and in Schenectady – that we have just about come to the end of the road on the amount of concrete that we can successfully put in metropolitan areas. Today, the people in Washington are not the only ones who are objecting to more interstate highways being built in their backyards. They are objecting in Schenectady and in the town of Guilderland, and in Albany, and I am sure they are objecting in many of your districts, too.

So let us not make the Metro the hostage of more concrete here in the District of Columbia, and certainly let us not make it the hostage of the Three Sisters Bridge. I drive down the George Washington Parkway each morning, and I would hate to see that beautiful Potomac vista damaged by the construction of another bridge.

In addition to damaging the Potomac vista, the bridge would affect Glover-Archbold Park. “You just cannot have a bridge without all kinds of abutments to it, and one of the very beautiful park areas of this city, which I have enjoyed off and on for 30 years, is destined to be damaged if not entirely destroyed if that Three Sisters Bridge goes up.” [page 14441]

Representative Conte commended Representative Stratton:

The gentleman made mention of ping-pong diplomacy. Let me tell you that the ping-pong game that they have been playing with this transit system here in Washington, D.C., makes the ping-pong game that they played in Red China look anemic by contrast. [page 14441]

After several additional Representatives explained why they supported the amendment, Representative Clarence D. Long (D-Md.), who had represented a district based in the northeastern suburbs of Baltimore beginning in 1963, was the first to oppose it. He was concerned about the increasing cost of Metro. First it was a 23-mile [sic] network estimated to cost about \$400.6 million. Then it turned into a 98-mile system costing \$2.5 billion with two-thirds of the funds to come from the Federal Government. “Now we find that \$2½ billion figure has gone up.” It was up to \$3 billion at this point, but it would probably end up at \$5 billion:

Now, Mr. Chairman, this is just the beginning. There are going to be more readjustments on these figures. I think we are going to find that this subway is a disaster.

He contrasted the Metro plan with the New York City subway:

New York is probably more ideally situated for a subway than Washington because it is a long narrow city where people can get to the local subway easily and go long distances. In contrast, Washington, D.C., is more spread out; most of the people in Washington will be living far from any subway station.

He added that even with a 30-cent fare, the New York City subway cannot support its operating expenses from the fare box, running a projected \$120 million annual deficit. Once Metro opened, it would run an operating deficit, just like the Nation’s other rapid rail systems:

The answer to Washington’s transportation crisis is better traffic management; a ban on cars in the city to force people to ride the buses; a more efficient bus system; and the movement of a large number of Federal installations to office space outside the District and not to move any more Federal activities into the city. We are trying to put too many angels on the head of a pin . . . .

As some of my colleagues have pointed out, the D.C. subway system is the biggest public works project in history – bigger than the SST and four times the cost of the Aswan Dam.

We are throwing \$5 billion away for Washington, D.C., because a lot of Congressmen and their staffs want to have a little extra convenience. They probably will not use the subway, but they think other people will. Traffic will decrease and congressional employees will be able to drive to the Capitol more quickly. [pages 14442-14443]

Representative Bow, the ranking Republican on the Committee on Appropriations, had objected the instant Representative Giaimo introduced his amendment. The amendment was not germane, he said, because amendments had renumbered the sections; chapter III was now Foreign Operations. Moreover, Representative Giaimo “did not show us the courtesy of submitting the amendment to us.”

Representative Bow was overruled, but when permission was sought to allow discussion of Representative Giaimo’s amendment beyond his allotted time, Representative Bow pointed out that he had objected when Representative Giaimo was granted 5 minutes, but he would not object at this time. “My blood pressure has gone down just a little bit” since his previous objection had been overruled.

Representative Bow had lived in the Washington area for years. He had arrived as general counsel to the Subcommittee on Expenditures in the late 1940s and held a variety of posts before winning election to the House in 1950 from a district based in Canton, Ohio. He lived in the Greenbriar, an apartment building at 4301 Massachusetts Avenue, NW. Now, he took just a few moments to say he supported the work of the subcommittee, opposed the Giaimo Amendment, and wanted to defend Chairman Natcher:

This cannot be said to be one man alone who is holding this up. It is the subcommittee and the full committee who have supported the gentleman who is chairman of that subcommittee. I am looking forward to his address to the House this afternoon. I am sure that those who will hear him will agree with him as we will defeat the Giaimo amendment. [page 14443]

That one man, Chairman Natcher, rose to oppose the amendment, repeating much of his recent statement during the subcommittee hearing, including documentation by newspaper articles and editorials.

The committee, he said, had long supported a freeway and rapid rail transit system for Washington. “In order to meet the tremendous day-by-day growth of traffic the highway program must be carried out along with the present rapid rail transit system that is now under construction.” The committee had recommended funding for Metro in 1966 and again in 1969, but “has not approved at this time the request for \$34,178,000 to finance and provide the District of Columbia’s share of the current costs of the construction of the rapid rail transit system.” The \$38,308,000 requested in the regular 1972 budget would be considered at a later time “in anticipation that the current highway-subway impasse will be resolved.” He made clear:

The provisions of the Federal-aid Highway Act of 1970 [sic] must be complied with by the District officials before our committee can recommend to the House of

Representatives that additional amounts be appropriated to continue construction of the rapid rail transit system.

He emphasized that no committee of Congress had selected any of the elements of the District's Interstate network. District officials had selected them and worked out detailed plans for them. "Neither the location for the Three Sisters Bridge nor the location of any highway project was selected by any committee of this Congress."

He recalled the history of the District's freeway plans, starting with BPR's designation in the Yellow Book (September 1955), and including the 82 studies conducted on the routes. He continued:

For instance, on the Three Sisters bridge [sic] we have eight studies and on the Potomac River freeway [sic] we have eight studies. When the footdragging began the studies began and this in the main was a system used to stall the freeway program. There were some people back in the beginning who believed that this was the only method to be used in order to force the Congress to approve a rapid rail transit system in our Nation's Capital . . . .

By virtue of delay and failure to comply with the law set forth in the Highway Acts of 1968 and 1970 the cost of the freeway projects are in some instances more than double our original amount estimated.

The Committee on Public Works had "made every effort possible to see that" the District complied with the September 1955 approvals:

After it was clear that the District of Columbia did not intend to construct the freeway program which it had requested and approved, the Public Works Committee decided that in all fairness to the States of Maryland and Virginia, who had relied upon the system agreed upon in the District of Columbia and in the States of Maryland and Virginia, brought forth the provision in the Highway Act of 1968 calling upon the District of Columbia to construct certain projects of the freeway system which the District had approved.

The two States developed their Washington area networks on the assumption that the District would build its segments:

Along about this time the Emergency Committee on the Transportation Crisis was formed. Statements were issued by members of this committee that there would be no more exits or entrances into our Capital City. The committee proceeded to make every effort possible to destroy the freeway system which had been approved and to stop construction on each and every project in the system.

Section 23 of the 1968 Act had required the District to begin work on the Three Sisters Bridge, the Potomac River Freeway, the Center Leg of the Inner Loop, and the East Leg of the Inner Loop, and to study the remaining segments and report to Congress within 18 months. The

District had not “made any effort” to comply until the Revenue Act of 1969 denied the Federal payment to the District unless the President sent a letter assuring compliance with Section 23:

The compliance at that time consisted of starting the Three Sisters Bridge under construction, commencing engineering work on the Potomac River Freeway, continuing construction on the center leg of the inner loop, and advertising and receiving bids on the first section of the east leg of the inner loop. The District of Columbia had 60 days to award a contract on this latter program but refused to do so before a suit had been filed in court.

The District submitted its report to Congress with a recommendation to extend the East Leg through the National Arboretum “and forced a change in the upper end of the east leg which had already been directed by the act”:

The east leg therefore represented a maze of noncompliance with the 1968 act. The suggestion of going through the National Arboretum was premeditated, of course, and brought about hundreds of letters from fine women throughout this country objecting to extending the freeway system through the National Arboretum. Those who had made up their minds to stop the freeway system in the District of Columbia knew this, of course, and decided that notwithstanding the fact that such a proposal was fraudulent, it might to some extent place them in a position of being able to say that they were complying with the Highway Act of 1968.

The Department of Transportation’s report was in “complete disagreement” with the District’s recommendations, and neither had consulted with Maryland or Virginia highway officials. “In fact the council of governments which must be consulted on these projects had rejected the District’s plan in early 1969.”

Section 129 of the 1970 Act allowed 12 months for further study of the East Leg, the North Leg, the North-Central Freeway, and the Northeast Freeway. “Over 4 months of that 12 month period has elapsed and the District has not as yet begun these studies.”

The Three Sisters Bridge was “a most important part of the freeway system” that was being held up in the courts. He recalled President Nixon’s letter assuring him that the Attorney General and the Department of Transportation’s General Counsel would assist the city in responding to the lawsuit. “At this time they are apparently at odds with each other as to how to proceed.”

He recalled the protests when construction of the bridge began:

Prior to the letting of the contract a group of people appeared before the city council. At the time that this matter was under discussion, a general disturbance took place with ashtrays thrown at the members of the city council and with a number of arrests made. Mr. Chairman, you will recall that a subpoena [sic] was issued and served on me following the arrests of a number of people who for years now have violated every law attempting to stop the freeway system from going under construction and according to the

newspapers some of those arrested were demanding that I appear at the time they were to be tried to explain just why it was that the Highway Act of 1968 must be complied with.

You will recall, Mr. Chairman, what transpired at the time I presented the subpoena to the House. Of course, the House refused to recognize the subpoena and the Highways Acts of 1968 and 1970 are still the law and must be complied with by the District of Columbia officials.

He recalled the protesters at the construction site:

On a number of occasions the District of Columbia police had to be called to maintain order and during the disorders a trailer containing valuable tools and equipment was set on fire and destroyed with the damage amounting to nearly \$100,000.

The Department of Transportation and the District had rejected the advice of the Attorney General and the District Counsel to appeal Judge Sirica's ruling. Instead it completed hearings on the design in December 1970. Four months later, the only thing that had happened was that "someone suggested that an 81-foot model be constructed" to verify the safety of the design:

A contract was let for the 81-foot model and according to my information, Mr. Chairman, several days ago the model while under construction broke and it will require several months before the model will be completed and used. Here again we have nothing but deceit and footdragging, Mr. Chairman.

Meanwhile, the District was paying the contractor \$500 a day damages (\$15,000 a month) for halting work on the Three Sisters Bridge.

Chairman Natcher turned to WMATA's financial difficulties. He pointed out that his committee had been skeptical from the start that the 98-mile Metro system would cost \$2.5 billion. "I believed then and I believe now" that the system would cost at least \$4 billion and might cost \$5 billion. Nevertheless, WMATA officials appeared before the committee to explain that the system could be built for \$2.5 billion. They admitted to a cost increase of \$480 million only during a hearing the previous fall. The District's share of the new estimate would be \$269,700,000 instead of \$216 million.

Investors had refused a year ago to purchase \$835 million in bonds backed by revenue from the fare box. The committee had always maintained, he said, that bonds could not be retired from fare box revenue "and this has been the experience of all other communities operating a rapid rail transit system." The brokers were insisting that the Federal Government guarantee the bonds.

(As explained earlier, WMATA did not attempt to sell revenue bonds in 1970. The agency had consulted with Wall Street firms during the year that indicated investors would not purchase the bonds WMATA planned to offer in 1971 if they were backed only by farebox revenue.)

He called Metro "the largest single public works project in the history of the United States of America." By comparison, the Manhattan Project to create the atomic bomb cost \$1 billion.

None of the individual projects by the Tennessee Valley Authority or the space program exceeded \$1 billion. “Even the Aswan Dam project only cost \$1,200 million.”

Chairman Natcher said:

The Highway Acts of 1968 and 1970 must be complied with by the District of Columbia officials and both rapid rail transit and the freeway system must proceed together. Further delays and footdragging will not be accepted and such action can, if continued endanger completion of the rapid rail transit system.

The Committee on Appropriations had acted “in good faith at all times and we intend to remain in this position.” The committee wanted to release the \$34,178,000 in supplemental appropriations and the \$38,308,000 requested for FY 1972 and all additional amounts for Metro. “Construction work on the Three Sisters bridge [sic] must begin and the provisions set forth under the Highway Acts of 1968 and 1970 must be complied with in full by the District of Columbia.” [pages 14443-14445]

Because he wanted to ensure that his colleagues had a better understanding of the impasse, he introduced for the record his statement at the start of hearings on the Second Supplemental Appropriation Act. [pages 14445-14456]

Following Chairman Natcher’s remarks, other Representatives expressed their views on the Giaimo Amendment. Chairman Mahon of the Appropriations Committee briefly stated, “I want to express opposition to the pending amendment and offer the hope that the amendment will be defeated.” He did not elaborate on his view. [page 14456]

Representative Davis opposed the Giaimo Amendment. An attorney, he had joined the House in 1947 after winning a special election and served until 1953 after losing an election to the Senate. He returned to the House in 1965. He said that “in this drama of the saints and sinners here this afternoon I rise to fully support the role of the alleged chief sinner of the piece, the chairman of our subcommittee, the gentleman from Kentucky.” He wanted to make clear just who was supporting this amendment:

There have been self-cast here this afternoon in the role of the saints, one subcommittee member who attended neither the hearings nor the markup of this supplemental measure; one who offered an amendment to bring the government of the District of Columbia to a halt by an amendment to the District of Columbia revenue bill to deny all federal payments until the freeway system was under way; one who voted against the SST after the authorization and the commitments had been made, but who now argues that we should provide the money because it has been authorized, and there have been commitments made; and two who obviously do not want a balanced transportation system, for they patently revealed their opposition to the bridge and to the connecting freeways.

Those were the same types as the people in the District who want to stop automobile pollution by not funding street repairs:

[In] the appropriation for this fiscal year you will not find one single dime for the repair of the streets in order to keep the automobiles running in the District of Columbia. And those people in the Government did not come back in the supplemental which is now before us for one single dime for that purpose. That is one way you can avoid the pollution of automobiles.

All the committee was doing was insisting that District officials implement the freeway and Metro plans that they agreed on to create a balanced transportation system. The subway funds would be released “on the day that we receive tangible commitments to a balanced transportation system for the District of Columbia.” He added:

We have been fooled and we have been disappointed too many times, to give the go-ahead to one segment of a balanced transportation system until we have assurances that the other facets of that balanced transportation system will be implemented also . . . . And that is the position this Congress has taken time and time again. I do not believe we ought to run away from a position that is well grounded and one that we have consistently taken in the past. [pages 14456-14457]

Representative William L. Scott, whose Virginia district was based in Fairfax County beyond the Capital Beltway, was the biggest surprise of the debate because he opposed the Giaimo Amendment. He explained:

One of the most frustrating things that I face each day when I drive down Interstate 66, and get to the beltway, and then have to find some side road to come on in to the District of Columbia to work.

Thousands of Virginia commuters were similarly frustrated. Metro was to be built in the median of I-66 “and until you have the right-of-way for that road, you cannot have the rapid rail transit in Virginia.” Representative Scott would be the only area Congressman to vote against the amendment.

Representative Koch responded to Representative Long’s comments about New York City. The implication was that New York City wished it did not have a subway generating operating deficits. The truth, Representative Koch said, “is the city of New York could not exist without a subway system. We want an even greater subway system.”

Representative Long interrupted to say he did not intend to say the New York City subway system was not a good system. He had ridden on it and knew it helped shape the city. “I merely want to point this out that never in the history of the New York City system have the people in New York been willing to pay a fare that would even cover its operating expenses; is that not correct.”

Representative Koch did not reply directly. “Let me say to the gentleman that in this country we subsidize everything to some extent, especially municipal services – and rightly so.” Operating subsidies for subways were needed. (He was one of the leaders in the House in trying to open the Highway Trust Fund to provide for transit construction and subsidies.) He emphasized that the

Washington area needed mass transit to reduce bumper-to-bumper traffic that “just cannot move”:

To say that this District does not need assistance to build a subway and that Federal funds for the subway system should be shut off until the citizens of the District withdraw their opposition and accept highways they do not want, is just outrageous.

Representative Giaimo said they were debating the “wrong” issue. Congress had already approved the Metro system and appropriated \$180 million for the Federal share. “The question is whether or not we are going to hold up on an appropriation [for] something we have already approved.” [page 14457]

Representative Obey said that “it is difficult for me to get a sweat up over a subway system” because he was more concerned about hospitals and schools. However, there were four reasons why funds for the District’s share should be released. First, as Representative Giaimo had just pointed out, “it is absurd and it is contradictory for the Congress to oppose with one hand what it is doing with the other.”

Second, the actions the chairman and others objected to regarding freeways “have nothing whatsoever to do with the action of the Metro,” which was “an entirely different entity, and I think we ought to treat it as such.”

Third and most important, withholding the funds was causing the cost of Metro to increase, the very thing some of his colleagues objected to. If, as some said, it was the most expensive public works project in history, delaying it would only add to the cost.

He pointed out that the chairman had assured the House that if the funds were not appropriated now in the supplemental, they would be considered during the regular appropriation:

I submit to you that we have heard that story for 2 years. We have considered this for 2 years, and in the 2 years I have been on the subcommittee we have considered it and considered it and considered it, and we have not released the money. The time for considering has passed.

If any of his colleagues were simply opposed to Metro, they should simply say so:

But let us not hold it up as part of a strained argument with the District as hostage for the construction of highways. We should not do it in that way. If you think the system is too expensive, then you ought to say so. But once the program is on the books, we ought to release the money so that the Metro system can get about its business of doing what the Congress told it to do.

Fourth, several of his colleagues had talked about the District’s noncompliance on highways:

I think it is a strange position, indeed, for the Congress to object on the one hand to the District not being in compliance on highways while our own actions on the Metro system force the District into noncompliance on the Metro system construction. That is what we do if we do not adopt this amendment today. [page 14458]

Representative Conte rose in support of the Giaimo Amendment. He did not wish to oppose Chairman Natcher, “one of the most able Congressmen in the U.S. Congress.” However, as a member of the Subcommittee on Transportation, Committee on Appropriations, he had supported Metro appropriations. “I have voted for the 1970 Federal share of \$82.9 million, the 1971 Federal share of \$180 million and the 1972 Federal share of \$150 million”:

These sums have been approved by the full committee; they have been approved by the House; and they have been approved by the Senate. Thus while Congress has consistently approved the Federal share, it is now being asked to deny the District of Columbia share.

We cannot allow this contradictory set of circumstances to continue . . . .

We are being asked to deny the District of Columbia its right and duty to comply with a congressional directive that it pay its agreed share.

He pointed out the contradiction involved in blocking the city from meeting its obligation to satisfy a congressional mandate by claiming it is not complying with another congressional mandate, namely construction of freeways. “I cannot in all logic support this type of contradiction.”

He agreed that the mandated freeways should be built, but his colleagues should remember that WMATA “has no responsibilities for the building of the highways and cannot be held accountable for their status in any of the three States that are signatory to the compact.”

As for the Three Sisters Bridge, it was being held up by the courts, not the District of Columbia. The design selected to satisfy the Commission of Fine Arts would be the “longest span in the world,” resulting in questions about its safety. Therefore, FHWA had “asked the court that they be allowed to contract for a model of the bridge . . . to bring out all the concrete stresses and strains that the bridge will undergo in the air after it is built”:

That is what is holding it up right now. When this goes in then they will be able to begin construction of the Three Sisters Bridge. So we cannot blame this on the District of Columbia.

He concluded:

The States of Maryland and Virginia have cooperated 100 percent; the Department of Transportation has cooperated 100 percent. Unfortunately we are in this bind here. I think it behooves us as the Congress of the United States to untangle this mess. [pages 14458-14459]

Several other Representatives expressed their views. Representative Wayne L. Hays (D-Oh.), who opposed the Giaimo Amendment, addressed the arguments in its support. First was the argument that the subway would “cure pollution” by shifting people out of cars. True, motorists would use less gasoline, but the subway would require coal to generate electricity for its operation. As a result, “you will have the air around here so full of sulfur fumes and smoke that if you think you have a smog problem now, just wait until you try that.”

The issue was not where to have a subway system. Congress had authorized it and he had voted for it. However, Congress also authorized a balanced system, “and you have a bunch of faceless people downtown who are saying, ‘We will take the money you authorized and build what we want to build, and the parts we do not want to build we will not build.’” What it boiled down to was whether the Congress or those faceless people would decide what the area needed. He said that if you just look at a map of the 98-mile Metro system, “you will see it does not go to where all of the people are.” That is why freeways are needed as well as Metro.

Another argument was that the delay was increasing the cost of Metro. The delay in building the freeways also was causing their cost to rise. “So what you are coming down to really [-] is the Congress going to make this decision or are some people downtown going to make it.”

The only reason all the area residents were here was that the capital was in Washington. Most of its functions could just as easily have been handled elsewhere, such as in his district based in Belmont County, Ohio:

You know, I am up to my knees in crocodile tears now about the citizens of Washington, D.C. What citizens of Washington, D.C.? Why are they here? They are here because the Capital is here and because it is to their profit and interest to be here and for no other reason. You can just bet your bottom dollar they are trying to hold up the freeway, this bunch downtown, because there is more money in it for somebody to build a subway. Do not forget that part of it, either, because I have been around for a long time and have seen them work. I say that we ought to say to them, “You build the balanced system we told you to build or you do not build anything. Take it or leave it.”

According to Stephen Green in the *Star*, “District Del. Walter E. Fauntroy, Democrat, closed his eyes in anguish as he heard Hays,” whose perch as chairman of the Committee on House Administration, which oversaw committee budgets, office expenses, and other housekeeping functions, made him one of the most powerful men in Congress. [page 14459; Green, Stephen, *Metro Vote Lost, Ally Won*, *The Evening Star*, May 12, 1971]

Representative John D. Dingell (D-Mi.), expressed his views. Representative Dingell, who had represented a Detroit-based district since winning election in 1954, complimented Chairman Natcher as “an honest, honorable, and dedicated public servant in every particular.” He continued:

However, Mr. Chairman, I think it is time that the House recognize what we have been doing in the District of Columbia in the last few years is entirely wrong. I think it is absolutely indefensible for this Congress to hold up the construction of a subway over a

quarrel as to highway construction when the issues are as clear and the need is as great, and the requirements of the District of Columbia are as clear as they are.

Given that the “city of Washington is almost entirely paved,” hardly a day passes without complaints about freeway construction:

The only way to abate this highway construction problem is by increasing the availability of public transit. And highways and individual auto transport of large numbers of people are from an economic, environmental, and social standpoint the most wasteful and irresponsible way of moving large numbers of people . . . .

I say it is indefensible for the Congress of the United States to continue to hold the District of Columbia hostage for the construction of highways that the people do not want. I say it is absolutely indefensible for the Congress of the United States to increase the cost of construction of a Metro system of transportation over something as frivolous and as unimportant as the construction of highways which really are not only unnecessary, but are environmentally destructive . . . .

I say it is time to adopt this amendment to give the District of Columbia the money, and the opportunity to go forward on something absolutely necessary to a great city and to the great and dignified Capital of a great nation, an appropriate mass transit system.  
[page 14460]

Chairman Kluczynski was one of the final speakers. During the 1967 hearings on the District’s freeway system, he said, he had learned that \$20 million had been spent over 10 years “studying the system with no tangible results.” In Section 23 of the 1968 Act, the committee authorized construction to get underway. “Since then this program has been tied up in procedural and legal snarls. There has been no real implementation of the congressional mandate.”

No one, he said, wanted mass transit for the District more than he did. “I sincerely mean that,” but “we need a balanced transportation system for the District.” He was optimistic that “we will work this out shortly” with the efforts of the Public Works Committee, the Appropriations Committee, and the Department of Transportation. “I predict that shortly we will have both systems fully underway to help make this a better Capital for all citizens.” He did not say so but the implication was that with resolution of the freeway issues, the District’s matching share for Metro would be released soon. [page 14460]

After 90 minutes of debate, the House defeated the Giaimo Amendment by a vote of 170 to 219. The House bill on the second supplemental appropriations bill would not include the District’s matching funds for Metro construction. [pages 14460-14461]

Because the Senate was likely to include the District matching funds in its version of the legislation, the issue would have to be resolved in a House-Senate conference committee.

The vote, as Jack Eisen reported in the *Post*, “was closer than either side expected”:

It gained most support from House liberals of both parties, spurred by last-minute lobbying by national conservation organizations.

Representatives Giaimo told reporters after the vote that he was surprised that the amendment received more support than expected:

Giaimo said he would have considered 130 votes a strong showing, and noted that a future swing of 35 votes would change the outcome. "I think the result of it is that we are going to get this thing resolved," he told a reporter.

He also "predicted that the vote would strengthen the hand of the Senate conferees."

Chairman Kluczynski was surprised the amendment received more than 90 to 100 votes. He said the whole matter could be resolved within 60 days if Secretary Volpe took a strong leadership role. The 1970 Act had given the District and the Department of Transportation a year to study pending freeways:

Volpe has the issue pending in his department and has not acted, Kluczynski said. The Public Works Committee met privately with Volpe on Monday [May 10, 1971], Kluczynski disclosed. Volpe and his aides "showed up with maps and pointers and all that to give us a briefing," Kluczynski said, "and I told them I've seen enough maps; I said give us some action." [Eisen, Jack, "Subway Fund Bid Defeated," *The Washington Post and Times Herald*, May 12, 1971]

On May 14, Secretary Volpe appeared on NBC's *Today* morning show, where he said:

I believe in the not very distant future – the very near future as a matter of fact – I'm very hopeful that this subway-highway impasse in the District of Columbia will be resolved once and for all, and we'll be able to proceed both with the subway and with those freeways that we believe ought to be built.

The fate of the Three Sisters Bridge was controlled by the courts, but the Department was working on the "other problems." The Secretary said, "I'm hopeful that something might be worked out even before" the Senate votes on the District's Metro matching funds. [Prince, Richard E., "Volpe Plans Report on Freeway Progress," *The Washington Post and Times Herald*, May 16, 1971]

A *Post* editorial said that in view of the unexpectedly narrow vote, "a yellow caution light may have flashed before the senior Appropriations Committee forces who keep punishing Metro, the suburbs and the city because of a side dispute with downtown over freeways." Perhaps "with a push from the White House," enough votes could have been switched to approve the amendment. Instead of relying on Chairman Inouye and the Senate to appropriate the District matching funds, "some dramatic efforts from the administration, through Transportation Secretary John A. Volpe," were needed to prevent "the entire financial structure" of Metro from collapsing:

Assurances are desperately needed from Mr. Volpe that something is being done to demonstrate good faith on the freeway questions, even though we strongly disagree with

the tactic of holding the subway hostage to a freeway dispute. In addition, the White House must lobby among Republican House members, something it failed to do for the latest vote. Only then is there a chance that the rapid transit project will not fall apart at the seams. [“Metro: Where Was the White House?” *The Washington Post and Times Herald*, May 14, 1971]

### **After the Revolution**

On May 13, the Senate Committee on Appropriations approved its FY 2017 second supplemental appropriations bill, which included \$34.2 in District matching funds for Metro. As the *Post* explained the next day, if the full Senate approved the bill as expected, “it would mark the third time in the past fiscal year that the Senate has voted for the \$34.2 million.” However, on the two previous occasions, the Senate had yielded to the House in conference to drop the funds.

Chairman Inouye indicated he intended to talk with Chairman Natcher to initiate “preliminary discussions” on the issue. Another controversial issue, appropriations in the bill to continue development of the SST, might delay conclusion of the conference. [Moore, Irna, “Senate Unit Approves Funds for the Metro,” *The Washington Post and Times Herald*, May 14, 1971]

Under Secretary Beggs, in a May 16 interview, contributed to the growing optimism by saying that the Secretary hoped to report to Congress on the freeways. Beggs said the “other problems” the Secretary had referred to in his *Today* interview were the Three Sisters Bridge, the North-Central Freeway, and the South Leg Freeway near the Lincoln Memorial. “What he’s trying to do is to get all of these issues resolved” before the House-Senate conference on the second supplemental appropriations act.

The report would discuss all the steps the Department and the District had taken to comply with the court order on the Three Sisters Bridge, including construction of a model to test the safety of the design. “I’m not sure that Bill Natcher was completely aware of all we’ve done on Three Sisters.” As for the required study of the North-Central Freeway to Silver Spring, the Department was close to awarding a contract for the study.

The South Leg Freeway issues had not yet been resolved with the NPS, but the department favored the District’s proposal for a 1,300-foot long tunnel under the Lincoln Memorial Plaza. The NPS favored a plan for two 1,300-foot tunnels that permitted more preservation and reduced the number of trees that would have to be removed. Critics, the *Post* pointed out, “attacked a planned 2300-foot depressed roadway with retaining walls that would connect the two tunnels. They said it would be ugly.” [Prince, Richard E., “Volpe Plans Report on Freeway Progress,” *The Washington Post and Times Herald*, May 16, 1971]

Chairman Blatnik of the Public Works Committee, in what Stephen Green called “a surprise move,” announced on May 17 that he try to break the impasse. A former educator and State legislator who had been elected to the House in 1946, he had become chairman of the Committee on Public Works in January following the defeat of former Chairman Fallon’s reelection bid. Chairman Blatnik announced, “This impasse must be resolved, and resolved rapidly.”

His interest partly stemmed from the call in the Federal-Aid Highway Act of 1970 for a balanced transportation system that must include Metro. The other factor was that he supported home rule for the city:

His announcement said he hopes for a breakthrough in the impasse after discussions with Natcher, Secretary of Transportation John A. Volpe, District officials and the chairmen of the House and Senate Appropriations Committees.

Sources said Blatnik hopes Volpe will agree to order some visible action on freeway construction to show Natcher that a serious intent to build the roads exists.

Citing the Taylor Street Bridge, Chairman Blatnik pointed out that freeway and rail rapid transit have much in common. The District had begun renovating the bridge to accommodate the North-Central Freeway, but it must be renovated "so the transit system and planned freeway may use the right of way along the Baltimore & Ohio Railroad tracks." About \$300,000 of the \$1.3 million cost of the project came from WMATA. [Green, Stephen, "Blatnik Joins Fight To Free metro Fund," *The Evening Star*, May 18, 1971]

On May 19, the Senate voted 94 to 0 to approve its version of the supplemental appropriations act, including the District's Metro matching share. Although observers thought defeat of the Metro funds in conference was virtually certain, Chairman Inouye held out hope by telling reporters that he had talked with Chairman Natcher and was "confident that the matter can be resolved in the very near future."

Secretary Volpe, according to sources, was the key to resolving the deadlock:

Those close to the negotiations among Natcher, Inouye, the city government and the Transportation Department, stressed yesterday that a simple status report on freeway projects from Volpe will not be enough to win Natcher's agreement to release the subway funds.

"Volpe has got to offer something hard and dramatic, possibly on the Three Sisters Bridge," one source said . . . .

Some insiders feel Volpe could move to renew work on the bridge's piers, since they apparently would be useful to either of two different designs. This, however, would probably invite new legal steps by the groups trying to kill the project.

"It was disclosed" on May 19 that the Secretary had met on May 7 with Secretary of the Interior Rogers C. B. Morton, who had represented Maryland's Eastern Shore in the House beginning in 1963 until taking office as Secretary in January 1971. The discussion, according to a Morton aide, covered freeway construction through Interior Department land in the District and Arlington, including the status of the Three Sisters Bridge and plans for a freeway tunnel beneath the Lincoln Memorial grounds. [Moore, Irna, and Eisen, Jack, "Hope Seen for Metro Fund Action," *The Washington Post and Times Herald*, May 20, 1971]

The *Post* was cautiously optimistic in view of reports about the pending Volpe report:

Given the years of buck-passing, legislative blackmailing and stalling between downtown and Capitol Hill over what to do about Washington's transportation system, any fresh prediction of a solution within this century has today come to be taken with a grain of salt (and sometimes a pound of flesh). It is, therefore, far too early to tell whether Transportation Secretary John A. Volpe really has a way out of the subway-freeway impasse – but at least he is optimistic.

After quoting Secretary Volpe's optimistic *Today* show comments, the *Post* editorial pointed out that the complicating question was "the awkward fact that no one is really sure at this point specifically what the argument is about." The planned report could help in this regard:

There's no telling whether Mr. Volpe's report will spring the funding, but it could go a long way toward finding out what Congress is still mad about. There is the Three Sisters Bridge, for example, which Congress has ordered built. Mr. Volpe wants to show that the administration has complied with all court and congressional orders to date on this project, and is right now awaiting laboratory tests on a new bridge design. There is also the North Central Freeway, on which a one-year restudy was ordered by Congress last year. Transportation officials now report that a contract for this study is about to be awarded . . . .

It is not necessarily a question of caving in to new demands of Congress, but a more complicated question about the extent to which all sides are acting in good faith. To begin to answer that, all parties need to know precisely what still remains at issue. ["Clearing the Air on Metro and Freeways," *The Washington Post and Times Herald*, May 19, 1971]

On May 20, Chairman Natcher, as in the past, prevailed in conference, and the District matching funds for Metro were not included in the conference report on the supplemental appropriations act. The report explained:

The conferees are agreed without question that there is a need for a balanced system of transportation in the Nation's capital. Since the action of the House denying the \$34,178,000, the Secretary now says that immediate action will be taken to comply with the 1970 Highway Act and that there will be compliance with the Highway Acts of 1968 and 1970. This action will place the Appropriations Committees of the House and the Senate in a position to approve the request in the Supplemental bill of \$34,178,000 along with the \$38,308,000 requested for fiscal year 1972 in the regular District of Columbia Appropriation bill for 1972. [Permission to File Conference Report on H.R. 8190, Supplemental Appropriations, 1971, *Congressional Record-House*, May 20, 1971, page 16189]

When the report reached the House floor later that day, Chairman Natcher explained that "for the first time in over a year the Department of Transportation and the District of Columbia officials, in my opinion, are making a sincere effort to carry out the Highway Act of 1970 and the Highway Act of 1968." When his subcommittee began hearings in the next few weeks on FY 1972

appropriations, he and his colleagues wanted to “be in a position to bring back to this House a bill containing” the Metro funds.

Chairman Mahon thanked Chairman Natcher and tried to move on, but Representative Waldie wanted to clarify what Chairman Natcher had said:

I gathered that the subcommittee will be able to come back in the next 3 or 4 weeks with the appropriation that this bill denies for the completion or the continuation of the subway, depending upon the fulfillment of certain conditions, and I do not fully understand what those conditions are that must be fulfilled before that action could occur.

Chairman Natcher replied that “all we have ever said to the officials downtown is that the Highway Act of 1968 and the Highway Act of 1970 should be complied with.” The city was now completing the design report on the bridge and it would be submitted to the court. In addition, the city was preparing the contracts for the studies the 1970 required:

They are now, in my opinion, making a sincere effort to comply with the law, and they have taken the necessary steps which will bring about the appropriation of both of these amounts if they carry out the provisions of the 1968 and 1970 Highway Acts.

Representative Waldie asked if the steps taken thus far were “still insufficient.” Chairman Natcher replied:

The steps they have taken in the last 5 days and subsequent to the deletion of the \$34,178,000 by the House, leads me, as one member of the committee, to believe that they are now sincere and they are trying to comply with the law, and that is all they have to do.

Rephrasing his question, Representative Waldie asked:

At the present time does the gentleman believe they are attempting to comply but is not satisfied they have complied sufficiently that we can make an appropriation in this bill?

Chairman Natcher said:

The gentleman is correct.

In other words, if they continue as they have started in the last week they will put the Appropriations Committee in the position where only one thing can happen; and that is the recommendation that both amounts be approved.

Chairman Blatnik was the final speaker before the House adopted the conference report. (His comments were probably inserted into the record, not delivered on the floor.) He fully supported Chairman Natcher’s and the committee’s position on transportation in the District. “The position as expressed by our colleague is one of principle and upholds the actions taken by the Congress in the past.” The Public Works Committee had been “clear in their intent” regarding the District freeways. The District needed a balanced system, but freeways had to be part of that system.

Secretary Volpe was now making “what I consider an initial, but most significant forward thrust which, I do believe, will finally ‘get the show on the road.’” He and his committee colleagues would work toward that end. He commended Chairman Natcher and his subcommittee colleagues for their efforts to ensure “the laws of the land are carried out” and that “the deadlock, which gives [us] neither Metro nor highways [will] be broken.” [pages 16192-16193, 16194-16195]

During the exchange with Representative Waldie, according to the *Post*’s Irna Moore and Jack Eisen, Chairman Natcher said he expected his subcommittee to “begin hearings in the next few days” and hoped “to bring back to this House in the next three to four weeks” a bill to restore the subway funds. Stephen Green reported the same wording in the *Star* (“Natcher said he would begin holding hearings on the District budget next week and expected to bring a District appropriations bill before the House in three or four weeks”)

However, Chairman Natcher exercised his right to edit his comments in the *Congressional Record* to indicate that hearings would start in “a few weeks” and to omit the reference to “three or four weeks” for a bill to restore the funds. Although Chairman Natcher would not comment on the changes, a congressional source told Jack Eisen that the chairman had been “a bit over optimistic” in his off-the-cuff remarks. [Moore, Irna, and Eisen, Jack, “New Lag in Metro Forecast,” *The Washington Post and Times Herald*, May 25, 1971; Green, “Subway Block Is Removed,” *The Evening Star*, May 21, 1971]

President Nixon signed the Second Supplemental Appropriations Act, 1971, on May 25

(P.L. 92-18).

### **Trying to Move On**

Although Chairman Natcher had edited his words in the record, reporters had heard them and included them in their articles about the vote. Chairman Natcher’s optimism about progress, they explained, stemmed from a private five-page letter he had received from Secretary Volpe. This letter apparently was the report Beggs had mentioned. The letter had not been made public, but in a News Analysis, the *Post*’s Irna Moore said “the transportation secretary apparently did not propose anything extraordinary and did not order immediate construction of the North Central Freeway”:

It was believed to say that a contract to restudy the North Central Freeway . . . would be signed and that a report would be sent to U.S. District Court saying the court’s order halting work on the Three Sisters Bridge . . . had been complied with.

Volpe might also have admitted, in the letter or orally, that his department has been guilty of some footdragging and that he promised to do better.

Whatever the letter said, it had been enough to prompt Chairman Natcher’s comment about “a sincere effort” to comply with the 1968 and 1970 Highway Acts.

Moore added that most Members of Congress “aren’t sure what the District was ordered to do in those highway acts.” For many members of Congress, she said, “what it all really came down to was a matter of saving face.” Chairman Natcher had said he would not ask the House to countenance the District’s noncompliance, but the narrower than expected vote on the Giaimo Amendment “must have been, as one congressional mixer of metaphors put it, both the handwriting on the wall and the ‘sound of 170 sets of footsteps.’”

It was, in short, a signal that Chairman Natcher might lose his next attempt to withhold the subway funds:

Natcher, by all accounts, is not a man who would like to stand on the House floor and watch his colleagues vote him down the next time.

Then there was Chairman Inouye, who had included the subway funds in his bill, but like his predecessor, had seen it deleted in conference:

Inouye kept a low profile during the negotiations [but] privately referred several times to the concept of “face,” and once pointed out that there was a vast difference between a headline that said “Natcher Gives In” and one reading “City Complies with Highway Law, Subway Funds Released.” [Moore, Irna, “Natcher on the Road to Metro Accord,” News Analysis, *The Washington Post and Times Herald*, May 23, 1971]

Chairman Inouye’s comment that the chance for releasing the funds was excellent also fueled the optimism. “I’d bet on it,” he said. “I’m very confident we’ll get back on the track very soon.” One anonymous House member said privately that Volpe’s letter “is letting Natcher off a hook he wanted to get off of.” [Moore, Irna, and Eisen, Jack, “Subway Money Pledged,” *The Washington Post and Times Herald*, May 21, 1971]

The *Post*’s editors were optimistic, too, but skeptical. An editorial observed that WMATA might soon have money to build the subway. “At least that’s how the wise men on Capitol Hill now read the tea leaves.” No one is quite sure what the basis for Chairman Natcher’s optimism is because “it hinges on a five-page report from the Secretary to the Subcommittee Chairman that hasn’t yet been shared with the public.” Chairman Natcher was known “as a man of his word” and Chairman Inouye “says chances for release of the Metro money in the coming weeks are excellent.” With the start of the new fiscal year just a few weeks ahead, this was “a climactic moment” in the long freeway/subway impasse, whatever the outcome:

The city and the administration have groveled to comply with years of congressional conditions and positions. Undoubtedly, we haven’t seen the end of the highway dispute – but we cannot afford the end of the Metro system. [“Metro: Believe it—Or Not?” *The Washington Post and Times Herald*, May 23, 1971]

The *Star*, too, was cautiously optimistic about an end to “this absurd impasse” since the end “was announced to the House on Thursday by no less an authority than the man responsible for withholding the funds, Representative Natcher.” However, before “anyone floats away on a

cloud of euphoria,” remember “it hasn’t happened yet.” Secretary Volpe’s letter had “obviously broken the ice, for which the secretary is to be strongly commended,” but he should not make the grave mistake of assuming “the ball game is won.” The editorial concluded:

The truth is that the administration, and to a lesser degree the city government, are largely responsible for having reduced the freeway program to a state of total confusion. It is within Volpe’s power to unravel the snarl if he will. [“Subway Release,” *The Evening Star*, May 22, 1971]

The caution proved to be justified when Chairman Natcher announced that hearings on the

FY 1972 District appropriations act could continue into August. As Eisen reported in his article about the editing of Chairman Natcher’s May 20 comments, the schedule “diluted” the optimism that followed the “three to four weeks” estimate on the House floor just 5 days earlier.

The delay also affected the Metro construction schedule:

Jackson Graham . . . said the construction schedule for Metro’s first 4½-mile section is so tight that every day’s delay in financing will bring a day’s delay in providing initial service.

It now appears, Graham said, that service now officially scheduled to begin in December, 1973, cannot now start until March, 1974, “at the most optimistic.” The entire 98-mile system is scheduled for completion in 1979. [Eisen, Jack, “New Lag in Metro Forecast,” *The Washington Post and Times Herald*, May 25, 1971]

District Highway Director Airis confirmed what Chairman Natcher had said on the House floor about the model of the Three Sisters Bridge. The Cement and Concrete Research Institute was building the 81-foot model in Skokie, Illinois, to test the safety of the single-span design the Commission of Fine Arts had approved. However, the test would have to be delayed. A May 22 *Star* report said:

While conceding that something had gone wrong, District and federal officials differed yesterday on just how serious it was.

District Highway Director Thomas F. Airis said that a section of the model had been knocked loose while being cast and that a recasting was required. But he termed this a “very minor thing,” which only caused a few days’ delay.

A U.S. Department of Transportation spokesman, while basically agreeing with Airis on what went wrong and saying it did not involve a flaw in the bridge’s design, said he understood the problem had caused a month’s delay. He said the model, originally to be finished in July, would not be ready until August. [Holmberg, David, “3 Sisters Model Awry,” *The Evening Star*, May 22, 1971]

(On June 5, the Natcher subcommittee rejected a request for \$9 million for the air-cushion system Secretary Volpe had mentioned he wanted to build in the median of the Dulles Access

Road. Representative Broyhill and other Virginia interests opposed the plan because it would be built where they wanted WMATA to build a Metro extension to Dulles International Airport. [“Volpe is Blocked on Transit Plan,” *The New York Times*, June 6, 1971]

On June 8, the District entered into a contract for the studies required by the 1970 Act of the North-Central Freeway, Northeast Freeway, and the North Leg and East leg of the Inner Loop. Airis said the contract called for the partnership of DeLeuw, Cather Associates and Harry Weese and Associates, Ltd., to review previous location and design studies, consider alternative routes and designs, and investigate possible related development (housing, commercial activities, parks, mass transportation, and other community facilities). The contract called for the report to be submitted in time for the District to meet the December 31 deadline imposed by the 1970 Act. [“D.C. Contracts for Restudy of Freeways,” *The Evening Star*, June 8, 1971]

Secretary Volpe sent a request to Congress on June 10 seeking authorization for a Federal guarantee of \$1.2 billion in revenue bonds as part of the plan to finance Metro:

We have thoroughly examined the various alternatives for long-term financing and find that the guarantee of obligations is the most feasible method.

Federal guarantees are particularly appropriate for the Metro system since the federal government is a substantial contributor of construction funds, and because it is the area’s largest employer it will be a substantial beneficiary of the system. [“Volpe Pushes Metro Bonds,” *The Metro Scene*, *The Evening Star*, June 11, 1971; Eisen, Jack, “Metro Bond Guarantee By U.S. Is Requested,” *The Washington Post and Times Herald*, June 11, 1971]

On June 17, WMATA marked the start of the first Metro project in Virginia. The project involved construction of the Rosslyn station, but the site was occupied by a parking lot that was still in use. Unable to conduct the ceremonial start of construction at the site, officials gathered two blocks away on land reserved for I-66. The ceremony brought anti-I-66 protesters to the site bearing signs such as I-66 IS THE ROUTE OF ALL EVIL and METRO YES! I-66 NO!

Representative Broyhill noted the protesters in his remarks by saying that such opposition was “the only threat” to creation of a road-and-rail transportation network. With about 350 spectators looking on, many wearing plastic “hard” hats, Secretary Volpe tried to deliver his 5-minute speech predicting that Metro would soon emerge from its financial and political difficulties, but he was frequently drowned out by jet airplanes flying to or from nearby Washington National Airport. At one point he said, “Somebody in the Federal Aviation Administration is going to catch heck.” He finished his remarks despite the overhead noise. The next and last speaker, Governor Holton, said that in view of the heat, he would forgo his speech.

Secretary Volpe, Governor Holton, and WMATA Chairman Sickles then pushed a dynamite detonator. Because it was not connected to anything, nothing happened except that a Metro official gave a hand signal to workers who opened the back door of two vans filled with 3,000 inflated balloons that drifted aloft as a symbolic groundbreaking. Construction of the Rosslyn Station would begin in a few days.

The event was one of several on Northern Virginia Transportation Day. The day also marked the opening of elevated pedestrian walkways in Rosslyn and the full implementation of the Shirley Highway Expressway. Many participants had arrived in Rosslyn on the new buses that the *Star* described as carpeted, air-conditioned, and with wider, comfortable foam seats. The new buses also had been used to transport State officials from Richmond. Thirty of the buses had begun operating on the expressway that week, with a total of 90 buses planned. [Eisen, Jack, "Va. Metro 'Start' Observed," *The Washington Post and Times Herald*, June 18, 1971; Brockett, Diane, "Metro's Start in Suburbs," *The Evening Star*, June 18, 1971]

(The opening of I-95 between the Baltimore and Capital Beltways had been delayed by what Maryland officials called a severe shortage of asphalt and difficulty in obtaining material for the overhead signs. On July 1, 1971, amid 90-degree heat near Beltsville, Governor Mandel cut the gold-and-black ribbon on the eight-lane, 21.7-mile I-95 link. The opening, he said, symbolized that Maryland was "embarking on a new course in transportation." Federal Highway Administrator Turner told the 300 or so people in attendance that Maryland now had the highest percentage of Interstate completion in the country. Of the planned 357 miles, 91 percent had been opened. State officials expected the new Interstate segment to reduce traffic on the Baltimore-Washington Parkway by about 35 percent and relieve jams on parallel U.S. Routes 1 and 29.)

The city governments of Baltimore and the District were uncertain about the routing of I-95 through their cities, prompting Turner to say, "Interstate 95 extensions into both cities must be completed, and soon, despite any present obstacles." State Highway Administrator Fisher agreed. "The full potential of this highway will not be reached until it is extended into Baltimore and into Washington."

In the absence of a link through the District, Maryland routed I-95 traffic bound for other destinations around the Capital Beltway to connect with I-95/Shirley Highway in Virginia. As the *Post* pointed out, "Curiously, the southbound motorist is confronted by a special 'Washington, I-95' exit as he reaches the Washington Beltway, but all the exit does is make a curve onto the Beltway."

As part of the new course that Governor Mandel mentioned, the Maryland Department of Transportation also began operations that day – the 12th State transportation department in the country. In a ceremony that morning at the department's headquarters, the Governor had called the new department the "most far-reaching, all-embracing transportation program in the country." [Associated Press, "Route 95 Link Due to Open by Mid-June," *The Evening Star*, April 25, 1971; Aschenbach, Joy, "Day for Transportation in Maryland," *The Evening Star*, July 2, 1971; Goldman, Ivan G., "I-95 Leg Opens to Connect D.C., Baltimore Beltways," *The Washington Post and Times Herald*, July 2, 1971]

### **Trying to Break the Impasse**

On May 26, President Nixon announced that he would appoint banker Henry K. Willard II, a Republican whose great-grandfather founded the Willard Hotel, to replace Democratic Councilman Daugherty, whose term had expired in February. The President also reappointed

former council members Margaret A. Haywood (Republican) and Joseph Yeldell (Democrat) to new 3-year terms. These appointments shifted the political balance to six Republicans and three Democrats, with Chairman Hahn and Willard, if confirmed by the Senate, the only white members.

During confirmation hearings before the Senate District Committee, Yeldell and Haywood favored District self government. Haywood said she would be “very happy to step aside as an appointed member in favor of an elected council.”

The 44-year old Willard, according to the *Star*, “startled the senators and audience alike” when he said he did not believe the District was “quite ready” for home rule or full voting representation in Congress.” In response to a question from Chairman Inouye, Willard thought the city would be ready for home rule “sometime in the decade of the ‘70s.” Evidence of readiness would come in the form of “a decrease in the crime rate, an increase in the tax base and a more firm local economy that could pay for itself and not continually turn to you gentlemen for additional financial help.” Chairman Inouye told him, that by those standards “we would have to deny home rule to New York City.”

The Senate confirmed the nominees on June 10. They took their oath of office on June 22. The city council established a new committee for Willard to head: an Environment and Business Development Committee. Chairman Hahn explained the role of the new committee. “The thrust of the new committee for some time will be mainly in environment, but when chances arise to use Mr. Willard’s expertise on business matters, mainly special, smaller problems, then we may refer some matters to his committee.”

In a *Star* profile of the new councilman, Willard described himself as a liberal Republican. “But politics don’t enter into the council job much, it’s more tied in with the localisms of collecting trash, of improving the schools. It’s hard to take a partisan stand on something like that.”

He was sensitive to the charge that he was a white Republican in a predominantly Democratic black city. He said, “Every segment of the community has to be represented on the council.” He wanted to be judged “by what I do,” not by labels.

He said his remarks about home rule had been taken out of context:

I’m not against home rule. I’m for it. It would be a sign that the city has reached maturity and can handle its own affairs. Home rule is an evolutionary thing. We have been gradually getting more control . . . with an elected school board and the non-voting delegate. But you have to remember that this city is a federal city with a strong federal interest. We will always have some checks and balances by the federal government, especially in the budget.

He said reaction to his comments during the confirmation hearing had been largely favorable. “I personally was quite amazed at the number of people, white and black, who have complimented me for ‘telling it like it is’ regarding home rule.” He regretted that the issue had

taken on “racial connotations . . . for most of the time the city has been without home rule it has had a white majority.”

During the confirmation period, he had supported the North-Central Freeway because of its role in reviving the downtown area. Now he admitted, “I haven’t really studied the freeway situation yet . . . but we have two interstate highways coming into the District and none from Maryland. That’s been a bone of contention for 20 years.” He promised to read the city’s report on the North-Central Freeway while trying to look at it “with a practical approach.” Basically, he favored a balanced transportation system “with a limited number of freeways and a fully operating Metro system.”

[“President Appoints Willard To D.C. Council, Renames 2,” *The Evening Star*, May 26, 1971; Angle, Martha, “D.C. Council Nominees Confirmed by Senate,” *The Evening Star*, June 10, 1971; “Willard Heads New Committee,” *The Metro Scene, The Evening Star*, June 16, 1971; Pike, David, “New Councilman Willard Offers Surprises,” *The Sunday Star*, July 4, 1971]

Secretary Volpe began the new fiscal year by issuing a statement on July 1:

As we begin a new fiscal year, I want to state in the clearest possible terms the position of the Department of Transportation with respect to compliance with those provisions of the Federal-Aid Highway Acts of 1968 and 1970 which relate to the highway program in the District of Columbia.

Both the Department of Transportation and the District of Columbia are in compliance to the fullest extent possible with these statutes. Specifically, every project specified in the 1968 and 1970 Federal-Aid Highway Acts is under construction, design, or study, fully in keeping with the Congressional Mandate. In the case of the Three Sisters Bridge, further construction has been enjoined by the courts. This matter is now on appeal to the Court of Appeals and the Court has been asked to expedite the proceedings. As soon as it is legally permissible to do so, the District of Columbia Government, with Department of Transportation aid, will resume work on the project.

A high ranking but anonymous Transportation Department official summed up the nature of the problem by saying, “I sure hope we don’t end up with just a lot of holes in the ground around Washington.” [Kneece, Jack, “Natcher Highway Terms Being Met, Volpe Says,” *The Evening Star*, July 1, 1971]

As Secretary Volpe’s statement indicated, the Justice Department had asked the full U.S. Court of Appeals to speed its hearing on the three-judge panel’s decision and issue a finding in the Three Sisters Bridge case. This action, initiated by Secretary Volpe, was thought to demonstrate compliance with his five-page letter to Chairman Natcher. The letter was still secret, but Jack Eisen reported that he had learned the letter contained “nothing dramatic.” It included, Eisen reported, information about the request to the court and stated that the deadline of December 31 would be met for a report to Congress on the North-Central Freeway.

Maryland and Virginia suburban jurisdictions made their half-year contributions to WMATA, totaling \$29.3 million. With these contributions and \$58.7 million in available matching funds, General Graham said the funds would last about 2 months. [Eisen, Jack, "Agency Prods Court on 3 Sisters Bridge," *The Washington Post and Times Herald*, July 3, 1971]

In addition, during meetings in May, Secretary Volpe's talks with Interior Secretary Morton resulted in an agreement on the South Leg of the Inner Loop Freeway from the Lincoln Memorial to the Tidal Basin. They agreed, subject to public hearings planned for the fall, on a six-lane section of the South Leg to connect with the Southwest Freeway on the District side of the 14<sup>th</sup> Street Bridge. A 1,000-foot tunnel would be constructed under the Lincoln Memorial grounds south of the memorial. It would connect with a depressed roadway leading to a second 1,000-foot tunnel under the north edge of the Tidal Basin. A surface freeway would connect with the Southwest Freeway.

The meeting took place before Secretary Volpe sent his five-page letter to Chairman Natcher. The letter, according to sources, indicated that NPS Director Hartzog concurred in the decision.

Whether the proposal was consistent with Section 4(f) of the Department of Transportation Act remained to be seen. ["Volpe, Morton in Accord on Tunnel Project," *The Evening Star*, July 6, 1971; Eisen, Jack, "U.S. Officials Agree on Basin Tunnels," *The Washington Post and Times Herald*, July 6, 1971]

The *Post* editors saw "nothing new" in the agreement:

The idea dates back to more than two decades ago when, as legend has it, some bright planner, in the flush of excitement over the new blessings of automobility (and before anyone seriously thought of a subway or Metro) drew a circle around the White House and called it "the inner loop freeway."

Over the years since then, "the battle seemed distant to most of us. We did not really believe 'they would do this to us.'" Now, the two Secretaries had agreed on how they would do it:

The engineers who insist that the freeway is essential to move some 90,000 to 100,000 vehicles a day which would otherwise clog the existing roads along this route, have promised to keep lighting and signs "below the eye level of the park visitors" and to keep the concrete spaghetti of road junctions and ramps to a minimum.

Yet, six-lane tunnel entrances are pretty conspicuous holes, a freeway trench is a freeway trench, 100,000 automobiles cause a good bit of air pollution and the whole thing appalls us.

Many other people, the *Post* added, were likely to be upset. "The Mall, after all, was not meant to be a traffic 'connector.'" ["A Trench Is a Trench Is a . . ." *The Washington Post and Times Herald*, July 11, 1971]

*Star* coverage of the agreement noted a new problem, one that District freeway critics had been following closely. On March 3, 1971, the Supreme Court had ruled in the case involving

construction of I-40 through Overton Park in Memphis, Tennessee. The decision turned on Section 4(f) of the Department of Transportation Act of 1966. Justice Thurgood Marshall, who wrote the opinion, said that Section 4(f) "is a plain and explicit bar to the use of federal funds for construction of highways through parks – only the most unusual situations are exempted." The court recognized the place of cost, directness of route, and community disruption in highway routing, but the existence of the statute "indicates that protection of parkland was to be given paramount importance."

Although Section 4(f) did not require a formal, documented finding of a decision to route projects through a protected resource, the Supreme Court ruled that the District Court, in reconsidering the matter, may "require some explanation in order to determine if the Secretary acted within the scope of his authority and if the Secretary's action was justified under the applicable standard."

Justice Marshall's strongly worded decision was a turning point in how FHWA and the State highway/transportation departments considered impacts on the resources covered by Section 4(f). To use a Section 4(f) resource, Federal officials would have to find that alternatives to doing so presented unique problems or unusual factors or that the cost, environmental impacts, or community disruption would reach extraordinary magnitude. Any potential adverse impacts on a Section 4(f) resource, as well as possible uses, must be formally documented during review of the project under NEPA. (The Overton Park issue was resolved when the park routing was abandoned, with I-40 routed along the northern beltway around Memphis.)

### **Hearings on District Appropriations, 1972**

Mayor Washington, Deputy Mayor Watt, City Council Chairman Hahn, and other top District officials appeared before the Natcher subcommittee on June 7, 1971, at the start of hearings on the District of Columbia appropriations for FY 1972. Although the hearings would cover all aspects of the District budget, Chairman Natcher quickly focused on transportation issues. If Secretary Volpe and District officials carried out the actions promised in the Secretary's letter in the next few weeks, Chairman Natcher said he would recommend release of the District's matching funds for Metro for FYs 1971 and 1972. "I hope that the rapid rail transit-freeway impasse is finally over."

He reiterated his long support for a balanced transportation system, but the provisions of the Federal-Aid Highway Acts of 1968 and 1970 were "the law and must be complied with." He recalled the halt of construction on the Three Sisters Bridge and the penalties the District was paying to the contractor – \$500 a day, \$15,000 a month – "which I believe is carried on the books as the amount due for rental of equipment now on the job and for the protection of the piers while the design hearing results are being submitted back to the court."

He pointed out that the suit blocking construction had been filed in 1969 "and with this being June 1971, more than enough time has expired to have this matter settled." If the commitments in Secretary Volpe's letter were not carried out, "and both systems do not proceed together, I do not intend to recommend construction funds for our rapid rail transit system in the bill for fiscal year 1972."

Chairman Natcher expressed his longstanding skepticism about the cost of Metro. "I believe that this 98-mile system will cost at least \$4 billion and may go as high as \$5 billion." He added that "the bonds provided for under the 1969 Authorization Act for rapid rail transit cannot be sold due to the fact that the brokers and the bankers will not buy the \$835 million in bonds which are to be retired out of the fare box." The brokers and bankers wanted the Federal Government to back the bonds and "a bill is now being prepared which will provide for the sale of \$1,200 million worth of bonds to be guaranteed by the Federal Government." Such a guarantee, "of course, would establish quite a precedent." [District of Columbia Appropriations for 1972, Hearings, Subcommittee of the Committee on Appropriations, U.S. House of Representatives, 92<sup>nd</sup> Congress, 1<sup>st</sup> Session, part 1, 1971, pages 2-3]

On July 9, in a long statement when Airis appeared before the subcommittee to discuss his department's budget, Chairman Natcher provided a history lesson on a balanced transportation system for the District. He began:

Mr. Airis, I was a member of this subcommittee in 1955, and made the recommendations that the funds for the District of Columbia's share for the Mass Transportation Survey be appropriated. As you well know . . . under the Mass Transportation Survey, which was presented to President Eisenhower in 1959 I believe, recommendations were made for a rapid rail transit system, for a freeway system, and for an express bus system which would be used in conjunction with both freeways and rapid rail transit.

He went on to discuss Section 23 of the Federal-Aid Highway Act of 1969 and Section 129 of the 1970 Act, as well as the status of the Three Sisters Bridge and problems with the Potomac River Freeway. He absolved Airis:

Certainly you, as an engineer and as the Director of the Department, cannot be criticized at all. I think you have carried out your duties.

That said, the question of compliance with the 1968 and 1970 Highway Acts must be resolved. "We no longer should have an impasse as far as the enforcement of these two laws are concerned":

Mr. Airis, as you have heard me say, I will never, as long as I am a Member of Congress, stand on the floor of the House and ask the House of Representatives to repudiate the Public Works Committees of the House and the Senate, and the Highway Acts of 1968 and 1970. I will never do it, Mr. Airis. I think it ought to be resolved. I think we are nearer a solution. I am hoping that we can include in the bill the \$34.178 million that was deleted from the 1971 budget, and also from the 1971 supplemental.

I am also hopeful, Mr. Airis, that we can include in this bill the \$38,308 million, that is being requested for the fiscal year 1972 construction program. [District of Columbia Appropriations for 1972, Hearings before the Subcommittee of the Committee on Appropriations, U.S. House of Representatives, 92<sup>nd</sup> Congress, 2<sup>d</sup> Session, 1971, Part 2, pages 723-725]

Airis, in his statement to the subcommittee, summarized the status of Interstate freeways in the District:

In the District . . . we have 10.6 miles of the total 29.5 miles Interstate System completed and in use; namely, the Roosevelt Bridge and a section of the Potomac River Freeway

(I-66) including its connecting E Street Expressway, the 14<sup>th</sup> Street Bridges (I-95) except the new center bridge; the Southwest Freeway (I-95) including its northbound 12<sup>th</sup> Street Expressway and the soon to be opened southbound 9<sup>th</sup> Street Expressway; the Southeast Freeway (I-695) to the completed 11<sup>th</sup> Street Bridges over the Anacostia River and the Anacostia Freeway (I-295).

I should mention that the 11<sup>th</sup> Street Bridges were opened for a direct connection between the Anacostia Freeway and the Southeast Freeway last Christmas. It is the last element of the freeway system that has been opened to traffic here . . . .

Approximately 2.6 miles are under construction. These include the center leg of the Inner Loop to New York Avenue, although we have yet to finalize the air-rights development details with the Redevelopment Land Agency for the section between H and K Streets. The remainder is scheduled for opening late in 1972. The Southeast Freeway east of the 11<sup>th</sup> Street Bridges to Barney Circle is under construction and scheduled for completion in November 1972. These two elements should be open for use in 1972.

That brought Airis to the Three Sisters Bridge. Citing the order of the U.S. District Court on August 7, 1970, he said the city had held the required design public hearings in December 1970. The hearings resulted in a March 31 request to the Department of Transportation:

Design approval for an I-266 bridge of the alignment, geometrics, and shape depicted in the three-span alternate presented at the design public hearing.

The request included supporting information demonstrating that the design, a prestressed concrete box girder bridge, would meet “the existing and future traffic needs relative to durability and economy of maintenance.”

Airis continued:

Technically, the Potomac River Freeway along the Georgetown waterfront, and the east leg of the Inner Loop up to Bladensburg Road, are both in the design stage, but work is slowed pending developments. No construction has started.

The remainder of the system, i.e., the north leg of the Inner Loop (I-66), the northeast-north central (I-70S and I-95) connections, and the extreme upper end of the east leg require additional study as called for in the 1970 Federal-Aid Highway Act.

(Airis did not mention the South Leg of the Inner Loop Freeway.)

He added that the system he had described was 29 miles long. In February 1970, the city council had approved a system of only 24½ miles:

The difference, of course, is a very small amount of mileage, but the main difference is the means of getting access to the north. The [city council-approved] system indicates that traffic should go up the Baltimore-Washington Parkway general alinement and then out to the Beltway . . . .

Now the latest recommendation in 1970 did not contain a complete south leg . . . . The original south leg contemplated in the 1968 act and all prior planning was for a full connection between the Potomac River Freeway and the Southwest Freeway.

The City Council, the Mayor, and the Department of Transportation did not include the full length. In other words, the great difference was that they brought the traffic up to surface on the Independence Avenue roadways existing at the present time, and the concept was to continue that traffic on over the Southwest Freeway, on the surface of the park.

The NPS “takes violent exception to this,” Airis said, but the recent agreement between Secretary Volpe and Secretary Morton “follows fairly closely the original concept with the full facility, in two tunnels and a depressed section.”

The I-95 connection had not been worked out via the Baltimore-Washington Parkway. “Nothing has been finalized there. This is just a line on the map.” [pages 760-763]

When WMATA appeared before the subcommittee on July 23, Chairman Sickles took the lead. Chairman Natcher questioned Sickles and General Graham about the cost estimate of \$2,980,200,000 for the 98-mile system. When they confirmed that estimate, he told them:

I have never believed that the 98-mile system could be constructed for the original figure of \$2.5 billion. I do not believe today that you will be able to construct it for \$2,980,200,000 . . . . Certainly I am not an engineer, but based on the costs of other rapid rail transit systems throughout the United States and abroad, I still am of the opinion that this system will cost between \$4 and \$5 billion.

He urged Chairman Sickles and General Graham to keep the public informed as costs increased.

They discussed the Nixon Administration proposal that the Federal Government guarantee the Metro construction bonds. Chairman Natcher summarized the situation:

The brokers and bankers would not purchase the bonds since the bonds were to be retired out of the fare box or out of the income derived from the rapid rail transit system. Now you are confronted with the problem of having the bonds guaranteed by the Federal Government.

Maryland’s two Senators, Beall and Mathias, had introduced the bill as S. 2297, for a guarantee of \$1.2 billion in bonds, but a comparable bill had not yet been introduced in the House. The

Senate had not held hearings on the bill but Chairman Sickles said that WMATA “and the entire community is in favor of it and we are going to make every effort that we can to pass the legislation.”

Chairman Natcher was concerned that the bill, if enacted, would establish a precedent. When Executive Officer and Comptroller Lowe suggested that a guarantee under the Medical Facilities and Construction Act of 1970 had provided a similar bond guarantee, Chairman Natcher was skeptical. “You would have to stretch your imagination” to compare the two bills. He continued:

Unless the matter concerning freeways and rapid rail transit is resolved, in my opinion, you may have some difficulty with this legislation. Personally, as one member of the committee, I hope that . . . you have no trouble with it. You are asking the House and the Senate now to go a long way with this type of legislation. It is imperative that this impasse that we have before us be resolved.

Regarding the impasse, he said:

We do believe on this committee, Mr. Sickles, that the Federal-Aid Highway Acts of 1968 and 1970 are the law and they must be complied with. If we don't take that position, Mr. Sickles, we then repudiate the House of Representatives, the Senate and the President of the United States. I hope that the impasse that we have now is resolved and is resolved quickly for the best interests of our Nation's Capital . . . .

That is the position we are in today and I am hoping that before we report this bill something is done that places us in a position on this committee where we can approve the amounts that are before the committee . . . .

He explained that his subcommittee had never engaged in subterfuge. The subcommittee supported the freeways and Metro:

We even had proposals that you know about as far as one of the sections of the freeway system, which suggested that it go through a portion of the Arboretum. You never heard of anything like that in your life. It just brought forth thousands of letters from people and it was not necessary at all. We have had a number of situations take place along that line.

He added that if recent efforts continued, “we will solve it and we will have no further trouble.”

Representative Giaimo said he had been “talking to some people from the administration just this week who are very much interested in this and they were painting a gloomy picture about what happens if we don't get some fast action.” He acknowledged that the District was “tied up with the overall budget” and added that “I don't know what the timetable is on that because of the revenue problems.” He asked Chairman Sickles if he wanted to comment:

Mr. Sickles. It is a fact of life that we have to face; it is going to hold us up. Even the normal process won't be fast enough to keep us moving.

Mr. Giaimo. Is it something that you can live with?

Mr. Graham. If we knew when this thing would be resolved, when we would have these missing appropriations, we could better answer the question. At this moment we don't see action on these funds for October, final action. Then immediately this means a 4-month delay in meeting our commitments on train operations. The schedule is so tight that at this moment we see no practical way of making up that difference, which means we don't carry out commitments to the eight local governments in exchange for their contributions.

Mr. Sickles. It is something we have to live with. It will have an impact and delay the time of services available and increase the costs.

When Representative Giaimo asked about the cost estimate, General Graham assured him, "We have never expressed any reservations that we can complete it for \$3 billion." The estimate included \$855 million in unknown escalation costs. He added, "If we resolve this funding delay, we still feel that we can build it for \$3 billion."

Chairman Sickles replied as well:

I think this issue was raised once before by the chairman before you got here. I think this may be the first time that I heard it directly in person. I think that one of the statements of the chairman ought to be at least responded to. I think that the inference was that we have a duty to tell the truth and that we have a duty to share our information with the community and with the Congress. I think that you should allow there is no larceny in our hearts; we are just trying to do the job that we are required to do by the compact. We have done just the best possible job that we can in making these estimates.

Representative Giaimo commented, "As you know, I have heard all kinds of figures on this."

Chairman Sickles replied that, "We don't have the luxury of saying anything but what the technicians have come up with and hope they are realistic." He added:

If we were to have major labor problems or major community problems or any of these kinds that cannot be predicted, it would be realistic to assume that it would have an impact on our estimate. [District of Columbia Appropriations for 1972, Hearings before the Subcommittee of the Committee of Appropriations, U.S. House of Representatives, 92<sup>nd</sup> Congress, 2d Session, Part 3, 1971, pages 124-135]

As in the past, the hearings took place in executive sessions without reporters in the room. The report on the hearings would not be released until September.

### **The Ghost Bridge**

On Sunday, July 18, reporter Jack Kneece published a lengthy front-page article in the *Star*, "The Ghost Bridge – 3 Sisters – Dispute Without End." He began with the original legend:

An ancient Indian legend has it that three Indian sisters drowned in the Potomac River and soon afterward three big chunks sprang up where they drowned.

There are now more ghostly remnants near that place in the river – steel pilings for the piers of the proposed Three Sisters Bridge. Already the pilings have a delicate patina of rust and have become a favorite resting place for sea gulls.

The piers were, Kneece wrote, “symbols of one of the most monumental bureaucratic entanglements in the history of the area” and they “could mark the demise of Washington’s fledgling subway system.” The controversy was “so convoluted that even Agatha Christie might have trouble tying up a smooth denouement.”

A Hill committee staffer assured Kneece that “the real reasons for all of this delay and controversy” were not clear from the daily headlines of “Natcher Withholds Subway Funds.” Satisfying Chairman Natcher was the only way the District’s matching share for Metro construction would be released – and the Three Sisters Bridge was the “primary roadblock” to that goal.

When the bridge was proposed in the 1960s, “it became a fashionable cause celebre among the Georgetown cocktail party set” before spilling across “a broad spectrum of society.” It was “a sinister threat to the ecology (all of that pollution from all of those automobiles)” as well as an “an eyesore” that would “deface such a charming area on the very fringe of Georgetown.” It would “block the morning sun from the C&O Canal towpath” and weren’t there enough bridges already? “Where would all of this highway and freeway madness end?” And, “Would the United States eventually topple because it was paved from coast to coast?”

Highway planners countered that the site was the most logical location and that their exhaustive studies demonstrated that there were no “feasible alternatives” (Kneece advised readers to remember that phrase). The “smidgeon of parkland” the bridge would take was insignificant compared with the benefits of the bridge. “For a time it appeared that the cause had lost its fashionableness.”

Kneece traced the battle through the courts and Congress. Judge Sirica had issued the most recent ruling:

After 10 days of hearings, Sirica enjoined construction of the bridge and, on August 3, ordered design hearings on environmental and other issues. The bridge was still on – sort of. Sirica also asked Federal Highway Administrator Frank C. Turner to certify the structural safety of the bridge – a graceful, massive, cantilevered span without a center support.

The citizen groups appealed a portion of the decision and the Department of Transportation appealed as well. The U.S. Court of Appeals had not yet scheduled a hearing.

According to a congressional source, members of Chairman Natcher’s subcommittee were “disgusted at the backbiting and ineffectuality among four sets of government attorneys working on the Three Sisters litigation.” Attorneys for FHWA, the Department of Transportation, the

Justice Department, and the District corporation counsel “reportedly are in discord” in contrast to “the smooth and well-oiled job done by the prestigious law firm of Covington and Burling, retained by bridge opponents.”

The scale model being built to test the safety of the bridge, according to an engineer employed on Capitol Hill, was “a primary cause of delay” and “a useless charade.” German and Japanese engineers, he told Kneece, considered the model “a big laugh” that would not provide any useful data. Enough data on similar bridges around the world was available to certify it a safe design.

Another problem was the relationship between Chairman Natcher and Secretary Volpe. A Capitol Hill source told Kneece that Chairman Natcher “feels that Volpe has been dishonest about the bridge and other highway projects from the beginning.” Publicly, Chairman Natcher appeared “somewhat mollified” by Secretary Volpe’s five-page letter, but actually he was “bitterly disappointed” and “found some parts of the letter to be either untrue, exaggerated or antagonistic to congressional authority.”

The letter had still not been made public, but Kneece had seen a preliminary draft that included the following:

I want also to convey to you my genuine concern about the financial health of Metro, Washington’s new rapid rail transit system. As you know, the Department of Transportation is custodian of the Federal contribution to Metro construction . . . .

Accordingly, my clear responsibility to the Congress is to see that the already substantial Federal investment in Metro is fully protected . . . . It is clear that Metro faces an imminent financial crisis unless additional monies are made available to it in the very near future.

The Washington Metropolitan Area Transit Authority sent [a] letter . . . . The letter and its supporting figures indicate unequivocally that “at this time, all available funds, including those for prior years, have been obligated or committed.” This means that, unless more funds are made available to it immediately, Metro will have to place a moratorium on further contract-letting and suffer serious delays as a result.

This might well be a critical setback. First of all, such delays would bring with them sharply increased construction costs well beyond the escalation already experienced.

Second, and most important, any interruption in the construction schedule at this point would seriously impair investor confidence in the revenue bonds which Metro must sell in order to complete its capital funding program

The import of all this is unmistakable: Metro and all of the money invested in it are now in jeopardy.

This message of doom was in contrast to a May 12 statement by WMATA controller Lowe that “we’re not out of business by any means,” with \$499 million remaining. More recently he had said that Metro had only \$18 million remaining in working capital.

The preliminary draft of Secretary Volpe's letter had described the plan for the Potomac River Freeway, including removal of the elevated Whitehurst Freeway, a concept not covered by Section 23 of the 1968 Act. The plan, Secretary Volpe's draft said, "would permit the immediate demolition of the Whitehurst Freeway and the construction of a facility which would give an unobstructed view of the Potomac River to Georgetown residents and visitors, and it would permit the recreational or other appropriate development of the entire area between the C&O Canal and the river. Initial reactions to the plan from both the Interior Department and the D.C. Government officials have been favorable." Kneece added:

Realizing that he was treading on eggshells in suggesting an idea that would require rewriting of a federal act, Volpe added almost as a not-my-will-but-thine-be-done afterthought that he was merely making the "proposal."

Secretaries Volpe and Morton were "aware of the controversy sure to erupt" as a result of their Georgetown proposal, "particularly among congressmen wedded to the grade-level approach that would leave the Whitehurst Freeway standing." They also realized that their proposal meant another round of design would be needed, and experience suggested that "could become a forum for disruption."

Kneece explained that the present "morass" had many causes "depending on to whom one talks." For example, while Secretary Volpe waited for Judge Bazelon "to get off the dime," some of the Secretary's "bold young attorneys . . . have whispered that Volpe could take unilateral action by simply notifying the court that work would begin on some parts of the pier construction while the court is making up its mind on the legal issues." The result would be a contempt of court citation, an order allowing limited construction, or a speed up of court action.

The Supreme Court's ruling in the Overland Park case was "sure to reverberate like a tuning fork throughout the U.S. court system much like civil rights legislation did in the 1950s." As a result, attorneys on both sides of the Three Sisters Bridge case expected it to end up in the Supreme Court. The court would have to determine if Secretary Volpe had adequately explored all "feasible and prudent" alternatives to the taking of parkland on both sides of the Potomac River.

Kneece also discussed the safety issue:

Engineers say that the 90 percent of this bridge's bulk is merely to support itself, with remaining percentage to support traffic. [sic] But engineers agree that the single-span bridge design is rapidly gaining popularity around the globe because of its complete absence of superstructure.

However, at one point in court hearings on the design Turner and other highway officials entrapped themselves (whether by design or inadvertently is still subject to debate – even within DOT) as they admitted that they were unsure of the safety of the design.

Some said that Turner was trapped only after bridge opponents obtained a confidential memorandum in which he stated:

We are still concerned that the combination of the adverse geometry of the superstructure, the unconventional design details, the extreme lack of design experience of a structure of this type and the complete absence of this particular construction experience in this country make the undertaking extremely hazardous and fraught with danger. To the best of our knowledge, very little has been accomplished to alleviate this concern.

Observers debated whether Turner “may have deliberately provided opponents with ammunition” because he favored a more conventional steel girder structure with a center support in the middle of the river” or “was merely aware that the memo was in the possession of the ‘enemy’ and therefore he simply swallowed his medicine.” Secretary Volpe reportedly believed in the latter theory.

Director Airis had recently asked the Department of Transportation “for permission to begin limited work” because he was satisfied with the current design. He also was frustrated that the construction season was passing without any action on the bridge.

Capitol Hill sources told Kneece that personality factors were involved in the impasse:

They said Volpe – and particularly some members of his staff – have antagonized congressmen on numerous occasions because of their parochial approach and heavy handed attempts at behind the scenes maneuvering. “They still act as if Volpe were governor of Massachusetts and dealing with a state legislature,” said one Capitol Hill committee employe [sic]. “When he (Volpe) agreed at one point to adhere to the plans for the Potomac River Freeway as outlined in the 1968 Highway Act, one of his aides called up and said, ‘Well, we did you a favor so now you owe us one,’” said sources. “We pointed out to them that they merely were following the law and we didn’t owe them a damned thing.”

Volpe’s attempts to bypass Congress on a number of matters – some preceded by telephone calls to key congressman only hours before announcement and ranging from independent release of Metro funds to construction of a tracked air cushion vehicle – rubbed many congressmen the wrong way.

Kneece acknowledged that part of the antagonism resulted from the interaction of a Republican Administration with a Congress controlled by Democrats. “Also there is [a] feeling by many congressmen of every affiliation that Congress has lost the initiative to federal agencies on new and innovative legislation.”

In conclusion, Kneece asked, when will “the Three Sisters, the freeways, Natcher, Volpe, the courts, and the various agencies live happily ever afterwards with construction humming away on all fronts?” He replied to his question: “The answer to that is depressing.” Congress had “grown steadily more impatient with delays,” as well as the reasons for the delays (“all such reasons ring hollow”). This impatience was reflected in the vote earlier in the year with unexpectedly close vote on the failed Giaimo Amendment:

Meanwhile, as all of these factors are working their sluggish way, the rust on the steel pilings grows deeper, and the sea gulls are becoming quite used to perching there and looking over those three chunks of granite.

Maybe the whole thing is part of an ancient Indian curse. [Kneece, Jack, "The Ghost Bridge – 3 Sisters – Dispute Without End," *The Sunday Star*, July 18, 1971]

## **On Appeal**

The U.S. Court of Appeals advised attorneys that it would hear arguments on the Three Sisters Bridge case on Thursday, July 22. Sources predicted a ruling sometime in the winter.

Kneece, writing about the scheduled hearing, added:

In a related development, it was learned that Transportation Secretary John Volpe met with key congressional leaders at a private luncheon Thursday in the Rayburn House Office Building. The meeting – reportedly a "stormy session" – was an attempt to reach accord on the four-year-old impasse, which now threatens the District's fledgling subway system.

The meeting included Chairman Natcher and Representative Bow of the District appropriations subcommittee and Representative Harsha of the Public Works Committee. According to sources, "Natcher was very subdued" during the luncheon, but Representatives Bow and Harsha "were demanding that something be done to remove obstacles to the bridge-subway impasse." They "reportedly were the most outspoken against reasons for the delay," although sources would not tell Kneece what their arguments had been:

However, some Capitol Hill sources did say that more and more congressmen are becoming disenchanted with Natcher's hostage tactics on the issue. Natcher, who was supported on the issue earlier this year by a 20-vote margin in a floor vote, reportedly is concerned that should the issue reach the floor again, he may have difficulty in maintaining that support.

Officials had scheduled another meeting for later in the week. [Kneece, Jack, "Three Sisters Bridge Case Hearing Slated Thursday," *The Evening Star*, July 19, 1971]

On the day of the hearing, Secretary Volpe told reporters that resolution of the Three Sisters Bridge issue was the only obstacle to congressional action to release the Metro funds.

During the 2-hour hearing before a three-judge panel (Judges Bazelon, MacKinnon, and Charles Fahy) of the U.S. Court of Appeals, government attorneys argued for the lifting of the injunction on construction. They argued that whatever design was finally used, it could be erected on the piers already underway. Safety studies would be completed soon and the results known in 2 months, but there was no reason to prevent construction of the piers to resume.

Owen, the opposing attorney, contended that the piers were suitable only for a single-span bridge and that proceeding now would be "inappropriate." The *Post* reported:

Owen argued that the federal Department of Transportation, in its haste to satisfy Natcher's demands, illegally approved construction of the Three Sisters Bridge in the summer of 1969. Owen said the Department failed to determine whether the bridge was part of a comprehensive transportation plan for the Washington area, failed to investigate alternative bridge locations that might do less damage to parkland and allowed the political pressure from Natcher to influence its decisions. [Scharfenberg, Kirk, "U.S. Requests End of 3 Sisters Halt," *The Washington Post and Times Herald*, July 23, 1971]

On July 14, the House approved, 401-12, the Department of Transportation and Related Agencies Appropriations Act, 1972. It included an advance appropriation of \$174.3 million in FY 1973 Federal funds for Metro construction. The Senate approved its version of the bill, 90-0, on July 22, again with an advance appropriation of \$174.3 million for Metro construction in

FY 1973. Congress completed work on the legislation on August 2, and President Nixon approved it on August 10 (P.L. 92-74). The legislation brought the total Federal contribution for Metro to \$690 million. However, \$139 million of that amount could not be spent until the District of Columbia was able to provide its matching share. ["\$174.3 Million Voted by Senate for Subway," *The Evening Star*, July 23, 1971]

On July 25, *The Sunday Star* ran a lengthy feature editorial, "Natcher, Volpe and the D.C. Subway Snarl." It began:

Just two days ago – for the fifth time in little more than a year – the heads of Washington's subway agency appeared before Representative William H. Natcher's House Appropriations subcommittee to urge the release of District of Columbia subway funds which have been held up to exert pressure for progress on the city's log-jammed freeway program.

Previous testimony had been unsuccessful, but "an affirmative response now is vital." WMATA had committed virtually all usable funds for construction and, unless Chairman Natcher released the District matching funds to free the remaining funds, "a construction delay will be inevitable." Such a setback "could trigger other threats to the entire subway program, undermining years of productive regional effort."

Given the uncertainty about Chairman Natcher's pending decision, "President Nixon should step up his own efforts to seek a break in the impasse." Those who think that presidential intervention in what seemed to be a local transportation issue "are out of touch with how the Nation's capital operates":

Local officials are by this time only peripherally involved. The main bout has become essentially a power struggle between the legislative and executive branches of the federal government.

President Nixon's intervention in August 1969 had helped move Metro along despite what "appeared to be an irreconcilable conflict" at the time.

At this point, the freeway program “is entwined in an almost unbelievably complex snarl of engineering, legal, city planning and political arguments.” But it all boiled down to one project, namely the Three Sisters Bridge, and “a single political question: Is the Nixon administration, as represented by Transportation Secretary John A. Volpe, making every effort that it can make to expedite the Three Sisters Bridge, in view of Congress’ explicit edict that it be built?” Given years of “non-performance . . . there is a legitimate cause” for skepticism on efforts to advance the bridge and other pending freeways.

Although the focus was always on Chairman Natcher, the editors pointed out that “whether anyone likes it or not, Natcher’s position steadfastly has been upheld by majority votes in the House.” Thus, blaming the impasse on “one man’s recalcitrance – as frequently is done – is therefore both wrong and foolish.”

In view of several recent actions, perhaps the impasse was not “a hopeless standoff.” First, Chairman Natcher had made an “extremely conciliatory statement” during the May 20 debate on District appropriations, apparently in response to Secretary Volpe’s still-secret five-page letter. The letter, at least based on the draft obtained by reporters, did not contain “much new.”

Although Chairman Natcher continued his “customary silence” on his thinking since then, “congressional sources say his floor statement was intended more to encourage a positive response from Volpe than to reflect much real satisfaction with anything accomplished.”

Second, Secretary Volpe’s July 1 statement indicated that his power was clouded by court restraints. Nevertheless, he pledged to press ahead with the Three Sisters Bridge “as soon as it is legally permissible to do so.”

Third, the government had returned to the U.S. Court of Appeals panel to argue for resuming construction of the piers.

These events were “no doubt . . . less conclusive than the types of action Natcher wants.” They were, however, encouraging at a time when there remains “a great deal of doubt and suspicion on Capitol Hill as to whether Volpe has done all that he could do to satisfy the injunctive requirements.”

Issues remained to be resolved, including the safety question about the design of the single-span Three Sisters Bridge, but the editors hoped the court would allow construction of the piers to resume:

It is not likely that Natcher would – or politically could – sustain a position of demanding illegal actions of any sort from the administration when the question of granting the hostages funds comes up for a vote. But the court is obligated to clarify the law as expeditiously as possible, and Volpe is obligated – both now and later – to comply with it fully.

The accompanying editorial cartoon by William S. Garner showed President Nixon, arms folded, looking down on the Capitol, with subway cars snarled on one side of the Capitol Dome, cars

scrambled on the other side and the dome itself entrapped in bands of freeways and subways. The cartoon was titled: "Gordian Knot."

On July 30, the Coalition for Clean Air released a January 1971 report that it said the District had suppressed. The report involved conditions along the Anacostia Freeway near the 11<sup>th</sup> Street Bridge that appeared to be similar to conditions likely at the site of the Three Sisters Bridge. The report stated that "the levels of (carbon monoxide) are high at all rush-hour periods, but when congestion forces periods of idle engine-running by rows of cars, the emissions become undesirable." Carbon monoxide, even 100 feet from the freeway during average winds, "constituted a dangerous situation." It concluded that, "This limited study . . . shows the environmental inadvisability of congestion traffic patterns at the (location) tested."

James E. Clark of the highway department denied suppressing the report. He said the report simply showed that pollution levels are less when roads were not congested:

He said the department believes the only way to reduce automobile pollution significantly is through the development of pollution-free cars.

The coalition wrote to Secretary Volpe calling on him to order a detailed study of the health impacts of the Three Sisters Bridge. [Scharfenberg, Kirk, "Study Cites Danger of Fumes if 3 Sisters Bridge is Built," *The Washington Post and Times Herald*, July 30, 1971]

As August 1971 began, Metro ran out of money for additional work. WMATA had enough funds only to pay about \$270 million for ongoing construction work. The *Post* summarized an internal memorandum by Comptroller Lowe as saying "the new fund shortage will delay contracts for parts of the G Street line, two segments on the future Alexandria line both in Washington and south of the Pentagon, and two segments of the first line scheduled to serve Southwest Washington." Lowe estimated that the opening of the G Street line, scheduled for December 1973, would now be postponed to late spring 1974 at the earliest.

As Congress left Washington for the August recess, the *Post* explained:

Metro's current tribulations are the product of a decade of controversy over the relationship between the proposed subway system and the interstate freeway network existing and planned in Washington and its suburbs.

The continuing drama prompted at least one county executive, Montgomery County's Gleason, to indicate he might not make further contributions to Metro until Congress assured a steady flow of District funds:

You can't build a railroad like this. I think the time has come for us to get some kind of assurance from Congress . . . . If we can't there'll be a lot of big holes in the District of Columbia. I can't conceive of Congress leaving these holes in the ground without any subway built. [Eisen, Jack, "Metro Funds Run Out," *The Washington Post and Times Herald*, August 2, 1971; Denton, Herbert H., "County Aid to Metro May Halt," *The Washington Post and Times Herald*, August 3, 1971; West, Woody, "Subway Agency Broke Again," *The Evening Star*, August 2, 1971]

A couple of days later, WMATA opened bids for its sophisticated train control and communications systems, only to find that the lowest responsive bid of \$59.6 million, submitted by General Railway Signal Company of New York, was 24 percent over estimates. The next lowest bid was for \$66.6 million. Funds for the contract were available because WMATA had earmarked them before running out of funds. Chief of Engineering and Operations Dodge said, "I'm unhappy. We were hoping for something better."

Jack Eisen explained the system:

Metro officials have said the Washington system's train control equipment is the most sophisticated in the world. It is designed to dispatch trains at established intervals from their terminals, stop and start them at stations and halt them for emergencies.

An attendant in the cab of each train also would observe the track and be able to override the automatic controls.

The contract, if awarded to General Railway Signal, would be the biggest since Metro construction began, exceeding the \$38 million for the subway station at 12<sup>th</sup> and G Streets, NW., involving two track levels and a mezzanine.

The WMATA engineers concluded that the bid overrun was attributable mainly to the communications system included in the contract. The estimate also was in error by \$5 million, according to General Graham. The contract for train controls was separated from the communications system and awarded to General Railway Signal Company for \$42 million on September 2.

As reporter Fred Barnes pointed out in the *Star*, the suburban counties had been upset by the original high bid. In view of Chairman Natcher's withholding of District funds, suburban officials were threatening to withhold further payments to WMATA:

This has prompted some suburbanites to point out bitterly that current subway construction is limited to the District and the suburbs alone are paying for it.

Already some suburban jurisdiction leaders, notably Montgomery County Executive James P. Gleason, have said they might cut off their jurisdictions' funding of Metro because the district isn't paying.

Awarding of the contract did nothing to resolve the "heated dispute" on matching funds, but the suburban jurisdictions were now "less likely to make a hasty decision to stop paying for subway construction." [Barnes, Fred, "Awarding of Metro Contract May Ease Suburban Fears," Interpretive Report," *The Evening Star*, September 3, 1971]

In an August 12 letter to congressional leaders, Secretary Volpe revealed that officials were planning public hearings on three design schemes for the Potomac River Freeway in Georgetown, including one developed by FHWA. The letter was not officially released, but reporters obtained a copy. According to Jack Eisen's account:

In addition to the currently official plan for the road, Volpe said the hearing would offer two other proposals for public discussion.

One would be the concept proposed last year in the Georgetown waterfront feasibility study, prepared by a Private [sic] consultant and partly financed by the National Capital Planning Commission. It calls for putting the freeway in a trench and constructing buildings on air rights overhead.

The other would be what Volpe called “a largely covered low-profile concept developed by the Federal Highway Administration,” part of the Transportation Department. As displayed on a model at a closed meeting of the House Public Works Committee several weeks ago, this proposal calls for building the road on the surface. A platform, providing access to the river, would be built over the road near the foot of Wisconsin Avenue. A building would be built on air rights atop the freeway near the foot of 31<sup>st</sup> Street NW.

Both of these plans would require elimination of the existing elevated Whitehurst Freeway. As contemplated by the Federal Highway Act of 1968, which requires construction of the eight-lane Potomac River Freeway, the Whitehurst would be converted into the new road’s westbound lanes. The eastbound lanes would be sunk in a trench or tunnel between the Whitehurst and the river shore . . . .

Volpe, in his letters, cited the hearing plan as evidence of continued progress on the District’s lagging highway program.

According to Director Airis, the date of the hearing depended on court action on the Three Sisters Bridge. “No date has been set,” he said, adding that “nothing is firm.” [Eisen, Jack, “Volpe Set to Hold Public Hearings on 3 Designs for Potomac Freeway,” *The Washington Post and Times Herald*, August 18, 1971; “D.C. Plans New Freeway Hearings,” *The Evening Star*, August 18, 1971]

By month’s end, WMATA officials had again shifted the schedule for opening the first 4½-mile section of Metro to summer 1974. The change was largely a result of Chairman Natcher’s refusal to release the District’s 2-years worth of matching funds totaling \$72.2 million. Although WMATA had about \$211 million in funds available for Metro construction, the agency could not begin bidding for new contracts in the absence of matching funds. District and WMATA officials were hopeful that Chairman Natcher would release the funds when Congress returned from its August recess. [Barnes, Fred, “Metro Now Predicting Mid-’74 Service Start,” *The Evening Star*, August 29, 1971]

The Metropolitan Washington COG decided to meet on September 9 to discuss ways of freeing the Metro funds and securing the Federal guarantee needed for WMATA bonds. This would be the first regional effort to secure the needed legislation. Francis B. Francois, president of the council and a member of the County Council of Prince George’s, Maryland, told reporters in advance, “An all-out concerted effort is the only way we can move this.” [“COG Session Set on Subway Funds,” *The Washington Post and Times Herald*, September 4, 1971]

On the day of the meeting, the *Post* reported that the transcript of the June 7 hearing that Chairman Natcher had held in executive session had been released. Eisen told readers that Chairman Natcher had “raised the possibility that an all-but-promised \$72.5 million to extend work on the Metro subway system may not be released as expected this fall.” The article quoted Chairman Natcher’s skepticism about the cost of Metro and his comment that unless the commitments in Secretary Volpe’s secret five-page letter were carried out and the freeway and subway systems proceeded together, “I do not intend to recommend construction funds for our rapid rail transit program.”

As Eisen explained about the Volpe letter, “That letter has never been released, making it impossible for the public to pinpoint exactly what Natcher expects as the price for releasing the subway money.”

The *Star* emphasized that Metro officials denied the subway would cost up to \$5 billion. The article cited the dialogue with Representative Giaimo, including Chairman Sickles’ comment that, “I think you should allow there is no larceny in our hearts.” [Eisen, Jack, “Metro Fund Threatened by Natcher,” *The Washington Post and Times Herald*, September 9, 1971; “Natcher Airs New Threat to Metro Funds,” *The Washington Post and Times Herald*, September 12, 1971; Green, Stephen, “Subway Men Deny Real Cost \$5 Billion,” *The Evening Star*, September 13, 1971]

Responding to the June 7 transcript, a *Post* editorial said the “ever-perilous state of Washington Metro” was “worse than ever, for nobody can even explain it anymore.” Each year, Chairman Natcher “concocts an annual highway-subway money drill designed to make the city government jump through a set of hoops of his choosing and who then promptly pans the performance, leaving Metro in an increasingly precarious bind.” The hearing transcript indicated, the editorial said, that he would release the funds if officials carried out promises in Secretary Volpe’s letter to him. “The only catch is, he won’t show anybody what’s in the letter . . . Well, secrecy is one thing, and blackmail another.” If the entire metropolitan area had “to play cute games to figure out the current price of a floating ransom, it gets insane.”

The *Post* called on Chairman Natcher to release the Secretary’s letter and if he would not do so, Secretary Volpe should release it. “Beyond that, President Nixon should step in, call all the parties together and break this disgraceful impasse.” [“The Fate of Metro Now: A \$211-Million Riddle,” *The Washington Post and Times Herald*, September 10, 1971]

During the June 9 meeting, area officials agreed with the *Post* that the time had come for President Nixon to intervene. COG adopted a resolution that asked President Nixon “to call the parties to the impasse together at the earliest possible moment so that negotiations may begin at once to break the impasse.” Initially, Chairman Sickles had urged a “discreet” campaign, but Delegate Charles A. Doctor (D-Montgomery County, Md.) had urged the council to seek help from the President. “I think a little bit of presidential leadership might not hurt,” Doctor told his colleagues. Doctor also suggested that the county call on Governor Mandel of Maryland and Governor Holton of Virginia to “intercede” with their States’ congressional delegations to give unanimous support to release of the District’s Metro funds. The council never mentioned the freeway disputes and mentioned Chairman Natcher “only in passing.”

In addition, the council agreed to launch a lobbying effort by as many as 200 local officials to convince Congress to release the District's funds. Francois said, "We're asking elected officials to contact elected officials." He added, "We're not angry with anyone. We're just angry that the funds have not been forthcoming." [Eisen, Jack, "Area Governments Appeal to Nixon to Help Metro Get Federal Funds," *The Washington Post and Times Herald*, September 10, 1971; Barnes, Fred, "COG Charts Lobbying Drive for Release of Subway Funds," *The Evening Star*, September 9, 1971]

The *Star's* editorial cartoonist Garner used the "dollar-on-a-string" prank to illustrate the situation in a cartoon published on September 11. It depicted Chairman Natcher in the foreground holding a string attached to a bag labeled "Subway Funds" in the background. As a symbolic figure labeled "D.C." reached for it, Chairman Natcher was about to yank the bag out of reach. The caption read: "Try it again – maybe this time I'll let you have it."

Local officials gathered on September 14 for a summit at the suggestion of Montgomery County's Gleason. They adopted a resolution calling on President Nixon, Secretary Volpe, and Congress to find a way to end the impasse, but they considered the resolution a weak response to the situation. Gleason, who had suggested halting all Metro construction to force a showdown, said it amounted to saying the leaders were "against sin."

Several officials were skeptical that the summit had accomplished anything. They had not even managed to figure out what the problem was with District freeway construction. Fred Barnes reported in the *Star*:

Notable at the meeting was the failure of District leaders to spell out exactly what Natcher wants them to do in the way of freeway and bridge construction before he will appropriate the subway funds . . . . Gleason pressed District leaders to reveal "the dimensions" of their conflict with Natcher. "Let's not shove this thing under the table," he said.

But Mayor Walter E. Washington said the matter of District freeway and bridge construction shouldn't be discussed at all. He refused to disclose what has gone on in closed-door hearings by the House District Appropriations subcommittee, of which Natcher is chairman.

The mayor would only say that the District is "in compliance" with the orders of Congress concerning freeway construction and the building of the Three Sisters Bridge.

"Then I must ask, 'Why are the funds being held up?'"

"That's the question we all seek an answer for," responded D.C. Deputy Mayor Graham W. Watt. [Barnes, Fred, "Metro Summit Produces Resolution," *The Evening Star*, September 14, 1971]

Representative Broyhill agreed with COG and other local officials that President Nixon's help was needed. On September 17, he wrote to the President again to request his help. The *Star* said that with the letter, Representative Broyhill "has broken openly with Rep. William H. Natcher, D-Ky., over the subway-freeway impasse." Without naming the chairman, the letter criticized

“the efforts by some to hold up construction of the subway to force” the District to build the Three Sisters Bridge and other Interstate freeways. In the course of the letter, he called the impasse “ridiculous,” “asinine,” and “scandalous,” and said the “public holds all those engaged in this sport in disgust.”

He spread the blame around, telling President Nixon that “unfortunately your administration is being blamed as much as anyone for not taking the leadership required to bring order out of this sea of chaos.” Representative Broyhill asked the President to order Federal agencies and District officials to work together to get construction underway on all projects within 30 days. [Green, Stephen, “Broyhill Asks Nixon for Help on Metro,” *The Evening Star*, September 18, 1971]

Later that month, engineers completed testing the model built in Skokie, Illinois, to test the design of the Three Sisters Bridge. The \$1 million model had been subjected to several load tests, including one that simulated the pressure of 13 tiers of bumper-to-bumper trucks – a load the one-level bridge would never have to sustain. According Dr. W. Gene Corley, manager of the structural research section of the Portland Cement Association, the model passed all the tests “with flying colors.”

In the *Star*, Barnes described the ultimate load test, during which the bridge performed as expected:

A crowd of engineers and officials from the D.C. Department of Highways and Traffic and the Federal Highway Administration gathered to see this one. Hydraulic jacks pulled on the weights in the amount of the service load and nothing happened.

After this came the test for “ultimate load,” the one simulating the weight of 13 layers of trucks. Under this load, supposed to bring the model to the brink of collapse, it cracked in some spots but didn’t buckle. This, too, was what was supposed to happen to a safe bridge, the engineers said. “There were only minor cracks,” said Corley, “fewer than we expected and they were not very wide. When we took the load off, the cracks closed up.

“Now they are very small and hard to see. The model is undamaged. There was no other sign of inelastic behavior or impending failure. The model is in excellent condition.”

How each nook and cranny of the model reacted under the loads was recorded on computers which fed engineers with a steady flow of figures. All the figures were favorable, they said.

The tests created some excitement among knowledgeable onlookers. But “to the outside, it was about as exciting as watching a chess match when you don’t know how to play the game,” said Gerald F. Fox, an engineer with the New York City firm, which designed the bridge.

Most of the engineers involved in the tests did not think they were necessary. The bridge had been designed based on experience in other countries, particularly Germany and Japan, with concrete cantilevered bridges. The design was increasingly popular in other countries where the river to be spanned carried a great deal of industrial traffic. That was not the case with the

Potomac River. Corley said, “The primary reason for choosing this type of span in Washington was its appearance. It will be a very attractive bridge. It will be much better looking than having a lot of supports out in the river.”

The engineers planned one more test:

Now, the engineers are making plans to push the model past the brink. Sometime in the next few weeks, they will increase the weight on the model beyond the ultimate load. “We’re going to see how much it takes to break it,” said Fox. “And finding exactly at what point it breaks will be of further help to use in building other bridges.” [Barnes, Fred, “At Least, It Won’t Collapse,” *The Evening Star*, September 28, 1971]

The District, based on the test results, asked Secretary Volpe on September 29 to issue a formal certificate of safety. “Volpe should do so immediately,” a *Star* editorial advised after discussing the “non-startling finding,” that “confirmed what most highway experts have said all along: The Three Sisters Bridge, as now designed, will be as safe and durable as man can make it – assuming it’s ever built.” The hope was that the results would resolve forever “one of the weirder aspects of Washington’s Alice-in-Wonderland transportation mess.” Secretary Volpe, by issuing the certificate, could lead to resumption of construction of the bridge, and “that development, delayed too long already, will free Washington’s hostaged subway funds.” [“Volpe’s Tinker-Toy,” *The Evening Star*, September 30, 1971]

Barnes, who had covered disputes about Baltimore’s Interstate network while with *The Baltimore Sun*, wrote an Interpretive Report for the *Star* on October 6 about whether the city could resume construction of the bridge without going back to Judge Sirica. All of the court’s requirements had been met. Secretary Volpe, known to be “a strong proponent of the bridge,” was reviewing the District’s request for certification:

Some officials believe that Natcher . . . will release the money when construction of the bridge is resumed. So this provides another incentive for immediate resumption.

While waiting for the ruling of the three-judge panel of the U.S. Court of Appeals, lawyers for the District, the Justice Department, and the Transportation Department were “in a quandary” over whether they needed Judge Sirica’s approval to resume construction or if approval of the Appeals Court would be sufficient. “The bridge matter is so important and has become so delicate that a decision will not be made without the approval of the White House, sources said.” [Barnes, Fred, “3 Sisters Can’t Bridge Courts, Hill,” Interpretive Report, *The Evening Star*, October 6, 1971]

### **The I-66 Lawsuit**

Despite the opposition to I-66 expressed during the December 1970 public hearings, the Virginia Highway Commission was determined to proceed. On February 18, 1971, the commission approved the design for the 3-mile segment between Glebe Road and Lee Highway in Arlington and the approaches at the Potomac River to the Three Sisters Bridge. The estimated cost of the

segment was \$10 million. The commission submitted the plan to FHWA for what the *Post* described as “routine approval.”

With that approval, the Virginia Highway Department would be able to clear the ground for construction. The State’s location and design engineer, P. B. Coldiron, expected the State to request construction bids in the fall. He added that the State would hold a public hearing for the remaining 6 miles of I-66 between Glebe Road and the Capital Beltway “late this year or early next year.” He also said that John O. Simonds would have a preliminary report on his recommendations “in a couple of months.” [Wilkinson, Tom, “I-66 Work In Virginia Approved,” *The Washington Post and Times Herald*, February 19, 1971]

Leland J. White, in his history of the I-66 battles, wrote:

Within days, ACT filed suit in federal District Court seeking to enjoin the Secretary of Transportation and the VDH from proceeding with construction of I-66. Central to their argument was that the VDH had not filed a comprehensive environmental impact statement as required by the National Environmental Act of 1969. [White, page 60]

They also claimed that the plans for the highway, dating to February 1959, were planned at a time when officials and planners were fixated on urban freeway networks. They were based on data that might be out of date. For example, plans for Metro had not been developed at the time, but now the likelihood of rapid rail transit meant that traffic projections were probably wrong. [Kneece, Jack, “Plans at 3 Sisters Spotlight I-66 Suit,” *The Sunday Star*, May 30, 1971]

In March, the *Post* published an article about the growing battle over I-66. It described the segment:

As approved by the Highway Department, I-66 will be eight lanes and between 200 and 250 feet wide between the Beltway and shortly before the top of Spout Run Parkway.

There, it divides as it approaches the Potomac. One leg will run eight lanes through 30 acres of Spout Run Park, the other will widen to 14 lanes and will follow Lee Highway down to Rosslyn Circle on the Virginia side of the Key Bridge.

Spout Run Park, 30 acres of woods surrounding Spout Run, will be virtually obliterated as the freeway moves toward the river and its link with Washington at the Three Sisters Bridge.

In court papers, Commissioner Fugate opposed delaying the 3-mile segment “inasmuch as approval . . . was given in 1959 after a public hearing and no reason has been given by plaintiffs for failure to assert their claim at an earlier date.” He pointed out that the State had acquired extensive right-of-way for I-66, a process that the plaintiffs did nothing to oppose.

Plaintiffs claimed that I-66 would cause irrevocable harm to the community:

Fugate's response to this complaint, taken from papers filed in the lawsuits, is: Inasmuch as the plaintiffs under state law are entitled to full compensation for property taken and relocation assistance where warranted, there is no irreparable harm."

Opponents say it is precisely this sort of laconic bureaucratic assurance that money solves (or removes) all problems that has helped trigger the citizens' opposition, and aided them in casting their dispute as one more battle of the individual against governmental injustice.

The article described Bright N. Springman as a draftsman with the U.S. Geological Survey who had lived in an apartment at 1577 Colonial Terrace in Arlington for 7 years. "At the point where the freeway goes past him enroute to Rosslyn Circle it is planned to be 14 lanes and 350 feet wide." In the course of his research, he had discovered the State's plan to route Spout Run into a concrete culvert that would be a mile and a quarter long. The State had not mentioned the culvert during the December public hearings, but now informed a reporter that it was an engineering necessity. Springman described I-66 as "an atrocity . . . a form of violence against the land and against generations we can no longer allow." [Barnes, Bart, "Major Battle Shapes Up Over Building of I-66," *The Washington Post and Times Herald*, March 7, 1971]

Secretary Volpe and FHWA Virginia District Engineer King filed a joint response to the suit in late March. In response to the plaintiffs' claim that the highway would damage parks, wildlife, race relations, and other aspects of life in Arlington, the officials denied that "the quality of life in Arlington will be diminished or the health and well-being of its residents jeopardized." They also claimed that the suit to block the highway had been filed too late after planning for I-66 began.

Federal officials generally denied ACT's claims without explanation, but Fugate responded in detail. He argued that I-66 would reduce air pollution by allowing traffic to move freely, instead of in stop-and-go congestion. As summarized in the *Post*, the freeway also would "raise property values, provide a habitat for small wildlife on the highway's margin, raise the water table by reducing the total amount of impervious roadways needed in the area, and improve the flow of Spout Run, the principal creek affected by the highway."

Fugate denied that the location of I-66 had not been reconsidered since the 1968 hearing, adding that some changes might occur in the design to accommodate new environmental considerations.

He expected I-66 to enhance the county's tax base, while reducing the county's cost in maintaining its roads as traffic shifted to the freeway. He denied the claim that Virginia would not build the road if FHWA were not providing 90 percent of the funds.

He objected to ACT's request to halt right-of-way acquisition for the freeway. At the time of the filing, 81 percent of the right-of-way needed for I-66 had been acquired. He requested dismissal of the suit because halting acquisition would delay the letting of construction contracts scheduled for the fall. [Edwards, Paul G., "U.S. Virginia Claim Only Good From I-66," *The Washington Post and Times Herald*, March 30, 1971; "U.S. Reply to I-66 Suit Denies Citizens Charges," *The Evening Star*, March 30, 1971]

On June 3, Simonds appeared before the Arlington County Board to present his preliminary ideas for mitigating adverse impacts of the 3-mile segment of I-66. State and FHWA officials, he said, had encouraged him “to make I-66 through Arlington an environmental model for the entire nation.” The goal was to “integrate it into the community in a harmonious way.” In developing the plan, he had considered the suggestions of citizens and State and Federal road engineers. The engineers had contributed much to his design because “we have served as a catalyst” to spark their creativity. The *Post* stated that the proposals, if adopted, would make I-66 “as much a tree-shaded parkway as harsh concrete expressway in its controversial route through Arlington.”

The entire 3-mile segment of I-66 would be depressed to reduce noise impacts. Noise reduction would be aided by the addition of earth mounds, trees, and acoustic walls. Where the roadway would run close to Washington-Lee High School and the county school administration building, Simonds proposed construction of a 1,000-car garage on air rights above the highway along with a 12-court tennis pavilion. To reduce noise near Page Elementary School, Simonds proposed to increase the right-of-way to allow for construction of a park.

According to the *Star*:

Other plans include covered pedestrian walkways and bicycle and pedestrian paths insulated from the road noise, he said. A low-intensity, even lighting system is also being worked on, he said.

In response to a question, Simonds said, “Air pollution in the whole valley will not be too serious” because the valley is wide and new federal controls on vehicles will drastically cut pollution emissions by 1975.

Reporters in the *Star* and *Post* agreed that the proposals were greeted with skepticism, even laughter from the capacity crowd, but according to the *Star* “the volume was low in contrast to earlier tumultuous public hearings on the road.” When Simonds described his plan to build a park near Page Elementary School as the “highway’s gift to the community,” he was “greeted with laughter from the audience.”

Chief Engineer and Deputy Commissioner Harwood, in attendance, said the State highway agency would “go as far as it can in implementing” the proposals, but was doubtful the State “can do it all.” Simonds did not provide a cost estimate, but Harwood estimated it would increase construction costs by 15-20 percent. [Brockett, Diane, “Arlington Given Plan to Soften Impact of I-66,” *The Evening Star*, June 4, 1971; Ringle, Ken, “Arlington Board Shown I-66 ‘Parkway’ Design,” *The Washington Post and Times Herald*, June 4, 1971]

U.S. District Judge Oren R. Lewis held a 4-hour hearing on the suit on August 3. Lawrence J. Latto, representing the plaintiffs, argued that Arlington had changed “so substantially” since the last public hearing 13 years ago that I-66 should be reexamined in a new public hearing. He referred to Section 18 (“Preservation of Parklands”) of the Federal-Aid Highway Act of 1968, which amended Section 4(f) and the comparable Section 138 of Title 23, United States Code, to establish uniform requirements for preservation of publicly owned parklands. As mentioned before, the amended section prohibited the Secretary from approving the use of such lands for

highway projects unless there is “no feasible and prudent alternative,” and if such lands must be used, that all possible planning be instituted to minimize harm to these lands. In addition, the section required public officials with jurisdiction over the parkland to state whether the parkland or other site is of significance for preservation.

The *Post* summarized Latto’s arguments:

He argued that the last location hearings, which were held in 1958, were “stale.” “There does come a time,” Latto said, “when changes in a community . . . are so significant and substantial that the original determination (on the road) becomes vitiated” . . . .

Relying on a recent U.S. Supreme Court ruling that barred the construction of a road through a Tennessee park [Overton Park in Memphis], Latto argued that federal officials should also restudy the I-66 route for its impact on the 22-acre Bon Air Park and 30-acre Spout Run Parkway. The road would take 9.7 acres and 5 acres respectively from those parks . . . .

Latto said further that the plaintiffs were not questioning whether the road “is good,” but argued that federal and state officials should be made to restudy the freeway’s impact on the environment, particularly in light of plans for a subway system and updated figures on population and housing trends.

The article also described the defense:

Justice Department attorney Irwin Schroeder, representing DOT, contended that the I-66 project was exempted from the 1968 law since approval had been given before the federal act was passed.

He added that federal and state highway authorities have reviewed the project and “concluded that no new hearings are required.” He also said he was skeptical that new hearings would result in a route change . . . .

Schroeder contended that the road’s path through the two parks need not be reaffirmed and that the tracts, partially purchased for highway purposes, did not fall in the category of major national, state or local interests as defined by the Tennessee ruling.

Latto, however, countered that while the route may have been approved, construction of the road still has to be reaffirmed by Volpe, who, Schroeder said yesterday, has decided against a review.

Regarding the parkland, Schroeder replied that “the land is of greater significance for highway purposes than for parks.” Judge Lewis agreed that I-66 would endanger only the edges of the two parks, but told Schroeder that under further consideration via a public hearing, “You might end up with moving your road 50 feet.”

Latto also raised a concern about the tape recording of the 1958 public hearing, claiming the failure to transcribe the tape until the present year was a regulatory violation. BPR’s PPM 20-8,

in effect when the hearing was held, required that “a public hearing shall be held and a transcript made thereof.” The PPM was amended on June 16, 1959, to state that tape recordings would not be accepted as a transcript. Schroeder denied the violation and Judge Lewis said the issue “doesn’t intrigue me much.” [Scannell, Nancy, “I-66 Foes Tell Court New Hearings Are Needed,” *The Washington Post and Times Herald*, August 3, 1971; Beckham, Nancy, “Judge Lewis to Study Request For New Route 66 Hearing,” *The Evening Star*, August 4, 1971]

Judge Lewis ruled for the defendants on October 9, 1971, saying “there is no justification or legal requirement for further delay in completing construction of I-66.” He made clear that his decision affected only the 9.7-mile section of I-66 between the Capital Beltway and the Theodore Roosevelt Bridge. He explicitly excluded any judgment on I-266 or the Three Sisters Bridge:

The Three Sisters Bridge is not a part of I-66, neither is the proposed connecting road, I-266. Some adjustments in the I-66/I-266 interchange will be required if I-266 is not built. They have been considered and approved.

In so ruling, he rejected the plaintiffs’ argument that the need for I-66 hinged on whether the District built the Three Sisters Bridge.

He also disagreed that changes in the area necessitated additional review:

The transportation needs of the area have been monitored over the years by the many agencies responsible therefor – and the officials charged by law for selecting the location for I-66 have reaffirmed their choice on numerous occasions up to the present time.

He added that the general location of I-66 had been known since 1961 when it was included in the Arlington County General Land Use Plan; development had taken place with that corridor in mind.

Judge Lewis also rejected the Section 4(f)/Section 138 argument. Plaintiffs had not claimed the requirements were retroactive, but that they cover all work begun after their effective date. To accept that argument would mean that all work on Interstate highways traversing any park would have to be halted, a solution that he said was clearly not the intent of Congress. Moreover, Arlington County had purchased Bon Air Park “for the specific purpose of highway use.” The NPS had agreed to the use of 5 acres of Spout Run Parkway for I-66 and 13.97 acres for I-266 on the condition that the State replace the land with similar parkland. Neither the county nor NPS officials had found that the parkland was of local or national significance for park purposes. Therefore, Judge Lewis said the only inference that can be drawn was the one drawn by the defendants, namely that the land is more important for highway than park purposes.

He also did not accept the argument that I-66 must retroactively comply with NEPA. The route had been approved before NEPA was enacted on January 1, 1970; the only activity since then involved work authorized or approved before then. FHWA issued guidance on November 30, 1970, that an environmental impact statement (EIS) under NEPA would be required only on projects that had not received design approval prior to February 1, 1971. FHWA had approved the EIS for I-66 on January 21, 1971, just before the deadline. Regardless, the defendants stated

they were requiring Virginia to file an EIS before construction approval, and work was underway on the review.

As for failure to transcribe the 1958 public hearing, Judge Lewis dismissed the issue, saying that it “at best constitutes harmless error.”

Commissioner Fugate was “very pleased” with Judge Lewis’s opinion. Fugate estimated that construction would begin on the 3-mile segment in the spring “if we can get some of our environmental designs cranked into the plans” in time.

Emilia Govan said she was disappointed by the ruling but declared, “We’ve just begun to fight. The citizens are not going to allow that highway to be built without challenging every future step.” She said the coalition intended to appeal the ruling. [Scannell, Nancy, “I-66 Suit Quashed By Judge,” *The Washington Post and Times Herald*, October 10, 1971; Beckham, Nancy, and Hutchens, Timothy, “Judge Dismisses I-66 Suit, See No Basis for Delay,” *The Evening Star*, October 9, 1971; *Arlington Coalition on Transportation v. Volpe*, Civil Action No. 59-71-A (E.D. Va October 8, 1971)]

The *Star* was encouraged by recent developments. Judge Lewis’s opinion had removed another “obstacle to progress on this area’s besieged highway program.” The opinion was “a major breakthrough” because it “unequivocally” rejected the plaintiffs’ arguments. It also undercut arguments by opponents of the Three Sisters Bridge who contended that the bridge should not be built “while the future of the freeway that would connect it to the Beltway is still uncertain.”

Maryland, as will be discussed, had indicated it would “press for construction of Interstate 95 to connect the Beltway with downtown Washington.” Moreover, the model of the Three Sisters Bridge had passed its safety test “by a margin so wide as to be astonishing.”

The *Star* understood that these positive signs did not mean construction could begin on any of these projects soon. “Regional highway planners have learned from repetitious experience that when an obstacle falls, another is quite likely to pop up in its place.” However, if construction could begin, “this city’s subway money that is frozen on the Hill will undoubtedly be released.”

Therefore, VDH officials should press for construction as soon as possible, and seek an early hearing if an appeal is filed. Similarly, Secretary Volpe should press for speedy resumption of construction for the Three Sisters Bridge:

Traffic continues to swell and clog, and key legislators continue to sit on the subway money because Congress’ highway-building orders of long ago haven’t been carried out. It’s time for some forceful action to break the costly stalemate. [“Time for Highway Action,” *The Evening Star*, October 11, 1971]

The day after that editorial appealed for action, Judge Bazelon issued the majority opinion on the Three Sisters Bridge, as discussed earlier. His decision encouraged ACT to renew its fight against I-66. About 150 opponents met in the evening of October 13 to discuss their next steps. Latto indicated he had filed a notice of appeal with the Fourth U.S. Circuit Court the day before seeking reversal of Judge Lewis’s opinion. He also planned to seek a temporary injunction

against further condemnations for right-of-way acquisition, which VDH had voluntarily suspended while the court proceedings were underway.

Latto pointed out that many of the points that Judge Lewis had rejected had been upheld by Judge Bazelon as requiring further review. For example, the bridge ruling required consideration of alternatives to the Three Sisters Bridge and its impact on the environment, including parklands, while Judge Lewis found that additional review under NEPA and Section 4(f) was not needed. [Scannell, Nancy, "I-66 Foes Begin New Legal Fight," *The Washington Post and Times Herald*, October 14, 1971]

### **A Blockbuster Ruling**

The I-70S North-Central Freeway and its I-95 Northeast Freeway spur had generated much of the original opposition to the District's freeway network, including from ECTC activists. Since the abandonment of the I-70S/Northwest Freeway in the Wisconsin Avenue corridor and the shift of the Interstate number to the North-Central Freeway, the Maryland links to I-70S and I-95 between the Capital Beltway and the District line had become increasingly controversial.

In early October, Secretary of Transportation Harry R. Hughes, a State legislator since winning election in 1954 who had become Secretary with the start of Maryland Department of Transportation operations on July 1, 1971, wrote to Montgomery County officials to say that the State would not oppose dropping the I-70S link between the Capital Beltway and Fort Totten in the District.

One factor in the State's decision was that I-70S would have to be carried on the Capital Beltway from the Pook's Hill interchange, the present terminus of I-70S, for several miles before linking via interchange with the I-70S connection with the District. Secretary Hughes said this link would cause serious traffic problems without reconstruction of the Capital Beltway. "Maryland does not have the resources, either on its own or in combination with any federal authorization, to overcome this problem." He added that deletion of I-70S between the Capital Beltway and the District line would be contingent on being able to use the Interstate funds on other Interstate projects in Maryland.

At the same time, Secretary Hughes said the State had not abandoned the I-95 link inside the Capital Beltway. The State endorsed upgrading the Baltimore-Washington Parkway to Interstate standards with a link to the city's proposed Industrial Highway in the New York Avenue corridor. These were, however, no substitute for a direct I-95 link from the Capital Beltway through the District:

Interstate 95 is an important link in Maryland's transportation system, providing direct service within the Baltimore-Washington corridor, the fastest growing area of the state. Many significant development decisions, both public and private, have been made over the last decade in suburban Maryland in anticipation that Interstate 95 would be built.

For years, the map of the I-95 extension had shown it passing west of the University of Maryland's College Park campus, running through Northwest Branch Park on an undecided

alignment, and entering the District near Chillum, Maryland. However, the 5-mile extension of I-95 to the District line would be needed only if the city built its portion of the route. The State asked COG for \$1.8 million to study the routing question. [Walsh, Edward, "Beltway, I-95 Leg Pushed," *The Washington Post and Times Herald*, October 7, 1971]

In a resolution dated September 15, the Prince George's county council had protested the routing of I-95. The resolution called the extension "almost a classic example of neighborhoods and park lands being sliced by 'concrete ribbons' to accommodate runaway technology." The county, which had received letters from residents along the proposed route opposing construction, preferred to emphasize Metro service.

At the county's request, COG held a conference on October 8 to consider the routing. A State transportation department representative, Fred Gottemuller, advised officials that the State planned to study routing for the extension but also the no-freeway option. The problem with the no-freeway option was that traffic would overload existing roads or require the State to widen the Capital Beltway between the present terminus of I-95 and the Baltimore-Washington Parkway. The widening would create an "environmental . . . impact of great magnitude."

Gottemuller told conference participants that the State was considering an alignment along a major electric power line in the vicinity of New Hampshire Avenue and another option along the Baltimore and Ohio Railroad's branch line. He indicated that the State was waiting for the report, requested in the Federal-Aid Highway Act of 1970, from the District and Secretary Volpe on the routing of I-95 in the District.

George H. F. Oberlander of NCPC reminded State officials that NCPC and the D.C. city council had adopted a policy of not building major new road gateways into the city. This policy would prohibit the I-95 link that Maryland was studying. [Eisen, Jack, "Plans for Building I-95 into City Stirs Fight," *The Washington Post and Times Herald*, October 9, 1971]

On October 12, the three-judge panel of the U.S. Court of Appeals issued what the *Star* called "a blockbuster ruling." The decision, approved 2 to 1, reversed Judge Sirica's ruling that construction could begin if certain conditions were met. Referring to "the long and sometimes acrimonious imbroglio" over the bridge, Chief Judge Bazelon wrote that Secretary Volpe's approval of the Three Sisters Bridge "must be predicated on compliance with a number of statutory provisions." These provisions included Section 4(f) of the Department of Transportation Act of 1966. In view of the Supreme Court's ruling in the Overton Park case, Judge Bazelon wrote:

Our review of the Secretary's determination is hindered not only by the lack of any formal findings, but also by the absence of a "meaningful administrative record within the Department of Transportation evidencing the fact that proper consideration has been given to the requirements of this section." However regrettable, the failure to provide explicit findings indicating why all possible alternatives to the bridge would be unfeasible or imprudent does not, in itself, invalidate the Secretary's action. But the complete non-existence of any contemporaneous administrative record is more serious. Absent a record, judicial review of the Secretary's action can be little more than a formality unless

the District Court takes the disfavored step of requiring the Secretary to testify as to the basis of his decision. And even the Secretary's "*post hoc* rationalizations," filtered through a factfinder's [sic] understandable reluctance to disbelieve the testimony of a Cabinet officer, will rarely provide an effective basis for review. Furthermore, it is hard to see how, without the aid of any record, the Secretary could satisfactorily make the determinations required by statute. The absence of a record, in other words, simultaneously obfuscates the process of review and signals sharply the need for careful scrutiny.

Secretary Volpe's testimony before the District Court was "on occasion uncertain and inconsistent with the testimony of others" and raised "a serious question whether he considered all possible alternatives" to the use of parkland as required by Section 4(f).

Section 23 of the Federal-Aid Highway Act of 1968 did not overrule these considerations. The provision directed construction of the bridge as specified in the 1968 ICE, but provided that the projects "shall be carried out in accordance with all applicable provisions of title 23 of the United States Code":

If the bridge cannot be built consistently with applicable law, then plainly it must not be built. It is not inconceivable, for example, that the Secretary might determine that present and foreseeable traffic needs can be handled (perhaps by expansion of existing bridges) without construction of an additional river crossing. In that case, an entirely prudent and feasible alternative to the Three Sisters Bridge might be no bridge at all, and its construction would violate §138 [of Title 23, United States Code, i.e., Section 4(f)]. Thus, the Secretary may have disregarded one possible prudent and feasible alternative to the use of parkland and historic sites on the mistaken assumption that that alternative was foreclosed . . . .

What was clear was that Secretary Volpe had been heavily influenced by the need to overcome Chairman Natcher's hold on Metro construction funds. Judge Fahy, who concurred in the decision, was "not entirely convinced that the District Court ultimately found as a fact that the extraneous pressure had influenced the Secretary's decision." However, Judge Fahy had authorized Judge Bazelon "to note his concurrence in my discussion of the controlling principle of law: namely, that the decision would be invalid if based in whole or in part on the pressures emanating from Representative Natcher." Further, "the Secretary must make new determinations based strictly on the merits and completely without regard to any considerations not made relevant by Congress in the applicable statutes." Judge Bazelon continued:

If, in the course of reaching his decision, Secretary Volpe took into account "considerations that Congress could not have intended to make relevant," his action proceeded from an erroneous premise and his decision cannot stand. The error would be more flagrant, of course, if the Secretary had based his decision solely on the pressures generated by Representative Natcher. But it should be clear that his action would not be immunized merely because he also considered some relevant factors.

The loss of subway funding might be a “unique problem . . . of extraordinary magnitude,” but Judge Bazelon wrote:

The Secretary plainly understood that the price of abandoning, modifying, or even delaying construction of the bridge was the loss of appropriations for the District’s subway. He undoubtedly viewed the prospect of that loss with understandable alarm, and may have concluded that the destruction of parkland was inescapable and appropriate in the face of Representative Natcher’s clear and enforceable threat. We cannot agree, however, that a determination grounded on that reasoning would satisfy the requirements of §138.

Judge Bazelon wanted to make clear what he was not saying:

To avoid any misconceptions about the nature of our holding, we emphasize that we have not found – nor, for that matter, have we sought – any suggestion of impropriety or illegality in the actions of Representative Natcher and others who strongly advocate the bridge. They are surely entitled to their own views on the need for the Three Sisters Bridge, and we indicate no opinion on their authority to exert pressure on Secretary Volpe. Nor do we mean to suggest that Secretary Volpe acted in bad faith or in deliberate disregard of his statutory responsibilities. He was placed, through the action of others, in an extremely treacherous position. Our holding is designed, if not to extricate him from that position, at least to enhance his ability to obey the statutory command notwithstanding the difficult position in which he was placed.

The court’s ruling focused on Section 4(f), but concluded that the Secretary’s decision also was inconsistent with the 3C planning requirements. Plaintiffs had argued that in December 1968, NCPC had rejected the Three Sisters Bridge in response to President Johnson’s call for a comprehensive plan for a District highway plan. Defendants pointed out that COG’s TPB, not NCPC, was the official 3C planning agency. TPB had approved the bridge. The court was unwilling to “resolve this dispute by some abstract balancing of NCPC disapproval against TPB approval.” The issue was not whether one plan was better than the other, but that the statute called on the Secretary “to determine whether a particular project will be consistent with sound transportation planning for the region.”

Secretary Volpe had delegated the responsibility for making that decision to Mr. Hall, FHWA’s Division Engineer in the District. Hall had concluded that TPB was the 3C agency, a decision that Judge Sirica had accepted. “But that reasoning cannot do service for the more sophisticated determination required by the statute.” Hall had “apparently” done little more than find that adopting TPB’s decision on the bridge was consistent with comprehensive planning:

Yet that is precisely the determination that the Department of Transportation, taking into account the recommendations of local plans, must make. The statute plainly does not permit the Department to delegate its statutory responsibility to a local planning agency. On remand, the Department must reevaluate the project in light of the purposes of § 134.

The court doubted that Hall's decision, grounded in a misunderstanding of the statute, "could be upheld on the present record even under the constrained standard of substantive review." TPB had approved the bridge in 1967, at a time when NCPC also approved the bridge. However, TPB had not adopted a comprehensive plan at the time:

TPB approved the project not under § 134, but under the Demonstration Cities and Metropolitan Development Act of 1966 [P.L. 89-754, November 3, 1966]. NCPC, on the other hand, developed a transportation plan in response to President Johnson's call for the development of a "comprehensive plan for a D.C. highway system" which would permit the Department of Transportation to determine whether the Three Sisters Bridge and other projects would be "appropriate links" in such a plan; it then rejected the bridge proposal. And even if TPB approval were not – at least on its face – stale, inapposite, and unsupported by any underlying, comprehensive plan, we would still have difficulty accepting the Department's finding without some explanation of how the § 134 determination could be made before plans for the bridge are finalized. Nothing in the record suggests that TPB approval – whatever its other apparent shortcomings – embraced each conceivable design that might eventually be adopted.

Judge Bazelon also raised concerns about compliance with 23 U.S.C. 109(a), which required approval of plans only if the proposed facility will "adequately meet the existing and probable future traffic needs and conditions in a manner conducive to safety, durability, and economy of maintenance." Judge Sirica, in finding that planning for the bridge had not determined if it would be structurally feasible, had called for such planning; the Court of Appeals concurred with that decision.

Plaintiffs, however, had argued that Secretary Volpe had not determined whether riverbed conditions would support the bridge and that an increase in air pollution attributable to traffic on the bridge would not pose a safety hazard. Hall had testified that he could not be certain the planned foundation would be adequate, but said, "there is no question that the piers can be built to support the bridge as presently planned." Obviously, Judge Bazelon explained, the Department of Transportation would not build a bridge if the riverbed was not suitable:

But § 109(a) requires not only that the bridge be safe, but also – and no less important – that its safety be ascertained before the Secretary approved the project. That requirement minimizes the safety hazards and at the same time insures that public funds will not be squandered on a demonstrably unsafe proposal . . . .

We hold that if such questions do exist, the Secretary must take steps to resolve them to the fullest practical extent before granting approval of the project under § 109(a).

As for air pollution, Judge Sirica had concluded that evidence of a potential threat was insufficient to require a special study of the issue. Obviously, Congress did not intend to permit construction of a bridge that would result in pollution that would be a threat to safety. "It does not follow, of course, that air pollution will be a significant hazard in all – or even any – highway projects; Judge Sirica did not find any evidence that the Three Sisters Bridge would pose such a

threat. Nevertheless, the Department of Transportation “has far greater resources and expertise” on this matter than the District Court. Such a study might reveal significant dangers:

Inquiry into this issue cannot be foreclosed merely because the District Court found no significant evidence of air pollution hazards. That determination must be made in the first instance by the Secretary of Transportation.

Judge Bazelon also questioned compliance with the public hearing requirements of 23 U.S.C. 128 (“Public hearings”). Without admitting fault, the city had conducted a design hearing in December 1970; he agreed that the hearing satisfied the requirement for a design hearing. Defendants also contended that a location hearing in 1964 satisfied the requirement for such a hearing. However, of three locations presented during that hearing, the one most similar to the current location was 1,500 feet away on the District of Columbia shore and 950 feet away on the Virginia shore. Interchanges had been substantially redesigned since then, affecting their location:

Accordingly, we remand this issue to the District Court for clarification of the factual basis of its conclusions, and for reconsideration in light of any further location changes the Secretary of Transportation may order.

The court also considered the Act of March 2, 1893. Judge Bazelon explained that the District Court had initially concluded that Section 23 of the Federal-Aid Highway Act of 1968 exempted the project from the public hearing requirements of Title 7 of the District Code. The subsequent Appeals Court ruling indicated that the District must comply with Title 23 provisions, but did not state whether it also had to comply with non-Title 23 requirements, such as Title 7.

Neither the briefs filed in the appeal nor the oral arguments addressed the issue. Section 23 had ordered construction of the bridge “notwithstanding any . . . court decision . . . to the contrary,” but Judge Bazelon pointed out that with regard to the District Code, his reference to the issue in his prior ruling had not been “to the contrary.” Therefore, he deferred judgment on this issue to allow the parties, if they wished, to file memoranda dealing with the question.

The court remanded the case to the District Court “with directions that it return the case to the Secretary for him to perform his statutory function in accordance with this opinion.” The court added:

It seems clear that even though formal administrative findings are not required by statute, the Secretary could best serve the interests of the parties as well as the reviewing court by establishing a full-scale administrative record which might dispel any doubts about the true basis of his action. Accordingly, the District Court is directed to enjoin construction of the bridge until the defendants have complied with the applicable statutory provisions as set forth in our opinion. [*D.C. Federation of Civic Associations et al., v John A. Volpe, Secretary of Transportation, et al.*, 459 F.2d 1231 (1971); underlining in original]

The *Star* called the ruling “startling.” The editors agreed with Judge Bazelon’s reference to this “long and sometimes acrimonious imbroglio,” but “with not much else”:

To the confusion reigning before, the ruling adds some vast new dimensions of controversy, broadening the scope of permissible legal attack on highway projects here and perhaps everywhere else in the nation. The result – particularly in Congress – is apt to be more acrimony, not less. The fate of the District’s hostaged subway appropriations is as unsettled as ever.

Adding to “this dismal picture” was the ruling’s “extraordinary challenge to congressional authority.” The ruling “instructs Volpe to ignore . . . such ‘extraneous considerations’ as a 1968 order of Congress which specifically directed that the bridge be built without delay.” Unless an appeal was planned, Secretary Volpe should immediately comply with the ruling, but it would not be easy because Judge Bazelon “has left no legalistic pebble unturned.”

As for Chairman Natcher, he should release the District’s appropriation of matching funds for Metro in full. His attempt to force the Administration “to proceed in good faith to build the bridge, as ordered by Congress” was moot, at least for the moment. “Volpe is so clearly powerless now to move in that direction that it would be an act of sheer irresponsibility for Congress to penalize the citizens of this region any longer by prolonging the appropriation ban.”

The Three Sisters Bridge would, in time, be built, because the “circulatory needs of traffic demand its construction.” How long it would take “to overcome the new barriers of legalisms” was unpredictable. [“The ‘Acrimonious Imbroglio,’” *The Evening Star*, October 14, 1971]

The *Star*’s news coverage of the ruling pointed out that the fate of the bridge “now appears to rest with” Chairman Natcher because the ruling argued that Secretary Volpe had approved construction without following all requirements in hopes that Chairman Natcher would release the District’s share of funds for the subway, which the Secretary strongly supported:

It has been widely believed that Natcher would be willing to overlook the lack of freeway construction if only the building of the Three Sisters Bridge would begin again. But the court’s ruling appears to put the shoe on the other foot – Natcher must release the money first and then construction on the bridge might be resumed.

Otherwise, Volpe would be hard pressed to argue that he hadn’t taken Natcher’s influence into consideration. The pressure is there. Volpe wants the subway built and there seems to be no way to untwine the two without Natcher taking the first step.

Even if Natcher released the District’s matching funds, Secretary Volpe would still have to follow the steps required by the ruling:

Government officials, still studying the court’s 34-page opinion today, were unsure exactly what these steps are and how they must go about taking them. Likewise, they say they don’t know how long it will take before the steps are completed and construction can be resumed.

They had considered the alternatives Judge Bazelon suggested and dismissed them as unfeasible. “The projected traffic load in the Virginia-District sector clearly calls for a bridge at the Three Sisters site, they contend.”

In addition, construction of I-66 through Arlington would seem to make the Three Sisters Bridge, which would carry some of the resulting traffic as part of I-266, “a necessity, or Arlington would be faced with a mammoth traffic problem.” A specific segment of that I-66 traffic, namely the trucks that were banned from the Theodore Roosevelt Bridge, needed the I-266 bridge to cross the Potomac River. At the same time, Arlington residents had challenged construction of I-66 in court. The outcome could affect the need for the bridge. [Barnes, Fred, and Groom, Winston, “Bridge Decision May Be Up to Natcher,” *The Evening Star*, October 13, 1971]

Representative Broyhill was the first Member of Congress to react to the ruling. He wanted to “get this logjam broken and free money for the subway.” He planned to offer a rider to the District revenue bill when the House District Committee met on October 15. The rider would order the District to resume construction of the Three Sisters Bridge regardless of “any court decision or administrative action or procedure.” He told reporters that Judge Bazelon’s ruling “makes the Congress look ridiculous,” adding:

If you have a judge who is personally against the bridge, then he’ll subvert the law. The only thing is to pass another law or impeach the judge. [“Bridge Move Sought Today by Broyhill,” *The Washington Post and Times Herald*, October 15, 1971]

Chairman Natcher, as usual, refused reporters’ requests for comment on the ruling. The *Star*, however, reported that:

Congressional sources said yesterday the appeals court decision strengthens Natcher’s hand if he again moves to block release of the subway money due to his irritation over the roads.

They explained that the court decision will permit Natcher to tell the House the courts have defied the wishes of Congress by halting bridge construction. This strategy would make it difficult for most members of the House to appear that they were knuckling under to the courts. [Green, Stephen, “Broyhill is Seeking to End Impasse on 3 Sisters Bridge,” *The Evening Star*, October 14, 1971]

The *Post* editorial board used the shoe analogy that the *Star* had also employed, beginning its editorial on the ruling:

The shoe is now on the other foot . . . . If Mr. Natcher wants the bridge built, he must allow it to be built under the terms of the law. If he persists in withholding the Metro funds, he at least ought to be a lot more explicit than he has been so far as to what he wants. He has yet to state precisely what he expects the District and the Department of Transportation to do – again, within the terms of the law – as a condition for their release.

Noting Judge Bazelon’s statement that no one had engaged in “impropriety or illegality,” the *Post* agreed about “illegality,” adding:

But where is the propriety in using appropriations for a subway which is already under construction as a club to beat the federal and city governments into doing anything other than it is required to do by law about a bridge?

Representative Broyhill, the editorial pointed out, thought Congress could pass yet another law ordering construction of the bridge. “But would that exempt the District and DOT from the required review? The question, it seems to us, only invites more litigation.” [“The Bridge and the Metro Funds,” *The Washington Post and Times Herald*, October 16, 1971]

Two days later, in a News Analysis, Jack Eisen wrote that when asked about the fate of the Metro subway, “nobody on either side of Washington’s agonizing subway-freeway dispute . . . can do more than guess an answer.” The area’s congressional delegation, with the exception of Representative Broyhill, had “sidestepped responses”:

Even “informed sources,” those shadowy insiders who sometimes tell newsmen at least part of what they know, profess bafflement.

President Nixon also had declined to intervene. “He is reported, however, to have called aides into his office a few weeks ago for an explanation of what is going on.”

Chairman Natcher maintained his “customary silence” but that did not stop speculation:

Some people feel Natcher might see fit to regard the court decision as the basis for graceful withdrawal from the dispute.

Perhaps so. But less sanguine observers point to what he said in House debate on Aug. 11, 1969, two days after the D.C. City Council agreed reluctantly to build Three Sisters. “I will never come into this House and ask that the Public Works Committee be repudiated and that we void the law of 1968,” Natcher declared. “I do not intend to do it.”

(An interesting sidelight: During that debate, a news clipping shows Natcher remarked that he did not “think there is a judge on any bench in the District of Columbia” who would override the congressional Three Sisters mandate. Natcher apparently edited this remark out of the debate transcript as printed the next day in the Congressional Record.)

He had never lost a fight on the House floor over his Metro fight, despite the close vote on May 11 on the Giaimo Amendment:

That was an internal House debate – all in the family, so to speak. Some now fear that the court decision might be regarded on Capitol Hill as a direct confrontation between the powers of the judicial and legislative branches. [Eisen, Jack, “D.C. Subway Fate is Doubtful Again,” News Analysis, *The Washington Post and Times Herald*, October 18, 1971]

Roberts B. Owen, counsel for the plaintiffs, reacted to the *Star* editorial in a letter published on October 22. He wanted to make clear that Judge Bazelon’s ruling had not “instructed Volpe” to ignore “extraneous considerations” such as Section 23 of the Federal-Aid Highway Act of 1968. Instead, the ruling called on Secretary Volpe to comply with Federal law, including Section 23, which directed officials to proceed “in accordance with all applicable provisions” of Title 23:

Accordingly, when it became clear that the Department of Transportation had not complied with those laws, the court had no choice but to order the department to do so.

The ruling was not, as the editorial had claimed, “an extraordinary challenge of congressional authority.” Instead, it challenged “an unauthorized disobedience (under pressure from one member of Congress) of the federal highway laws enacted by the Congress as a whole.” In calling for Secretary Volpe to proceed with construction of the bridge “in disobedience of federal highway laws enacted by Congress, your editorial itself (perhaps unwittingly) called for defiance of congressional authority.”

Finally, Owens objected to phrases such as “no legalistic pebble unturned” and “legalisms.” He said:

I take it that you are saying that, when congress in its wisdom enacts a law specifying the steps to be taken by the secretary in order to protect the public interest, that federal statute constitutes a “legalistic pebble” and that, when the court requires obedience to the statute, it is engaged in a “legalism.” At the very least your statement reflects a profound disrespect for the laws of the United States.

In an Editor’s Note following Owen’s letter, the *Star* responded that there was “no arguable statutory basis” for the ruling. The recent *Star* editorial had urged Secretary Volpe to comply immediately “despite the superabundance of legalistic pebbles newly turned up.” The note continued:

But the basic congressional intent of the 1968 statutory provision involved here was, in fact, to command the immediate construction of the Three Sisters Bridge. To imply otherwise, or to imagine that this new court ruling has not made compliance with that congressional command immeasurably more difficult than before, is absurd. [Owens, Robert B., “The Court and the Bridge,” and Editor’s Note, Letters to the Editor, *The Evening Star*, October 22, 1971]

On October 22, ECTC held a press conference at the District Building to accuse Representative Broyhill of a conflict of interest in supporting the Three Sisters Bridge. The Reverend Gipson said that Representative Broyhill and his wife had purchased an apartment complex the previous summer at 1600 North Pierce Street in Arlington for \$250,000 and that the Broyhill family owned several warehouses near North Quincy Street in Arlington. The apartment complex, the Reverend Gipson said, “will be torn down and the property redeveloped for a big profit” as a result of construction of I-66. The warehouses, located where I-66 was supposed to cross North Quincy Street, would also increase in value.

“Maybe Broyhill is not as concerned for the people as he is for his own pocketbook,” the Reverend Gipson said. He speculated that the Congressman was supporting construction of the Three Sisters Bridge because the traffic it would handle would necessitate construction of I-66.

A spokesman for Representative Broyhill said his only motive was to free \$72.5 million in Metro matching funds that Chairman Natcher was holding hostage. He did own the apartment complex,

but the Congressman had “no knowledge” of the warehouses. The spokesman characterized the charge as “garbage.” [Barnes, Fred, “Broyhill is Accused of 3 Sisters Span Conflict of Interest,” *The Evening Star*, October 23, 1971; Scharfenberg, Kirk, “Foes Charge Broyhill Stands To Profit From Three Sisters,” *The Washington Post and Times Herald*, October 23, 1971]

ECTC participated in a celebration of the court ruling on October 30 at the site of the Three Sisters Bridge project. Sammie Abbott told 60 or so celebrants that the ruling was “a victory in a long battle which has been declared against the people by the federal government with such programs as urban redevelopment and the highways.” He added, “Without the fear of civil disobedience, we would not have victorious lawsuits and we wouldn’t have the response from political individuals.” He and others who spoke at the rally indicated they planned to begin protesting plans for high-rise redevelopment around Metro stations. [“Foes of Three Sisters Celebrate Court Ruling,” *The Sunday Star*, October 31, 1971]

On November 4, Judge MacKinnon issued what the *Star* called a “blistering dissent” to the majority finding. He explained that governmental authorities “concluded that it is necessary to erect the Three Sisters Bridge across the Potomac River.” The plaintiffs, whatever their views on the need for the bridge, did not “seriously attack the basic merits of the overall program to improve highway traffic congestion.” Instead, they based their “opposition on an alleged failure to comply with certain procedural requirements imposed by statute which are applicable to the planning and construction of the project.”

Thus, the need for the bridge was not at issue in the case. Nevertheless, because Judge Bazelon’s opinion involved “an overly technical, legalistic and impractical interpretation” that contained “gross distortion,” the three-judge panel “exceeded its authority” in ruling against construction of the bridge.

Judge MacKinnon observed that “the Constitution vests Congress with complete control over the entire area of the District of Columbia for all governmental purposes”:

Pursuant to this assignment of responsibilities, Congress and its members have taken cognizance of the need for transportation facilities in the District of Columbia and the surrounding metropolitan area. To meet the area’s transportation needs it has authorized the appropriation of federal funds for the construction of a metropolitan subway system and has also authorized and directed that substantial additions be constructed to the thru-highways in the area. These additions include the erection of the Three Sisters Bridge. In this connection it was the decision of Congress that the subway construction and the additional highways (including the Three Sisters Bridge) would be built contemporaneously. This conclusion follows from the facts of the contemporaneous appropriations and the express congressional direction that work on the Three Sisters Bridge begin within thirty days after the congressional enactment (82 Stat. 815).

The panel’s majority decision negates “the extensive findings of the trial court . . . and the practical trial judge who heard all the witnesses in an extensive 12-day hearing, received 1,025 pages of depositions and then thoroughly documented his findings in an opinion covering 40 printed pages.” As this extensive trial court review suggests, the location of existing

highways and bridges, the area's topographical features, and the desire to alleviate traffic congestion "within the parklands on both sides of the river . . . might compel the conclusion that as a matter of sound *highway* engineering the only feasible project that would correct the congestion would be to erect a bridge in the vicinity of the Three Sisters Islands."

Judge MacKinnon also discussed whether Chairman Natcher forced Secretary Volpe to approve the bridge "without regard to its merits." Judges Bazelon and Fahy concluded that Secretary In that regard, the trial court found that Chairman Natcher indicated he would withhold appropriations until the District of Columbia complied with Section 23 of the Federal-Aid Highway Act of 1968 by getting the freeways underway "beyond recall":

Rep. Natcher was thus merely attempting to see that the laws enacted by Congress were carried out. It is not unusual or improper for Congress to withhold appropriations until its laws are complied with.

Under the circumstances, Secretary Volpe had to consider Chairman Natcher's position, but that did not mean the bridge decision "must necessarily have been improperly influenced by that information." In fact, Secretary Volpe stated that no "outside factors" influenced his decision on the bridge:

Indeed, it would be impossible and contrary to law for any secretary of transportation to pass on any major highway project in the District of Columbia without being familiar with and considering its effect and relationship to the subway construction program.

That is true in this case because the "realities of the situation" are that under the Constitution, Congress "has a wider voice in the affairs of the District of Columbia than it does in the affairs of states or other cities." Under that authority, Congress took "a firm hand" in regard to the District's highway program:

But no Congressman has any weight in such matters beyond his ability to speak for Congress and to the extent that he does speak for Congress he is only calling attention to the expressed will of Congress.

Congress has spoken in this matter. In Section 23 of the Highway Act of 1968 it ordered the erection of the Three Sisters Bridge, not as a single project but as a part of the broad highway improvement program for the Washington Metropolitan area. And Congress and those who speak for it have a continuing interest in seeing that the expressed will of Congress, as clearly enunciated in a statute signed by the President, be carried out.

Judge MacKinnon added:

There is no basis in law or fact to overturn an administrative decision of this nature because of alleged extraneous pressure of this sort. The facts of political life are such . . . that it is idle to pretend that our administrative officials . . . should make their decisions in a vacuum.

He also was critical of the ruling's reference to the absence of an administrative record. Judge Bazelon had ignored "the fact that the Secretary himself made the vital . . . determinations, having personally involved himself":

After all, the statute places the duty upon the secretary to make such determinations and his decision should not be set aside because of the absence of documents which are not necessary or normal when he personally exercises that responsibility . . . .

We respectfully submit that judicial review does not include that which basically amounts to a 'second-guessing' of his determinations.

The ruling's disbelief of Secretary Volpe's testimony reflected Judge Bazelon's "colossal distrust of government officials":

Judge Bazelon . . . reflects an overly suspicious view with respect to the effect of so-called political pressures. An individual's attitude toward this type of question is closely related to his individual trust in human beings – whether he believes a human being can resist improper pressures . . . . As I read Judge Bazelon's opinion . . . it is his individual view that such pressures are irresistible.

Moreover, Judge MacKinnon was skeptical that a lengthy administrative record would have prompted Judges Bazelon and Fahy to change the ruling. If Secretary Volpe compiled such a record retroactively, Judge MacKinnon doubted that the "more extensive administrative record would cause them to believe him in the future."

As for the air pollution question, "It seems obvious to me that the bridge would not create any air pollution and that to the extent that it relieved highway congestion on the present highways in the parks it would decrease air pollution."

Judge MacKinnon's added that Judges Bazelon and Fahy "ignore the fact that the so-called parklands involved on the Virginia side of the river are all in the George Washington Memorial Parkway," itself a product of congressional action. The fact that this elongated park includes a highway "makes it practically impossible for any proposed bridge in this area to be erected without affecting some of its lands." In fact, some of the congestion the Three Sisters Bridge was intended to relieve "is traffic over the automobile highways within the parkway itself."

All things considered, Judge MacKinnon was skeptical that the U.S. Court of Appeals would ever approve construction of the Three Sisters Bridge. He concluded:

A court that has gone to the great extremes that this court has . . . can always find reasons satisfactory to it for avoiding practically any subjective decision required with respect to the bridge. It may well be that the only hope to carry out the expressed will of Congress lies with the Supreme Court. [District of Columbia Appropriations, 1972, *Congressional Record-House*, December 2, 1971, pages 44264-44266; Barnes, Fred, "Span Up to High Court?" *The Evening Star*, November 5, 1971; "Bazelon's View Held Slanted," *The Washington Post and Times Herald*, November 6, 1971; Green, Stephen, and Barnes,

Fred, "Subway Stalled, High Court Plea Hinted," *The Sunday Star*, November 7, 1971, italics in original]

A *Star* editorial put it this way:

Thus, in dissecting findings with which he disagrees, MacKinnon accuses his colleagues – and Bazelon in particular – of “gross distortions,” of “straining at gnats” to “invent new requirements,” of a “partial and slanted view of the facts,” of an “overly technical, legalistic and impractical interpretation” of the law, of electing to disbelieve Volpe’s testimony “for no reason more substantial than their own innate suspicion.”

Judge MacKinnon was, of course, in the minority and his dissent did not alter the ruling. The editorial concluded, however:

Since the Bazelon-Fahy edict came down October 12, Volpe and District officials have been flopping around like fish in a bucket, while the bridge, not to mention the District’s subway funds, remains in limbo. The question of an appeal to the Supreme Court, reportedly under study, should be resolved immediately, in the direction suggested by MacKinnon. [“The Only Hope,” *The Evening Star*, November 7, 1971]

### **Freeway and Metro Linkage Tightens**

The prospect for prompt release of the District’s Metro funding was, according to Chairman Sickles, dimming. He described himself as being “as optimistic as anyone . . . up until the last few days.” The ruling by the U.S. Court of Appeals on the Three Sisters Bridge raised these new doubts.

Jack Eisen explained that according to anonymous sources, Chairman Natcher had changed his reason for refusing to release the Metro funds:

Previously, he has blamed the city and the federal Transportation Department for failing to push ahead with interstate freeway projects, notably the Three Sisters Bridge, that Congress sought to require in the 1968 Highway Act.

After the U.S. Court of Appeals blocked bridge construction in a recent decision that criticized his money-withholding tactics, Natcher reportedly began telling his colleagues that the court has directly challenged the power of Congress.

In Chairman Sickles’ view, Congress would release the funds only if another floor fight occurred, this time with a different outcome. [Eisen, Jack, “Fund Hope For Metro Grows Dim,” *The Washington Post and Times Herald*, November 7, 1971]

Representative Obey agreed that Judge Bazelon’s ruling, which contained “intemperate and gratuitous language” critical of Congress, had inflamed the situation. In a statement issued on November 12, he said “the D.C. subway is . . . virtually dead and can be rescued only by President Nixon.” He continued:

It is my judgment that without direct, obvious and forceful White House involvement, any effort to pry loose the money for Metro will meet with certain House defeat – by a wider margin than before . . . .

Because of excesses in Judge Bazelon’s opinion, the question of money for the Metro system has been converted in some minds from a simple question of the subway to a question of Congress vs. the courts. That is unfortunate and unnecessary and misleading. It has made it more difficult than ever to win enough House support to release federal dollars for Metro.

Eisen, reporting on the statement, concluded his article, “Obey, who lives in Arlington, stressed that he hopes Three Sisters will never be built.” [Eisen, Jack, “Metro Fate Declared Up to President,” *The Washington Post and Times Herald*, November 13, 1971]

Around this time, reporters discovered that in May, the VDH had filed a five-page draft of an EIS on I-266 with the Council on Environmental Quality. The report became public too late for consideration by the Court of Appeals.

The EIS was favorable to I-266 as well as the Three Sisters Bridge. I-266 would improve the environment along Lee Highway in the Rosslyn-Key Bridge area of Arlington “by reducing noise, air pollution and traffic congestion.” In addition to these benefits, “Urban residents will be able to enjoy nature.” Moreover, I-266 and the bridge would have “practically no detrimental effect along the proposed route.”

The EIS acknowledged “the need for acquiring 31.6 acres of parkway land for road construction,” land that would be replaced on an acre-by-acre basis. This taking “cannot be avoided,” but said construction would “only disturb a small portion of the 31.6 acres with the majority of the existing landscaping left undisturbed.” It continued:

Moreover, the proposed system of trails for hiking and biking is entirely compatible with, and will provide access to, the largely undisturbed parklands. Urban residents will be able to enjoy nature . . . .

This route is unique in the fact that it is compatible with the parkway surroundings and enhances man’s environment with the multiple use of the right of way by providing trails and retaining open spaces.

It dismissed citizen objections “focused on the environmental impact of the project relative to noise and air pollution and the use of parklands”:

The relatively low elevation of the I-266 roadway in the Spout Run Valley with respect to adjoining area reduced human exposure to noises emanating from the project. Although additional vehicles are projected in this transportation corridor, the higher and more uniform speeds point to a pollution abatement benefit.

I-266 was a “vital segment” of the area’s transportation system. VDH conceded that this judgment could prove wrong, but I-266 should be built anyway:

The elements which go into highway construction cannot be classified as irreversible or irretrievable commitments of resources. If the facility is no longer needed as a transportation network or if a greater need arises for the area . . . the roadway can be converted to the needed land use.

The EIS did not cite sources or authorities for its claims.

VDH had distributed the short draft EIS in May to at least 18 State and Federal agencies for comment. As of November, when reporters inquired about the newly discovered draft, VDH said that only two agencies, COG and the U.S. Department of Health, Education and Welfare, had replied and neither disagreed with the statement. As of the date of the inquiry, neither FHWA nor EPA had responded. VDH had not prepared a final EIS. [Barnes, Fred, "3-Sisters Bridge Lauded by State," *The Evening Star*, November 11, 1971; Ringle, Ken, "No Agency Challenges State on Plan for 3 Sisters Bridge," *The Washington Post and Times Herald*, November 13, 1971]

(During this period, FHWA and the State highway agencies were adjusting to NEPA's environmental review requirements. Initially, highway officials believed the environmental review requirement did not apply to them, but when they learned that it did, they needed several years to adjust to the law. Efforts such as VDH's five-page draft EIS reflected the uncertainty about the effect of the law as well as the certainty of the road builders in the validity of their work.)

While I-66 appeared to be advancing, prospects for I-95 inside the Capital Beltway in Maryland were dimming. William W. Gullett, Prince George's County's County Executive, declared on November 8 that he would oppose the extension to the District line. He told COG that he hoped a resolution introduced before the county council opposing the route would be approved.

Under State law, each county had to certify its road needs to the General Assembly every 2 years. Gullett acknowledged that the resolution, if adopted, would not legally kill I-95, but he hoped it would exert a strong political influence. "It worked for Montgomery County when it knocked Interstate 70S out of its plan. It could do the same for us."

An affiliate of COG, the Metropolitan Congress of Citizens, had adopted a resolution calling for a complete study of the need for I-95 and whether Metro could provide sufficient service for the affected area. Gullett cited the resolution, adding, "I don't see how we can continue to be cut up by these superhighways."

Although Secretary Hughes had agreed to drop Montgomery County's segment of I-70S from the State's plans, he had declared the I-95 link extension essential. A spokesman for Secretary Hughes said the county's actions would "have no legal effect at all," because under State law, county positions were binding only on non-Interstate roads. He agreed, however, with Gullett that it might result in political fallout. [Eisen, Jack, "Gullett Opposes Extension of Rte. 95 Into D.C." *The Washington Post and Times Herald*, November 9, 1971]

In a News Analysis, the *Post's* Eisen reported on November 14 that Metro, “buffeted from the outset by one crisis after another, is heading into another period of political and financial uncertainty.” Representative Obey declared Metro “virtually dead” and said that only the President’s intervention could save it. Egil Krogh, President Nixon’s deputy assistant for national capital affairs, agreed that Metro was “in serious straits,” chiefly because of congressional interference. The White House, he told Eisen, was undecided on what to do.

General Graham thought “dead” was premature:

“Most of us feel we are going to build a usable system,” Graham said, “but we believe that Congress is making it impossible to build the system in the agreed-upon time (by 1979) for the estimated price,” now \$3 billion . . . .

Money is Metro’s recurring problem. Fund crises have come with such regularity that some Washingtonians, now seeing much of downtown torn up by subway construction, are prone to think someone was falsely crying “wolf.”

The crises were, nonetheless, real. For example, if President Nixon had not intervened with Chairman Natcher to promise construction of the Three Sisters Bridge, “there is doubt the groundbreaking on Dec. 9, 1969, would have occurred.”

As noted earlier, Chairman Natcher and other Members of Congress saw Judge Bazelon’s decision as a judicial challenge to congressional prerogatives:

According to Obey’s statement the other day, this “unfortunate and unnecessary and misleading” interpretation seems to be persuasive.

Thus far, \$586 million had been used on Metro:

According to general manager Graham, the \$586 million now obligated or committed to the Metro program (chiefly in real estate, plans, management costs and construction [sic]) would produce by 1974 a line about five miles long from Rhode Island Avenue NE to Dupont circle. It would have tracks and electrified power rails, but no cars, escalators or station air-conditioning.

There also would be a tube, with neither tracks nor power rails, from downtown Washington beneath the Potomac River to Rosslyn.

Of the money put into Metro so far, \$133 million has been contributed by the Maryland and Virginia suburbs from tax funds and bond-sale proceeds.

This was provided in expectation that the lines eventually will reach out from the city, but the money is actually being spent in the city. A failure to reach the suburbs would create formidable legal and political problems.

Now that construction was underway, another problem had arisen – minority participation in the contracts:

Added recently to Metro's money problem is a growing dissension in the District over demands by blacks for the award of one-fourth of all construction contracts to minority-owned firms. A coalition that includes two members of the D.C. Council [the Reverends Jerry Moore and Channing Phillips, both African-American] threatened last week to lead a physical disruption of subway work if the demands are not met.

This emotion-charged issue confronts the Metro board with "a crisis of no mean proportions" that could affect the financial issue, Virginia director Herbert E. Harris declared.

"We have just had a situation thrown down to us that, if people are unbending, can't be solved," Harris said. This, he declared, provides further ammunition to Metro's opponents on Capitol Hill. Metro Chairman Sickles agreed.

Eisen continued:

The blacks say they have been frozen out of the nation's economic mainstream by centuries of racism, and that they deserve a share of the Metro action in proportion to their numbers in the community. Some say the subway should not be built if it doesn't achieve black economic development.

The white majority on the Metro board and the agency's staff say they want to eliminate all barriers to black participation, but that the elimination of color-blind competitive bidding would be illegal, costly and an invitation to corruption.

With that new issue, congressional blockage of funds, Virginia and Maryland officials threatening to withhold their contributions in the absence of District matching funds, Metro's future was murky. However, "an even bigger financial time bomb" awaited Metro:

The system's completion hinges upon a federal guarantee of \$1.2 billion in the Metro authority's own future bonds. Legislation to provide the guarantee must be passed by the same Congress that is now holding back money Metro says it needs immediately. [Eisen, Jack, "Metro Digs Deeper Into Uncertainty," News Analysis, *The Washington Post and Times Herald*, November 14, 1971]

As Professor Schrag wrote in his Metro history, unemployment was a severe problem in a city with little heavy industry and its commercial streets gutted by the 1968 riots after the assassination of Dr. King. Construction was "the city's largest source of blue-collar jobs, but it had long been dominated by segregated unions." Minorities owned few construction firms:

Metro did little to change this pattern; when WMATA began signing contracts, more than 98 percent of construction dollars went to white-owned firms. And while a sizable majority of workers on Metro projects were black, they were clustered in the lowest skilled positions, laborer and miner. Those few minority firms that did get contracts were mostly employed in the low-paying, unglamorous task of hauling dirt away from excavations.

The Reverend Moore “agreed that Metro should provide jobs and careers for impoverished minorities, even if that meant Metro would cost more to complete.” He wanted at least 25 percent of all contracts to go to minority-owned firms. This idea did not go over well with WMATA. “Politicians from the majority-white suburbs held to the WMATA compact’s requirement that contracts go to the lowest qualified bidder.” They were, suburban officials said, contributing to WMATA for construction of a subway, not social justice for District residents:

They also feared that any weakening of the low-bid procedure might open the door to the sort of cronyism that had inflated the costs of public-works projects since the days of Boss Tweed and before. Both the Maryland and Virginia legislatures rejected bills that would have allowed for the set-asides. The staff also resisted. In May 1970, for example, the Authority’s assistant comptroller warned of a potential “collapse of budgetary integrity” should conflicts over “broad sociological aspects of the District of Columbia” distract the Authority from its “basic mission.”

WMATA sought compromise:

In late 1971 [Graham] established – somewhat reluctantly – an Office of Minority Development to recruit minority firms, with Charles Dowdy, an African American engineer, as its head. WMATA boasted in 1971 that minorities constituted 57 percent of the construction work force.

Despite union claims of having difficulty finding enough skilled minority workers, “Graham’s compromises held, albeit shakily” through 1973. [Schrag, pages 162-164]

On November 18, Representative Broyhill returned to the White House for a meeting with President Nixon. After the meeting, the President issued a statement urging action on highways and the Metro system in the Washington area:

Late in its second century of life as the Nation's Capital, the Washington metropolitan area is suffering severely from hardening of vital transportation arteries. The nearly

3 million people in the District of Columbia and its Maryland and Virginia suburbs are acutely aware of this worsening problem as they struggle to move about the area pursuing business or pleasure or the work of government. So are the 18 million visitors who come here each year from across the country and around the world, expecting magnificence –

and finding it, but finding also, in the simple matter of getting about the city, more frustrations than they deserve in the capital of a nation that has sent men to the moon.

In recent months, though, Washingtonians have also become increasingly aware that something is being done about the transportation tangle. METRO – our superb area wide rapid rail transit system of the future – is already a fact of life for all who use the downtown streets, as construction pushes ahead on the first 8 miles of the project. Streets are dug up, ventilation shafts have been dropped, tunnels are being bored. Over \$863 million has already been committed by the eight participating local jurisdictions and the Federal Government. At the same time, a coordinated interstate highway system for

the region is progressing toward completion, as many thousands of detouring commuters know.

We need these freeways, and we need the METRO – badly. I have always believed, and today reaffirm my belief, that the Capital area must have the balanced, modern transportation system which they will comprise. Yet now, almost incredibly, in light of the manifest need for both of them, the future of both is jeopardized by a complex legal and legislative snarl.

To save them, here is what has to happen:

1. The local highway actions mandated by the Federal-Aid Highway Acts of 1968 and 1970 must go forward immediately.

The question whether the District of Columbia and the Federal Government, in their efforts to carry out this mandate, are presently in compliance with statutory requirements has been the subject of lengthy litigation. The U.S. Court of Appeals for the District of Columbia has recently ruled that they are not yet in compliance in the case involving the Three Sisters Bridge. But I am convinced that they are. Accordingly, I have ordered the Attorney General to proceed with the filing of a motion for rehearing en banc before the Court of Appeals [all the judges instead of the three-judge panel]. I have also instructed him, if that fails, to file a petition for certiorari with the Supreme Court.

2. The METRO system must move toward completion and operation as rapidly as possible.

Not only do delays in METRO work cost taxpayers heavily; they might even erode confidence and cooperation seriously enough to consign the entire project to an early grave, with all the sad consequences that could have for metropolitan development in the years ahead. I strongly urge the Congress, therefore, to take appropriate action at once to end the present delay and to prevent any more such derailments of METRO progress.

We have come to a critical juncture. Obedience to the law is at stake. A huge investment is at stake. The well-being of the Capital area is at stake. It is time for responsible men to join in responsible action and cut this Gordian knot.

Representative Broyhill told reporters that he had been working with White House staff on the statement for 3 weeks. He added:

This is the thing a lot of people have been seeking. I don't know of anything else the President can, or should, or needs to do.

I don't know what else Congress can expect of the chief executive. He can't go out there and put on his overalls and start digging himself.

He hoped the President's statement would inspire another attempt to overrule Chairman Natcher on the House floor.

Chairman Natcher refused to talk with reporters about the President's statement. In closed session earlier in the day, the Natcher subcommittee had again refused to include the District matching funds in its District appropriations bill.

Chairman Inouye, however, said, "This is what I believe Mr. Natcher has been waiting for. I am now more than convinced that the necessary funds to carry on construction of the Metro on schedule will be appropriated in this session of Congress."

Before the President released his statement, Representative Giaimo told reporters he would lead another floor fight, but was not optimistic without support from the President and the Democratic House leadership.

Mayor Washington said, "We are delighted at the President's call for responsible action to permit Metro to proceed."

Senator Mathias also welcomed the President's "strong statement," but thought he had a plan that would bring more immediate results. On November 16, he had proposed to allow the city to issue \$160 million in tax-exempt bonds to cover the city's matching share through 1977 and pay for highway projects. The bond revenue would go into a transportation trust fund that would also receive money from auto registration, excise taxes, and the city's gas tax. He said at the time that his proposal would "extricate the Congress from a legislative snarl which has become as tangled and unhealthy as the city's daily traffic jam."

He added, "We cannot legislate an end to litigation. The current cases and perhaps others yet unfiled will work their tortuous way through the courts whether or not the Metro is being built outside the courthouse door." The Mathias amendment had been included in the Senate's pending District revenue bill.

Senator Spong also was pursuing legislative action. He introduced a rider that he wanted to add to the District revenue bill reiterating the 1966 law guaranteeing the District its matching funds and the National Capital Transportation Act of 1969 authorizing funds for the 98-mile Metro system. "It is a way of assuring the people of this area that . . . the Congress is not going to turn its back on the subway [and] is not going to ignore the obligations it has assumed." [Moore, Irna, "Nixon Urges Hill to Free Metro Funds," *The Washington Post and Times Herald*, November 19, 1971; Green, Stephen, "Nixon Pushing for Bridge, Release of Subway Funding," *The Evening Star*, November 19, 1971; Moore, Irna, "Subway Funding Pushed," *The Washington Post and Times Herald*, November 16, 1971]

The expectation was that Representative Giaimo would introduce his amendment, this time with strong support from the President. According to Schrag, "the White House staff helped Giaimo mobilize a bizarre, bipartisan coalition of liberal Republicans and Democrats, White House loyalists, and the Congressional Black Caucus, all to take on Natcher." [Schrag, page 140]

The *Post* and *Star* welcomed the President's intervention. "Such a strong plea to Congress from the President," a *Post* editorial said, "ought to carry great weight as the Metro funding question comes before the House Appropriations Committee, and eventually to the House floor for a

vote.” While the President’s court actions regarding the Three Sisters Bridge were welcomed, “The next move, in good faith, is up to Mr. Natcher and the Congress.”

The *Star* appreciated the President’s timing. Chairman Natcher’s subcommittee had “decided once again to maintain a strangle hold on District subway funds,” while action in the Senate on the District’s revenue bill “was similarly tied in knots as members of that body considered alternative legislative maneuvers to try to free the subway dollars.”

Because Judges Bazelon and Fahy had “dredged up a host of new legal obstacles against the bridge,” the President’s decision to move on the legal front was an action “only the President could take.” In view of the President’s order to Attorney General Mitchell, “There is surely no possible justification for Representative Natcher and his House colleagues to refuse any longer” to release the Metro funds. Whether the “tortured reasons” of Judge Bazelon’s ruling prevail was impossible to predict, but the President’s actions represented the “clear evidence of good faith” that Chairman Natcher said he was seeking. “His obligation now is to make good his own pledge that in such an event the critical subway freeze would immediately end.” [“The President’s Welcome Moves for Metro,” *The Washington Post and Times Herald*, November 19, 1971; “It’s Natcher’s Move,” *The Evening Star*, November 19, 1971]

One day after the President’s statement, the Justice Department announced that it had begun drafting its petition asking the full nine-judge U.S. Court of Appeals to rehear the Three Sisters Bridge case. Work had begun several days earlier when the White House had informed the Justice Department of the President’s planned decision.

The Senate, by voice vote, approved the District revenue bill on November 20. It included Senator Mathias’s amendment as Title X – Establishment of the District of Columbia Transportation Trust Fund. The Senator told his colleagues that Title X “would place the District’s contributions to Metro on a virtual automatic basis and would end the roadblocks, delays, and uncertainties which have brought this vital mass transportation system to the current perilous point.” The measure, he added, was consistent with the President’s statement the previous day in support of Metro:

It would enable the District of Columbia to obligate local revenues – not Federal funds, but the fruits of local taxation – to pay the District share of the Metro without delay. At the same time, it also insures that, as various essential highway and street projects are approved in accord with applicable laws, the funds for the local share of those projects will also be available. In short, this proposal gives us a new road to the balanced transportation system which the people of this region need and want.

He hoped the Senate would approve the revenue bill, including Title X, because if “we do not get the Metro moving now, it may never roll in our time and perhaps never in our children’s time, nor in our grandchildren’s time.”

The Senate added the amendment that Senator Spong had introduced reaffirming the congressional obligation to ensure the District can participate in financing the Metro system. He explained:

The communities of Virginia and Maryland have put up their money to build the system, and it is not right for the share of the District of Columbia to continue to be withheld. The matter of the Three Sisters Bridge is in the court. It is a matter to be decided by the courts. It is not proper for Metro to be held as hostage for highway construction. ["Additional Revenue for the District of Columbia," *Congressional Record-Senate*, November 20, 1971, pages 42500-42502]

### **Cutting the Gordian Knot**

The Justice Department, joined by the District corporation counsel, filed papers with the U.S. Court of Appeals on November 23 seeking review by the full court of the three-judge panel's decision on the Three Sisters Bridge. Judge Bazelon's ruling, the filing said, had "overstepped the permissible bounds of judicial review," relied on "pure speculation," and made it "virtually impossible to build this bridge as directed by Congress."

Regarding the influence of Chairman Natcher on Secretary Volpe, the Justice Department said:

There is no basis in law or fact to overturn an administrative decision of this nature because of alleged extraneous pressure of this sort. The facts of political life are such . . . that it is idle to pretend that our administrative officials . . . should make their decisions in a vacuum.

Judge Bazelon, in citing the absence of an administrative record, had overlooked the fact that Secretary Volpe's approval was "due to the fact that the Secretary himself made the vital . . . determinations, having personally involved himself . . . . We respectfully submit that judicial review does not include that which basically amounts to a 'second-guessing' of his determinations."

The Bazelon decision, which expressed doubts about Secretary Volpe's truthfulness and impugned his credibility, would "in the extreme, deprive an administrator of absolute control over the lawfulness of his own actions" because those actions would be "vulnerable to circumstances completely beyond his reach." [McCombs, Philip A., "U.S. Attacks Court Ruling on 3 Sisters," *The Washington Post and Times Herald*, November 24, 1971; "U.S., D.C. File Please on 3 Sisters Ruling," *The Evening Star*, November 24, 1971]

While the Appeals Court considered the appeal, officials focused on the pending vote, on November 29, of the House Committee on Appropriations on the District revenue bill. COG was lobbying the Representatives from the Maryland and Virginia suburbs who had voted against the Giaimo Amendment in May. "Many of the congressmen who voted against Metro last time have discovered they're not living on an island," Maryland Delegate Doctor told reporters at a press conference in the District Building. COG president Francois added:

People all across America are watching. This is the ultimate confrontation between the highway interests and those who favor a balanced transportation system.

Asked if the lobbying efforts had convinced any Representatives to support release of the funds, Doctor could not provide a number. "We just feel they've been favorably impressed. The

President's influence has been quite pervasive." [Meyer, Eugene L., "Hahn Tells of Effort for Metro Funds," *The Washington Post and Times Herald*, November 28, 1971]

Despite last-minute lobbying by the White House, the Appropriations Committee voted 31 to 13 to continue withholding \$72 million in subway funds for FYs 1971 and 1972. Reporting on the vote in the *Post*, Irna Moore wrote:

Sentiment in the Appropriations Committee for upholding Natcher appeared to hinge on two elements. One was the feeling, backed by years of tradition, that the Committee is the most powerful one in Congress because it controls all spending and that the precedent of overturning what one Subcommittee chairman wants could lead to withholding projects wanted by other members . . . .

The other element was cited by Rep. George Mahon (D-Tex.), chairman of the Committee, who said he felt that "the will of Congress has been flouted by the District's delay in building freeway projects specifically ordered by earlier acts of Congress.

The vote on the provision was a rejection of Representative Giaimo's attempt to restore the Metro funds. He indicated he would take the fight to the House floor again and predicted his amendment would "do much better than we did in the Committee."

Chairman Natcher told reporters he had "no comment whatsoever."

White House aides, according to Moore, "spent the day talking to key congressmen just off the House floor and outside the committee room." The aides remained optimistic about the floor fight and promised "an all-out effort on the floor, against some of our own leadership if necessary."

This was a reference to Minority Leader Ford's decision to oppose the Giaimo Amendment. Representative Obey told reporters the amendment "hasn't got a snowball's chance in hell unless Ford and the Republicans show some support." The ominous fact was that of the 13 members of the Appropriations Committee who voted for Representative Giaimo's effort to restore the funds in committee, only two were Republicans. They were Representatives Conte and Howard W. Robison (R-NY). [Moore, Irna, "Metro Funds Lose, City Budget Pared," *The Washington Post and Times Herald*, November 30, 1971]

This latest effort "to strangle Metro," a *Post* editorial said, "may end up as the most expensive (and cruel) tribute ever paid to the power of congressional politics." The committee had ignored President Nixon's plea and his "vigorous good-faith efforts" to show District compliance with congressional mandates, the support of nearly 3 million people in the Greater Washington area, and the \$863 million already committed to Metro construction. "Above all, never underestimate the power of a House Appropriations subcommittee chairman."

If Chairman Natcher's "traditional blackmail arrangement" succeeded, "Congress will see no reason to approve legislation to provide a federal guarantee of \$1.2 billion in future bonds for Metro – because Metro will already be a bad risk." Time was up for finding ways "to satisfy whatever it is that Mr. Natcher happens to demand the next time the funding issue comes up."

Somehow, “responsible men and women” in Congress must act to advance Metro. [“The Vote to Strangle Metro,” *The Washington Post and Times Herald*, November 30, 1971]

With the deadline nearing for the District’s and Secretary Volpe’s reports on the District’s expressway network, the consultants hired by the District reported their recommendations on November 29. The team of De Leuw, Cather Associates and Harry Weese and Associates recommended another 11 miles of freeway construction at an estimated cost of \$665 million.

The report recommended abandoning the I-70S portion of the North-Central Freeway into Maryland, where officials had all but abandoned the route. The eight-lane I-95 segment of the North-Central Freeway would follow the planned alignment along the Baltimore and Ohio Railroad tracks north from New York Avenue under Rhode Island Avenue, NE. From there, it would become a depressed freeway decked to accommodate housing, a community center, and parking. It would continue in a depressed alignment in the vicinity of Catholic University east of the railroad and under the new Taylor Street bridge. Crossing to the west of the tracks, it would continue north before re-crossing to the east side of the tracks at New Hampshire Avenue. It would connect with the I-95/Northeast Freeway. This routing, as the *Post* explained, “violates the city council’s policy of building no more road gateways into the city.”

The consultants recommended a six-lane crosstown tunnel under K Street, NW., from Rock Creek to 7<sup>th</sup> Street. From 7<sup>th</sup> Street, the tunnel would run along New York Avenue in a depressed design with a surface deck. The project would include an interchange with the Center Leg Freeway.

The report focused on the Interstate segments identified in the 1968 and 1970 Highway Acts. The consultants identified other routes, not yet open, as “Committed Freeways,” including the Palisades Parkway and the Potomac River Freeway. They also assumed the eventual construction of I-66 in Virginia, I-695 (South Leg of the Inner Loop), and the Three Sisters Bridge, largely because of the congressional commitment reflected in the 1968 and 1970 Federal-Aid Highway Acts. In addition, the report endorsed the Industrial Highway link with the Baltimore-Washington Parkway and U.S. 50 (the Annapolis Freeway).

In this construction work, the report stated, the District should become the first American city to design and construct the roads as a pool for “social, environmental and economic development.” First, the city should solve its residential and employment relocation, planning, and legal problems. In designing the roads, the city should use decking, tunneling, and air rights construction for residential, educational, commercial, industrial, institutional, and park sites.

At the same time, the report estimated that the additional freeways would displace 1,085 families and 3,150 jobs. They also would require the use of 259 acres of land, including 35 acres of parkland.

Director Airis and Federal Highway Administrator Turner were reviewing the report and had no initial comment. Chairman Hahn scheduled 4 days of public hearings to begin December 13. [De Leuw, Cather Associates and Harry Weese & Associates, Ltd., *Summary of Comparison of Alternative Systems, District of Columbia Interstate System 1971*; Eisen, Jack, “Build 11 Miles

of Freeways, City Advised,” *The Washington Post and Times Herald*, November 30, 1971; Green, Stephen, “D.C. Consultant Backs Freeways,” *The Evening Star*, November 30, 1971]

As the House of Representatives began to debate the District of Columbia Appropriations Act, 1972, on December 1, White House Press Secretary Ronald L. Ziegler described the President as “very displeased” by the House Appropriations Committee’s decision to continue withholding the District’s Metro funding. President Nixon, Ziegler said, “wholeheartedly supports an amendment which will be introduced on the floor to restore the whole amount” of \$72 million. He “feels we are in a critical juncture and no further delays can be tolerated.” The White House support was especially aimed at House Republicans, 117 of whom had formed the biggest block voting against the Giaimo Amendment on May 11.

The White House, further, did not support a deal worked out between Chairman Natcher and Minority Leader Ford setting terms for releasing the funds. The two had met on the House floor for a private discussion before the committee’s vote:

According to two well-placed sources, Natcher told Ford he would recommend the release of D.C. contributions to the subway if the full U.S. Court of Appeals panel agrees to, and sets a date for, a rehearing on its order that halted work on the Three Sisters Bridge.

The source said Natcher agreed to make public this recommendation during the floor debate in hope of preventing the withholding of funds from being overturned.

An unnamed White House official dismissed the floor agreement. “Let’s face it, we’ve been down that road before, and it hasn’t produced anything.”

Representative Giaimo was equally dismissive of the floor agreement, but planned to introduce his amendment on December 2. He said, “We need help. If we don’t get help from the leadership, both Democratic and Republican, we won’t get the money.”

A spokesman said Minority Leader Ford still supported the Appropriations Committee’s decision, while an aide to Speaker Albert said he was “cogitating it right now.”

The liberal Democratic Study Group sent a “Dear Colleague” letter to all Members of the House urging them to support the Giaimo Amendment. “No constructive purpose whatsoever can be served by continuing to deny these funds.” The letter was an unusual step for the group, which normally addressed letters only to its members. [“Nixon: Restore Metro Funds,” *The Washington Post and Times Herald*, December 1, 1971]

The *Post* and *Star* left no doubt about their views. A *Post* editorial took its title from Ziegler’s comment, “No Further Delays Can Be Tolerated.” It referred to “deceptive rumblings about some sort of ‘compromise’ that is designed to persuade people” to go along with Chairman Natcher one more time. The idea that Chairman Natcher would release the funds as soon as the full U.S. Court of Appeals agrees to hear the Three Sisters Bridge case might be tempting to those who had not been “following all the complex tribulations” surrounding the funds:

But with Metro now on the verge of financial collapse, another excuse – based on a chancy challenge to the courts on a matter that shouldn't have anything to do with the fate of the rapid transit system anyway – cannot be risked.

What if the full court does not accept the case or does not do so promptly? What if the Supreme Court does not come to a quick decision? “What if Mr. Natcher doesn't like the decision, or decides that something else must happen before the Metro money is released?” The answer, “as the President warned,” is that “Metro will indeed die.” That was why more than 100 District, Maryland, and Virginia officials and business executives planned to be on Capitol Hill lobbying for the funds and why local jurisdictions were threatening to withhold their shares:

The responsible action for the House, then, is clear: Metro must be built, which means just what the White House said yesterday – that “no further delays can be tolerated.” [“No Further Delays Can Be Tolerated,” *The Washington Post and Times Herald*, December 1, 1971]

In view of the President's courageous defense of Metro, the *Star* found it “almost inconceivable – even given the Alice-in-Wonderland atmosphere which pervades the District's subway-freeway snarl – that the President might be deserted on this issue by his principal spokesman in the House, Minority Leader Gerald Ford.” Although “details of this weird political struggle are at the moment so fluid,” Republican Ford appeared to be leaning toward supporting Democratic Chairman Natcher instead of Republican President Nixon.

Although the House floor deal with Chairman Natcher may have seemed reasonable to the Minority Leader, the White House had not been fooled and instead had pledged that the White House staff would vigorously solicit support for the Giaimo Amendment. If House Republicans supported the Republican President, “those fighting for the subway funds feel there is a good chance of success.” In the absence of that support, “virtually no one is optimistic.” [“The President's Stand,” *The Evening Star*, December 2, 1971]

On December 1, President Nixon wrote to Speaker Albert about the pending vote. “I believe it is imperative that the District's contribution to the Washington area rapid transit system be included in that bill.” He summarized his recent actions regarding the court challenge to the Three Sisters Bridge, then said:

Meanwhile, if we are to meet the region's future transportation needs, the Congress must act *now* on the District's contribution to the Metro.

Such immediate action is crucial for two reasons. First, denial of these funds risks losing the cooperation of the seven local governments which have contributed regularly and in good faith to this project – a loss which might well be final and hence fatal to the entire Metro. Second, each week of delay increases the costs to the taxpayers of the region and the nation by at least \$1 million. Besides these increased costs, these delays needlessly postpone the day when this modern subway will begin to serve the area's residents and visitors.

In a reference to the Natcher-Ford floor agreement, the President said, “It is not possible to predict either the timing or the outcome of the court’s action.” With “the well-being of the entire Capital region” at stake, President Nixon urged Speaker Albert “to do all you can to keep Washington’s Metro system alive and moving forward.” [*Congressional Record-House*, December 2, 1971, page 44274, italics in original]

Speaker Albert rejected the direct appeal, instead backing the House Appropriations Committee bill. During his daily press conference, the Speaker said, “the House should not yield to the District or the courts.” He added:

I’m going to be for the subway. I’m also going to push for the building of the Three Sisters Bridge.

Minority Leader Ford also rejected the President’s appeal. “Nothing’s changed,” he said. A spokesman said Ford believed that “Mr. Natcher is an honorable man” who would keep his word on the compromise. House Republicans said they could not recall any other case where Ford had not supported President Nixon. However, the Minority Leader had called Attorney General Mitchell to request that he ask the Appeals Court to announce before the floor vote that it would rehear the Three Sisters Bridge case en banc. The Attorney General reportedly said he could not intervene, telling Representative Ford that the decision on the appeal and its timing were up to the court.

Supporters of the Giaimo Amendment planned to go ahead with the challenge despite these setbacks. Representative Conte said, “I think we’ve got a chance.” As far as he was concerned, “The so-called compromise is as phony as a \$3 bill.”

Representative Giaimo called the leaders’ support for Chairman Natcher “a classic case of the seniority system at work.” He and Representative Gude considered Minority Leader Ford’s call to the Attorney General an improper attempt to influence the judiciary. When Representative Gude spoke with the Attorney General about the matter, Mitchell had indicated that “all appropriate avenues” are being followed regarding the court review.

Senator Inouye promised that if the House rejected the Giaimo Amendment, he would go “to the ramparts” to protect the Senate position on the subway funds in the Senate-House conference.

Representative Giaimo admitted that without Republican support, the prospects for his amendment were doubtful, but he planned to introduce it anyway. [“House Leaders Reject Nixon Metro Fund Plea,” *The Washington Post and Times Herald*, December 2, 1971; Green, Stephen, “Ford Split With Nixon on Metro,” *The Evening Star*, December 2, 1971]

## **The Revolt, Part 2**

On December 2, Chairman Natcher began the discussion of capital outlays for highways in the District of Columbia Appropriations Act, 1972, by repeating his support for a balanced freeway and subway system. “We must have a balanced system of transportation consisting of highways, express buses, and rapid rail transit.” He restated the history of his many efforts over the years to support highways and Metro.

As for Judge Bazelon's October 12 decision, Chairman Natcher said, "the chief judge of the circuit court of appeals went too far in his opinion" on the Three Sisters Bridge:

All through this opinion he sets up a series of hoops through which the Secretary of Transportation must jump, notwithstanding the fact that the Federal Aid Highway Acts of 1968 and 1970 are the law, and clearly indicates [sic] that after his instructions are followed there may be other suggestions made later on which would in effect continue to direct the District officials and the Secretary of Transportation to ignore and evade the Highway Acts of 1968 and 1970.

As a "coequal branch" of the government, "we have no right as members of Congress to stand by and permit the judicial branch of our Government to take over the legislative branch." The restrictions Judge Bazelon placed on the Secretary make it "virtually impossible to build the Three Sisters Bridge as directed by Congress." Respectfully, he said, he had to say that "Judge Bazelon has overstepped the permissible bounds of judicial review and substituted pure speculation which is not supported by the record now pending in his court."

Chairman Natcher quoted extensively from Judge MacKinnon's dissent, then said:

The Highway Acts of 1968 and 1970 must be complied with by the District of Columbia officials and the officials of the Department of Transportation. Both rapid rail transit and the freeway system must proceed together. There is a place for both a freeway system, a rapid rail transit system, and an express bus system in our Nation's Capital. We must have a balanced system of transportation in Washington D.C.

Mr. Chairman, we do not recommend construction funds for the Washington Metropolitan Area Transit Authority. [District of Columbia Appropriations, 1972, *Congressional Record-House*, December 2, 1971, pages 44261-44266]

His committee colleague, Representative Davis, said he was "in complete agreement" with Chairman Natcher's statements. Davis recalled that when the District city council adopted a resolution complying with Section 23 of the 1968 Act, "It looked at that time as if a quarter of a century of dilly-dallying and obstruction had come to an end." He added, "Unfortunately, this was not the case." The 1970 Act mandated studies of several freeways but did not alter the construction requirement of the 1968 legislation for the Three Sisters Bridge, the Potomac River Freeway, the Center Leg of the Inner Loop to New York Avenue, and the East Leg of the Inner Loop to Bladensburg Road.

Judge Bazelon's decision "went beyond the decision of the District in conjuring up obstacles, and singled out by name one of the most honorable and deservedly respected men who has sat in this House." He added that, "to single out Chairman Natcher as some of the newspapers, some of the uninformed egotists of radio and TV, and now the circuit court of appeals has done is an affront to the House in general and to the full Appropriations Committee and to our subcommittee in particular." He reminded his colleagues that the District Appropriations Subcommittee was not "a one-man subcommittee" and that the subcommittee, the committee, and the entire House had approved Chairman Natcher's insistence on a balanced transportation system.

Meanwhile, those who support the subway “are still doing their best to sabotage the freeways, any freeways for the Washington metropolitan area.” He quoted from the recent consultants’ report:

As meetings progressed it became apparent that several factors hindered constructive communication and participation. Many citizens and community leaders had previously taken firm positions against freeways – they did not wish to discuss any new proposals that might weaken their antifreeway stand. In several instances residents who had agreed to hold meetings in their own homes later cancelled the meetings, saying that they had been influenced by those opposed to the freeways. Representatives of organized freeway opposition groups dominated at least two of the meetings that were held.

Representative Davis said that if “we are not going to completely capitulate to the obstructionists,” the freeways and subways “must go forward together.” That is all the subcommittee, committee, and his House colleagues have ever sought:

All we are saying is we must have, as the trustees of the mandate of this House, not just a directive, but assurances that the circuit court of appeals will set a definite date for rehearing, and thereafter that we have an expression of his confidence that the legal representatives will succeed in breaking the obstructive log jams on the freeways by the President of the United States. [pages 44266-44267]

Representative Broyhill asked if the President could do anything that would cause the subcommittee members to release the subway funds. When Representative Davis answered only “No,” Representative Broyhill concluded that the funds depended on action of the court.

Representative Davis clarified that they simply needed a date certain for the full court rehearing. If, Representative Broyhill asked, “Judge Bazelon wants to drag his feet and wants to play cat and mouse a little bit with the legislative branch,” would the House not be waiting for “the whim of the Chief Judge on the U.S. Circuit Court of Appeals in order to get subway funds appropriated”? Representative Davis said they were not “depending on his whim entirely” regarding the rehearing.

Mr. Broyhill of Virginia. So we have to wait on the action of the court, the judicial branch, in order to consider the release of the funds?

Mr. Davis of Wisconsin. We have not said that we have to wait for or to get a decision of the court as a condition here. All we have simply said is that we be notified – that is, that the Circuit Court has set a day certain. I am confident enough that Judge Bazelon’s decision will be reversed by a [sic] Supreme Court. I am simply saying, tell us – we have a date for a hearing.

Representative Broyhill asked about the conditions in “a behind-the-scenes compromise agreement that the funds would be released when a date was set for a hearing.” Representative Davis objected to the reference to “behind-the-scenes” but summarized the compromise as including the setting of a date certain for the hearing and a communication from the President

“that he believes a balanced transportation system is assured and requests the appropriation of funds on that basis.” [page 44267]

Minority Leader Ford intervened to say he supported Chairman Natcher’s position. He considered it “unfortunate, to say the very least” that despite the President’s and the Congress’s efforts “to enforce the several highway acts, we are thwarted apparently by an adamant attitude of one member of the Federal judiciary.” He continued:

It was amusing to me to read some reports in one of the local newspapers of a behind-the-scene secret meeting that the gentleman from Wisconsin, the gentleman from Kentucky, and the gentleman from Ohio, and I had to discuss a way in which we could help get the subway money and also proceed with the highway program.

I do not know how much more open such a meeting could have been held. About four rows behind the Democratic desk over there the four of us sat alongside one another and discussed how we could do our best to get the money available for the subway construction program, and in the best of faith – I guess in the eyes of everybody in the chamber – we came to a suggested program. As I understand that suggested program, the gentleman from Kentucky and the gentleman from Wisconsin agreed that if the Circuit Court for the District of Columbia would agree to a date certain to hold a hearing – just a hearing – that the recommendation would be made by this subcommittee for the release of all funds that have been requested by the President of the United States. I believe that is the understanding that we came to.

Minority Leader Ford understood that Judge Bazelon, as Chief Judge, could call for a hearing by the full court, but if he did not, a majority of the judges could do so:

I do not understand why a small group, or maybe one man in this court will in effect thumb the nose at the House of Representatives. If you ever read that decision by Judge Bazelon, I do not think a single Member of this body would have any respect for that decision. [pages 44267-44268]

Ford’s description of the agreement differed from what Representative Davis had said, leading to a discussion of exactly what the compromise was. The confusion prompted Representative Giaimo to say: “I am somewhat shocked . . . by some of the colloquy which we have just heard in this Chamber.” He disagreed with Judge Bazelon’s ruling and with court intervention in legislative prerogatives. It was, however, equally bad for the Congress to intervene in court affairs. Moreover, citizens have the right to petition the courts for redress of grievances. “As much as we may dislike it, there is nothing we can do about it.” However, Congress was doing something about the bridge and highway system by retaliating against the people of the District of Columbia “by saying, ‘No bridge, no subway,’ even though all of us in this House supported the authorization of the subway.”

Representative Giaimo said he supported the Three Sisters Bridge and the District’s Interstate System, but he could not agree with retaliation “on the defenseless people of the District of

Columbia.” He could agree that the District and the Department of Transportation had been dilatory in compliance with the 1968 and 1970 Highway Acts:

But this argument no longer applies. They are now in compliance. They have done everything that they can possibly do at the present time. The District government is ready to begin construction of the Three Sisters Bridge immediately upon allowance by the court to do so.

The Appropriations Committee had recognized the value of Metro by appropriating the Federal funds for its construction, but then had withheld the District matching funds that would allow use of the appropriated Federal funds:

Mr. Chairman, here we are, my friends, saying once again there is one other hurdle you have to jump before we give you the money for Metro. I will admit that the hurdles are getting smaller, but we are now saying that the appellate court set a date certain for rehearing en banc.

He asked Chairman Natcher and Minority Leader Ford if they insisted on anything beyond the settling of a date for the rehearing. Ford confirmed that was his only condition. Could the court take a year or so to set a date? Chairman Natcher responded, “Yes.”

Representative Giaimo said the problem in that event was the time needed to get another appropriations act through Congress releasing the funds. When the Minority Leader suggested that the delay might not be long – the court could set a date today, Representative Giaimo said “the court could have decided this matter in our favor also” but court actions were unpredictable. He did not want to put the court in the position of being able to dictate congressional actions by setting, or not setting, a date for an en banc hearing. [pages 44269-44270]

Representative McEwen rose in support of Chairman Natcher, saying “too much – far too much abuse – has been heaped on one man in this situation, and I refer to the gentleman from Kentucky.” President Nixon also did not deserve criticism; he was not a culprit:

The ones who are, do not seem to be the ones who get embroiled in it. I refer to the ones who have resorted to every devious trick, and scheme and device they could to thwart the will of this Congress – not the will of my good friend, the chairman of this subcommittee, not the Committee on Public Works, but this Congress and two Public Laws, one enacted in 1968 and one in 1970.

He rejected the notion that the end justifies the means. “We have seen a commission that approved a bridge, and thereby subway funds are appropriated. Then the commission immediately thereafter met and said, ‘No, we reverse our decision.’”

He did not share Representative Giaimo’s view that the District of Columbia was not at fault. The city’s support for balanced transportation, Representative McEwen said, was “like a boy who shot his father and mother, and then threw himself upon the mercy of the court because he was an orphan.”

Representative McEwen had been on the Subcommittee on Roads, Committee on Public Works, for 6 years. From that earlier position, he knew that \$20 million had been spent planning freeways, including 83 studies:

Everyone said we needed the highways, the Three Sisters Bridge, and the subway system and in that way and only that way can we have a balanced transportation system.

Well, I think we are only going to get that if we get the message out of here today, loud and clear, that now it is time for somebody else to move, and when they move – then we will move. I think it is no large price to pay for moving ahead on a balanced system to say that we will come ahead with the funds for the subway just as soon as the court agrees to a day certain to hear this case.

Compared with the courts, was the Congress “a helpless giant?” The 200 million people who voted for the 435 Members of the House “expect us to be concerned for compliance with the laws.” He concluded, “Our greatest strength, our marshals for enforcement, are the decisions we make on appropriations.” He would vote with Chairman Natcher. [page 44270]

Chairman Kluczynski said the Committee on Public Works fully supports a balanced transportation system for the District. (Chairman Blatnik, who had been hospitalized, asked Chairman Kluczynski to speak for him.) The highway and subway networks “cannot be separated one from the other because they were designed to complement each other.” The issue, however, was bigger than highways and subways:

Here we have defiance of the will of Congress. This cannot be tolerated, gentlemen. Where do we stand if we cannot be assured that the laws we passed are going to be carried out. The administrative bungling that has been thrust upon us in this instance is unbelievable. It must be corrected and drastic action is necessary.

They stood firmly with Chairman Natcher. [pages 44270-44271]

Representative Robert E. Jones, Jr. (D-Al.), the Acting Chairman of the Public Works Committee, argued that the city must have a concurrent transportation network of freeways and subway. “If we do not stand behind Mr. Natcher in his position, we are going to further delay, hamper, and destroy the public transportation accommodations for the people of this area.” The goals were clear, there was “no reason for dissidence and misunderstanding.” He hoped the House would “recognize the tremendous burden under which the gentleman from Kentucky has been working during the past few years, and that we will steer ourselves to a better destiny under his leadership.” [page 44271]

After some discussion of other elements in the bill, Representative Myers rose in opposition to the Giaimo Amendment. He had tried to speak earlier, and Representative Giaimo was prepared to yield, saying, “I will be glad to yield to the gentleman who made such an excellent speech against the subway in toto before.” However, Representative Giaimo’s time had expired, leading to Representative Davis’s speech.

Now, Representative Davis yielded to Representative Myers, who noted Representative Giaimo's earlier comment about Myers' opposition to Metro:

I made it very clear. I think the Metro is a fiasco that will cost the taxpayers of this Nation more than \$5 billion by the time it is completed. I cannot see it paying its operating expenses, let alone retiring the debt. However, it is a law and I shall support and vote for funds for that Metro whenever we are assured of a balanced system.

He considered the debate over \$73 million to be "a little sidetracking argument." His real concern was the Federal contribution to the District of Columbia. "I do not see any place else in the United States where there is any similar contribution made in lieu of real estate taxes that might be paid by the Federal Government," certainly not any jurisdiction in his Indiana congressional district. "The hard working taxpayer back in each of our districts are entitled to some consideration and that should not be just the right to spend more of their money here and the responsibility to send more money to Washington." [pages 44272-44273]

Representative Scherle, a member of the District appropriations subcommittee, spoke in defense of Chairman Natcher. The Congressman was deeply grieved "to hear the verbal accusations made against my distinguished chairman simply because he is protecting the law, the very law that this Congress in 1968 and 1970 passed concerning the Federal Highway Act." Chairman Natcher was protecting the interest of every Member of Congress. "This is our colleague and the laws passed were ours."

He then turned to the other provisions of the legislation, noting that as far as he was concerned Washington was a city that "operates extravagantly." If the city hired an efficiency expert, "he would last about 3 days and then he would quit in complete disgust." [page 44273]

Representative Nelsen, the ranking Republican on the District Committee, said he was confused about the compromise reached on the House floor that was discussed earlier. Everyone agreed on the need for a balanced transportation system in the District of Columbia, but whenever the subway issue came up, "there is always a reason given why the funds should not be released," usually because one agency or another is "dragging its feet."

Now, he said, the courts had intervened with the Three Sisters Bridge, which was the key to releasing the District matching funds under the compromise. Representative Nelson admitted he was not a lawyer; he was a farmer. Even so, he thought Bazelon's decision was wrong:

Make no mistake: the majority opinion is mischievous on a grand scale, a personal attack on Members of Congress, and a decision which must, as the President so indicates, be reversed if necessary by petition to the Supreme Court. So in conclusion I say that the Bazelon decision was a travesty. I also say that it is demeaning to have judges engage in personal attacks in their decisions.

In contrast to Judge Bazelon, who was "way out of line," Representative Nelsen commended Judge MacKinnon's dissent, which "clearly marks the majority opinion as not adhering to the

facts, lacking in logic, going far beyond the issues in its holding and generally lacking in reason and commonsense [sic].”

He said he had voted for Metro in 1969. In May 1971, he had voted with “my good friend, Mr. Natcher.” Today, however, “I support funding for the subway,” citing the reasons in President Nixon’s December 1 letter to Speaker Albert. He would vote for the Giaimo Amendment. [pages 44273-44274]

Senator Scott of Virginia supported Chairman Natcher. The area, everyone agreed, needed a balanced transportation system that included freeways such as I-66. It was needed because a Metro line would be built in the median, the freeway would provide access to Dulles International Airport and help people get to the cultural center at Wolf Trap Farm operated by NPS, and would aid commuters. “I find some of those urging that we release the funds without assurance that the highways will be constructed are persons who carried placards against the construction of Interstate 66 in Virginia.”

Neither the city nor the Department of Transportation had complied with the two laws requiring construction of the Interstate freeways in the District. The Department of Transportation was pushing metro while “giving lipservice [sic] to the highway program.”

He also disagreed with Judge Bazelon’s decision:

I remember when he came to Washington. I worked under him down at the Lands Division of the Department of Justice. It was said he was a tax attorney. Now he seems to be an authority on everything.

Judge Bazelon’s decision was a good reason why other Members of Congress should support an amendment to the Constitution that would limit judicial appointments to 10 years, with the right to be reappointed subject to congressional oversight.

Senator Scott was convinced that defeating the Giaimo Amendment was essential. “I hope that those who cry so loud for the subways, whether they are District of Columbia officials, the Secretary of Transportation, or the President, will push as hard for highways as they do for subways and then we can have the balanced system we talk about.” [Page 44274]

Representative Conte returned to the freeway-subway impasse. He said the House faced a rather simple challenge:

Should we fulfill our legislative responsibilities by promptly releasing the \$72 million that represents the District’s share for the Metro project – a project that Congress has emphatically authorized to be constructed and appropriated \$684 million in the DOT appropriation as the Federal share? Or will we continue to flout the legitimate interests of millions of area residents and visitors? Will we continue to indulge the mysterious whims of those who seem bent on creating an empty underground memorial to the second-class status that this city has too long had to endure?

He did not agree with claims that the District had not complied with the congressional mandates contained in the 1968 and 1970 Acts. He inserted into the record FHWA's updated status report as of November 29, 1971:

#### District of Columbia Restudy

The restudy is now complete and all chapters have been sent to the printer. We have been advised by the District that a limited number of copies of the final printed report will become available early this week. FHWA staff is reviewing the draft chapters received to date, and preparing recommendations for the report to Congress

#### Three Sisters Bridge

Last week, at the request of President Nixon, the Department of Justice filed a petition for reconsideration by the Circuit Court of the decision rendered on October 12, 1971, by the three judge panel. The petition seeks review by the full court. Should the petition fail, the case is to be taken to the Supreme Court.

#### Potomac River Freeway

The National Capital Planning Commission is awaiting final concurrence from the consultant and the District's Corporation Counsel on the contract for land use studies and the preparation of a Section Development Plan for the Georgetown Waterfront. NCPC expects to have the contract executed and work under way by the end of this week.

#### South Leg of the Inner Loop (Lincoln Memorial and Tidal Basin Area)

Preliminary drafts of an environmental impact statement and design hearing information reports have been reviewed and returned to the consultant for revisions. The design public hearing is scheduled for January 1972.

#### East Leg of the Inner Loop (RFK Stadium)

The D.C. Department of Highways and Traffic is working with the National Park Service on the joint planning and funding of that segment of the highway which will pass through Anacostia Park.

#### Center Leg of the Inner Loop (West of Capitol)

Work is proceeding on all segments of the Center Leg.

Representative Conte also inserted into the record the petition for a rehearing en banc of the three-judge panel's finding. [pages 44274-44278]

After several other members commented, Representative Giaimo formally introduced his amendment to the District of Columbia Appropriations Act, 1972. He said that in view of the status of all other freeway issues, the "disagreement presently boils down to the controversy over

the Three Sisters Bridge and those highways which are allied with and dependent upon its resolution before they can proceed.” The fate of that bridge would be determined in the courts. “Because of that fact, we as a Congress have taken the position that because you have not started construction – and parenthetically you cannot start because a court has enjoined you from doing so – we are not going to fund the Metro.” At the same time, Congress withheld the District share, it appropriated the Federal share. “This is going to create chaos. We are literally threatening the very existence of the subway.”

Everyone favored mass transit and the Metro to serve the 1.5 million people in the Washington area, “and now we are going to threaten its existence because of the controversy over whether or not we ultimately are going to build a bridge which I want to see built.” Now, he found himself opposing the Minority Leader while agreeing with the Republican President. The courts will rule on the Three Sisters Bridge and it will be built, or not. “I urge you to let us not delay in this matter.” [pages 44279-44280]

Representative Long of Maryland opposed the Giaimo Amendment on five grounds. First, he was convinced that the cost of Metro would escalate to as much as \$5 billion, as Chairman Natcher had predicted. Second was “its probable lack of use. People do not want to use mass transit.” Third, “it is one more case in which people of ordinary means, in your district and mine, are going to be asked to subsidize people of high income in and around Washington, D.C.” The primary beneficiaries, he said, would be Federal employees “already enjoying higher salaries and fringe benefits than the taxpayers back home.”

Fourth, even if he was wrong about the use of Metro, “it is totally gratuitous to plunge into a \$3 billion to \$5 billion program when we have not developed the rapid rail facilities that already exist here and now in Washington, D.C.” Why not use existing rail right-of-way as a cheaper, minimally disruptive plan for rail rapid transit?

Finally, mass transit was not the answer to relieving congestion in the Washington area:

The answer is to stop locating so many government agencies in Washington and decentralizing our government back home – in your district and mine. We are trying to put too many angels on the head of a pin – and most of the angels are not very angelic.

Metro, if it succeeded, “would merely encourage further congestion.” He concluded by quoting Lewis Mumford’s book *Culture of Cities*:

While congestion originally provided the excuse for the subway, the subway has now become the further excuse for congestion. [pages 44280-44281]

Chairman Mahon of the Appropriations Committee said that in this “greatest legislative forum in the world,” they were “engaged in a battle which I interpret to be a battle of principle.” The issue was “a question of orderly procedure, and a question of right or wrong, as I see it.” Let us not, he said, “topple” Speaker Albert, Minority Leader Ford, or Chairman Natcher because they support the committee’s position. “Please let us not kick in the teeth the Committee on Appropriations which has gone into this matter in great detail and overwhelmingly defeated the Giaimo

amendment” in May. Chairman Mahon was understandably “emotional about it,” adding “I hope the Members will pardon me.”

He assured his colleagues that the committee was not trying to kill Metro. “We are just trying to get the will of the Congress carried out.” He did not know if his view would prevail today, but “for better or worse, under the American legislative system, Congress still has the last word.” [page 44282]

Representative Conte engaged in a colloquy with Representative Stratton. Representative Conte argued that the attempt to withhold the Metro funds defied reality. “By any reasonable understanding of the situation, both the District of Columbia and the Federal Government are in compliance with the dictates” of the Federal-Aid Highway Acts of 1968 and 1970. Now, under the latest compromise, leadership agreed to release the Metro funds if the Court of Appeals agreed to hear an appeal of the three-judge panel’s finding. “This latest attempt at political blackmail, which demeans the very integrity of the judicial process, deserves our immediate and forceful rebuff.”

Representative Stratton asked if Representative Conte was aware of any legislation that said Metro could be built only “if built simultaneously, minute-by-minute construction also proceeded on the freeways and the Three Sisters Bridge?”

No, Representative Conte replied. As he had discussed earlier, all provisions of the 1968 and 1970 laws had been satisfied. “The only one left is now in litigation – the Three Sisters Bridge controversy.”

Representative Stratton noted that Congress has required construction of Metro. In that case, “if we are preventing its being built then we are flouting our own will.”

Representative Conte pointed out that not only had Congress authorized Metro, but appropriated \$680 million for its construction.

Representative Stratton hoped that the money would not “go down into the same gullies that we will leave in the heart of Washington if we do not approve this amendment and complete the unfinished Metro system that now marks our city.”

Representative Conte, after thanking his colleague for his comments, said, “I disagree with the decision of the court of appeals, but to hold a gun to the heads of the U.S. court of appeals is not my idea of the responsible manner in which Congress should work its legislative will.” He would not have any part in an intrusion on the constitutional separation of powers.

Now was the time to end “strong-arm tactics” and release the funds. This was fair to the suburban jurisdictions whose “tolerance for our legislative maneuverings is rightfully growing short.” Further, the delays were increasing the cost of the Metro system, a result he considered an “inexcusable waste of the taxpayer’s money.” He also cited the millions of area residents who had acted in good faith through their governments to support Metro. “Our answer to their good faith and patience cannot be – and must not be – an irresponsible action that could in President Nixon’s words, “consign the entire project to an early grave.”

He concluded by saying that what was at stake was “not only the future of this city:

Also at stake was the integrity of the three branches of our government – the integrity of the judiciary, which must remain unfettered; the integrity of Congress, which must remain responsive; and the integrity of the executive branch, which must remain capable of executing projects that have been mandated.

He urged support for the Giaimo Amendment. [pages 44282-44283]

Minority Leader Ford said, “If you vote for the Giaimo amendment, you can say that we are, in effect, undermining the integrity of the House of Representatives and the Congress.” If he had to make a choice, “my choice is clearly with the legislative body of our Government.” He strongly disagreed with Judge Bazelon’s decision, which had “hamstrung the District of Columbia in proceeding with the Three Sisters Bridge.” All he was asking for was “a day in court and the sooner the better.” He considered that “a reasonable request.”

Chairman Natcher again said he supported Metro as part of a balanced transportation system for the Washington area. “Under no circumstances do we intend to come before this Congress at any time, or at any time in our committee, and make any move to stop the rapid rail transit system.” If his colleagues defeated the Giaimo Amendment, “I say this from the bottom of my heart – this will be no personal victory for me – it will be no personal victory for the Committee on Appropriations.” Instead, it would be “a victory for the Congress of the United States – a victory for the legislative branch of the Government.”

The amendment should be defeated:

We should say not only to this judge, but we should say to all of those in the city of Washington and throughout the United States that the legislative branch of the Government is a coequal branch of the Government. [pages 44285-44285]

Representative Broyhill pointed out that the House should not debate the need for Metro; Congress had decided that issue months earlier. In May, when the previous Giaimo Amendment was considered, its opponents complained about “too much foot-dragging downtown.” Now, they “have switched their criticism to the courts,” where the outcome is unknown:

In the meantime the entire subway system is dying. The subway agency is out of money; the suburban jurisdictions, which have already contributed \$125 million, have refused to continue to pay for a system they may never enjoy, located entirely within the District of Columbia, which has become the hostage of forces engaged in a desperate battle for and against highways and bridges.

He said “it makes as little sense to withhold funds for the subway to force the building of highways as it would to withhold funds for the judiciary to force a few judges in the District of Columbia to render a decision.” He wondered why Congress must hold hostages. “In fact all we have accomplished by doing so is to allow a few people to decide whether they want to build either the subway we directed be built or the highways and bridges we directed be built.” He said, “It would be a shortsighted and disastrous disservice to the public interest to force costs still

higher by unwarranted delay or to create the inevitable chaos in the Nation's Capital which would result from its complete abandonment." [pages 44285-44286]

District Delegate Fauntroy said the Congress had taken on "a moral obligation" to the residents of the Washington area in approving the Metro system. "If this House fails to act to restore the \$73 million [sic] request by the President of the United States, we will have nothing to show for our efforts and money but empty, useless holes in the ground."

After delaying year after year, now Congress was contemplating waiting for a rehearing date. "This House cannot delegate to the U.S. court of appeals, as the so-called compromise would do, the decision as to whether the Washington region shall have a subway." He reminded his colleagues of what President Nixon had said: "No further delays can be tolerated." (He favored the amendment, and could speak on the House floor, but he could not vote on it. [pages 44286-44287])

Representative Gude said the House was like a man who tells you he would like to have lunch with you but always has an excuse for not ever doing so. Congress has promised to release the funds "but" first the District should advance the freeways. "The city got such a plan and continues to build freeways, one at the very foot of Capitol Hill and another long stretch just five or six blocks to the south." So Congress said, yes "but" they should build the North-Central Freeway to Silver Spring even though Maryland has decided not to build its portion of the route, "so the District's construction of its section is a moot question."

Next, the Members said they would release the Metro funds "but" the city must begin construction of the Three Sisters Bridge. The city did so. "Unfortunately, the haste and citizen opposition has led to court challenges and an adverse finding that has temporarily halted the work."

Now those same hostage-takers had a new "but," namely the setting of a date for review of the court decision by the full Court of Appeals:

Meanwhile, they are starting to complain that the subway may turn out to cost too much because of the delays which they in part have caused.

If the House did not approve the Giaimo Amendment today, it might as well "start appropriating funds to start filling in the great tunnels that have been built through downtown and Connecticut Avenue." [page 44287]

Representative Hogan of Prince George's County said:

So, if you have a dispute with the District government and with Judge Bazelon, thrash it out with them and do not use a "secondary boycott" to penalize my constituents. They have lived up to their end of the bargain [by contributing their share to Metro] . . . and they have been denied the progress in the construction of the rapid rail transit system that they are entitled to. [page 44287-44288]

Representative John R. Dellenback (R-Or.) asked Representative Natcher for clarification. He understood that two conditions had to be satisfied for release of the District's Metro matching share:

First, that there must be a setting of a time certain for the rehearing before the court.

Second, that there must be a request for a supplementary budget, and that there is no additional condition attached to the release by the House of these funds.

Chairman Natcher said that if those two conditions were satisfied "it will clearly indicate to me, just for a change after a period of about 4 years the courts have decided to move along and pass upon this case." When the supplemental appropriations act comes to the floor in 1972, "I will stand in the well of this House and ask that the money be appropriated."

After several other Members of the House spoke on the subject, Representative Obey quoted a comment from Don Marquis' book *The Lives and Times of Archy and Mehitabel* (1940): "Did you ever notice that when a politician does get an idea, he usually gets it all wrong?" That description was apt for the compromise being discussed during this debate:

You would think from hearing the description of the so-called compromise being discussed here today that we are compromising with the court. The fact is that we are not. You would think we were withholding from the court. The fact is that we are withholding money from the District . . . .

I think it strange logic indeed for people to place as much emphasis as they have upon the issue of noncompliance, when the Congress, by the very act of withholding funds from Metro, will force the District to be in noncompliance on the District contract with the other subdivisions that are signatories to that contract on the Metro. [page 44290]

Representative Conte interrupted to say:

I have a very important announcement, because I think it will put this whole debate in proper perspective. The court of appeals has just refused to review the petition, and therefore all these agreements that have been propounded here are fait accompli. The only appeal now is an appeal to the Supreme Court of the United States, on a writ of certiori.

Representative Obey replied that if that announcement were true, then Congress was faced with a game of "chicken." He explained, "We are going to decide whether we are going to be more stubborn or whether the court is going to be more stubborn."

Representative Davis said he did not think the announcement made any difference as far as the compromise was concerned. It just cleared the path for an appeal to the Supreme Court.

Minority Leader Ford agreed that the announcement "clarifies the situation" because the Justice Department could now go straight to the Supreme Court. He thought the appeal would be

accepted. “It seems to me that this is a very, very important circumstance that would justify their immediate action.”

Representative Davis said he had known the President for 25 years and knew he wants a balanced transportation system. “So when we are told the President wants the subway, I say this: He also wants the freeways, and we are going to give him both and not just half the package.”

Representative Giaimo said his staff had now spoken with Appeals Court staff to confirm the decision and said the White House had informed him that an immediate writ to the Supreme Court was being prepared. He essentially asked Chairman Natcher: what now?

Chairman Natcher said he was not surprised by the announcement. “We are right back in the hands of Judge Bazelon, who has made up his mind for a period of 4 years that the rights and the laws of Congress are not going to be enforced.” No doubt, the case should go to the Supreme Court. “But the funds, \$72 million, should now be refused until the law is enforced.”

Representative Giaimo replied that the House should fund Metro now and then abide by the court’s decision about the meaning of the two Highway Acts concerning the Three Sisters Bridge.

After Chairman Natcher made a last appeal for defeat of the Giaimo Amendment (“I should like to respectfully request the Committee [of the Whole] to defeat the amendment which is now before the Committee”), the House voted. The amendment was approved, 196 to 183. [pages 44291-44292]

According to *The New York Times*, “A roar of approval went up from the floor of the House” as the vote was announced. Chairman Natcher had lost.

As Schrag put it:

The House vote effectively declawed Natcher. For an Appropriations subcommittee chairman to be “rolled” on the floor of the House was a humiliation, one that Natcher was unlikely to risk again. Although he vowed that “we lost the battle but not the war,” and remained a critic of Metro, never again did he use his position to attempt to stall D.C. payments. [Schrag, pages 140-141]

Reporters trying to tell readers why the House approved the Giaimo Amendment found several reasons after speaking with Representatives and aides. Everyone agreed the White House played a key role, starting with the President’s statement and letter, but including lobbying by his staff. The White House effort was needed because the House leadership was opposed. Representative Henry P. Smith (R-NY), who voted for the amendment, said, “I have never seen such a phalanx of power arrayed” against a measure. He met the White House congressional liaison, Richard P. Cook, in the hallway on December 1. Cook asked if the White House could count on Representative Smith’s vote. “I said he could but did he realize he was asking me to vote against my leadership. He told me, ‘That’s right, Henry, but we’re asking you to vote for your Big Leader.’”

Representative Conte agreed. “The President was very effective.” But he and others thought a generational divide also helped. He thought that many younger members were furious about the Chairman Natcher stalling tactics. Representative Gude concurred. “A lot of congressmen were simply worn down.” The *Star* said of Chairman Natcher’s “stunning defeat” that:

Such action is unusual in Congress. But it has been happening with increasing frequency lately as conservative and liberal Democrats continue a see-saw battle over party leadership and a new dictatorship allowed under the House’s seniority system . . . .

Natcher first started withholding D.C. subway moneys in 1966, and his [grip] on the situation remained relatively firm over the next several years as planning continued and some construction was allowed to start.

But in more recent years, Natcher lost support for his position from District officials, and important businessmen, and finally, last May, members of his own subcommittee turned on him and started the move to approve the subway funding over his objection.

These dissidents, rebellious House liberals, President Nixon’s insistence that the subway funds be freed, as well as warnings from Maryland and Virginia that they were fed up with delays, all helped overcome not only Natcher, but also the support he had enjoyed from House Speaker Carl Albert, D-Okla., and House Minority Leader Gerald R. Ford.

Of course, Representative Giaimo and Conte deserved much credit. They had worked throughout the week to gain support and, by one count, had switched about 30 votes to their side.

Representative Gude offered another reason, as described in the *Post*:

Several congressional wives and a number of staff aides, all residents of the area, were urging members of the House to approve release of the funds, he said.

Unlike thousands of projects approved by Congress annually, the members can actually see this one. “They could stand out in front of the Mayflower [hotel] and see something that really is,” Gude said.

Local leaders were “predictably ecstatic.” Mayor Washington said the vote was “of monumental significance” and “essential to the well-being of this capital city and neighboring jurisdictions.” Montgomery County Executive Gleason, who led the revolt that saw subdivisions refusing to make their contribution, said the vote was “the greatest news we’ve had about the Metro system since the transit compact was organized in 1965.” He promised that Montgomery County would “enthusiastically” make its next payment in January 1972. [Scharfenberg, Kirk, “White House Lobbying Credited With Freeing Metro Money,” *The Washington Post and Times Herald*, December 3, 1971; Finney, John W., “Leaders of the House Rebuffed as Subway Funds Are Restored,” *The New York Times*, December 3, 1971; Sarro, Ronald, “Natcher Seen Still Powerful Despite Defeat,” *The Evening Star*, December 6, 1971]

The *Post* editorial following the victory began:

Metro lives – and you may actually be able to step aboard for a ride on the Fourth of July, 1974. Suddenly that’s a prospect instead of a pipedream, thanks to a dramatic demonstration in the House that the powers of reason can indeed upset the powers of congressional tradition when a thoughtless leadership puts petulance before principle. It was a rare, reassuring spectacle to see the top leaders of both parties in the House and the great weight of powerful committee chairmen brought to their senses on this issue, and heaven only knows, they had it coming.

The *Post*, calling the decision a “miracle,” gave credit to the White House:

Mr. Nixon deserves thanks from everyone for acting to cut the “Gordian knot,” as he put it, that had brought about a “hardening of vital transportation arteries” here. The president not only spoke forcefully and often for Metro in the days leading to the House vote, but deployed the White House lobbyists on a full scale follow-up.

Also receiving credit were Representatives Giaini and Conte as well as area Representatives who fought for every vote. The *Post* also cited Representatives Hale Boggs [the Majority Leader] and [Majority Whip] Thomas P. O’Neill, Jr. (D-Ma.), “who parted company with Speaker Carl Albert in a display of real leadership, and Rep. John B. Anderson [of Illinois], who assumed leadership among Republicans.” Many others shared the credit:

In short, the House – as a whole – did itself proud this week, even if some of its leaders did not. Greater Washington, which must look to Congress for leadership in the absence of self-determination, can be grateful for the outcome. [“The Metro Miracle,” *The Washington Post and Times Herald*, December 6, 1971]

The *Star* carried a lengthy feature editorial on the key vote. Congress had fought many larger, more important battles over the years, but “not many have been fought harder – with more gratifying results – than Thursday’s narrowly successful bid to wrest \$72 million in D.C. subway appropriations from the grasp of Representative William H. Natcher.”

The struggle had everything a political drama needed, “including big-name stars”:

President Nixon, aligned with rank-and-file House members of both parties, was largely responsible for making the all-out fight. On Natcher’s side was virtually the entire power structure of the House, including Republican leader Gerald Ford.

Chairman Natcher had described the purpose of the battle as safeguarding Congress’s prerogatives. If the matching funds were not withheld until the required freeways were built, the *Star* paraphrased, “Congress would have no protection against the unwarranted encroachments of a recalcitrant administration and a meddling, irrational judiciary”:

But the outrageous, infuriating aspect of that position was that the effort to sustain the subway freeze had absolutely nothing to do with the merits of the subway – or the grave peril in which that program was placed.

The editors recalled the deal Chairman Natcher, Minority Leader Ford, and others had reached under which the Committee on Appropriations would release the matching funds if the full U.S. Court of Appeals agreed to hear an appeal of the three-judge panel's decision:

But near the very end of the seven-hour-long House debate, word arrived that the full Court of Appeals (perhaps as zealous of its own prerogatives under pressure as the Congress is) would not review. When that occurred, the House leadership deal simply fell apart.

Whether the subway dollars would have been turned loose on Thursday if the appellate court had not been heard from before the vote, no one can know. We are inclined to doubt it. In that event, Natcher might well have won, and the situation then could have had the makings of a prolonged period of subway uncertainty.

The entire region was "indebted to Mr. Nixon and to Representatives Robert Giaimo, Silvio Conte and Joel Broyhill, among many others." But many hurdles remained in 1972, such as the return of WMATA to Congress seeking Federal guarantees for the needed bonds and the city's appearance before Chairman Natcher's subcommittee on the next fiscal year's appropriations act. "Both those requests will be viewed in the light of increasing skepticism about sharply spiraling costs."

Chairman Natcher said he fully supported rail rapid transit, adding that "under no circumstances do we intend to come before the House at any time to stop the program." The editors wrote:

We trust that pledge will be honored, for the strong support which Natcher gave the subway at its inception will be more vital than ever in the months ahead.

While the editors thought Chairman Natcher had been wrong to hold the rail rapid transit funds hostage to construction of the freeways, "he is as right as anyone could be in complaining that Congress' clear-cut directives on freeway construction have been unconscionably and deliberately thwarted by officials of the District, the administration and, most recently, the Three Sisters Bridge decision written by Court of Appeals Chief Judge David Bazelon." With rail rapid transit funding finally moving forward, "Natcher has every reason to expect Mr. Nixon to exert a much stronger leadership in each of those areas."

At no time had planners ever imagined that rail rapid transit could solve the entire congestion problem, or that freeways and buses alone could do so, but the urgent debate over rail rapid transit funding meant that freeways had been "shoved on the back burner":

It is time now that those arguments get the attention they deserve, for they happen to be accurate. The subway, from its inception as a full-fledged system in 1959, was intended to share the regional transportation burden with a new system of freeways – one which in those days was much larger, in fact, than that now contemplated. It was never assumed that the full load could be carried by rail transit, any more than autos and buses alone could do the job.

A good many weird ideas are floating around these days, on that point, about shutting off the access of autos to the central city or making parking resources so scarce or so expensive that motorists would have no alternative but to stop driving. At the moment, of course, such thoughts are pure flights of fancy, for as yet there is no decent transit system. Even if there were, however, the approach is wrong. The government's proper role is not to eliminate such options, but to make public transit sufficiently convenient and economical that it will be used as a matter of choice.

For now, the House had overcome Chairman Natcher's decision to withhold appropriations for the city's matching funds. Recalling the pivotal moment in the debate when the House learned that the full U.S. Court of Appeals would not hear an appeal, the editorial concluded:

That incident, perhaps more than any other, should assuredly serve as a warning that the subway system is too vital to the Nation's Capital, and for all its vast size and cost too intricate a mechanism, to be utilized ever again as an instrument of political blackmail to achieve any other purpose, no matter how valid. The subway and road programs should both proceed, but neither at the expense of the other. ["The Several Side of the D.C. Subway Vote," *The Sunday Star*, December 5, 1971]

### **After the Vote**

On December 3, the Senate approved the District of Columbia Appropriations Act, 1972, by a vote of 85 to 15, with \$72.4 million included in District matching funds for Metro. The issue of matching funds for the Metro was sufficiently noncontroversial at this point that it was not debated.

The conference to resolve differences between the House and Senate bills, however, did not go smoothly. The District matching funds for Metro was not the problem; a measure that appears in both the House and Senate versions of a bill is generally not subject to change. The problem appeared to be the Federal payment. The House bill appropriated a total of \$973 million, including a \$162 million Federal payment, while the Senate appropriated \$882 million with a Federal payment of \$179 million. The higher Senate amount was for Federal City College, welfare payments, expansion of Superior Court, and special education programs.

On December 11, Chairman Inouye walked out of the conference saying the House was refusing to negotiate. "Let's just say the conference is postponed indefinitely. I'll consider going back if they agree to confer. The next step is theirs." He added, "I refuse to return to a conference where I'm threatened by statements saying they're not going to sign anything that has one dime more than \$162 million. This was not a conference."

Representative Davis acknowledged making the statement because he had "strong feelings" about the matter.

Representative Giaimo referred to the stand as "intransigence of the Republican House members who announced they weren't going to budge over \$162 million before we even discussed

anything.” Representative Obey agreed that “a solid Republican phalanx” had taken the same position as Representative Davis.

Although Metro matching funds were not on the agenda the *Post* suggested that, “Natcher is believed to be smarting from his defeat on the House floor last week . . . .” If the conference could not reach agreement, release of the District matching funds could be delayed, and would not be included in a continuing resolution extending current budget levels if needed to keep the city solvent:

The White House, which lobbied hard in support of Metro funds when the House overturned Natcher, expressed displeasure yesterday at the deadlocked conference.

A high administration source said “a continuing resolution won’t do.” If some conferees refuse to agree on the budget, the source said, “that’s a way those who opposed Metro on the floor, and lost on the floor, work their will in committee. The President fought for this and we don’t want to lose it through parliamentary maneuver.” [Moore, Irna, “Inouye Quits Talks on District’s Budget,” *The Washington Post and Times Herald*, December 12, 1971]

Despite this clash, the conferees reached a tentative agreement that Chairman Inouye expected to be approved on December 14. The signatures of at least 7 of the 12 House conferees were needed, but the House delegation refused and walked out without signing the conference report. With the agreement reportedly calling for a Federal payment of \$163 million, Representative Bow said, “there isn’t any agreement because we can’t agree.” He would not sign the tentative agreement. Senator Inouye gave up at 6:30 p.m. and went home.

Speaker Albert said he was “pushing as hard as I can” to get an agreement and had called on the White House for help. Minority Leader Ford was talking with the Republican delegates in an effort to break the deadlock. He was confident that an agreement could be reached. “Things are very tenuous right now, and I’ve been working on this for five hours,” he said in the evening.

Despite the focus on the Federal payment, some observers suspected a different agenda was at play:

But some congressmen have charged that the Republican House members are deliberately trying to deadlock the conference, forcing the Congress to approve a continuing resolution allowing the city to continue spending at last year’s level. Such a resolution would not include \$72 million in subway construction money . . . .

“This is the most petulant thing I’ve ever seen,” Rep. Gilbert Gude (R-Md.) said. “I don’t know whether anyone is going to admit it, but the holdup is an attempt to delay the subway funds.”

Speaker Albert refused to bring up a continuing resolution even though Congress was about to adjourn for the year.

Chairman Inouye said the Senate would not consider such a resolution if it did not provide the District matching funds for Metro. "All I know," he said, "is that the conference is still alive and that I'm leaving Washington for Hawaii at 5 p.m. Wednesday." [Moore, Irna, "GOP Blocks D.C. Budget, Adjournment," *The Washington Post and Times Herald*, December 15, 1971]

With the threat hanging over conferees that Congress would remain in session despite the pending Christmas break, conferees reached agreement the next day. The conference report appropriated \$932,512,700 for the District, with a Federal payment of \$166 million. Although four House Republican conferees still refused to sign the conference report, Speaker Albert and Chairman Mahon secured six Democratic votes and Representative Ford pressured Representative Bow to provide the needed seventh signature. One Democratic conferee, Representative Stokes, had been summoned back to Washington from Cleveland and convinced by the Speaker to sign the report despite reservations that funding levels were insufficient.

Representative Obey told reporters, "If it weren't for the speaker we'd all be here another week. He really stuck hard." Irna Moore, reporting for the *Post*, added, "Other members said they could not recall seeing Albert so determined about anything since he became speaker at the beginning of the year."

Chairman Inouye said, "I'm not happy with it, but under the circumstances, it's about as good a bill as we could hope to get." Chairman Natcher, who signed the report, said, "This bill is fully adequate. It's a good bill." [Moore, Irna, "\$932 Million Fund for D.C. Approved," *The Washington Post and Times Herald*, December 16, 1971]

The Senate approved the conference report by voice vote with little discussion. In the House, Chairman Natcher could not resist raising the issue of subway funding. The District, he said, "must have freeways, express buses, and a rapid transit system" for a balanced transportation network. "The Highway Acts of 1968 and 1970 are the law and must be complied with. Both systems must proceed together." For the record, he inserted President Nixon's letters of August 12, 1969, and April 27, 1971, and his statement of November 18, 1971, calling for a balanced transportation system. Chairman Natcher added:

I believe that President Nixon will carry out the commitments set forth in the letters and the statement and that the Department of Transportation, the Attorney General, and the District of Columbia officials should immediately join with the President in carrying out the mandate of the Congress set forth in the Highway Acts of 1968 and 1970.

Minority Leader Ford said he could "basically agree with the recommendations of the subcommittee, aside from the subway problem." Although it had been "a most unfortunate and regrettable last 48 hours trying to find an answer so that the Congress could adjourn," he thought the House owed Representatives Natcher, Davis, and their colleagues "a real round of applause."

Representative Bow told his colleagues that he had signed the report "with some reluctance." He was not satisfied with every item, but "thought it was rather necessary that we have a conference report and dispose of this matter." However, he resented some of the things said about Chairman Natcher and the Republican conferees:

We have read and seen things in the paper, and heard things on the radio about this House committee that just are not factual. I listened last night to one radio program that said that the distinguished chairman of this committee (Mr. Mahon) and the distinguished minority leader, the gentleman from Michigan (Mr. Ford), and myself were deep in a little room here in the Capitol trying to connive some way to keep the Metro funds out of this bill. There is absolutely no truth in that, absolutely none, because we have all agreed that the House worked its will and the Senate theirs, and the Metro funds are there. Some of us may not have liked that, but it was the will of the House. We never at any time did anything in an attempt to keep the Metro funds out of this bill. So that the irresponsibility of some people who go on the air and make reports of that kind I think should be criticized.

Representative Scherle, one of the conferees who had not signed the report, said, "In good conscience, I could not sign this report." He had listened to testimony about "such reckless, wasteful spending on the part of the District of Columbia officials" that it was "unbelievable." He could not agree to a Federal payment above \$162 million, but offered "my compliments to the District officials for their dexterity and ability in using the old shell game" to secure a higher amount.

Overall, the Metro funding issue was not a major topic of discussion. The House approved the conference report 260 to 92. [District of Columbia Appropriations, 1972 - Conference Report (H. Rept. 92-755), *Congressional Record-Senate*, December 15, 1971, pages 47110-47111; Conference Report on H.R. 11932, District of Columbia Appropriations, 1972, *Congressional Report-House*, December 15, 1971, pages 47139-47147]

On December 15, 1971, President Nixon signed the delayed District of Columbia Revenue Act of 1972 (P.L. 92-196). Among other items, it increased the gasoline tax in the District to

8 cents a gallon, from 7 cents.

He signed the District's appropriations act on December 18 (P.L. 92-202) for a fiscal year that began on July 1, 1971.

A *Post* editorial explained how the city had avoided bankruptcy:

If ever there was a screaming argument for self-government in this powerless colony of Washington, we've witnessed it this week on Capitol Hill. There, a shameful, 11<sup>th</sup>-hour set of shenanigans was passed off as the way to decide how the capital of the United States is to provide vital municipal services to its people for a fiscal year that's nearly half over to begin with. While City Hall sat helpless . . . it took (1) a furious walkout by one sympathetic senator; (2) an ultimatum and follow-up prods by the Speaker of the House and the House Minority Leader; (3) expressions of deep concern from the White House; and (4) the rumblings of Santa Claus in the wings just to get anywhere near agreement on what the District of Columbia should be spending (and for what) . . . .

So you could say that we should bless Scrooge for the change of heart and let it go at that. But we shouldn't because this was the worst performance in years.

No one knew why “the House Appropriations conferees behaved so scandalously in the negotiations with the Senate, especially since they don't ever have to tell us.” Even after their views on the District's Metro funding had been rejected “when they tried to kill off the area's rapid transit system,” they were “still stubbornly insisting that their views should prevail over anybody else's.”

The city may be able to think of “steps the local government might take to perhaps lessen the chances of this dangerous brinkmanship reoccurring,” but the reality was that “as long as the entire, absurd system of colonial overlordship persists, Washingtonians – and even their suburban neighbors – will still be subject to this humiliating and grossly undemocratic treatment once a year.” [“How Washington Avoided Bankruptcy,” *The Washington Post and Times Herald*, December 16, 1971]

The *Star* began its editorial with a sigh of relief:

Even to a city thoroughly accustomed to crises with Congress, yesterday's eleventh-hour approval of a District of Columbia budget – for the year that began last July 1 – was much too close for comfort.

The editors reminded readers that “it might well have been worse.” After all, “with Congress driving pell-mell toward adjournment, certain House members reportedly were still refusing to negotiate a compromise,” without which a continuing resolution eliminating Metro matching funds would have been necessary:

According to some sources, the delaying tactic represented a final, last-gasp effort to revive Representative Natcher's drive to strip \$72 million in District subway funds from the budget.

If true, “the tactic hit a new low in political subterfuge” in view of the House's repudiation of Chairman Natcher's drive only 2 weeks earlier. “It is hard to imagine that the Congress as a whole would have countenanced such an outrage. Fortunately, that eventually never had to be tested.”

The result was, in the words of Chairman Inouye, “as good as could be obtained” – not as good as the Senate bill, but not as bad as the House version, with the Metro funds intact. “It leaves some serious fiscal problems, but the city should approach them with a recognition that both the House and Senate clearly directed that some belt-tightening all along the line is in order.” [“Back in Business,” *The Evening Star*, December 16, 1971]

On December 16, the WMATA board completed work on its spending program of \$186 million, made possible by release of the District's matching share. The plan included construction of the McPherson Square and L'Enfant Plaza stations, a contract for 88 escalators in the first seven operating stations, and contracts for projects and equipment purchases that had been approved before the funds were available but could now move forward. WMATA would now accept bids

for the Pentagon and Pentagon City stations as well as adjacent trackage, and a communications system and the first 300 cars of a planned 556-car fleet.

The board also approved an agreement with Virginia for construction of a transit right-of-way in the I-66 median. The board agreed to pay \$10 million for grading, drainage, and bridge construction to accommodate the rail line between the Capital Beltway and State Route 7 west of Falls Church. [Eisen, Jack, "Metro Allocates New Funds," *The Washington Post and Times Herald*, December 17, 1971]

The Metro board also was looking forward to a hearing in early 1972 on Federal bond guarantees. The board expected to receive about \$300 million in semi-annual payments from local jurisdictions in early January, but the funds would be spent or earmarked by mid-March. WMATA would be broke until the next payments became due in July unless Congress passed legislation allowing the full faith of the Federal Government to back Metro revenue bonds. In the meantime, funding on hand was enough to ensure the opening of the first 4.6-mile section of Metro in July 1974, according to General Graham.

The Senate and House District committees were planning a joint hearing to consider legislation that Senator Mathias and Representative Broyhill had introduced to provide Federal guarantees of WMATA's bonds. ["The Metro Still Goes for Broke," *The Evening Star*, December 17, 1971]

Representative Obey, in his memoir, recalled the end of the Natcher impasse this way:

The day we won, I was holding a "Tom and Jerry" pre-Christmas party in my office in the Cannon building. Few members of Congress even knew what a Tom and Jerry was, but Tip O'Neill did. No self-respecting Irishman was ignorant of the blessings of Tom and Jerry, a Christmas drink of hot water, an egg-based batter spiced with cinnamon, nutmeg, cream of tartar, and allspice, laced with rum and brandy. The party began at 5 p.m. and Giaimo arrived right on time – half to celebrate and half to bemoan our fate in Natcher's doghouse. As he sat on my office couch and sipped his drink, he became more and more melancholy. "Dave, it was a helluva job we did. Never thought we could do it until the end. It was the right thing to do, but nobody will ever thank us, and Natcher will never forget," he said. Giaimo proved to be right on both counts. When the subway was dedicated, I did not even receive an invitation. Jackson Graham, the head of the Subway Authority, never called to express appreciation. And Natcher didn't speak to Bob or me for two years.

Few may remember how the impasse was broken, but Representative Obey said, "I do, and I'm proud of the role I played in jumpstarting the fight that pried it loose." [Obey, page 138]

### **Fighting For/Against Freeways**

As the House of Representatives learned while debating the Giaimo Amendment, the U.S. Court of Appeals voted, 4-3, against reconsidering the three-judge panel's finding on the Three Sisters Bridge. As was customary, the judges did not explain their decision. At the same time, the

three-judge panel voted against reconsidering their finding, again by a 2-1 vote. They also did not issue a statement.

White House press secretary Ziegler said the White House was disappointed by the court's decision. Although approval of the Giaimo Amendment had separated the freeway and subway issues, he said, "We want to see the Three Sisters Bridge built as part of the over-all transportation system in the District." The next step, as the President had pointed out, was to appeal to the Supreme Court.

Although Justice Department officials would say only that they were considering further action, sources told reporters that the Nixon Administration would soon file an appeal with the Supreme Court.

With the freeway issues separated from the subway funding, Secretary Volpe would have an easier time demonstrating in court that if he approved construction of the Three Sisters Bridge, he was not reacting to "undue pressure" from Congress. [Groom, Winston, "U.S. Set to Combat Bridge Delay," *The Evening Star*, December 4, 1971]

The Federal-Aid Highway Act of 1970 required the District of Columbia to submit a report by the end of the year on its plans for completing the Interstate System. The D.C. Federation of Civic Associations and ECTC made clear on December 10 they remained unyielding in their opposition to more freeways. In their view, the city should not submit the required report until the spring of 1972. First, the city should complete an EIS. Ninety days after the city filed it with EPA, the city could hold hearings. Only then should the city submit a report to Congress.

The city had scheduled hearings to begin on December 13, but Sammie Abbott urged the city to postpone the hearings. The additional time would allow citizens to study the consultants' report fully so they could testify intelligently. If the hearings were held as scheduled, Abbott said, many civic groups would boycott them. Whenever they were held, however, they should take place in the evening when working men and women could attend. "We will not be silent slaves and surrender our rights to due process in defense of our environment, homes, community and city from the destructive effects of freeways that only the highway lobby and its political spokesman want."

The two groups promised to seek injunctions to block construction of more freeways. ["Freeway Foes Press Fight," *The Evening Star*, December 10, 1971]

The city moved ahead with the planned hearing the evening of December 13.

Earlier in the day, Lawrence A. Dondanville, who had directed the consultant review by DeLeuw, Cather Associates and Harry Weese and Associates, Ltd., presented the report to the city council. The report, as noted, recommended construction of 11 miles of freeways in the city in addition to the Three Sisters Bridge, including I-95, but excluding the North-Central Freeway into Montgomery County. Building the North-Central Freeway was "preferable" from the standpoint of "traffic service and overall benefits," but the consultants recommended against it because of potential political problems and some operational difficulties.

Dondanville said that a “liberal” or “broad” reading of Federal highway laws would allow the use of Federal-aid highway funds for replacement housing and new business opportunities for those displaced by the construction. He estimated that about \$40 million worth of decks above the freeways could provide room for replacement housing and businesses while screening the freeways from residences nearby.

The team had met with many community groups and found that only the business groups supported the additional freeways. Overall, however, the team said the additional freeways would “improve and enhance community relationships,” enhance “neighborhood continuity” and lead to construction of “community pavilions,” “miniparks,” and “plantings and landscaping.”

Not building the freeways would lead to increased congestion on surface streets, with consequences for neighborhoods. “The deterioration of neighborhoods will be far greater than residents realize if surface congestion is allowed to grow.”

Further, failure to build the freeways would lead to “a gradual attrition” of business. “Without adequate highways, the Metro System could not operate at its maximum efficiency. But service will be slow and irregular,” hindering rapid rail transit passengers access to and from the Metro stations. The absence of the freeways also would endanger the city’s tourist trade by making movement around the city more difficult.

Director Airis told the city council that he still favored including the North-Central Freeway in the city’s plans. Building it would “produce the greatest transportation benefits for the District.” However, he did not plan to make a final recommendation to Mayor Washington until after the city conducted the planned public hearings.

Councilman Willard made his support for the consultants’ plan clear. He charged that opponents “have adopted the narrowly parochial track of wishing to keep things as they are.” The freeways, he said, were essential to the city’s economic future and to generating the revenue needed to solve its social problems. “I say to my fellow councilmen, we must subvert any local vested self-interests to future benefits of the many. Our ruling criteria should be the greatest good for the greatest number.”

Willard was the only city council member to express his opinion on the consultants’ report. Chairman Hahn said only that he would support a plan that dropped the North-Central Freeway and I-95, while Vice Chairman Tucker indicated he had reservations about an expanded freeway network.

The public hearings began that evening. Frederick H. Thomas, speaking on behalf of 50 civic organizations, denounced the hearings as illegal because the council had not provided proper notice of the hearing and failed to seek an EIS of the consultants’ study. Many in the crowd cheered as he denounced the hearing and said that testifying also would be illegal. With that, Thomas led a walkout of about 100 people. They left peacefully while singing, to the tune of “America the Beautiful”:

Oh beautiful for spacious roads

That spread from slum to slum.

The smog is gray, the homes decay

But see the profits come.

The remainder of the song included the line:

Pollute the air,

But they don't care—

They're selling gasoline.

ECTC, which had organized the walkout, vowed to seek an injunction to prevent the city from submitting the consultants' report to Congress by the December 31 deadline.

As the *Post* put it, the walkout “left the packed City Council chambers in the District Building nearly vacant and shortened a potential late-night hearing to less than an hour.” [Barnes, Fred, “Build Roads, Council Told,” *The Evening Star*, December 13, 1971; Scharfenberg, Kurt, “Roads Foes Walk Out of D.C. Hearing,” *The Washington Post and Times Herald*, December 14, 1971; “Freeway Opponents,” Metro Wrapup, *The Evening Star*, December 14, 1971]

(The first two lines of the opponents' lyrics were used by the *Post*'s editorial cartoonist, Herblock (Herbert L. Block), on October 11, 1969. In the cartoon, a choir of highway lobbyists sang the two lines to protest “against cutting U.S. \$4-Billion-a-Year Spending on Highways.” The members of the choir were labeled the Trucking Industry, Road Materials Industries, Gas-and-Oil Lobby, Motoring Lobby, Real Estate Lobby, Billboard Lobby, State Politicians, and Contractors.)

(With NEPA still fairly new, ECTC and other highway opponents around the country were exploring its requirements for ways of halting projects. For example, an editorial in *The New York Times* in December 1971 discussed the Environmental Defense Fund's plan for a suit arguing Secretary Volpe's recommendation to Congress for apportioning Highway Trust Fund revenue should be subject to review in an environmental impact statement to consider the impact on “downtown decay” and “suburban sprawl.” This was a reference to the ICE, which was used to apportion Interstate construction funds. The article continued:

What strains will it put upon the nation's fuel reserves, with consequent invitation to oil spills, strip-mining, and other such scourges? Will it further drain the supply of acceptable air for breathing and perhaps even heighten the racial tensions that result from the flight of the affluent and middle classes to the suburbs?

(The editorial said that putting “so great a burden of blame on highways for the social ills of the day may seem excessive,” but in view of the “vast dimensions” of the program, perhaps the program “should be examined as a whole before more roads are built and still more damage done.” In that light, “the proposed procedure is not far-fetched; it should have been followed right along.” The courts did not go along with this line of thinking, limiting environmental

reviews to project approval of major Federal actions, but as this example illustrates, Thomas's demand for environmental review of the consultants' report was not unusual at the time. ["The Impact of Highways," *The New York Times*, December 17, 1971])

On December 15, during the second day of public hearings, the city council heard from suburban Maryland officials who asked the District to reject the North-Central and Northeast Freeways. Neal Potter of the Montgomery County Council pointed out that Maryland transportation officials opposed the North-Central Freeway. If the city built its portion of I-70S, it would be a "dead-end road" when it reached the Maryland line.

Prince George's County had not decided whether its portion of I-95 would be built, but County Executive Gullett asked the District not to approve I-95. "Don't aim a road at us until we decide what ought to be aimed where." He and Councilman Francois said they wanted a federally financed impact study before deciding, but they said that in no case should the route, if built, follow the path indicated by the consultants.

They emphasized the value of expanded transit choices. Potter said the consultants' report had a "pro-highway bias," arguing that it had "given no attention to the alternate modes for solving our transportation problems":

We feel this is neglectful of our county's needs as well as of the needs of the District of Columbia and most of the metropolitan area. Both the coming of Metro and better bus service have the potential to do more for the commuters and far more for the capacity of the highway system than could any acceptable network of freeways.

Expanded commuter rail service on existing tracks "could do things for us quickly – far faster than freeways and with far more capacity."

Francois predicted that Metro would make new freeways, planned in the 1950s, obsolete.

Council Chairman Hahn told the suburban officials, "Just as I wouldn't want your decisions to impose decisions on us, so I wouldn't want our decisions to impose choices on you." However, Councilman Willard attacked the suburban stance, arguing that the suburban opposition discriminated economically against the District. [Scharfenberg, Kirk, "Counties Ask City to Block 2 Roads," *The Washington Post and Times Herald*, December 16, 1971; Barnes, Fred, "Call for Freeways Is Hit at Hearing," *The Evening Star*, December 15, 1971]

The city council received conflicting testimony on December 17, the third day of the hearing. The Metropolitan Washington Planning and Housing Association said the 11-mile extension of the Interstate network would cost the city \$1 million a year in property taxes and additional losses in income and sales taxes. The *Post* account said:

The Planning and Housing Association showed the Council a number of photographs of the areas that would be affected by the recommended 11-mile network. Small single-family homes beside the proposed new highways, which include an extension of I-95 through Northeast, would be "dwarfed in scale" by a "massive concrete pit," Ralph Fertig, director of the association, told the Council.

Abandonment of houses actually in the right-of-way would invite scavengers and pyromaniacs into the neighborhoods and persons remaining would “live in fear,” Lawrence Stinchcomb of the association board, said.

As for the consultants’ recommendation that new housing could be built on decks above the freeways:

Stinchcomb, who recently completed a 21-city study of mass transit for the Department of Transportation, said that housing on decks, called air-rights housing, is expensive because of the need for special plumbing and utilities design. “Nowhere in the United States has such housing been proven successful or even buildable under (federal) standards for the housing of low- and moderate-income persons,” he said.

They also were skeptical about other recommended freeways. Freeways would divide and isolate communities. The point where the K Street tunnel surfaced at Mount Vernon Square to connect with a freeway in the New York Avenue corridor “is the point where downtown meets a residential community,” Fertig said, “and this is a point at which an ancillary use of the freeway would be to provide a wall between that community on one side and the downtown, which is used by office workers.” The *Post* report continued:

The New York Avenue freeway would, at an interchange, surround Brentwood Village on three sides by freeways, Fertig said. The city’s housing office wants to rehabilitate homes there for moderate-income residents.

The Metropolitan Washington Board of Trade, the D.C. Chamber of Commerce, and local hotels, banking, and savings and loans disputed such characterizations of the consultants’ proposal. Board of Trade spokesman William H. G. Fitzgerald said the 11-mile extension was “needed to complete a balanced (transportation) system, which is necessary to the economic vitality of this city . . . .” [Scharfenberg, Kirk, “Freeway Foes, Supporters Clash at City Council Hearing,” *The Washington Post and Times Herald*, December 18, 1971; Critchfield, Richard, “Business Council Endorses Part of Freeway Proposal,” *The Evening Star*, December 17, 1971]

On December 20, the city council heard from Concerned Committee for K Street, representing 35 merchants operating along the street. Their representative, Stanley Sher, said the proposed K Street tunnel would have a “horrendous” impact on their businesses. He estimated the tunnel between Washington Circle and Mount Vernon Square would destroy 845 housing units, displace 1,050 jobs, destroy a number of firms, cost \$350 million, and provide “astonishingly low service to the city.” [“35 K St. Merchants Fight Tunnel Plan,” *The Washington Post and Times Herald*, December 21, 1971]

The Maryland State Highway Administration (MSHA) had asked the Metropolitan Washington COG for \$2 million to study extension of I-95 through Prince George’s County to the District line. The request stated that all alternative routes “will be considered, including those discussed previously” and new ones. “Alternatives will also be considered which reduce or eliminate the freeway, as well as combinations of transit and highway service which will serve to reduce the impact of the highway.” Unlike some of the other controversial freeway proposals in the area

that had been developed before 1970, the I-95 extension was subject to NEPA and other recent environmental requirements. The State promised a “full and frank” public airing of the issues as well as consideration of simply dropping the extension.

Reporting on the request, Eisen pointed out that FHWA was “reluctant to permit a gap in the principal Maine-to-Florida superhighway in as visible a location as a suburb of the nation’s capital.” However, FHWA’s Maryland Division Engineer, Donald Hammer, pointed out that the State had the power to reject the I-95 extension. “If the State were unable to build it, the federal government is not in the position of trying to force it.” [Eisen, Jack, “Md. Seeks Funds to Study Extension of I-95 to District,” *The Washington Post and Times Herald*, December 14, 1971]

Before the COG could consider the request, Maryland withdrew the application, saying it wanted to revise it. [“I95 Extension Bid Withdrawn,” *The Washington Post and Times Herald*, December 18, 1971]

Reporter Fred Barnes, in an Interpretation published in the *Star* on December 19, thought he detected signs of life for the North-Central Freeway in the hearings:

It wasn’t that anyone argued that the freeway is absolutely essential to the well-being of the District. But assorted officials and experts made it clear that they feel the North Central would be mighty helpful in easing traffic congestion.

The positive comments from Dondanville and Airis were not likely to sway Mayor Washington, but the freeway “might now be looked on more favorably in Congress, which has the ultimate authority to decide if it should be constructed.”

The consultants’ report seemed to be the end of the North-Central Freeway but Dondanville “was singing a somewhat different tune at the city council hearings. “We still,” he said, “recommend consideration of this” because a freeway network with the North-Central Freeway was “preferable from the standpoint of traffic service and overall benefits.” Airis agreed that the freeway would produce great transportation benefits for the city.

According to Barnes, some members of the council, particularly Chairman Hahn, “were astonished at these remarks. They thought the testimony clashed with the recommendation of the study.” Dondanville replied that the study’s position reflected the political and operational problems involved, not because the freeway was not needed. Barnes continued:

Privately, a key official conceded that the political factor – fear that protests triggered by plans to build the North Central might jeopardize construction of any freeways – was the chief reason the North Central wasn’t recommended.

Willard, who favored the entire freeway system, understood that the recommended 11-mile network was a political compromise. “I realize that in something like this you can’t have it all.” [Barnes, Fred, “Signs of Life in Road Plan,” Interpretation, *The Sunday Sun*, December 19, 1971]

Maryland Secretary of Transportation Hughes followed the testimony with a letter urging the city council not to approve the North-Central Freeway and postpone a decision on I-95. Metro and

the Palisades Parkway would fulfill the transportation needs that the North-Central Freeway was intended to satisfy. The State wanted to wait to see how Metro would serve transportation needs in the North-Central Freeway corridor before making further decisions on it. Although the Maryland Department of Transportation was undertaking a new study of the alignment, Secretary Hughes strongly endorsed the linking of the Baltimore-Washington Parkway and the proposed Industrial Freeway in the New York Avenue corridor to carry I-95 traffic. [Critchfield, Richard, "State Asks Delay on Freeway," *The Evening Star*, December 20, 1971]

I-95 would result in major community and environmental impacts in the District and Maryland, according to Rhea Cohen, chairman of the Prince George's Environmental Coalition. She made clear the coalition's objections to I-95 in a letter to the editor of the *Star*. I-95, she said, "is a stab in the heart of Prince George's County." It would "divide neighborhoods and eradicate homes in College Park, Hyattsville and Chillum." It would destroy woodland, streams and wildlife and reduce the recreational value of Northwest Branch Park. It would load the Anacostia River "with more silt, debris and automotive byproducts."

The county already had "a dangerously high level of environmental insults," some of them introduced by the existing I-95 link from Baltimore to the Capital Beltway:

At both the Powdermill Road and Beltway interchanges, it has wasted – at each site – about one hundred acres of vegetation. Vegetation needed for cleaning the air, manufacturing oxygen, absorbing sound, holding down the soil and holding back the flood waters of Little Paint Branch.

I-95 was "not only a menace to public health. It also threatened to compete with Metro." The rapid rail line would work "if it does not have to compete with freeways for the commuter market." The MSHA, Cohen said, "should provide data on all proposed road projects in the vicinity of I-95, and should include alternate modes of travel to serve the transportation corridor." In short, "the agency should demonstrate the need for I-95."

Her letter was followed by another from Kenneth C. Styers, president of Prince George's Civic Federation, which called "on all county and state officials and legislators to stop the construction of I-95." ["Pot-Shotting I-95," Letters to the Editor, *The Evening Star*, December 23, 1971]

On December 20, 1971, District officials celebrated the opening of the 1,600-foot 9<sup>th</sup> Street tunnel that would carry southbound traffic under the National Mall between the Southwest Freeway and Constitution Avenue. It was paired with the northbound 12<sup>th</sup> Street tunnel opened several years earlier. The three-lane southbound tunnel included one lane painted for exclusive bus use:

As Santa Claus, perched on a minicycle, and a contingent of highway department employees looked on, Mayor Walter E. Washington yesterday opened the automated \$11.5 million 9<sup>th</sup> Street tunnel under the Mall . . . .

Those holding the ribbon included city council members Stanley Anderson and Margaret Haywood, Director Airis, and Deputy Mayor Watt. The ribbon-cutting did not go as planned:

Highway director Thomas F. Airis explained to the mayor and television cameramen how it would be done: “Ok, it will be one, two, three and cut the . . .” Before he could finish the sentence, the mayor had cut. “I’m the fastest clipper in the East,” he remarked.

On its south end, the 1,600-foot tunnel had been built under the site of a hotel being built in the L’Enfant Plaza complex in redeveloped Southwest.

The tunnel, which had been under construction since January 1967, was not part of the Interstate System. It carried U.S. 1 and U.S. 50 across the National Mall.

According to the *Star*, the tunnel included “a dizzying collection of electronic devices which will make it more modern than any other tunnel in the country.” These devices included closed circuit television to keep traffic engineers aware of conditions in the tunnel via 11 monitors; a machine to analyze carbon monoxide levels and regulate the tunnel’s giant fans accordingly; and sensors in the pavement that would alert engineers of any traffic backups missed on the monitors.

Chief Engineer John E. Hartley explained, “With the electronic equipment at his disposal, the control room engineer will be able to regulate the flow of traffic in the three-lane tunnel by remote control.” Cameras will allow the operator to zoom in to any blockage to “see if someone is sick or if their car is overheated or if there has been an accident.” He added, “If it didn’t already have enough notable attributes, it also will be the longest tunnel in Washington.” [“Televised Tunnel Opened Under Mall,” *The Washington Post and Times Herald*, December 21, 1971; Barnes, Fred, “Mall Tunnel Opens,” *The Evening Star*, December 20, 1971; Barnes, Fred, “D.C. Getting Last Word in Tunnels,” *The Evening Star*, September 8, 1971]

## **I-66 Hassles**

As noted, WMATA planned to build an Arlington-to-Fairfax Metro line in the median of I-66. The rail line would be a subway through most of Arlington, emerge near the Fairfax border, and run in the median strip about 8 miles to the end of the line. Construction of I-66 was set to begin in the spring of 1972; WMATA had set aside \$10 million to reimburse VDH for work needed to prepare the median for the rail line.

That plan was based on the assumption that I-66 would be built inside the Capital Beltway. Fred Barnes explained:

The problem is that construction of I-66 may not begin on schedule – or at all. A group of citizens is waging a court battle to block a 10-mile section of the road and they have promised to go to the Supreme Court if necessary in their fight.

Should a court bar construction of I-66, subway agency officials would have to make new plans for routing the rapid rail line. That would cause months of delay, an agency spokesman said.

Following Judge Lewis’ decision in October, VDH had resumed right-of-way acquisition, but the U.S. Court of Appeals in Richmond had ordered a halt until the appeal was decided. [Barnes, Fred, “Subway Agency Caught in Hassle Over I-66,” *The Evening Star*, December 23, 1971]

On December 28, ACT released a 57-page document critiquing plans for I-66. The report, sent to 12 Federal and State agencies, was in response to Virginia's EIS. In the report, ACT criticized the VDH for not studying alternatives, which Virginia had suggested were "not realistic." ACT recommended abandoning I-66 in favor of rapid mass transit, or if that did not occur, rerouting the highway to avoid parkland. ACT was not required to submit an EIS, but the report stated, "The major purpose of these comments is to alert reviewing agencies to the highly controversial nature of the proposed highway."

The *Star's* Barnes reported, "It charged that the state document omitted, treated incompletely, failed to document, based on inaccurate information or dismissed without a thorough analysis many important elements of the freeway's environmental impacts." For example, the report challenged VDH's basic assumptions, such as that the crash rate would decline. "The increased traffic congestion on many existing roads near the proposed highway will undoubtedly lead to a higher accident rate on these roads," the report stated.

ACT also challenged VDH's assertion that the freeway's link to the Theodore Roosevelt Bridge would improve transportation in the region:

Analysis of the experience of urban areas throughout the nation would give ample evidence that there are virtually no transportation benefits to be derived from the construction of new urban highways such as the proposed I-66.

ACT questioned the plan to install Metro in the median, stating that "competition with the Metro by an eight-lane highway beside it may well endanger the economic viability of Metro by drawing off potential patrons. Such a loss of patronage will also lead to increased fares and increased travel costs of the rapid rail system." ACT added, "Similar effects will occur in relation to bus service."

As for VDH's assumption that there is no "prudent alternative" to I-66, ACT's report suggested that "such alternatives would include exclusive bus lanes at peak hours on existing roads, an expanded rapid rail system, commuter rail, monorail, bicycle and pedestrian paths, exclusive busways and any other modes that would move people efficiently."

As the *Post's* Jay Mathews summarized:

The report . . . says the 9.6-mile section of highway proposed for inside the beltway would split Arlington County in two, increase rather than reduce traffic congestion, and cause more air and noise pollution than the Highway Department claims.

The report was particularly critical of the Highway Department plans to cut pollution by building brick and earth walls up to 20 feet high along each side of the road.

"Such devices would not only be visually offensive and entirely unacceptable to the adjacent residents, but most important, these devices would constitute a physical, psychological and social barrier – a "Chinese wall" that would divide the community," the report says.

The report says the Highway Department's environmental statement ignored the fact that a limited access highway through a largely residential area would reduce citizens' access to shopping districts and churches and hinder fire trucks and ambulances.

From an aesthetic point of view, ACT claimed, "This massive, ugly gash of concrete with its thousands of cars, trucks and motorcycles, cutting through the center of residential and school areas, has no redeeming aesthetic features." Moreover, the freeway "represents an obsolete and ineffective attempt to solve transportation problems . . . and in utilization would be unacceptably antagonist to the well-being of the residents of the area."

A Virginia highway spokesman said that all groups were welcome to comment on the draft environmental statement, but "It is unusual for comments that detailed to be provided by a citizens' group." [Barnes, Fred, "Environmentalists Rap I-66 Plans," *The Evening Star*, December 27, 1971; Mathews, Jay, "Opponents of Rte. 66 in Va. Issue Critique," *The Washington Post and Times Herald*, December 29, 1971]

In late December, EPA released its comments on Virginia's environmental statement on access to the Three Sisters Bridge. The statement, EPA said, was inadequate because it did not review the entire bridge complex or examine alternatives to building the bridge at a different location or not building it at all. EPA also said the statement did not provide sufficient analysis of the air, noise, and water pollution that might result if the bridge were built at the Three Sisters location.

EPA had intended to release its comments in November, but agreed to delay doing so after initiating a meeting with the U.S. Department of Transportation on November 18. In line with EPA policy, Deputy Administrator Robert W. Fri and other officials wanted to explain that they were about to issue an unfavorable response to Virginia's environmental review. Secretary Volpe's top officials attended, including his aide, Joseph A. Bosco, General Counsel John Barnum, and John A. Hirten, Deputy Assistant Secretary of Transportation for Environment and Urban Systems. Several FHWA officials, including Administrator Turner, also attended.

A memorandum describing the meeting stated:

DOT representatives expressed concern over several factors relating to EPA's comments. Although DOT would be preparing an environmental impact statement [of its own] and would welcome EPA's comments, Mr. Hirten indicated DOT's concern that public release of EPA's comments at this time would add to the public furor over this project and make it difficult for DOT to proceed in resolving the issue.

With the Department preparing its response to the Court of Appeals ruling the previous month, Hirten "asked whether EPA could agree to postpone formal comment until a revised draft could be circulated for review." EPA agreed, subject to agreement by the Council on Environmental Quality to the delay and "the draft statement could be substantially reviewed and improved to assure full compliance with" Federal requirements.

With the council's concurrence, EPA and the Transportation Department planned to work on the environmental statement, but by mid-December, according to the memo, Virginia and District

officials had objected to the idea of withdrawing the impact statement. “They want the EPA comments out in the open. Therefore, DOT is now saying that EPA should sign and send their comments.” [Barnes, Fred, “Memo Bares Effort to Gag EPA on 3 Sisters,” *The Evening Star*, June 27, 1972]

### **The End of the Freeway Trauma?**

On December 28, 1971, a short-handed city council voted, 6 to 1, in favor of 7.8 miles of the remaining Interstate network. Councilman Robinson was out following surgery; Councilman Yeldell had been named director of the Department of Human Resources and the President had not yet nominated a replacement.

The action excluded the North-Central Freeway (I-70S) to Silver Spring and the Northeast Freeway (I-95) to the Capital Beltway. The city council accepted the I-66 freeway in the K Street corridor, but did not decide whether it would be a six-lane tunnel, a depressed roadway, or an expanded surface road. It also supported the Industrial Highway in the New York Avenue corridor and the East Leg of the Inner Loop from Bladensburg Road, NE., to the Southeast Freeway.

Councilman Tucker cast the dissenting vote because he opposed the K Street Freeway, the East Leg, and an interchange near Brentwood Village on Rhode Island Avenue, NE. He feared the construction impacts of the K Street Freeway as well as the displacement of 845 families. “We’ve got to stop moving people from one slum to another,” Tucker said.

Tucker had tried to secure approval to divide the transportation committee report into votes on individual routes so he could vote in favor of those he supported. However, he could not get a second. Councilman Willard, the council’s most avid freeway proponent, also could not get a second when he tried to secure approval to include the Northeast Freeway. He called the freeway a “vital artery” and said “it is in the long-range interest of this city and this metropolis.”

As the *Post* pointed out in its coverage of the city council’s action:

Yesterday’s freeway vote was in marked contrast to two previous Council votes on freeway plans in 1969 and 1970, when Council chambers were filled both with spectators and with building guards. Only about 10 persons attended, and only two building guards were in the meeting room, though more were in adjoining rooms.

The city council forwarded its recommendations to Mayor Washington for consideration as he completed the report to Congress required by the Federal-Aid Highway Act of 1970. Mayor Washington was not bound by the city council’s action. [Prince, Richard E., “2 Freeways Opposed by D.C. Council,” *The Washington Post and Times Herald*, December 29, 1971; Barnes, Fred, “Council Against 2 Freeways, North Central and Northeast,” *The Evening Star*, December 28, 1971]

On December 30, 1971, the District of Columbia and Secretary Volpe sent separate reports to Congress with their recommendations on the future of the District’s Interstate network. Both reports agreed on advancing 7.8 miles of freeways, excluding the North-Central Freeway and

Northeast Freeway. The reports retained the North Leg Freeway (I-66) of the Inner Loop along K Street, NW.; a small strip of the East Leg (I-295), and the Industrial Freeway. Neither report addressed the Three Sisters Bridge or the I-266 Potomac River Freeway, which were not included in Section 129 of the 1970 Act.

Secretary Volpe's report differed from the city's report in recommending that the I-95 Northeast Freeway should not be built "at this time" but "there is enough doubt in our minds that it might be needed in the future." He preferred the Industrial Highway in the New York Avenue corridor to link with the Baltimore-Washington Parkway. However, he did not rule out the Northeast Freeway because he was concerned that the new highway in the New York Avenue corridor might not be able to handle traffic volumes that would be shifted from an unbuilt Northeast Freeway carrying I-95 traffic.

He emphasized the importance of Metro, saying, "the Metro rapid rail system, along with improvements to the arterial street system and bus service innovations plus improved commuter rail service, can provide" the needed transportation service.

He also was concerned about building a six-lane tunnel under K Street to link the approaches to the Three Sisters Bridge with the New York Avenue freeway because of the high cost and disruption. "Therefore, I recommend that a connector facility be built . . . using a design suitable by service, safety and environmental standards."

The Secretary also supported construction of the Palisades Parkway, which was not included in Section 129. It ran along the Potomac River from the Three Sisters Bridge to link with the existing George Washington Memorial parkway in Montgomery County. He recommended early completion "as a necessary link the area parkway system."

Mayor Washington's two-page letter endorsed the city council's recommendations.

At a press conference, Secretary Volpe said the recommended freeways would provide the "balanced transportation system" that President Nixon and many others had favored. When a reporter asked him to predict the congressional reaction, he said, "We'll have to await the 1972 Federal-Aid Highway Act."

With Congress in recess, reporters could not easily secure their reaction to the two reports. However, Chairman Kluczynski told reporters he would not comment until he had a chance to read them. He had scheduled hearings on the 1972 Act to begin in January, with the District freeway situation one of the issues that would receive close attention.

Release of the reports gave the *Star's* Fred Barnes an opportunity to review the status of all the routes covered by Section 23 of the Federal-Aid Highway Act of 1968. Of course, the Three Sisters Bridge was on hold pending an appeal to the Supreme Court. The city could not move forward on the Potomac River Freeway until the future of the bridge was resolved.

Barnes continued:

A section of the East Leg running from the Southwest-Southeast Freeway to the 11<sup>th</sup> Street Bridge has been completed, and construction of another segment is underway to Barney Circle.

But the section from the circle to Bladensburg Road NE, also ordered by Congress in 1968, has been delayed for various reasons.

It is the final part of the East Leg, proposed to run for about a mile along Mt. Olivet Road NE to an interchange near Rhode Island Avenue NE and the B&O railroad tracks, that was recommended yesterday by Volpe and Mayor Washington.

Congress also had ordered the city to build the Center Leg of the Inner Loop along 2<sup>nd</sup> Street, NW., from the Capitol to New York Avenue. Construction was underway. [Barnes, Fred, "Congress Gets Freeway Plans," *The Evening Star*, December 31, 1971; Eisen, Jack, "Volpe Urges Dropping of 2 Freeways," *The Washington Post and Times Herald*, December 31, 1971]

The reports prompted the *Post* to title an editorial: "The End of the Freeway Trauma?" It began:

Could it be that, as we begin the new year, we leave the decade-old National Capital Freeway Hassle behind us?

The reports, the editorial explained, had deleted the controversial North-Central Freeway and the Northeast Freeway, but the "even more emotional issue of the proposed Three Sisters Freeway Bridge was luckily not under discussion." Its fate was "to be decided by the Supreme Court."

As for the failure to comply with the recommendations in the consultants' report, they were "hardly sacrosanct." They were aimed to "advance the interest of their clients." In this case, the client was the city's highway department, which may have favored the highways but serves the interest of the people as defined by the mayor and city council.

Now it was up to Congress:

We are sure, however, that even the pro-freeway forces in Congress will now go along with what we feel is a consensus of the wish of this metropolitan community of nearly three million people. Congress will also understand, we hope, that this 7.8 mile agreement is not a commitment for eternity but, along with the Metro, a sensible solution of the area's transportation problem as far as it can be foreseen in a period of rapid technical and urban change. ["The End of the Freeway Trauma?" *The Washington Post and Times Herald*, January 5, 1972]

Editors of the *Star* were less certain. "A New Year in the District of Columbia devoid of controversy over freeway construction would seem abnormal indeed." The two reports were "hardly calculated to break the pattern." Congress would take up the issue soon enough, but two elements of the reports were likely to "draw sparks of controversy." First was the proposed Industrial Highway to carry I-95 traffic instead of the Northeast Freeway. "The proposition, in our view, is wholly inadequate." Second, the reports called for "still more studies" to resolve issues about the downtown segments.

Still, the reports offered a hope that “this ridiculous impasse” could be nearing an end. Secretary Volpe and Mayor Washington had accepted “the concept of an inner-city freeway network which – if it ever begins – could keep the road builders busy for some years to come.” The pending hearing on the 1972 Federal-aid legislation could “provide a political mechanism – where none existed before – to resolve the uncertainties once and for all.”

Meanwhile, the Nixon Administration had not yet submitted its appeal to the Supreme Court on the Three Sisters Bridge:

That action could improve the over-all political atmosphere immeasurably, and should be taken well before the House hearings begin. [“Freeways: Back to Congress,” The Evening Star, January 5, 1972]

**The D.C. Freeway Revolt and the Coming of Metro**  
**Part 9**  
**Post-Revolt**

**Table of Contents**

Why Did Chairman Natcher Do It? .....	2
Clearing the Air.....	4
Air Quality Plans.....	6
President Nixon’s Plans for the Bicentennial in the District .....	9
About That Balanced System.....	10
The Joint Hearing on Metro .....	11
Highway Funding for Transit.....	17
Decision on the Three Sisters Bridge.....	21
A New City Council Chairman.....	24
I-66 Takes Center Stage.....	31
District Appropriations Act, FY 1973 .....	43
A Landmark Event For The Nation’s Capital.....	54
Across the Lincoln Memorial .....	61
I-66 Flounders.....	69
The Federal-Aid Highway Act of 1972.....	74
The 1972 House Bill.....	82
The 1972 Senate Bill.....	91
The Conference Goes Down to the Wire.....	93
Problems Building .....	97
WMATA’s Bus Takeover.....	100
After the Election.....	107
Awaiting Congressional Action in 1973.....	112
Metrobus .....	115
The Senate Takes Up the 1973 Act.....	116
The House Gets to Work.....	121
While Congress Worked.....	128
Facing Chairman Natcher .....	131
Awaiting the 1973 Act.....	141
Completing the 1973 Act.....	144
The 1973 Act Becomes a Law .....	146
The Center Leg Freeway Opens – In Part .....	153
The Flow of Oil.....	155
What To Do About The South Leg.....	158
In Virginia, I-66 Moves Forward .....	165

## Part 9 Post-Revolt

### Why Did Chairman Natcher Do It?

As 1971 ended, *The Sunday Star* magazine *Washington* carried an article by Kentucky-based journalist Ward Sinclair trying to explain Chairman Natcher's role in the long freeway-subway impasse. Sinclair recalled the usual feature of 62-year old Natcher's life – his goal as a young lawyer to be part of the U.S. House of Representatives; his safe seat in Kentucky (17 years in the House at the time of the article); his personal life as a teetotaling nonsmoker who avoided social outings; his pork-barrel interests on behalf of the locks, dams, and lakes in Kentucky; his refusal to talk with reporters outside his home district; his failure to accept campaign contributions, including contributions from the highway lobby; and his pride in his perfect voting record:

The trouble with most of the theories about Natcher's recalcitrance, and they abound in these parts, is that the theoreticians try to decipher his motives on their own terms – not on William Natcher's terms . . . . He defies all the popular myths.

He had won a seat in the House in a special election in 1953:

Once Natcher got to Washington, he lost no time in getting to know the right people and doing the right things to cement himself in Congress. He knew the appropriations committee was the right place to be, so he made friends with the late chairman, Clarence Cannon, and later, in 1962, as a favor to Cannon, Natcher accepted the chairmanship of the D.C. appropriations subcommittee, a thankless but necessary task.

Most Members of Congress tried to avoid service on the District committees, much less a chairmanship, which had many challenges and few rewards for their home district or State:

The District of Columbia is a brushfire. With it come two of the most thankless jobs this side of indexing the C&P telephone directory – the chairmanships of the House and Senate appropriations subcommittees for the District. Only an infinitely patient and detail-devoted man, at ease with the line-by-line minutiae of a monumentally boring D.C. budget, could handle the task without (1) going batty or (2) lousing it up completely . . . .

Many of his colleagues consider him one of the more powerful men in the House, by virtue of his No. 2 ranking on appropriations subcommittees for agriculture and labor-health, education and welfare, and by virtue of his close rapport with top men in the Democratic leadership.

Why, then, would this dedicated Congressman take on the abuse that was heaped on him for his refusal to release the subway funds?

Natcher's interminable obstinacy over funding of the metropolitan subway system has earned him more contumely than he probable deserves, but Natcher doesn't mind being a lightning rod for Congress. He would never suggest that Congress as a whole should take the blame. He would never suggest that blame more logically ought to be aimed at the

public works committees. It isn't his way. So, in Northeast Washington, they call him a racist. In Georgetown, the taffeta ladies summon up their highest dudgeon and call him a wretch. The frustrated patriots of Northwest just call him a lousy politician . . . .

In reality, none of these easy epithets will do for Natcher, because he is many other things: exasperatingly stubborn, unforgiving of the treacherous, paranoically suspicious, unrelentingly private, regally indifferent to his critics, maddently self-righteous, possessed of a sense that he is somehow to make history.

Sinclair identified two recurring themes in Chairman Natcher's public statements that "go a long way toward illuminating the basis for his repeated refusals to release the city's portion of the money needed to continue work on the rapid transit system. The first theme was the chairman's "disdain for deception," a view that "a man's word is his word," and a refusal to "play cute semantical games with him." That was how he considered the words and actions of "certain local functionaries":

There were promises to forge ahead with the D.C. freeway system that Natcher so fervently thinks is necessary; and yet, in fact, the system was not forging ahead.

Although the causes of the delays – "slow-moving studies, litigation and injunctions" – may have been beyond local control, Chairman Natcher "tends to think not." He often cites NCPC's reversal of its brief support in 1966 for the freeways as soon as he released the subway funds.

The second theme was Chairman Natcher's "personal view of the majesty and infallibility of Congress." As he made clear before the House voted to reverse his stand, the prestige of Congress as a coequal branch of the Federal Government was really what was at stake. When Congress passed a law, it "must be obeyed without question by all the people." Given his view on this subject, "the freeway question [was] cut and dried":

Congress wants the freeways built – witness the 1968 and 1970 federal-aid highway acts, which decreed that the District of Columbia would do such and such to complete its road system . . . .

He was not swayed by the argument that Congress did not tell Bowling Green, Kentucky, or any other city where to put its roads. He was not swayed by colleagues, such as Senator John Sherman Cooper of Kentucky, that forcing a vast freeway system on a city that does not want it was wrong:

Congress has acted, the law is the law. He remarked in one recent conversation that he would insist the law be complied with "until Congress tells me otherwise . . . ."

From this stance, the only alternative for dealing with those who so blatantly flout the mandates of Congress is not to submit to their vague promises, but to hit them where it hurts – cut off the money they so badly want for the subway. Pinch so hard that they'll have no recourse but to get moving on freeways.

Representative Giaimo admired Chairman Natcher, but had told him early in 1971 “that I couldn’t in good conscience go along with him any more” on the subway funding freeze. When the vote in May sustained Chairman Natcher’s decision by a smaller margin than expected, “He disagreed with what I did, but he didn’t hold it against me. He took the amendment with grace”:

Giaimo tried again this month by moving to restore the subway funds. This time he pulled off the stunning rebuke of the leadership, but only after the White House had deployed its heavy lobbying artillery on the Hill. Presumably, Natcher now understands he had been told “otherwise” by Congress. And if Giaimo is correct in his estimation of his chairman, the subway holdup is a thing of the past. [Sinclair, Ward, “Subways Are For Stalling,” *Washington/The Sunday Star*, December 26, 1971]

### **Clearing the Air**

On January 19, the *Post* carried a letter to the editor from Angela Rooney of the National Coalition on the Transportation Crisis responding to the editorial “The End of the Freeway Trauma?” Rooney, a founder of ECTC, wrote that the “freeway trauma” was not over “if for no other reason than that 7.8 miles of Interstate freeways cannot do anything but worsen an already critical air pollution situation in this metropolitan area.” She wrote that Secretary Volpe, Mayor Washington, and the city council had recommended this mileage to Congress “without recognizing the necessity of making a detailed statement of the environmental impact of the roads as required by Section 102(2)(C) of the Environmental Policy Act.”

As for the editorial’s assertion that the officials were representing the wishes of the community, a review of recent “so-called hearings” would “put the matter straight”:

The Federation of Civic Associations . . . soundly rejected all new freeway construction and called for a boycott of “hearings” because they were not held in accordance with federal laws and regulations. Their anti-freeway position was reinforced by Maryland public officials. In 10 years there has been no public support for more freeways except for certain special business interests, a fact that goes a long way in explaining the Post’s wishful thinking. [Rooney, Angela, “Freeway Trauma,” Letters to the Editor, *The Washington Post and Times Herald*, January 19, 1972]

The Justice Department, with support from the D.C. corporation counsel, submitted a 20-page brief, supported by 219 pages of lower court opinions and legal citations, to the Supreme Court on January 17, 1972, seeking overturn of the U.S. Court of Appeals’ ruling on the Three Sisters Bridge. The brief denied that the Department of Transportation had taken procedural shortcuts in approving construction. The petition raised two issues for Supreme Court consideration:

- (1) Did the planning, environmental, and other requirements of Federal law prevent Secretary Volpe from approving projects before ‘final plans’ had been approved?
- (2) Did the 1968 law, with its “notwithstanding” language, take precedence over generally applicable highway procedures?

The brief made clear:

The congressional directive that this particular bridge be constructed, as planned, without further delay is, we submit, a complete answer to the present litigation.

Further, the “intent of Congress that the Three Sisters Bridge be constructed” and that construction should start within 30 days following enactment of the 1968 Act “has been thwarted by the court of appeals.”

In a footnote, the brief dismissed Judge Bazelon’s contention about the undue political influence on Secretary Volpe. “We . . . do not consider Chief Judge Bazelon’s views on that subject in this petition.” The footnote pointed out that neither of the other judges in the three-judge panel had concurred on this point. [Eisen, Jack, “Ruling Asked on 3 Sisters,” *The Washington Post and Times Herald*, January 18, 1972; Barnes, Fred, “Bridge Plea Taken to High Court,” *The Evening Star*, January 19, 1972]

On January 19, Representative Conte, in extended remarks on the House floor, said the petition “manifests a clear, responsible fulfillment of the administration’s pledge to take all possible legal steps to permit completion” of the Three Sisters Bridge. This action “should satisfy” those who opposed release of the District’s Metro funding “on the grounds that the executive branch was dragging its feet” on the project. The petition represented “a clear, responsible fulfillment of the administration’s pledge to permit completion of the project.”

He placed a January 17 letter he had received from Secretary Volpe in the record citing the two principal arguments in the brief:

First, we contend that the decision of the Court of Appeals, by its requirement that nothing be done until final plans for a project are approved, would frustrate highway planning nationwide. Secondly, we contend that Congress, in enacting Section 23 of the Federal Highway-Aid Act of 1968, directed in no uncertain terms that construction of the Three Sisters Bridge be commenced within 30 days, any other provision of Federal law to the contrary notwithstanding.

Representative Conte expressed his “earnest hope” that the Supreme Court “acts favorably on the Government’s petition and that the Congress will now give its unqualified support to completion of the vitally needed Metro project.” [“Resumption of Work on Three Sisters Bridge,” *Congressional Digest-House*, January 19, 1972, pages 317-318]

The same day, Representative Giaimo addressed a luncheon of the Greater Washington Central Labor Council. He said he expected Congress to approve a bill providing a Federal loan guarantee for Metro bonds. Failure of the bill would “injure the Metro fatally” because its bonds would be impossible to sell. “Frankly, I’m optimistic. I think we’ll be successful,” he said. As for the Three Sisters Bridge appeal, he said, “When the Court rules, then we’ll know whether or not there will be a Three Sisters Bridge, which I want to see constructed.” [Eisen, Jack, “Metro Bill is Predicted by Giaimo,” *The Washington Post and Times Herald*, January 20, 1972]

The *Star*, in an editorial, expressed the hope that the Supreme Court would accept the appeal “and resolve the issues as expeditiously as possible.” The review was “surely warranted” in view of Judge Bazelon’s “tortuous interpretations of law”:

The Justice Department accuses Bazelon of interpreting various environmental and planning safeguards expressed by Congress in a manner that thoroughly distorts and “misconceives the purpose of these provisions.” Its brief asserts: “Compliance with the court of appeals’ view . . . would, in most instances, result in substantial delays and require substantial additional expenditure of public funds and would, in some instances, be almost impossible.”

Congress could be expected to involve itself in the issue again in the pending Federal-Aid Highway Act of 1972. However, the “crucial issues involving the bridge . . . rest now with the Supreme Court, posing roadblocks of national and local significance which urgently need removal.” [“Nixon’s Bridge Appeal,” *The Evening Star*, January 22, 1972]

### **Air Quality Plans**

President Nixon had signed the landmark Clean Air Act (CAA) of 1970 on December 31, 1970. The CAA directed the new EPA to establish National Ambient Air Quality Standards (NAAQS, pronounced “Knacks”) that every State must achieve by 1975. Each State was to develop a State implementation plan to achieve that goal by reducing pollution for sources that were stationary (factories, for example) and mobile (motor vehicles). The plans were due January 31, 1972.

The District’s Department of Environmental Services, the Environmental Health Administration, and the Bureau of Air and Water Control submitted a 354-page State implementation plan to EPA for reducing air pollution. The study, titled *Implementation Plan for the Control of Carbon Monoxide, Nitrogen Dioxide, Hydrocarbons and Oxidants*, found that 95 percent of total pollutants in the city were from motor vehicles. They discharged 19,574 tons of particulates into the air, along with 57,046 tons of sulphur oxides, 279,189 tons of carbon monoxides, 37,338 tons of hydrocarbons, and 39,311 tons of nitrogen oxides.

For mobile source pollution, the District’s plan to achieve its NAAQS was similar to plans from around the country by placing much of the burden on commuters by forcing about 100,000 of the estimated 400,000 commuters in 1975 to use buses instead of cars. To accomplish this 25-percent reduction in commuter use of cars the report proposed several steps:

- Banning on-street curb parking in the downtown area;
- Raising taxes on commercial garage operators to force them to increase their parking fees;
- Impose a “drastic increase” in fees for all-day parking on commercial lots;
- Force an “immediate suspension of subsidy” by District and Federal agencies for employee parking fees;

The city had 140,413 commercial, private, and curb parking spaces; the goal was to reduce this number by between 20,000 to 25,000 spaces. Doing so while increasing costs would “create a

problem for the present commuter using private automobiles” that would force commuters onto public transit. The city proposed to spend \$32 million for new buses to carry those new transit commuters.

The District rejected a preliminary proposal to ban all Maryland and Virginia cars from the city during the day. When news of the idea had been reported, Senator Spong warned Mayor Washington that the plan “would generate substantial ill-will and . . . result in retaliatory action at District residents.” Mayor Washington informed the Senator that the city had rejected the idea “when reasonable alternatives to private automobile transportation are available.”

The city also proposed conversion of government and private fleet vehicles from using gasoline to using gasoline-and-propane or gasoline-and-natural gas for fuel. The report estimated the conversion would cost \$400 per vehicle.

The plan also called for steps to encourage car pools. The present passenger car occupancy in the city was 1.3 people. The steps taken would cause people to form car pools for their work-related trips.

Virginia’s Air Pollution Control Board’s State implementation plan also focused on automobile use in northern Virginia. Development of Metro was “perhaps the best method to cut down air pollution” in the area, but would not have any impact by the target year of 1975. In the interim, Virginia’s Air Pollution Control Board called for increased downtown parking rates, a computerized car pool registry, and more dedicated express lanes such those in use on I-95/Shirley Highway.

Maryland’s Health Department agreed that curbing the automobile was the key to reducing air pollution, but argued to EPA that the problem was not so much cleaning up Montgomery and Prince George’s Counties as cleaning the air over the District of Columbia. Officials argued that achieving NAAQS in the region by 1975 was not realistic; they asked for a 2-year extension on compliance to allow area officials to identify ways to reduce motor vehicle use in the metropolitan area.

Edward L. Carter of the Maryland Bureau of Air Quality Control said the extension was needed because the District had the most polluted air in the region. Reductions in the surrounding counties were possible, but District air did not honor State line boundaries.

Overall, Carter said that changing the habits of commuters was the key:

Some jurisdictions have come up with plans which may or may not be workable depending on whether you can get people to reduce their use of automobiles. Until you come up with measures to force people to use mass transit and reduce automobile traffic, voluntary plans will not have a significant impact on the automobile population. Until you have the power to require that certain things be done, you can propose anything you want.

Maryland's plan was similar to the District's proposals to shift motorists from their cars to transit. The State implementation plan also proposed charging tolls to enter freeways and use congested roads at peak traffic hours, reduced bus fares, and increased gasoline taxes in urban areas, including an annual pollution tax on motor vehicles based on the number of miles driven and the size of the engine.

[Gay, Lance, "D.C. Proposes Steps To Reduce Traffic," *The Evening Star*, February 1, 1972; Scharfenberg, Kirk, "City Clean-Air Plan: Cut Commuter Cars," *The Washington Post and Times Herald*, February 1, 1972; "Suburban Car Ban Rejected by D.C.," *The Washington Post and Times Herald*, January 29, 1972; Landers, Jim, "Virginia Drafts Clean-Air Plan," *The Washington Post and Times Herald*, February 2, 1972; Walsh, Edward, "Md. Asks Delay in Deadline," *The Washington Post and Times Herald*, February 5, 1972]

Almost immediately after the District's plan went to EPA, Chairman Hahn told reporters that the plan was not the city's official plan. Neither Mayor Washington nor the city council had seen it, much less approved it. "I had no idea this thing was going out," he said. "No one on the council saw it. The mayor didn't know it was going out. Councilman Willard's Committee on the Environment would hold hearings on the proposals on February 8 "to try to rectify the damage" release of the report had caused.

Mayor Washington's aide, Julian Dugas, told reporters, "It's a workable proposal forwarded to meet EPA regulations to be eligible for federal grants. But there are a lot of hard policy questions to be considered before we can accept that stuff." In a press release, Mayor Washington's office said that "until the new regulations are adopted by the City Council the plan is an administrative guide – a sort of workable program." The proposals were merely "possible control measures" and that "all developments require careful meshing" to avoid adverse effects on the District's economy. [Critchfield, Richard, "Commuter Plan Hit, Hearing Set Tuesday," *The Evening Star*, February 3, 1972]

*Star* editors picked up on the city's reaction to the "wacky EPA report." After outlining the District's plans for the "miracle" of a one-fourth reduction in automobile commuting through parking restrictions and new buses by 1975, the editors wrote:

Now even the most ardent anti-internal combustionist would have to agree that – clean air aside – that's a devil of a three-year commitment for any modern city government to make. And guess what? The District hasn't made it . . .

But whatever the facts as to that part of the bureaucratic snafu, Hahn's assurances that the absurd proposal to curtail the District's already inadequate parking supply "is not city policy" – and is not apt soon to be – are good to hear. As Hahn, no great friend of the automobile himself, puts it: "You can't cut out parking for people who need to get here until you provide a practical alternative."

The time may come for such drastic tactics, "although frankly we doubt it now," but at this time, the plan's goals remain "largely a dream." The most "attractive, workable transit system" was

Metro, and it had a long way to go before it could provide the needed areawide service to reduce automobile use. [“Clean-Air Foulup,” *The Evening Star*, February 4, 1972]

(Plans for reducing air pollution in cities around the country were greeted with similar doubts and outrage.)

In a February 8 special message to Congress on the 1972 environmental program, President Nixon proposed a range of congressional actions, including one to address sulfur oxide emissions, “one of the air pollutants most damaging to human health and property, and vegetation.” He asked Congress to impose a charge on sulfur emitted into the atmosphere “from combustion, refining, smelting, and other processes.” Beginning in 1976, the charge would be 15 cents per pound of sulphur “emitted in regions where the primary standards – which are designed to be protective of public health – have not been met within the deadline” for compliance with the Clean Air Act. In areas that met the standards but exceeded the secondary national-standard, the charge would be 10 cents per pound. Areas that met primary and secondary NAAQS would be exempt from the charge:

The charge is an application of the principle that the costs of pollution should be included in the price of the product. Combined with our existing regulatory authority, it would constitute a strong economic incentive to achieve the sulfur oxides standards necessary to protect health, and then further to reduce emissions to levels which protect welfare and aesthetics.

The same day as the President’s message to Congress, Chairman Willard held a Committee on Environment hearing on the District’s State implementation plan. In what the *Star* described as an “acrimonious hearings,” Michael Stenberg, deputy chief of EPA’s regional office in Philadelphia, warned that the city was “technically in violation of the law” because the plan submitted to EPA by the deadline had not been approved by the city council or mayor. The city would have until July 30 to submit an approved State implementation plan. If the city did not do so, EPA would design the plan to comply with the Clean Air Act.

Sammie Abbott also participated in the hearing. He pointed out that city children showed levels of lead that were at dangerous levels. He also criticized Environment Committee Chairman Willard, the city council’s most ardent freeway supporter. Abbott said Willard had “as much right to sit in there as Al Capone does . . . on a committee on law order.” [Carper, Elsie, “Pollution Tax Aired By Nixon,” *The Washington Post and Times Herald*, February 9, 1972; Hill, Gladwin, “A Polite Nudge on Environment,” *The New York Times*, February 9, 1972; Fahnestock, Sheridan, “Clean It Up,” Metro Wrapup, *The Evening Star*, February 9, 1972; “U.S. Tells D.C. to Clean Air,” *The Washington Post and Times Herald*, February 9, 1972]

### **President Nixon’s Plans for the Bicentennial in the District**

On February 4, 1972, President Nixon released a Special Message to the Congress Outlining Plans for the Bicentennial Observance in the District of Columbia. The central challenge of the Bicentennial was to plan for the observance “on the move,” he said. “We can best forge such a spirit, the [American Revolution Bicentennial] Commission went on to recommend, by

approaching the Bicentennial as an occasion both for understanding our heritage better and for quickening progress toward our horizons . . . .”

For the District of Columbia, two goals “for forging a better future” were improved schools and building the Metro subway system:

METRO, and all of the other elements which with it will comprise a balanced modern transportation system for greater Washington, are central to Bicentennial plans for the District. We need the pride of achievement in area wide cooperation which the system will give all communities taking part. We need its people-moving capacity to cope with visitor traffic which may average up to 100,000 people daily throughout the anniversary year. I am today renewing the commitment of all the agencies and resources of the Federal Government toward maximum progress on the entire transportation system –

subway, freeways, bridges, parking, and support facilities – before 1976. The action of the Congress in December to support continued METRO funding was enormously heartening to the people of the Capital region; it gave, in fact, a glimmer of hope to beleaguered commuters everywhere. The grim Thanksgiving prospect of a great many excavated streets to fill back in has now become the far brighter prospect of at least 24 miles of operating subway – the most modern anywhere – by 1976. Urgently needed now is prompt approval by the Congress of Federal guarantees for METRO revenue bonds – the next essential step to getting the trains running.

He was particularly interested in construction of a Metro station at Arlington National Cemetery, “for which funds are requested in my new budget.” In addition to providing easy access “from Washington to the Arlington shrine . . . it would offer the arriving visitor one more convenient transfer point from private to public transportation on the way into the Capital itself.”

He had directed Secretary Volpe “to coordinate interagency action plans for supplementing those subway lines in service by 1976 with a cooperated network of other public transportation on which visitors can move from fringe parking areas (to be developed under these plans) to points of interest nearer the city center.”

### **About That Balanced System**

Opponents of the Three Sisters Bridge, represented by Owen and Norton of Covington and Burling, filed briefs with the Supreme Court on February 16 opposing review of the U.S. Court of Appeals’ ruling.

They contended that the issues involved were local in importance “with no national implications of any kind.” The Supreme Court, the brief said, had a “longstanding policy . . . not to review such local decisions.” Further, a Supreme Court ruling would apply only to the bridge case and have little bearing otherwise because the circumstances were “unique in the history of the federal highway program.” The brief explained:

It is inherently improbable that any repetition would ever occur as a practical matter, and it is also the fact that there have been recent developments in the law which make any real repetition virtually impossible.

As a result, the Justice Department and District of Columbia were asking the court to rule on the facts of the case rather than the law.

Owen and Norton also disputed those facts, particularly as to the will of Congress. The governments' petition "inaccurately characterizes the statute as requiring that actual construction commence within 30 days." The fallacy of this interpretation was "readily demonstrable." Section 23 of the Federal-Aid Highway Act of 1968 directed that the District "shall commence work" on four projects within 30 days. "Work" did not mean construction since "much planning and designing work remained to be done before any actual construction work could possibly commence on the bridge."

The brief pointed out that President Nixon had ordered the Justice Department to work with the Department of Transportation and the District of Columbia to appeal Judge Bazelon's ruling to the full Appeals Court and, if unsuccessful there, to the Supreme Court. "While the President's order had the desired effect of placating Mr. Natcher and obtaining release of the subway funds, it also serves to distinguish [the case] . . . from normal government . . . petitions which are filed by the solicitor general on his own initiative." [Barnes, Fred, "Reject Bridge Case, High Court is Asked," *The Evening Star*, February 17, 1972; Eisen, Jack, "Foes of Three Sisters Bridge Oppose Review of By High Court," *The Washington Post and Times Herald*, February 17, 1972]

The President's order was generally thought to have been decisive in securing release of the District's Metro matching funds. Further, according to capital area adviser Krogh, the White House was planning to give the "strongest possible support" to the legislation authorizing a Federal bond guaranty for Metro. "We're approaching this issue with the same degree of seriousness – and perhaps even more – than [sic] we approached the vote on the House floor last December," he told reporters. "We'll go all the way – whatever it takes." [Angle, Martha, "Nixon Set to Push for Bond Guaranty," *The Evening Star*, February 13, 1972]

### **The Joint Hearing on Metro**

The unusual joint hearing of the House and Senate District Committees on the bond guarantee took place on March 1 and 2, 1972. Representative Earle Cabell (D-Tx.), chairman of the Subcommittee on Business, Commerce, and Fiscal Affairs of the Committee on the District of Columbia, and Senator Eagleton, chairman of the Senate Committee on the District of Columbia, were the presiding officers.

Chairman Cabell, a businessman who had been mayor of Dallas (1961-1964) when President Kennedy was assassinated in that city, said that everyone present was "conscious of the need for the construction and implementation of our METRO system." He listed five questions that the hearings were intended to address:

- (1) Has the costly delay in this construction been the fault of the Congress, or the fault of the people of the District of Columbia in this refusal to abide by the provisions of existing law relative to any existing highway laws?
- (2) Can this project be self-liquidating as originally proposed? Will the fare box liquidate these bonds?
- (3) Have the Metropolitan Transit Authority exercised their best judgment in the expenditure of its available funds to this point? Have they been diligent in conserving their funds?
- (4) What is the difference between anticipated revenues, after initiation of operations, and its operating and debt-service costs?
- (5) How many dollars is it anticipated that the U.S. Treasury must pick up in order to meet the bond commitments which they (the Treasury) are guaranteeing?

After brief supportive comments from area Representatives Hogan, Broyhill, and Gude, Secretary Volpe appeared before the joint committee. Since becoming Secretary, he said, he had stressed the principle of “a balanced transportation system, a system which offers a true modal choice to all our citizens.” The Nation’s capital was advancing such a system, with Metro the key to “an efficient public transportation system” for the metropolitan area. “METRO will be the heart of the system. It is the keystone of a coordinated transportation system and essential to the effective performance of the Federal Government.”

Fortunately, the legislative and executive branches were fully committed to Metro. He cited President Nixon’s February 4 special message to Congress outlining plans for the Bicentennial in the District. The President had said that Metro, as part of a “balanced modern transportation system,” was central to the plans because its “people-moving capacity” was essential to coping with the hundreds of thousands of people expected to visit the city in 1976. Secretary Volpe quoted the portion of the statement in which the President committed all agencies to make maximum progress on construction, and urged Congress to approve Federal guarantees for the revenue bonds.

Secretary Volpe was heartened by the physical progress of Metro, with 9 miles under construction and 11 stations under contract. WMATA was addressing a wide range of issues, including what the Secretary referred to in quotes as “people problems” typical of any major construction project in a big city. “Unfortunately, a new problem has arisen, a financial problem which threatens to halt the progress which has been made”:

Having been in the construction industry most of my adult life before I went into public service, I can attest to the fact that the period between 1969 and 1971 was the period of probably the greatest rise in construction prices and construction wages of any period I can remember in the last 40 years. So, it is not anything that could have really been foreseen.

As a result, “WMATA’s financial advisers, securities underwriters, [concluded] that the absence of additional security seriously impaired the marketability of the METRO revenue bonds.” The proposed legislation would “assure the orderly financing of the METRO system.” Despite all the progress to date and the obstacles overcome, “additional help from the Federal Government is necessary.”

In response to a question from Chairman Cabell, Secretary Volpe explained that the role of the Department of Transportation would be to “serve as a conduit between the Congress and WMATA.” He said:

We would be reviewing, on a timely basis, the reports and the progress of WMATA. As the legislation requires, we would not issue or give permission for the issuance of bonds unless we were satisfied that there was a reasonable prospect for WMATA to pay off the bonds.

Aside from a role in assuring the success of WMATA, the Department would serve “as the eyes and the ears of the Congress, to transmit to you any information which we felt you ought to have with regard to this situation – such as financial reviews.”

Representative Nelsen asked if, in view of the support for a balanced transportation system, “the highway part of this system is now moving as it should?” Secretary Volpe replied that the highway system was “moving as rapidly as the Department of Transportation and the D.C. Highway Department, are able to move consistent with the statutes that the Congress has enacted and by which we must abide.” The Department had “done everything we possibly could do to bring about the construction of the freeway system that was feasible and which the Congress asked us to build and, in some cases, asked for our thoughts concerning.”

He offered to submit FHWA’s latest monthly status report on the freeway network. On a national basis, “I am not supposed to look at each individual project’s progress.” However, “this is the Capital City and the President expressed to me on a number of occasions his desire that I give as much time as possible to see to it that progress is continued on all modes of transportation here in the Capital City.”

Representative Nelson appreciated the offer because even if the bond guarantee bill passed the House District Committee, “we still must go out on the Floor of the House” for a vote:

There has always been a great debate as to whether or not there has been foot-dragging, and what can be done and what should be done, in order to move the balanced transportation system, as you indicated.

The FHWA’s report was submitted by E. H. Swick for Administrator Turner on March 1, 1972:

#### *Three Sisters Bridge*

A Petition for a Writ of Certiorari was filed with the Supreme Court during the month of January. Opponents of the bridge filed a brief on February 16, urging the Court to deny the Government’s petition. The Court has not ruled on the matter to date.

#### *Potomac River Freeway*

The National Capital Planning Commission’s consultant, Wallace, McHarg, Roberts and Todd (WMRT) is at work on land use studies for the Georgetown Waterfront. The Highway Department’s consultant, Sverdrup and Parcel, has prepared preliminary engineering drawings for four alternate design concepts, and has provided those drawings to WMRT for its use in preparing alternate corridor development plans. Alternate plans

and a 4(f)/Environmental Impact Statement are to be completed by the end of March 1972 after which a design public hearing will be held and a single development concept selected.

The work of WMRT is being periodically reviewed by the Interagency Coordinating Committee, through which we are represented by Messrs. Hirten and [Asaph] Hall [Special Assistant to Deputy Under Secretary John P. Olsson].

*South Leg of the Inner Loop (Lincoln Memorial and Tidal Basin Area)*

Preliminary drafts of an Environmental Impact Statement . . . have been reviewed and are being finalized. It is anticipated that the Draft Environmental Impact Statement will be released and circulated for comments during the month of March. It is expected that a design public hearing will be conducted during the month of April.

*Center Leg of the Inner Loop (West of Capitol)*

Construction is in progress. Contract PS&E for the K Street bridge have been approved and the project has been advertised for bids. Design is continuing and an environmental impact statement is being prepared for the air rights housing project between H Street and K Street, Northwest.

*East Leg of the Inner Loop (RFK Stadium Area)*

Design studies are in progress.

*North-Central Freeway*

*Northeast Freeway*

*North Leg of the Inner Loop*

*East Leg of the Inner Loop (portion north of Bladensburg Road)*

These segments which were included in the D.C. Restudy are inactive at present, pending review by the Congress.

Representative Broyhill asked when the Secretary expected the Supreme Court to respond to the Justice Department's petition. With I-66 and access to Dulles International Airport partly dependent on I-266 and the Three Sisters Bridge, "it is almost like sitting and waiting for the other shoe to drop."

Department General Counsel John W. Barnum replied that the Supreme Court normally "clears up all such petitions for certiorari before the end of the term" in June, but the Department was hoping for a response "substantially before that." In the certiorari-petition stage, four Justices would have to agree to hear the case, but if that happened, the Supreme Court review would not take place until the fall.

Secretary Volpe added that the Department was working with the city, HUD, and NCPC "on an environmental plan and a layout for the Georgetown water-front which also ties into I-66." They also were working on plans for design hearings on other freeway projects. "So, we are not just sitting still waiting for" the Supreme Court. [Federal Guarantee of Bonds for National Capital Region Subway System, Joint Hearings before the Committee on the District of Columbia of the

United States Senate and Subcommittee on Business, Commerce, and Fiscal Affairs, of the Committee on the District of Columbia, House of Representatives, 92<sup>nd</sup> Congress, 2d Session, on S. 2297 and H.R. 11877, March 1 and 2, 1972, pages 1-3, 16-29]

The next witness was Jack F. Bennett, Deputy Under Secretary for Monetary Affairs, Department of the Treasury. The Treasury Department, he said, fully supported the proposed bill. The margin of safety for \$1.2 billion in bonds was satisfactory:

Over the life of these bonds, it has been estimated that this project will generate, in addition to meeting its cost and repaying the bonds and paying interest, something on the order of \$1.4 billion over and above those requirements. That would be on the order of \$15 million a year in some of the earlier years, rising on up toward \$100 million a year in later years. That is a margin of safety.

Beyond that, you probably recognize the bill itself provides that the guarantee cannot be issued until the Secretary of Transportation is satisfied that the Government is undertaking “an acceptable financial risk to the United States.”

The legislation further provides that if at any time the Secretary of Transportation decides action is necessary to protect the interest of the United States, he can direct such prudent action. [Federal Guarantee of Bonds for National Capital Region Subway System, pages 29-32]

Mayor Washington was scheduled to be the next witness, but had succumbed to the flu. Deputy Mayor Watt read the mayor’s statement. The statement explained the anticipated benefits of Metro:

METRO will mean many things for Washington: new development, both commercial and residential; expanded employment opportunities; improved access to work, business, retail, recreational, entertainment, and cultural centers; and strengthened ties among the various jurisdictions in the Washington area. I believe that METRO will greatly assist our efforts to create a viable regional cooperation which will stimulate our efforts to create a viable regional cooperation which will stimulate the health and vitality of center city and surrounding jurisdictions . . . .

Thus, the legislation before you today is extremely important because it will complete the financial plan necessary for the construction of the METRO system.

The goal was “to assure the orderly financing of the METRO system.” With passage of the legislation, “the system can be completed as projected and at the least cost to the Federal Government and the local participating governments.”

The bill, in Title II, also increased the District’s contribution from \$216.5 million to \$269.7 million, an increase of \$53.2 million. Comparable increases were anticipated for the surrounding jurisdictions. [pages 39-44]

WMATA officials also testified on March 1. After a brief history of the project, Chairman Fisher summarized the status of construction:

To the north of Union Station work is underway on the Rhode Island Avenue station and on the system's yard and shop facilities. South and west from Union Station, a cut and cover section of subway leads to Judiciary Square where a station is taking form under the various courts buildings. Much of the structural work from there to 7<sup>th</sup> and G Streets is nearing completion. Along G street, from that point to the Treasury at 15<sup>th</sup> Street, it is now decked over with work advancing beneath on two stations and connecting sections.

From 15<sup>th</sup> and G Streets, a 150-ton machine has tunneled under the corner of the Treasury property – which we are being sure is properly shored up – and under Lafayette Park enroute to Farragut Square. Mining then proceeds under Farragut Square to K Street.

Beginning at the Rock Creek intersection with the Connecticut Avenue section of the Rockville route, tunneling is moving rapidly toward Dupont Circle. Over a half mile of solid rock tunnel has been mined. To the south of Dupont Circle, Connecticut Avenue is largely decked over as work proceeds on two stations and the subway line connecting with the Farragut Square tunnel

Last June 17<sup>th</sup>, the participating Virginia local governments conducted a groundbreaking ceremony to celebrate the beginning of work in Virginia. Since that time a tunnel running from the system portal near the Iowa Jima statue under Rosslyn to the Rosslyn station is well underway. Tunneling under the Potomac has begun and the subway line along Eye [I] Street to Farragut Square, including two stations, is under construction.

In all, 11 stations and 9 route miles are under construction. And an additional 25 stations and 27 miles are under design contract. So you can see, METRO is no longer an abstraction.

Turning to the financing issue, Chairman Fisher told the joint hearing that the original financing plan depended on selling \$835 million in revenue bonds. Then WMATA found that the cost for the 98-mile system had increased by about \$500 million. Next came the difficulty of selling the bonds:

A second development which became apparent was that the proposed sale of revenue bonds could not be accomplished without additional assurance to the investor. Our financial consultants had concluded that some form of tax backup or guaranty would be necessary to attract investors. An additional problem associated with the sale of bonds involves the current rate of interest demanded by the market. Our original projections were an average of 5 percent on tax-exempt bonds. The current estimate is an average of 7 percent on taxable bonds.

After consulting WMATA's financial advisors and 16 of the Nation's leading underwriters, "it became clear that there was no possibility of marketing our revenue bonds with the existing

conditions.” Further, the interest rate assumptions made in 1968 were reasonable at the time, but “had been proven optimistic in today’s market place.” This change in interest rates meant that the bonds, if sold, would increase the amount of funding needed for interest payments and generate less revenue than expected for construction, thus further diminishing their salability. Although one option was to increase each jurisdiction’s contribution to the project, WMATA realized that “it was obvious that a taxing mechanism could not be arranged soon enough to avoid a hiatus in the funding of construction requirements.”

The pending bill to guarantee the revenue bonds had three advantages:

It will allow the immediate sale of bonds at the most favorable interest rate and thereby avoid any serious disruption to the planning construction schedule. It will allow up to 3 years for the local governments to consummate the necessary legal steps to provide for their increased shares. At the same time, the Federal interest will be protected since the sale of the additional \$300 million in bonds will be conditioned upon the development of suitable matching arrangements to preserve the Federal-local matching formula . . . .

We trust that the Congress will find the proposal consistent with the goals and standards which it has set over the past two decades.

After generally supportive questioning, the hearing ended for the day. [pages 44-57]

The second day of hearings continued the supportive statements from local jurisdictions and agencies.

### **Highway Funding for Transit**

Traditionally, Congress considered reauthorization of the Federal-aid highway program every 2 years. In 1972, consideration began early, but was affected by issues that had been brewing since the mid-1960s when cities began taking over failing private-sector transit companies to maintain needed service. As with early projections for Metro in the Washington area, many cities thought that with efficient operation, they could run the systems with revenue from the fare box. Fairly soon, the cities came to understand that the fare box could not generate enough revenue and that some other source of funds would be needed.

The Highway Trust Fund, with its multibillion dollar balance, was a tempting target for those seeking transit aid, especially for cities trying to avoid tax increase to pay operating subsidies. Highway advocates explained that the balance was not unused money. The balance consisted mainly of highway user tax revenue committed to projects that were going to be under construction for several years. The traditional comparison was to a family checking account with a large balance, but numerous checks written and not yet cashed.

Transit advocates, Members of Congress from big cities, environmentalists, and urban planners were undeterred. By 1972, urban Interstates construction was sufficiently controversial that pro-transit forces argued the funds for unwanted Interstate highways should be used instead for transit, including operating subsidies – the biggest headache for cities.

Secretary Volpe, the former Federal Highway Administrator who had stated early in his tenure that the Highway Trust Fund should be restricted to highways, changed his mind. The Nixon Administration supported opening the Highway Trust Fund to transit in pursuit of a balanced transportation system for the Nation's cities. However, the Administration opposed Federal aid for operating subsidies, which opponents often referred to as "throwing money down a rathole."

The Secretary's proposal, released on March 14, 1972, recommended consolidating all existing urban highway and mass transit programs into a Single Urban Fund, with the exception of the Interstate program and minor transit initiatives. All rural highway programs would be consolidated into the Rural Federal-Aid System and a Rural General Transportation Fund.

Highway interests opposed the plan because it allowed diversion of Highway Trust Fund revenue to transit. Transit interests opposed it, too. Since the funds could be used for highways or transit, they feared that the powerful highway lobby would ensure that highway projects received most of the funds. In the absence of a constituency, Congress never seriously considered Secretary Volpe's bold move, but it reflected his change of thinking and the policies that the Department of Transportation would promote in coming years.

At the same time, the House and Senate Public Works Committees were dominated by road supporters who resisted diversion of Highway Trust Fund revenue. Further, in the Senate, the Committee on Public Works was not responsible for transit. In the early days of Federal-aid for transit, the Federal housing agency administered the funds. As a result, the Committee on Banking and Currency had jurisdiction over transit programs. It retained that jurisdiction even after the Federal-aid transit program was shifted to the Department of Transportation and administered by UMTA.

One of the committee's members, Senator Harrison A. "Pete" Williams, Jr. (D-NJ), was based in Plainfield and was the Senate's chief transit advocate. He had served in the U.S. House of Representatives (1953-1957) before winning election to the Senate in 1958. Early on, he adopted transit aid as an issue that was important to the Nation and his New Jersey constituents.

By 1972, advocates such as Senator Kennedy, Senator Lowell P. Weicker, Jr. (R-Ct.), and Representatives Koch and Bella Abzug (both D-NY) and other members of the New York City congressional delegation were among those introducing bills to create a mass transportation trust fund or a transportation trust fund, with much of the revenue coming from highway users whose revenue currently was credited to the Highway Trust Fund. The problem with a mass transit trust fund was that unlike the highway equivalent, increasing taxes on money-losing transit lines to stock the fund might reduce ridership.

The most influential alternative was the Muskie-Cooper amendment introduced by Senator Edmund S. Muskie (D-Me.), one of the Senate's most aggressive environmental advocates and a potential candidate for the Democratic Party's presidential nomination, and Senator Cooper, both members of the Committee on Public Roads. Their amendment would allow cities to use their Federal-aid urban system funds for traditional highway projects or transit, including rapid rail transit.

Senators Muskie and Cooper and other supporters of their amendment argued that it would allow local officials to use the funds for the projects that best met each area's unique needs. Opponents said that allowing the funds to be used for rail transit would violate the sanctity of the Highway Trust Fund, which was set up for highway purposes, and a betrayal of the highway users who were told their taxes went to the highway program.

The other unusual proposition was initiated by Secretary Volpe's successor as Governor of Massachusetts. Lt. Governor Frank W. Sargent became Governor to complete Volpe's term. Governor Endicott Peabody (1963-1965) had appointed Sargent one of five Commissioners of Public Works, in charge of the Division of Waterways, in 1964. Governor Volpe elevated Sargent in 1965 to be chairman and chief road builder. Shortly after becoming Governor, however, Sargent addressed a crowd of protestors assembled on the Boston Common for "People Before Highways Day" and assured them that he would never put freeways before people. The crowd, which booed when he appeared, cheered his unexpected new attitude.

Governor Sargent, the convert, decided not to build Boston's Inner Loop (I-695) or the extension of I-95 into the city from the southeast, the two most contentious remaining projects. Instead, he would revitalize the Boston area's transit network. The problem was that although no one, not even FHWA, could force the State to build a highway, but if it decided not to do so, the State and the city would lose hundreds of millions of dollars, and the jobs and economic boost that came with the dollars. The only alternative under current law was to shift the Interstate designation to another location that might prove less controversial.

Meanwhile, Governor Sargent did not have any obvious source of funds for the ambitious transit agenda he adopted. By 1972, Governor Sargent and his Secretary of Transportation, Alan S. Altshuler, had identified alternative routes elsewhere in the State, but were seeking a more flexible approach.

In early March, the Subcommittee on Roads of the House Committee on Public Roads began hearings on the 1972 highway legislation. When Secretary Volpe appeared before the subcommittee on March 16 his Single Urban Fund received what by then was the expected skeptical reception.

On March 21, the subcommittee heard from a delegation from Massachusetts, including Secretary Altshuler. He said his "primary purpose" was to urge support for "a very specific provision." At the time, the substitute Interstate mileage was limited to 200 miles, which had been committed by then:

We believe that a sufficiently flexible highway program must be able to accommodate the finding that in some urban corridors it is no longer feasible to carve new rights-of-way – and to do so without imposing harsh financial penalties upon the States involved. In these urban corridors, the States concerned will generally have to undertake large transportation investments, both highway and transit, of a noninterstate nature . . . . In cooperation with AASHO, we urge that Interstate funds be made available for reassignment to meet these needs where such reassignment is compatible with the objectives of the Interstate program.

Secretary Hughes of Maryland testified on the same issue. He said that Maryland had built or programmed 358 miles of Interstate highway. But about 30 miles in the Baltimore area and Maryland's Washington suburbs are unbuilt. This unbuilt mileage included I-95 and I-70S inside the Capital Beltway as well as segments of I-70N, I-83, I-95, and I-395 in Baltimore:

Repeated efforts have been and are being made to resolve the issues associated with [these segments] . . . . However, public opposition, connected to a great extent with environmental impact issues, continues to overshadow the basic need to provide for a high level of transportation service in these corridors.

He cited I-95 in the Washington area as an example:

Recent actions by the D.C. Council and the U.S. Department of Transportation to revise portions of the Interstate System within the District raise questions as to the utility of our plans to study further the proposed I-95 corridor in Prince Georges [sic] County.

Maryland, he said, was studying "what it believes to be a realistic approach toward providing alternate means of satisfying this inter- and intra-state travel demand in the event that these controversial sections are not constructed." Secretary Hughes said:

The State of Maryland will be prepared in July 1973 to demonstrate to the Federal Government that such a revised system can be advanced to the construction stage in 1975 in order that the State does not suffer a loss of Interstate funds and associated system mileage, resulting in an inability to avoid high levels of congestion and to provide for the needs of the motoring public . . . . Maryland proposes to develop a logical system of replacement Interstate facilities, consistent with present Federal Interstate funding commitments, for use in the event certain controversial segments of the program system are not constructed.

First priority would be to identify facilities that replace the function of the missing Interstate segment. Second priority would be "facilities that will provide alternate routings for Interstate movements" to relieve congestion on existing highways. Finally, the State would emphasize facilities that "satisfy Interstate movements that have not been provided for" at present.

The funding authorized for the controversial Interstate segments in the Baltimore and Washington areas would be sufficient to pay for these alternative routes. He asked Congress to allow the State to substitute new freeway routes for the portions that may be abandoned, with the substitution based on cost (about \$1 billion) rather than mileage as under current law.

Secretary Hughes told reporters that substitutes might include an expressway from Baltimore to Annapolis and upgrading of the John Hanson Highway (U.S. 50) between Washington and Annapolis to Interstate standards. He stressed this was not a plan, but simply an illustration of where Maryland might shift the mileage if Federal law permitted. [*1972 Highway Legislation, Hearings before the Subcommittee on Roads of the Committee on Public Works, House of Representatives, 92<sup>nd</sup> Session 2<sup>nd</sup> Session, Committee Print 92-32, pages 541-5553; Eisen, Jack,*

“Permission to Alter Road Plans Asked,” *The Washington Post and Times Herald*, March 22, 1972]

In April, State Highway Administrator Fisher confirmed that Maryland no longer planned to build its portion of the North-Central Freeway. He wrote to Delegate Donald R. Robertson, chair of the Montgomery County delegation to the General Assembly, to say the State was seeking authority to use the funds for another route, such as U.S. 50 to Annapolis or an outer beltway in Montgomery County. [“Freeway Plan Dropped by Md. Agency,” *The Washington Post and Times Herald*, April 9, 1972]

### **Decision on the Three Sisters Bridge**

On March 2, the U.S. Court of Appeals issued a supplementary opinion addressing issues raised concerning the 1893 provisions of the District Code that plaintiffs had argued the District had not satisfied in advancing the Three Sisters Bridge. The Appeals Court found that these requirements did not apply to the Three Sisters Bridge:

The language of section 23, and its history and objective, persuade us that the overriding intention of Congress was also to exempt the project from the necessity of further compliance with these recommendatory and consultative provisions of the local code.

Clearly one of the objectives of Congress was to have the bridge project go forward promptly. The “notwithstanding . . . any law . . . to the contrary” language, construed in light of this objective, and of the history of the project, bears a construction that the provisions of the D.C. Code now considered should not delay or bar the authorities from proceeding.

The supplementary opinion also considered Title 16, United States Code, Section 470f, which required the Federal Agency to consider the impact of projects such as the Three Sisters Bridge on properties included in the National Register of Historic Places, and should afford the Advisory Council on Historic Preservation an opportunity to comment. The Secretary of Transportation is a member of the Advisory Council and may have already complied with this provision (“we understand he may already have done so”), but if not, he should do so.

This supplementary opinion had no bearing on the appeal to the Supreme Court.

On March 27, 1972, the Supreme Court rejected the appeal. Normally, such decisions are made without explanation, but in this case, Chief Justice Warren E. Burger released a concurring opinion:

I concur in the denial of certiorari in this case, but solely out of considerations of timing. Questions of great importance to the Washington area are presented by the petition, not the least of which is whether the Court of Appeals has, for a second time, unjustifiably frustrated the efforts of the Executive Branch to comply with the will of Congress as rather clearly expressed in Section 23 of the Federal-Aid Highway Act of 1968. If we were to grant the writ, however, it would be almost a year before we could render a decision in the case. It seems preferable, therefore, that we stay our hand. In these

circumstances, Congress may, of course, take any further legislative action it deems necessary to make unmistakably clear its intentions with respect to the project, even to the point of limiting or prohibiting judicial review of its directives in this respect.

In effect, Chief Justice Burger neither agreed nor disagreed with the U.S. Court of Appeals' findings, but believed a year's delay in completing Supreme Court review was inadvisable. Instead, the decision left the future of the bridge to Secretary Volpe, who must now ensure compliance with the requirements of the Appeals Court's decision of October 12, 1971.

Secretary Volpe did not have an immediate reaction. However, his spokesman indicated he had conferred with General Counsel Barnum and Administrator Turner.

Representative Broyhill called on the Committee on Public Works to write legislation that would force construction of the bridge. If the committee did not do so, he said, he would. Committee sources indicated that action was not likely and that if Representative Broyhill drafted a bill to initiate action, it would simply be referred back to the committee, which likely would ignore it:

A committee spokesman said the committee would not relish the prospect of holding hearings on a matter "committee members had considered settled."

Sources said the District's recalcitrance on provisions of the 1968 Highway Act, and its opposition to construction of freeways delineated in the act, had caused the committee – perhaps with a few exceptions – to view further legislation as futile.

A Senate Public Works Committee staff member said it was unlikely that that committee will pick up Burger's suggestion. "I see no further need for Congress to say that we really meant [what] we've already said twice before."

Sammie Abbott promised to continue fighting the bridge:

We pledge increased determination to meet the next moves of the pro-freeway forces by every means as we have in the past: Public education and mobilization, political and legal action.

Robert M. Kennan, Jr., transportation chairman of the Committee of 100, which was among the plaintiffs, said, "The way is cleared for a reappraisal of the bridge proposal on its merits." He added, "If it gets that, we are confident the project will be abandoned." [Kneece, Jack, "New 3 Sisters Action is Doubtful This Year," *The Evening Star*, March 28, 1972; Eisen, Jack, "3 Sisters Appeal Rejected," *The Washington Post and Times Herald*, March 28, 1972]

A *Post* editorial following the decision began:

Once again, for the umpteenth time in as many years, the Three Sisters Bridge – the bridge that people can't see because it isn't there, but feel no less powerfully about on that account – is back on page one, complicated as usual and unresolved as ever.

The fate of the bridge “involves politics, home rule, money, planning, conservation, freeways, the Metro rapid transit system, housing, assertions of congressional power, Presidents of the United States and, in this latest round, the Supreme Court.” However, the Supreme Court had neither killed the Three Sisters Bridge nor ordered work to resume. In fact, “the Supreme Court didn’t even want to hear the case.”

Instead, it left the Appeals Court ruling in place, and that ruling had returned the case to Judge Sirica with instructions on how to proceed. The editorial summarized the instructions:

1. District Court Judge John J. Sirica is told to clarify – and possibly reconsider – his finding in 1970 that proper hearings had been held six years earlier on the location of the bridge.
2. The District Court is also told to send the case to Secretary of Transportation John A. Volpe, who is to make several determinations dealing with such factors as the proposed usage of, and impact upon, parkland along the Potomac shore. Mr. Volpe is also instructed to make a documented record of these and other determinations, such as whether the bridge jibes with areawide transportation planning criteria.

Of course, Chief Justice Burger’s “highly unusual concurring opinion” practically invited congressional action that could force construction. That was now a possibility. First, the decision not to hear the case meant the Supreme Court left in place Judge Bazelon’s comments about pressure from Chairman Natcher. “Many congressmen read that as an insult to the legislative branch of the sort that demands retaliation.” Second, the Chief Justice had “managed to fan these flames” by raising the question of whether Judge Bazelon’s ruling had “unjustifiably frustrated the efforts of the Executive Branch to comply with the will of Congress.” The statement then observed that a Supreme Court ruling might be a year off and that in the meantime, Congress could act “to make unmistakably clear its intentions,” even limiting or prohibiting judicial review:

These comments – coming as they do from the Chief Justice of the United States – strike us as peculiar, to say the least. We had not thought it to be the function of the Chief Justice to advise Congress, and still less encourage it, to take particular actions; or to pay quite such close attention to a local dispute largely unrelated to national affairs; or to suggest answers to questions not before the court. Yet he seemed to do all three in pointing out that Congress could now pass still another law requiring the bridge to be built, and could couple it with a provision prohibiting judicial review of its action.

Despite this virtual invitation to legislative relief, perhaps “Congress may have had enough of the whole Three Sisters saga by now, and might be willing to let the matter undergo the same procedures as any other federal highway project.” Perhaps, in truth, what was needed was “a thorough, up-to-date review of this dog-eared plan as it applies to today’s transportation outlook here.” Instead of simply being another “excuse for frivolous delaying tactics,” such a review might “produce a fresh decision with which everyone involved in this ancient imbroglio could live in peace—or at least in something closer to tranquility.” [“Three Sisters: Back to the Drawing Boards,” *The Washington Post*, March 30, 1972]

The *Star* agreed that the Chief Justice had offered several options for resolution, including a legislative solution, an administrative response, “or everyone can forget the whole thing.” The administrative option for Secretary Volpe was not promising:

For no matter what kind of good-faith effort the Department of Transportation might now make to answer the maze of administrative and legal procedural questions raised by Judge Bazelon, our guess is that this inevitably would lead to further inconclusive litigation.

That, as the Chief Justice implied, left the legislative option as the most promising. By law, Congress could make its intentions unmistakably clear. True, Congress tried to do that in 1968 by directing construction to begin. Now, however, it had a new vehicle, namely the biennial Federal-aid highway bill that was to be enacted in 1972. “The merits of the bridge are clear” and President Nixon “is firmly on record” in support, and yet:

If it seems incredible that any dispute over a Potomac River bridge crossing should be occupying the very top echelons of the legislative, judicial and executive branches of the federal government, the fact is that such things happen occasionally in the Nation’s Capital, and have throughout its history. This one will linger on until Congress, with the President’s help, ends it. [“Justice Burger’s Prescription,” *The Evening Star*, March 29, 1972]

### **A New City Council Chairman**

As early as December 1971, the White House had begun looking for a Republican to replace Chairman Hahn when his 3-year term ended on February 1. The *Star* reported:

Hahn, 49, a liberal Republican, has apparently disappointed the White House by successfully forging the council’s limited authority into a controversial weapon of a relatively independent and innovative legislative body.

The White House is reported to feel that Hahn’s bid for independence has sometimes been at the expense of Mayor Walter E. Washington and is a source of disharmony within the city government.

Under Chairman Hahn, the council had “provoked criticism from many quarters. Some elements of the city’s business community have accused Hahn of seeking publicity and issuing self-serving statements.” He had “in a sometimes flamboyant manner . . . turned what might have been a figurehead post into a full-time job.” He had been at odds with the mayor on a number of issues, including whether to provide a subsidy to D.C. Transit System to save the reduced fare for the elderly:

The subsidy, supported by Council Vice Chairman Sterling Tucker, was strongly opposed by Hahn, who argued it would strengthen the position of D.C. Transit’s controversial president, O. Roy Chalk, and delay the company’s acquisition by a public body.

Mayor Washington, after a week’s silence, finally endorsed the subsidy.

Then there was the Three Sisters Bridge:

A particularly sore point has been Hahn's opposition to building the Three Sisters Bridge, against President Nixon's specific endorsement of that project in order to guarantee the flow of subway construction funds from Congress. At one point, Hahn's public declaration against the bridge came during delicate private negotiations and nettled some of the participants. [Critchfield, Richard, "White House Seeks Successor to Hahn," *The Evening Star*, December 22, 1971]

From the start, former Councilman John A. Nevius was the frontrunner to replace Hahn. Since losing the race for the District's nonvoting Delegate to Congress, Nevius had served as Deputy.

On April 13, Assistant Press Secretary Gerald L. Warren announced the decision to appoint Nevius. The President, Warren said, appreciated Hahn's work, but "felt that this was the time for new leadership" of the city council. Warren also announced that the White House would renominate Councilman Sterling Tucker, whose term had expired on February 1 along with Hahn's term. Hahn and Tucker had continued serving in the interim. Like Hahn, Nevius was white, thus maintaining the racial balance on the city council.

The announcement came while Hahn was attending a birthday party for Mayor Washington, who was turning 57. By contrast with the White House's muted announcement of Hahn's ouster, President Nixon sent the mayor a laudatory telegram on his birthday:

I welcome this opportunity to publicly tell you of my deep admiration and very real respect for your years of dedicated leadership as mayor of the nation's capital. We all feel fortunate to have the benefit of your wisdom and experience.

According to the *Post*, White House staff had wanted to nominate Nevius in January, but had been overruled by Attorney General Mitchell:

Mitchell felt Hahn should be permitted to retain his post because of his campaign fund raising efforts on behalf of the Republican party.

However, sources said Nixon decided that he had to be replaced after some members of the House and Senate continued to complain bitterly about him.

The *Post* reported that:

Hahn's outspoken views, his frequently abrasive tactics, his alienation of some elements of the D.C. business community and his inability to get along with some key members of Congress were cited most frequently yesterday for his loss of the chairmanship . . . .

Privately, Council members said they felt Hahn's efforts to make the Council an independent body was the reason his ouster.

"He was forceful," said one. "They want us to quiet down and be a part-time Council."

Hahn's predecessor, John W. Hechinger, struck a similar note in speculating on Hahn's failure to win reappointment. "In his initial charge to us, President Johnson said to act as if we were elected. The varying power structures in Washington – they're not quite used to it."

Or, as the *Star* put it, "Hahn had managed to step on too many toes – particularly in the traditional Washington power base from which he came."

A News Analysis in the Post explained it in terms of balance between Mayor Washington and Chairman Hahn:

In many ways, President Nixon's ouster of Gilbert Hahn Jr. last week from the D.C. City Council chairmanship put the final touch on a four-year rapprochement between Mr. Nixon and Major Walter E. Washington and a four-year downhill relationship between the President and Hahn.

One of the chief reasons given by congressional and administration sources close to the shakeup was that Hahn was ousted because of his many disagreements with the mayor.

Before appointing Hahn, President Nixon had been impressed by the attorney's ideas on crime, court reform, and increasing the number of city judges and police officers. Since the appointment, however, "Mr. Nixon and other key Republicans have increasingly shown a preference for Mayor Washington's moderate, nonpartisan conduct to those of the more partisan, ebullient Hahn."

Representative Broyhill was one of the area Members of Congress who resented Hahn:

Broyhill not only opposed Hahn's moves for independence but more so his efforts to tax suburbanites . . . .

But when the mayor proposed his bold program of 1971, the reciprocal income tax on commuters, the White House kept silent, although the administration probably knew it would go nowhere.

That same year, when Hahn proposed an areawide payroll tax as a way out of the Metro subway system's financial difficulties, the White House publicly overrode Hahn and one of Hahn's best administration friends, Transportation Secretary John A. Volpe, by proposing an alternative.

His battle for a parking tax on workers who drive downtown to work had drawn criticism from Members of Congress from Maryland and Virginia. The tax was described as an environmental measure meant to reduce the number of commuters entering the city by encouraging them to switch to transit or carpools:

However, congressional sources said Hahn's adamant backing of the plan was not the reason for his expected loss of the Council chairmanship.

There has been growing disenchantment with Hahn on Capitol Hill. Especially irritating was the Council's refusal last year, at Hahn's insistence, to enact a 30-cent increase in the local property rate requested by Mayor Walter E. Washington and the President. Instead the Council raised the rate by 10 cents.

Even as rumors that Hahn was about to be replaced, Senators Mathias, Beall and Spong took to the Senate floor on April 12 to attack the plan for a parking tax. Representative Broyhill vowed to defeat the proposal. [Proposed Tax By District of Columbia Council on Automobiles Parked in Commercial Parking Lots, *Congressional Record-Senate*, April 12, 1972, pages 12338-12341]

Some members of the Senate Committee on the District of Columbia privately said they would not vote for Hahn's confirmation if he were renominated:

Some Republican members of the House and Senate also objected to Hahn's personality, complaining to White House officials that he did not know how to deal with them and that he had no sense of public relations. [Green, Stephen, and Scharfenberg, Kirk, "Nevius May Head Council," *The Washington Post and Times Herald*, April 13, 1972]

By contrast, as the *Star* reported in a profile of the nominee, Nevius was seen as a liberal Republican in the mold of Mayor John V. Lindsay of New York City (1966-1973). He was a "cool, rational politician who will never shoot from the hip on an issue and end up blasting off his toes." He was "more apt to be agonizingly slow at time as he deliberately analyzes the issues before drawing up his position."

When the appointment was announced, Nevius said he was "delighted to have a new opportunity to serve the city. I love the city." He would not comment on any issues or offer an opinion on Hahn's chairmanship. He thought he would leave HUD, but was unsure. It depended on whether his work as chairman of the city council would constitute a full-time job.

In an interview, a reporter asked about his balanced style of decisionmaking. Nevius said, "I see no reason to change that approach. My approach to things is to try to analyze them carefully and thoroughly . . . get a good grasp on the pros and cons . . . [which is] the best approach for coming up with the right answer."

This studied style had its critics. One unnamed supporter of Hahn thought Nevius would hurt the city in the long run. "Basically I think Jack's a pretty indecisive guy. He's nice. He's personable. But when push comes to shove, he'll fudge. He is willing to let an issue drift on in hopes of a consensus." The profile cited his stance on freeways while serving on the council as an example:

Once while on the City Council, Nevius side-stepped one of the most controversial issues in the city – whether or not to build new freeways – so well that most people even today do not know his real position on the matter.

Nevius managed this even though he was chairman of the council's committee which was asked to recommend a course of action on freeways – which were unwanted by District residents but favored by Congress.

Instead of one alternative, Nevius sent the council three – then sat back and watched as the remaining eight council members committed themselves to various sides.

When then Council Chairman John Hechinger found himself hard put for a solution, Nevius carefully helped draw up a resolution which put the issues in Mayor Washington's lap.

Then he turned around and voted against the resolution he helped to write. Even though the resolution passed 5 to 4, his position on freeways was still left unclear.

When asked about the parking tax, he did not have a position. "It's a new issue, and I have to do my homework first." [Scharfenberg, Kirk, "Nixon Picks Nevius to Head Council," *The Washington Post and Times Herald*, April 14, 1972; Prince, Richard E., "Nixon's Rapprochement With Mayor Led to Hahn's Ouster," News Analysis, *The Washington Post and Times Herald*, April 17, 1972; Sarro, Ronald, "One Damn Too Many" and Anders, Michael, "In The Lindsay Mold," Hahn and Nevius, *The Evening Star*, April 14, 1972]

In an editorial, the *Star* gave Chairman Hahn credit for taking "a more aggressive role for the still-embryonic D.C. City Council." He can take pride that "the council is not apt again to become as ill-defined and purposeless as it had been" when he took office. However, his "manner of doing business – his personal style – was something else." After summarizing his adversarial approach, the editorial defined his style:

If no one in the local government worked any harder, it is doubtful that anyone else could have rubbed as many people the wrong way in the course of three years.

A White House source had said that in considering a Hahn reappointment, the issue was not dedication. The question was: "how you do business with people to make government work."

In that respect, Nevius was "a good choice." His civic credentials and love of the city were unquestioned, even if his leadership qualities were untested. In his hopeless quest as the Republican candidate for Delegate in a predominately Democratic city, "he ran a good race, and gained a degree of community-wide respect that should be a strong plus in the new post."

The editors concluded that given the demands of the new job, "we trust that Nevius intends to make it, as did his predecessor, a full-time commitment." ["New Leadership," *The Evening Star*, April 15, 1972]

The *Post's* editors thought that President Nixon's decision not to reappoint Hahn "actually says more about this city's peculiar and undemocratic system of local government than it does about the merits of the two men involved." The people, as usual, were not part of the decision:

Many of us have read or heard explanations, of course, but the White House felt no compelling need to share its thinking of its decision with the colonial subjects affected. Instead, the administration left things up in the air for some two and half months after Mr. Hahn's term had officially expired – and then dumped him shabbily . . . .

At the very least, Mr. Nixon might have thanked Mr. Hahn personally and publicly, rather than leaving it up to deputy press secretary Gerald L. Warren to issue a perfunctory statement of appreciation and an empty explanation that it was “time for new leadership.”

The result of this crude handling of a changeover was not only to insult Mr. Hahn unnecessarily, but to cast Mr. Nevius wrongly in the role of Republican pet, content to do the bidding of Mayor Washington, the President and the Congress – and not to annoy any of the colony’s overlords.

The editors conceded that Hahn had “annoyed people in power – mainly because he sought to increase the power of the city council, with the idea that this might help get things done.” In doing so, he “became a thorn in the side of officialdom”:

The cold fact is that the White House and Congress hold the ultimate power over this city, and Mr. Hahn’s attempt to make the city council into something it cannot be under this system – an independent arm of a democratic local government – rested from the start on an unfortunately false premise. This ought not to mean, however, that a council chairman must always be a rubberstamp for the mayor’s policies, or the will of higher authorities. We trust that Mr. Nevius will continue to search for ways in which the council can act where other authorities do not – or will not, however formidable the limitation on its ability to function at all. [“The City Council Shakeup,” *The Washington Post and Times Herald*, April 18, 1972]

The confirmation hearing for Nevius and Tucker took place before the Senate District Committee on April 19. Only Chairman Eagleton was present. Nevius opened his brief statement by saying, “I guess you could say I’m back here because I feel there is so much more to be done.” Tucker recalled that at his confirmation hearing 3 years earlier he had promised to serve the people of the city with diligence, integrity, and determination to “achieve for them the highest possible quality of life.” If confirmed for a second term as vice chairman, he would be “guided by that resolve.

With both men before him, Chairman Eagleton raised questions for them to answer in turn, but the answers were brief with virtually no follow up. In essence, confirmation was not in doubt.

The day before, the city council had voted 5 to 2 on the first reading of the parking tax regulation, but had postponed the second reading until Nevius took office. Chairman Eagleton asked the two men for their views on the regulation. Nevius replied that every big city faced the same problem, namely “the flight of the tax base to the suburbs, beyond the city line, and in our case it is not just the city line, it is a constitutional line”:

The city . . . needs the money of the suburbanite who commutes but by the same token we don’t want to drive that suburbanite out beyond the Capital Beltway forever and his place of employment out there.

The question was one of “balancing these equities.” He had “not had a chance to really look” at the proposed regulation, but described the issue as a “dilemma” for the city. He was “not certain

where I'd come out." He understood that it was an environmental measure, but it also involved the revenue problem:

So I am inclined to think I would be opposed to it but there is one thing I am certain of and that is that if it doesn't have to go into effect until early 1973. There is no need to pass it in early 1972. [sic]

Tucker favored a parking tax, but did not support the current proposal. The key was to find a measure that was fair to the city and suburbs as they "deal with the problem of pollution as it is supposed to, with the problem of revenue being a secondary issue, as it should be . . . ."

As for freeways, they were discussed only briefly:

The Chairman. What is your position with respect to the building of the Three Sister's Bridge [sic]?

Mr. Nevius. I am opposed to it, Senator.

Mr. Tucker. And so am I.

Chairman Eagleton asked about public ownership of the bus system and subsidizing service. This question was, by then, a key issue Congress was facing on a national level as it developed highway legislation amidst calls from urban officials to use Highway Trust Fund revenue for rail transit and subsidies. Nevius said that with the possible exception of Houston, Washington was the largest metropolitan area in the country "still struggling along with a privately owned municipal transportation system." Experience nationwide "has demonstrated the overhead cost of operating such a system has gotten to the point in our economy where the fare box and the rider can no longer support public transportation and that there has to be taxpayer help as we've done in so many other areas." The time had come for the District of Columbia to do so as well.

Tucker replied that "private ownership of public transportation makes about as much sense today as private ownership for public schools would make." Transit was a necessity, and the fare can't keep going up. He would favor a subsidy for public ownership, but not now. He had "no confidence in the present ownership of the public transportation system." He thought the city should purchase D.C. Transit Systems "as quickly as possible."

Other questions concerned home rule, removal and disposition of solid waste, further use of Robert F. Kennedy Memorial Stadium with the departure of the second incarnation of the Washington Senators baseball team after the 1971 season (to become the Texas Rangers), the need for and placement of a convention center, and the need for an Office of Consumer Affairs. [Nominations for Chairman and Vice Chairman District of Columbia Council, Hearing before the Committee on the District of Columbia, United States Senate, 92d Congress, 2d Session, April 19, 1972]

The Senate District Committee approved Nevius and Tucker, 6 to 0, and sent the nominations to the Senate. On April 20, the Senate unanimously confirmed Nevius as chairman and Tucker as vice chairman. Chairman John A. Nevius took office on April 24.

(The push for a parking tax came to an end in June. The original proposal by Councilman Willard was for a \$1 a day tax on parking in downtown. The tax was lowered to 50 cents when it was given preliminary approval on the initial vote, but the required second vote had not taken place, primarily because Chairman Nevius was still studying the idea. Willard called for a showdown vote, but it was postponed indefinitely on June 12 when he accepted Nevius's request not to put the regulation on the agenda for the next session, scheduled for June 20, as the *Star* reported:

Council sources said Willard did not attempt to push the regulation to a vote after Nevius's request because of fears that the mayor – [facing] congressional opposition – would veto the measure if it passes. The sources said Willard apparently felt he did not have enough votes to override such a veto . . . .

Council sources said Nevius “obviously had had enough time” to study the measure and that his action was a stalling tactic. “He’s being less than candid” if he said he has not had enough time, other council sources said.

(Willard, by then, had announced he would leave the city council on June 30 to return to his job at the American Security and Trust Company. With his departure, the city council had lost the two strongest supporters of the parking tax – Hahn and Willard. Similar ideas for a commuter tax would be considered over the years, but never enacted. [Anders, Michael, “Parking Tax Showdown Put Off,” *The Evening Star*, June 12, 1972]

### **I-66 Takes Center Stage**

Arlington County officials, ACT, and other private citizens who opposed construction of I-66 were not aware in early 1972 that EPA had sent a seven-page December 1971 report to State highway officials regarding I-66. The report, which became available only in late March, was highly critical of Virginia's environmental impact review of proposed I-66, which was limited to the Virginia side. The project “could have a significant adverse effect on the environment,” but Virginia had failed to propose alternatives to the highway project. “Location alternatives are given less than a full page of discussion and it appears that no real analysis was made in weighing and considering other corridor location alternatives to the proposed I-66 corridor.” The *Post* summarized possible alternatives:

EPA listed several possible alternatives to construction of the highway, including mass transit, exclusive traffic lanes for buses, more one-way lanes during rush hours, and discouraging automobile commuting by charging high tolls and raising D.C. parking fees.

The report also questioned the State's assumption that I-66 would smooth traffic flow on Arlington County's main thoroughfares:

Past experience with “commuter” freeways . . . has shown that any easing of local traffic congestion during peak hours is temporary at best. A road of this type generates its own traffic, which tempers any benefits to be derived from its construction.

At minimum, EPA said, “air, noise and water pollution impacts of each alternate route and mode of transportation” should be reviewed:

Such an expressway traversing the Washington metropolitan area will impact heavily on the human environment throughout its route. Information should be provided also on measures to protect air quality during the construction of the highway. The statement should discuss the effects of the proposed highway, during construction and use, on the ability of the region to meet current local and-or national ambient air quality standards.

The revised impact statement “should include an estimate of the noise levels at various distances from the highway and anticipated community response to those levels.” EPA dismissed the design changes proposed by landscape architect Simonds:

The EPA statement also attacked parts of a highway department plan to lessen noise pollution from I-66 by lining the road with trees and earthen dikes. “Use of landscape planting to curtail noise would not be adequate, since plantings possess none of the physical properties required of a good sound shield. Plantings are porous to air flow, vibrate easily, and lack density,” the EPA report said.

The EPA report said the earthen dikes on both sides of the highway, even if they cut down on noise, could increase air pollution. “It should be recognized that pollution levels tend to be increased by a channelized roadway,” the report said.

The plans for the trees and earthen dikes were drawn up by John Simonds, a Pittsburgh landscape architect, who received the \$275,00 contract to find ways to limit the highway’s impact.

Further, according to EPA, Virginia’s draft “fails to consider the effects of the proposed highway (including bridge) on surface waters, underground water, community water, supply distribution systems and sources, and community sewerage systems,” as well as “methods to control siltation of waterways during construction.”

Another deficiency, in EPA’s view, was that Virginia had not given any “consideration to the disposal of debris from construction and land clearing activities.” A disposal plan should “consider possible effects on [the] visual environment of the urban and park areas through which the highway will pass.”

Further, the review was “not broad enough to allow a complete assessment of [the] potential environmental impact” of the Three Sisters Bridge or its access roads on either side of the Potomac River. “The environmental statement should include an assessment of the potential effects of the entire length of I-266 in the metropolitan area, including the Three Sisters Bridge.” It should review “alternative routes for I-266 in the state of Virginia, as well as alternative routes for the continuation of I-266 in other parts of the metropolitan area.” The analysis should consider not building the bridge and its access roads and explore non-auto “modes of travel” as better ways to handle the transportation of people in the corridor.

Emilia Govan, learning of the EPA report, said the agency's comments on I-66 "are very much in line with what the citizens have been saying; in fact, they're probably stronger." [Barnes, Fred, "EPA Warns Virginia on Bridge," *The Evening Star*, April 2, 1972; Mathews, Jay, "Environmental Agency Scores Virginia on I-66," *The Washington Post and Times Herald*, April 5, 1972]

On April 5, a three-judge panel of the U.S. Fourth Circuit Court of Appeals in Richmond barred work on what it called "Arlington I-66." The unanimous ruling, written by Judge Braxton Craven with concurrences by Judges John D. Butzner and Joseph H. Young, ordered the State and FHWA to cease all work until they filed an EIS, reviewed the plan to pave portions of two parks, and held new hearings on the impact of the highway.

The court rejected the State's argument that an EIS was not needed because NEPA was enacted after the route had been approved:

Doubtless Congress did not intend that all projects ongoing at the effective date of the Act be subject to the requirements of Section 102 [of NEPA]. At some stage of progress, the costs of altering or abandoning the project could so definitely outweigh whatever benefits that might accrue therefrom that it might no longer be "possible" to change the project in accordance with Section 102. At some stage, federal action may be so "complete" that applying the Act could be considered a "retroactive" application not intended by the Congress. The congressional command that the Act be complied with "to the fullest extent possible" means, we believe, that an ongoing project was intended to be subject to Section 102 until it has reached that stage of completion, and that doubt about whether the critical stage has been reached must be resolved in favor of applicability.

We must stress as forcefully as possible that this language does not provide an escape hatch for footdragging agencies; it does not make NEPA's procedural requirements somehow "discretionary." Congress did not intend the Act to be such a paper tiger . . . .

We cannot, of course, define for all cases the point of completion beyond which Section 102(C) is no longer applicable. We are certain, however, that Arlington I-66 has not yet reached that point: P.S.&E. approval has not been given, construction contracts have not been awarded, and actual construction on the highway itself has not begun.

Virginia did not dispute that it had not complied with Section 4(f) of the Department of Transportation Act or the companion Section 138 of Title 23 in planning to use portions of Bon Air and Spout Run Parks for I-66 right-of-way. The provisions had been enacted after approval for I-66 use of the parks. However, as the Supreme Court had found in the Overton Park case, a project involves several approvals in the course of development, so the date of "approval" was not the criterion for applicability. In view of the Supreme Court's decision, the three-judge panel was "compelled" to conclude that Section 4(f) applied "to a project until it has reached that stage of progress where the costs of altering or abandoning the proposed route would certainly outweigh whatever benefits might accrue therefrom, and that doubts about whether this stage has been reached must be resolved in favor of applicability." Arlington I-66 had not reached that stage of completion.

The panel also rejected the State's argument that the Section 4(f) issue was moot because the State was complying with it voluntarily. Voluntary compliance "does not give appellants full relief." The panel explained:

In the first place . . . suspension of work on Arlington I-66 is necessary if the Secretary's determination under Sections 138 and 4(f) is to be meaningful; continuing investment in the project at its present state of development would render alternatives to use of the parks less feasible and prudent. In the second place, the Secretary's determination with respect to Spout Run Parkway will be meaningful only if made after it is known with reasonable assurance whether the proposed I-266 and Three Sisters Bridge project will be built and, if so, where the bridge will be located. Pursuant to an order of the Circuit Court of the District of Columbia, the Secretary is now in the process of reexamining the proposed location for the I-266 project . . . . Although the district court's finding that "(t)he Three Sisters Bridge is not a part of I-66 – neither is the connecting road, I-266" is not clearly erroneous, it failed to consider the relationship between the projects. If the

I-266 project is not built at all or if the location of the bridge is changed, it is apparent that avoiding Spout Run Parkway for the use of I-66 will be more feasible and prudent because present plans call for I-266 to connect with I-66 in this park.

In addition, the State must hold a public location hearing in accordance with Section 128 of Title 23, United States Code. The 1958 hearing did not satisfy the requirement as amended by the Federal-Aid Highway Act of 1968. The hearing should consider not only the impact of I-66 on the environment and the community's planning goals but the economic effects of the location in view of plans for Metro in the Rosslyn area. Plans for Metro in the I-66 right-of-way had not been anticipated at the time of the 1958 hearing:

From today's vantage point, the economic effects of Arlington I-66 might be significantly different than projected in 1958 – rapid rail service might better satisfy the needs of this area than would I-66. Moreover, Arlington I-66 has not yet reached the stage of completion where alteration or abandonment of the proposed route is impossible. We are certain that Congress intended that if there is a reasonable possibility that a mistake has been made in the planning of a project as expensive, disruptive, and permanent as a highway, and if that project can still be altered or abandoned, the project must be held in abeyance pending determination of whether a mistake has in fact been made.

Contrary to the District Court's ruling, the three-judge panel did not believe that the continuous monitoring of the area by agencies satisfied the public hearing requirement. "Study by experts is not the equivalent of a public hearing, and continuing evaluation of the economic effects of Arlington I-66 based only on such study is, therefore, not consideration within the meaning of the statute.

The ruling concluded:

VI. RELIEF

In summary, we hold that further acquisition of right-of-way and construction of Arlington I-66 must be enjoined until federal appellees have

- (1) filed and considered an environmental impact statement, in accordance with Section 102(C) of the National Environmental Policy Act, and,
- (2) ascertained that there is “no feasible and prudent alternative” to the use of Bon Air Park and Spout Run Parkway (the determination with respect to Spout Run Parkway to be made after the resolution of the Three Sisters bridge controversy) and that the project includes “all possible planning to minimize harm” to these parklands, in accordance with Section 138 of the Federal-Aid Highway Act and Section 4(f) of the Department of Transportation Act, and until state appellees have certified to the Secretary that a new public hearing has been held (or the opportunity for such hearing has been afforded)
  - (1) to obtain information about the social effects of the proposed location, its impact on the environment, and its consistency with the community’s urban planning goals, and
  - (2) to obtain information about the economic effects of the proposed location in light of the planned rapid transit service to Rosslyn.  
and that the information obtained from this hearing and hearing upon the design of the Lee Highway portion of Arlington I-66 have been considered, in accordance with Section 128(a) as amended of the Federal-Aid Highway Act.

On remand the District court will enter an appropriate judgment granting injunctive relief and such other relief as may be necessary.

Reversed and remanded.

Donald S. Burris, who had argued with case with Lawrence Latto, said of the ruling that, “The whole thrust of the opinion recognizes the continued public interest and concern in making decisions on development.”

ACT’s James Govan said:

This is a perfect decision. We won on all counts. This is going to require a fresh look and I don’t see how they can continue to justify the decision [to build I-66]

The ruling was of particular concern to WMATA, which was planning to run a 6½-mile Metro line in the I-66 right-of-way. General Graham estimated that construction of the track would be delayed at least a year. If the State were unable to build I-66, WMATA could build its line, but at greater cost since it would have to acquire the right-of-way.

[*Arlington Coalition on Transportation et al., v. John A Volpe, Secretary of Transportation, et al.*, No, 71-2109, U.S. Court of Appeals, Fourth Circuit, 458 F.2d 1323, 3 ERC 1995, Env’tl. L. Rep. 20,162, April 4, 1972 (as modified May 9, 1972); Mathews, jay, “U.S. Court Bars Work on I-66,” *The Washington Post and Times Herald*, April 6, 1972; Mathews, Jay, “Road Ban to Delay Metro in Virginia,” *The Washington Post and Times Herald*, April 7, 1972]

On April 18, Virginia appealed the ruling and asked the full seven-judge Appeals Court to consider the case. The 15-page petition focused mainly on whether the three-judge panel was correct in applying NEPA and Section 4(f) to a project that had been approved before their enactment. In part, the petition said:

Congress did not intend in its understandable concern for future damage to the environment to give disgruntled landowners ammunition to endlessly delay sorely needed projects which had complied with the laws and regulations as they existed at the time of their planning. [Scannell, Nancy, "Rehear Road Case, Virginia Asks Court," *The Washington Post*, April 19, 1972]

Fred Barnes of *The Evening Star* interviewed James and Emilia Govan, co-chairs of ACT, after the ruling by the three-judge panel. The Govans had been following news about I-66 since moving to their home in Arlington, five blocks from the proposed route, in 1965. (They had moved in 1963 to the Washington area where Jim worked for the Agency for International Development.) First, they told Barnes, they noticed the design was an elevated freeway. "Everybody had thought I-66 was going to be built at ground level or as a depressed road," he said. Then in early 1970, surveyors identified 30 more homes to be demolished in the Maywood section. The Govans started contacting State, county, and Federal officials seeking information, but found it was "impossible" to get information or even to learn when a public hearing might be held.

In 1970, they attended a public hearing where they learned that I-66 would be 14 lanes wide. "It was at that hearing that the whole thing crystallized for us," James said. "There were 600 people there, and 550 of them were against the road." A few days later, they formed ACT:

We just got angry because we had been dealing with these people in Richmond and we got nothing but vague and insensitive responses, and all the while our officials in Arlington were sitting on their hands. We decided that if anyone was going to do anything about this, it would have to be citizens.

ACT hired Environmental Systems Lab, a California company, to evaluate the noise and air impacts of I-66, "but their efforts were to no avail.

They met with Governor Holton in February. Barnes explained:

The Govans and a handful of other citizens met with the governor for an hour, pleading with him to call a moratorium on I-66.

Holton refused; two days later the Virginia Highway Commission approved the final design for the freeway and the next day ACT and several individual citizens sued in U.S. District Court in Alexandria to block construction of I-66.

James told Barnes, "We really had high hopes for Gov. Holton."

Emilia added, "We tried every angle. We went to every agency. We exhausted all of our remedies before going to court."

Aside from agency obstruction, James said the most common obstacle the past 2 years was the “response of people that, ‘Gee, we agree with you about I-66, but its construction is just inevitable at this late date.’” [Barnes, Fred, “They Beat ‘City Hall’ on Interstate Rt. 66,” *The Evening Star*, April 10, 1972]

Representative Broyhill saw the Supreme Court decision on the Three Sisters Bridge and the Appeals Court decision on I-66 as raising the specter of further efforts by Chairman Natcher to withhold District funds for Metro. The Virginia Congressman asked President Nixon to convene “an immediate meeting” with Secretary Volpe, Interior Secretary Morton, and EPA Administrator William D. Ruckelshaus. The President should “bring an end to the ineptness and lack of cooperation their departments and agencies are displaying with regard to the construction of a balanced transportation system in the National Capital area mandated by Congress.” He feared that some Members of Congress who supported Metro “now feel the balanced transportation concept has been abandoned by the administration.”

The *Post* account of Representative Broyhill’s request reported, “It was learned last night” that Chairman Natcher “will again try to block the subway funds if the federal agencies do not move to build the bridge.” Unless President Nixon ensured action to comply with court requirements, “Natcher may be in a stronger position now” than in December 1971 when the House adopted the Giaimo Amendment.

Representative Broyhill blamed the court rulings on the departments and agencies involved in transportation, specifying “their interpretation of administrative laws and regulations promulgated by the departments and agencies” and their “ineptness, red-tape and sloppy administrative work.” The courts had not found that Congress could not order construction of the bridge or other freeways, but if the departments and agencies did not get moving, “We are going to end up with the biggest empty holes ever dug in any nation’s capital.” [Green, Stephen, “Metro Fund Freeze Seen by Broyhill,” *The Washington Post and Times Herald*, April 13, 1972]

The *Post*’s editors were having a change of heart. They pointed out that in 1958, when Virginia began planning I-66 between the circumferential and the Theodore Roosevelt Bridge, “the word ‘ecology’ was a highly specialized, scientific term.” Rail rapid transit and subways for the area were “widely considered an antiquated torture that made living in New York City unpleasant”; the idea of such a thing in Washington “was something of a pipe dream that was not taken seriously by a lot of people until the Metro compact was signed 10 years later, in 1968.”

Now, citizens, notably ACT, had raised questions based on “our new awareness of the ecology and the decision to build Metro”:

Raising these questions will not repeal the automobile, obviate the need to find creative solutions to the problem of traffic congestion or put the Virginia Highway Department out of business. But it does, in our view, justify the ruling of the Fourth Circuit Court of Appeals that further work on this freeway be stopped until these questions have been duly considered and answered.

Although VDH intended to appeal the decision, the editors hoped that, “pending the outcome of this appeal, it will also update its thinking about the basic purpose of its work”:

That purpose is not to build all the freeways that the law and the resources of the Highway Trust Fund will allow. It is, in the end, to make life easier and more attractive for all the people who live and work in the area under its jurisdiction. [“I-66: Fourteen Years Later,” *The Washington Post and Times Herald*, April 15, 1972]

James Govan attended a public hearing at Swanson Junior High School that WMATA had called to gather comments on the location of the East Falls Church Metro station and 2 miles of connecting tracks. In view of the recent court ruling, Govan criticized WMATA for not abandoning I-66 as the location for Metro through Arlington County. “Metro has apparently been avoiding this issue for a year now. I don’t think we can avoid this issue much longer.” He suggested that the year-long delay that General Graham had predicted could be avoided if Metro planned the rail line without the highway.

Metro officials had anticipated the issue and had a prepared statement ready. The statement indicated that “the most expedient course . . . is . . . to move ahead in a manner that will not preclude the highway and will in fact assure a minimum of community disruption with or without the proposed highway.” [Mathews, Jay, “Metro Aides Urged to Scrap Plan for I-66 in Arlington,” *The Washington Post and Times Herald*, April 26, 1972]

ACT led several hundred people on May 1 on a hike along part of the I-66 right-of-way. In a short speech after the hike, James Govan told the group that “his “ideal” proposal was to convert the right-of-way to a 10-mile long park. He tied the idea in with the suggestion of the American Revolution Bicentennial Administration that each State create a park for bicentennial activities in 1976. “There’s a new spirit today,” James said. “It’s the spirit of ’76, not I-66. It says that schools, home, gardens and parklands are much more valuable than concrete.” [Fahnestock, Sheridan, “Park,” Metro Wrapup, *The Evening Star*, May 1, 1972]

On May 4, 1972, Assistant Commissioner and Chief Engineer Harwood said that Virginia would begin construction of a 2-mile section of I-66 in Fairfax County, from the Capital Beltway to State Route 7, which he said was not specifically covered by the court ruling. He planned to hold an informational hearing regarding the plan for construction in Fairfax County. Construction would begin in November.

Assistant State Attorney General Stuart Dunn confirmed the interpretation that the 2-mile stretch was not affected by the court-imposed moratorium on construction in Arlington County. The State had purchased all the right-of-way for the Fairfax County section and as far as he knew, no one had ever proposed an alternate route for this segment.

Initial reaction was unfavorable, as the *Post* reported:

Audrey Moore, a member of the Fairfax County Board of Supervisors, said: “I can’t see any benefits to loading any more traffic onto Rte. 7 if you’re not going to continue the highway on through.”

Lawrence Latto, an attorney representing the highway opponents, suggested construction of the two-mile stretch could create pressure to build the entire road and limit the study of alternatives to the road . . . . Latto said the opponents have no plans as of now to go to court in an effort to stop work on the two-mile, \$20 million stretch. [Mathews, Jay, "Va. Plans 2 miles of I66 in Fall," *The Washington Post and Times Herald*, May 5, 1972]

On May 10, the full Appeals Court refused to hear Virginia's appeal on I-66, but did amend the three-judge panel's finding that work shall not proceed until the Three Sisters Bridge is finally located or abandoned:

Whether Three Sisters Bridge will be built and where it will be located are factors that cannot be ignored in deciding what to do about I-66 and I-266. But our judgment shall not be construed to prevent simultaneous consideration of all three inter-related projects and their probable impact on each other.

The recent court decisions prompted Highway Commissioner Fugate to say he wanted to get "a few things off my chest about I-66" during a speech to the Virginia Chamber of Commerce in Arlington. Delaying construction of I-66 would create "chaotic congestion and . . . an unnecessary toll in tragedies resulting from traffic accidents." Environmental groups blocking the project were forcing delays "to the detriment of the overwhelming majority" of northern Virginia residents:

In my judgment, many of the worthwhile environmental gains of recent years and the aspirations of many serious conservationists and preservationists are being jeopardized by those whose principal interest is to delay, denounce, and delude, who appear bent on obstruction for the sake of obstruction alone.

He added:

Antihighway sentiment, antiautomobile sentiment is a new phenomenon in urban areas. It's almost an hysteria. People shoot from the hip, they don't care why.

As for critics of I-66, he continued:

I am quite certain that those who oppose the construction of Route 66 do not speak for the majority of citizens in Northern Virginia. Motorists now using [U.S.] Route 29-211 between the Beltway and the Potomac River make the trip at peak periods in an average of 29 minutes. They could travel between the same points on Route 66 in 16 minutes. And I believe time is pretty important to most commuters.

Fugate said that, "Elimination of the present stop-and-go driving for motorists who would use I-66 instead of existing roads" would save about \$4.3 million a year in vehicle operating costs. He added that according to a mail survey that Representative Broyhill had conducted, 69 percent of 32,291 residents of Arlington, Fairfax, and Loudoun Counties favored the highway. Only 19 percent were opposed and the rest were undecided.

He rejected EPA's view that freeways such as I-66 create more traffic problems than they alleviate. I-66 would not only improve local traffic problems by shifting commuters to the Interstate, but "could be expected to save four lives and prevent 100 injuries and approximately 300 traffic accidents each year."

As for impacts, steps had been taken in the 1950s to minimize environmental damage. "The location follows an abandoned railroad corridor, and even in 1959, it was clear that its use would minimize the environment impact of the highway because for years . . . it had been a transportation corridor, serving a largely industrial area":

Altogether, 94 percent of the dwellings and almost 99 percent of all business properties needed for the right of way have been acquired (and) nearly 76 percent of the residents and more than 84 percent of the businesses have relocated – all at a cost of more than \$28 million in public funds. [Mathews, Jay, "Road Official Attacks Foes of Rte. 66," *The Washington Post and Times Herald*, May 11, 1972; Barnes, Fred, "Fugate Blasts Foes of I-66 in Arlington," *The Evening Star*, May 11, 1972]

The *Star* editorial team liked Fugate's alliterative description of those who "delay, denounce and delude." No doubt the "'anti-freeway freaks' would respond in kind," and accuse the roadbuilders of wanting to "despoil, depopulate and denude" northern Virginia. This "war of words" would probably escalate, but Fugate, the *Star* said, "has the edge. When words fail him, he can always send in the bulldozers." ["Roadbuilder's Rhetoric," *The Evening Star*, May 13, 1972]

Virginia officials met with FHWA Administrator Turner on May 15 to discuss traffic problems in Northern Virginia. Representative Scott, who was running for the Senate, called the meeting in his office. Fugate attended, along with Dr. Charles Clapp, Special Assistant to the President, Domestic Council Staff, representing President Nixon. Under Secretary of Transportation Beggs attended as well.

After the meeting, Representative Scott told reporters that with I-66 and the Three Sisters Bridge blocked, officials had to consider all possible alternatives to relieve the area's "transportation crisis." The officials considered options such as widening U.S. 50, building service roads along U.S. 50 to reduce local traffic on the main roadway, providing commuter rail service using existing railroad lines, widening the George Washington Memorial Parkway entirely on parkway right-of-way, widening U.S. 29-211, and providing more buses. These alternatives would serve as stopgaps until the State could build I-66.

Representative Scott strongly endorsed Metro's plan to construct its line in the I-66 median:

There's no way to have a subway in Fairfax County unless we also have 66 because the median strip will be used for the subway . . . . We need both the highway and Metro. Can you imagine what a howl we would have if property in Arlington and Fairfax Counties were taken without the highway going along with it!

As a result of the hour and a half meeting, Representative Scott said, Federal and State highway officials agreed to give top priority to the issue. [Quady, Roy, “‘Top Priority’ Promised to Area Traffic Crisis,” *Northern Virginia Sun* (Arlington), May 16, 1972]

On May 16, Virginia announced it would appeal the Appeals Court ruling on I-66 to the Supreme Court. Given the inevitable delay in a response from the Supreme Court and, if the request were granted, a subsequent decision, the State was beginning plans for the hearings the Appeals Court had required. In addition, the State planned to hire a consultant to conduct an exhaustive review of I-66’s social, economic, and environmental impacts. “He will consider alternate locations, and whether there is any need for I-66 at all,” Fugate’s spokesman told reporters.

As the *Post* pointed out, the Supreme Court’s decision on whether to consider the appeal could not be predicted. One thing that was known was that “the road would pass within a mile of the home of Chief Justice Warren E. Burger, who lives at 3111 N. Rochester St., Arlington.” Justice Harry Blackmun lived in “an Arlington high-rise building at 1701 N. Kent St., adjacent to a now little used section of I-66 that would link the road with the Theodore Roosevelt Bridge.” [Mathews, Jay, “Virginia to Appeal I-66 Rule,” *The Washington Post and Times Herald*, May 17, 1972]

The same day as the announcement of the appeal, Virginia highway officials conducted a survey of motorists to determine how traffic would be affected if a 2-mile segment of I-66 were built inside the Capital Beltway to State Route 7. The survey was intended to respond to concerns the Fairfax County Board of Supervisors had expressed about the impact of I-66 traffic on Route 7.

The State had positioned 27 highway department interviewers and two State troopers at the I-66 exit to the beltway:

Under the original plans for the survey, five questions – covering the motorist’s original destination and opinion of the proposed I-66 extension – were to be asked one of every 10 motorists. Each interview was to take about 30 seconds. The complete survey was to run for 12 hours, beginning at 6 a.m.

By 7:30 a.m., the interviews had resulted in traffic being backed up 6 miles in the eastbound lanes of I-66, cars overheating and running out of gas, and motorists cursing and jeering at the troopers directing traffic. The State suspended the interviews at 8:45. Interviews resumed at 11 a.m.:

But at noon, motorists were still complaining as they moved slowly through a narrow lane marked with orange barricade devices. At 3:15 p.m., mostly out of raw frustration, the highway department called off the survey.

“We just goofed with this survey,” Fugate told reporters. “I apologize to the motorists for our lack of planning and good judgment. And I sure hope it won’t happen again.” The department’s resident engineer, Donald Keith, put it this way;

When we were planning this survey, we didn’t know some people would hold up traffic for five minutes while they cursed out the state troopers. We had no idea some motorists

would stop and insist on being interviewed. And I guess we just didn't foresee the problems that would be caused by the crush of 50,000 cars."

Fugate acknowledged that he had requested the survey, but in his own defense, added, "I didn't tell the people how to go about getting the information." He suggested that the wrong technique had been used. [Whitaker, Joseph D., "I-66 'Survey' Causes Huge Traffic Jam," *The Washington Post and Times Herald*, May 17, 1972]

In an editorial, the *Star* took exception to the survey. "Whatever doubts may have lingered in anyone's mind about the Virginia Highway Department's view of itself and the taxpaying motorists it theoretically serves had to be shattered beyond recall" by the survey. The editors understood the "ostensible reason" for this peak period survey. However, instead of conducting the survey by the "placing of little wires across the road – a device the department uses everywhere else," Virginia highway officials decided on "a preposterous rush-hour traffic count." The decision appeared to be "the kind of irresponsible tantrum that only a virtually autonomous agency could conceive of," an attempt to "show its bureaucratic muscle to the motoring public":

These highways, the department was saying, belong to us, and if you peasants get uppity over our plans for you, we'll just put a chain across. Today I-66, tomorrow the Shirley Highway.

This father-knows-best attitude might be more acceptable if it came from anyone but those wonderful folks who brought you the Pentagon Mixing Bowl, now being corrected at enormous cost. Or from the drawing boards of the engineers who stuck an overpass pillar in the middle of the express bus lane of I-95 not long ago.

Things being as they are, maybe it's time someone told the department officials that Virginia's road network is not the Rhine River, and they are civil servants, not robber barons. ["The Robber Barons of I-66," *The Evening Star*, May 24, 1972]

Fugate took exception to the editorial, as discussed in a long letter to the editor the *Star* published on June 7. He again apologized for the inconvenience and unintentional disruptions motorists experienced, but said the study was "an effort to obtain essential traffic information." The editorial was "erroneous and misleading" in implying that the study "resulted from some sinister desire to harrass [sic] citizens."

The "overwhelming majority of citizens" wanted the State to proceed with construction of I-66 when court issues were resolved and funding became available. The Commonwealth of Virginia planned to appeal the Circuit Court's ruling based on requirements that "did not exist during more than a decade of planning and highway right-of-way acquisition for I-66, and although

\$30 million in public funds has been spent, all fully in accordance with state and federal regulations existing at the time."

The "principal purpose" of the traffic survey was to determine the validity of concerns that construction of the 2-mile stretch of I-66 in Fairfax County would create traffic jams on State Route 7. In the State's view:

Such an extension, aside from providing safer, more convenient and more direct access for these motorists, would relieve the heavily congested Beltway of traffic destined for Route 7.

The documentation the survey was to provide would help “resolve this difference of opinion by determining the number of motorists who would or would not use such an extension if it were built.”

As for those “little wires across the road” the editorial had suggested, they were used only to count vehicles; “one cannot expect the wires to learn the destinations of motorists.” The State had distributed cards to motorists to determine their origin and destination, but few were returned and many were thrown out the windows to litter the roadside.

Fugate also responded to the reference to the Pentagon highway network:

The Pentagon mixing bowl, for which your editorial incorrectly credited us, was designed and constructed by the federal government in the mid-1940s. Our files do not indicate that The Star considered it a monstrosity at the time. Six years ago, Virginia assumed responsibility for its maintenance and improvement.

That overpass pillar in the express bus lane “was not a product of faulty roadway design, as you allege.” The pillar was needed at the time to keep the Shirley Highway express lane in operation during reconstruction.

VDH officials “are fully aware that they are civil servants, responsible for providing the highest attainable levels of public service.” The demands on them in a rapidly growing urban area were “enormous,” but Fugate said “an examination of all the facts, not of some facts and some fiction, will indicate that these employees perform exceedingly well indeed.” [“The Robber Barons of I-66, Letters to the Editor, *The Evening Star*, June 7, 1972]

### **District Appropriations Act, FY 1973**

On March 29, 1972, Director Airis appeared before Chairman Inouye’s subcommittee on appropriations for the District of Columbia. Before introducing his formal statement, he summarized his agency’s request:

For 1973, the total operating expense request is \$18,096,500, which represents an increase of \$1.231 million. The major item included in this increase is \$303,200 and

21 positions for operation and maintenance of the Center Leg Tunnel.

The Center Leg Tunnel, sir; as you know, a section of I-95, lies right in front of the Capitol. That is scheduled to be placed in operation for the public late this year or in January of next year. The 21 positions are for the operation of this tunnel, the 9<sup>th</sup> Street Expressway Tunnel which was opened for use last Christmastime, and for the tunnel section of the Southeast Freeway which runs under Barney Circle. Other major increases

are \$100,000 for energy and maintenance for street lights, and \$122,000 for replacement construction equipment.

Airis's statement indicated that of the District's original Interstate mileage of 29.5 miles, 10.8 miles were completed and in use:

These include, within the District, the Theodore Roosevelt Bridge and a section of the Potomac River Freeway (I-66) including the connecting E Street Expressway; the 14<sup>th</sup> Street Bridges (I-95) which now includes the center bridge completed and opened to use by express buses on April 5<sup>th</sup> of last year; the Southwest Freeway (I-95) including the northbound 12<sup>th</sup> Street Expressway and the southbound 9<sup>th</sup> Street Expressway which was opened on December 20<sup>th</sup>; the Southeast Freeway (I-695) to the completed 11<sup>th</sup> Street Bridges over the Anacostia River; and the Anacostia Freeway (I-295). All of these facilities are heavily used.

Construction was underway on another 1.8 miles of the Interstate System:

These include the Center Leg Freeway (I-95 between D Street, S.W. and New York Avenue). Completion of the portion to Massachusetts Avenue is now targeted for early in 1973. A construction contract to bridge K Street over the Center Leg will be awarded shortly. A portion of the East Leg (I-295) is under construction between Interchange "C" and Barney Circle at Pennsylvania Avenue. It is also scheduled to open for traffic early in 1973.

Technically, the Three Sisters Bridge segment of I-266 was under construction, but work had been halted by court order. Airis said the District had satisfied Judge Sirica's court order, but the U.S. Court of Appeals had added requirements. (When the statement was written, the appeal to the Supreme Court was pending. The Supreme Court had rejected the appeal 2 days earlier.)

Airis's statement went through the remaining segments:

The Potomac River Freeway (I-266) along the Georgetown Waterfront is technically in the design stage. A special study commenced on January 26, 1972, to prepare a sectional development plan for the Georgetown Waterfront, which plan is to address the socio-economic and environmental impact aspects of the freeway concurrent with recommending guidelines for future land developments. The study, sponsored by the Secretary of Transportation, is a cooperative effort between the District of Columbia Government, the Department of the Interior and the Department of Housing and Urban Development. It is being administered through the National Capital Planning Commission and includes significant citizen participation.

The East Leg of the Inner Loop to Bladensburg Road is also in the design stage – work is underway to prepare for a design public hearing which is requisite to commencing construction.

The remaining segments were in preliminary status, with the South Leg of the Inner Loop scheduled for a design public hearing early in May. In 1971, the District had conducted additional studies in accordance with the Federal-Aid Highway Act of 1970 on the North Leg of the Inner Loop (I-66), the North-Central/Northeast connections (I-70S and I-95) and the upper end of the East Leg of the Inner Loop. The consultant report by DeLeuw, Cather Associates and Harry Weese and Associates had helped the District of Columbia and Secretary Volpe submit their required reports to Congress at the end of the year.

In response to a question about whether the Potomac River Freeway was in a predesign stage rather than in design, Airis submitted a statement:

The Department of Highways and Traffic commenced design of the Potomac River Freeway on September 9, 1969, after receiving requisite approval from the Federal Highway Administration.

The design which was initiated is that described in the Conference Report for the 1968 Federal-Aid Highway Act. Recent court actions have imposed the requirement to study further environmental impacts and to conduct additional public hearings on other metropolitan area freeway segments, notably the Three Sisters Bridge portion of I-266. The effect of the court rulings is to delay all design and construction activity on those projects.

The Sectional Development Plan Study mentioned in my opening statement is designed to provide the socio-economic and environmental impact evaluations of all alternative plans now under consideration by the community and government agencies. This data is to be used at a public hearing as required by Federal regulation for compliance with Title 23. Subsequent to the hearing, approval of a selected design will allow recommencement of the detailed design activity. [District of Columbia Appropriations for Fiscal Year 1973, Hearings before a Subcommittee of the Committee on Appropriations, United States Senate, 92<sup>nd</sup> Congress, 2<sup>nd</sup> Session, Part 1, S-181-15, pages 871-881, 890]

When Airis again appeared before the Senate committee on April 7, Chairman Inouye asked about the District's request for \$2.345 million for the Potomac River Freeway. "Would you advise this committee what the relationship is between this freeway and the Three Sisters Bridge, if any?"

Airis explained:

The Potomac River Freeway ties into the inner-loop at K Street and about Twenty Sixth Street. Part of the Potomac River Freeway as built goes on down past Howard Johnsons, the Watergate, and on down to E Street Expressway, and also to the Theodore Roosevelt Bridge, the Lincoln Memorial area. That section is completed and in use.

Airis cited his previous statement about the section along the Georgetown Waterfront, then continued:

Now, going on upriver, at a point near the junction of Foxhall Road, and Canal Road, there is the Three Sisters connection as presently planned. Beyond that, on the District of Columbia-Maryland side, there is what is known in planning as the Palisades Parkway, two lanes in each direction. That ties in to the already partially completed George Washington Parkway on the District of Columbia-Maryland side.

Then farther upriver it connects into I-495. That, of course, is in heavy use.

All of these arteries are in partial use at the present time. When and if the Potomac River Freeway is built, it will probably have both of these connections. If it does not have the Three Sisters Bridge connection, then for sure it will have a heavy duty connection on up on the District of Columbia-Maryland side of the river.

Chairman Inouye also asked about the cost per month, \$15,000, of retaining the contract for construction of the Three Sisters Bridge or \$1.2 million. "Now, how long do you estimate we would have to pay this contractor to watch this equipment at \$15,000 a month?"

Airis responded that he had recommended canceling the contract 7 or 8 months ago, but retaining the contract was "a calculated risk." Canceling would save \$15,000 a month, but if the court permitted construction to resume, a new contract would have to be awarded, almost certainly at a higher price than the original contract. "As you well know, construction has been going on up at the rate of 5 to 10 percent a year, and we would face that increase." He had renewed the request to terminate the contract as recently as a few weeks earlier, but the District could not make that decision without concurrence of the Department of Transportation.

Before closing his testimony, Airis wanted to make one additional comment:

Mr. Chairman, I just would like to point out the need for these facilities remains the same and that in the District of Columbia, traffic volumes went up about 3½ percent last year. [District of Columbia Appropriations for Fiscal Year 1973, Hearings before a Subcommittee of the Committee on Appropriations, United States Senate, 92<sup>nd</sup> Congress, 2<sup>nd</sup> Session, Part 2, S-181-16, pages 1348-1349]

Mayor Washington appeared before the House District Appropriations Subcommittee on

April 12. (Chairman Natcher still refused to address him as major, instead using "Mr. Washington" as reflecting the fact that technically he was a commissioner.) Chairman Natcher restated his support for a balanced transportation system:

In order to meet the tremendous day-by-day growth of traffic, the freeway system must be carried out, along with the present rapid rail transit system that is now under construction. The Highway Acts of 1968 and 1970 are the law and must be complied with. Both systems must proceed together.

He entered President Nixon's statements on the subject into the record:

I believe that President Nixon will carry out the commitments set forth in the letters and the statement and that the Department of Transportation, the Attorney General, and the District of Columbia officials should immediately join with the President in carrying out the mandate of the Congress set forth in the Highway Acts of 1968 and 1970.

He wanted to know what the city was doing in view of the Supreme Court's refusal to hear the Three Sisters Bridge case. He also wanted to know what the Justice Department was doing "in regard to defending the suit" and what the Department of Transportation "is doing in complying with the Highway Acts of 1968 and 1970." He added:

I want to know what is happening and whether or not the requirements set forth by Judge Bazelon are being met and, just when we can see some action taking place on this suit.

In response, Mayor Washington submitted a letter to Chairman Natcher on May 2. After recalling the history of litigation on the Three Sisters Bridge, Mayor Washington said the Justice Department, Transportation Department, and the city's corporation counsel had examined Judge Bazelon's opinion and had agreed on the steps to be taken. First, they had to decide whether a new location hearing for the bridge was needed. Judge Sirica had agreed with the District that the location "deviated so slightly from that which was discussed at a public hearing, that a new location hearing was unnecessary." Judge Bazelon "remanded this aspect of the case to the District Court 'for clarification of the factual basis for its conclusion'" because Judge Sirica's opinion had not revealed "a factual basis" for the conclusion that the location was so similar to the location presented at the public hearing as to eliminate the need for a fresh hearing.

Despite "the abundance of evidence which was before the Court of Appeals on this point and the prior record in the case," all parties agreed a new location hearing should be held:

Such a location public hearing can be combined with the location public hearing on the Potomac River Freeway to be held this fall. Plans for the Potomac River Freeway have now progressed to such an extent as to make this possible. Unless a major change in location is found necessary, it is anticipated that the District will be ready for a design public hearing on the Potomac River Freeway a short time thereafter.

In the interim, the environmental statement (under the National Environmental Policy Act of 1969) required by the Court of Appeals decision will be completed and plans for the ramps and approaches to the Bridge will be ready for public comment. This will respond to the Court of Appeals' suggestion that affirmative findings by the Department of Transportation under 23 U.S.C. §134 (pertaining to a comprehensive planning process) and 23 U.S.C. §138 (pertaining to the use of parklands) should be based, to the extent possible, on final plans for the Bridge. The Department of Transportation will be in a position by that time to make these assessments. The information that the Department will have as to noise, air, and water pollution in making its determination under Section 138, should be sufficient to meet the objections of the Court of Appeals to the findings made under 23 U.S.C. §109 (pertaining to safety).

The tests on a model of the Three Sisters Bridge “clearly establish that the proposed Bridge satisfies the safety requirements of 23 U.S.C. §109.” With these steps completed, the Department of Transportation would be able to grant location and design approvals.

As for the four projects listed in the Federal-Aid Highway Act of 1968, he provided a status report that restated the status that Airis had provided to the Senate subcommittee. Mayor Washington concluded his letter:

The District Government and the two Federal departments [Transportation and Justice] have each reaffirmed earlier commitments to comply fully with the Federal-Aid Highway Acts of 1968 and 1970 and are taking the indicated next steps. [District of Columbia Appropriations for 1973, Hearings before a Subcommittee of the Committee on Appropriations, House of Representatives, 92<sup>nd</sup> Congress, 2<sup>nd</sup> Session, Part 1, H-181-39, pages 14-20]

Chairman Natcher welcomed Airis before the District Appropriations Subcommittee on April 27. Airis’s formal statement went through the status of the city’s Interstate network, with an updated status on the Three Sisters Bridge:

Since the U.S. Supreme Court has refused to hear the case, construction will likely remain halted until the U.S. Department of Transportation can satisfy the requirements imposed by the courts or until Congress passes additional legislation as suggested by Chief Justice Burger of the U.S. Supreme Court in his recent decision. The recent action of the U.S. Court of Appeals in Richmond halting further progress on I-66 in Virginia places this project in a similar status – the court order even ties it to the status of the Three Sisters Bridge.

In response, Chairman Natcher reiterated his longstanding support for a balanced transportation system involving simultaneous development of a freeway system and rail rapid transit. His subcommittee, he said, had never designated a single freeway or placed the Three Sisters Bridge or any other Interstate segment in a bill. In addition, the Committee on Public Works had not selected these routes. The District had approved all these segments.

“It was this subcommittee, and I think you will agree with this, Mr. Airis, that started the rapid rail transit system.” If the subcommittee had opposed rapid rail transit, “we could have very easily stopped rapid rail transit several years ago.”

He acknowledged he was not an engineer, but:

I would wager anything within reason that instead of \$2½ billion or \$2,980,200,000, which is now the estimated cost for the rapid rail transit system as presented to the committee, this system will end up costing between \$4 and \$5 billion. I again say to you that I am not an engineer but I am just as positive of that as I am that I am sitting in this committee room at this time.

He thought the subcommittee had always “shown good faith on it.”

He asked if Airis had changed his mind about the need for a balanced transportation system in the District. Airis had not, saying that “modern cities must be able to sustain themselves with modern types of transportation.” Each mode has to perform the job it does best:

It is unfortunate that there has been so much feeling and emotion to the point that people are looking at the subway system as a panacea, and I do not believe it is proper to do that. It will be a fine assist in moving commuters, and I am sure it will move a lot of them. But over the years the city has expanded in 360 degrees, in every direction, and it is very difficult to serve all of them without the other adjuncts of the balanced transportation system.

I am talking here merely about the commuter. In addition, of course, to the home-to-work and work-to-home movements, there are all the other movements. If people will think about it, they would realize that after the rail or subway system is built, you won't even handle “one crate of oranges on it.” All those things that are necessary for our urban civilization will be moved over the highways by some type of rubber tire traffic or by rail with rubber tire traffic from distribution points as we did in the old days. No; we have not changed our viewpoint. We have tried to keep up to date on what is happening in other cities and not only in this Nation but elsewhere in the world. I do not think anyone of us have seen anything that changes the central philosophy of a modern balanced transportation system for urban areas.

As for the freeway network, the elements have been subject to change and debate, but “I would like to go ahead and build that system. I think the area needs it and we should go ahead and do it.” [District of Columbia Appropriations for 1973, Hearings before a Subcommittee of the Committee on Appropriations, House of Representatives, 92<sup>nd</sup> Congress, 2<sup>nd</sup> Session, Part 2, H-181-40, pages 306-312]

On May 31, 1972, the Committee on Appropriations submitted its report to the House on the District of Columbia Appropriation Bill, 1973. Regarding WMATA, Chairman Natcher did not attempt to block funding:

The Committee recommends the \$33,498,000 requested for the District's share of construction of the rapid rail transit system in 1973. Included in the amount is the actual share of \$32,738,000, \$260,000 for the construction of the Rhode Island Avenue pedestrian bridge, and an additional \$500,000 for the cost of modifying the north access to the Gallery Place Station. [District of Columbia Appropriation Bill, 1973, Committee on Appropriations, U.S. House of Representatives, 92<sup>d</sup> Congress, 2<sup>d</sup> Session, H. Report No. 92-1106, page 30]

When Chairman Natcher presented the committee bill to the House on June 6, he again explained his support for a balanced transportation system, inserted the President's letter and statement in the record, and included Mayor Washington's letter on compliance with the Federal-Aid Highway Acts of 1968 and 1970. He did not, however, elaborate on compliance as he had in recent years. [District of Columbia Appropriations, 1973, *Congressional Record-House*, June 6, 1972, pages 19830-19834]

Representative Gross asked about the Three Sisters Bridge. He had searched “in vain” for any sign of activity at the bridge site:

It was the position, I thought, of the Congress that in providing funds for the boondoggling subway[,] objection would be removed to the bridge construction. The gentleman [Giaino] played an active part in getting Federal assistance for the subway. I would like to ask him what has happened to the bridge that is supposed to be under construction, and what about finishing the other freeways that are only partially constructed and on which work has stopped? Drive out of this city toward Baltimore, and you are dumped off a segment of freeway that goes nowhere. Can the gentleman explain why?

Representative Giaino said he strongly supported the Three Sisters Bridge, but the U.S. Court of Appeals had blocked construction. All parties involved were trying to comply with the decision, but “until they go that route they are enjoined by the decision of the circuit court of appeals from proceeding with the bridge.”

Representative Gross asked, “what happened to the quid pro quo that was implicit in the deal whereby Congress released subway funds.”

Representative Giaino said he was hesitant to ask this question of Representative Gross, but “what quid pro quo” was he referring to. “I am not aware of any quid pro quo.”

Mr. Gross. Every dollar you have in this bill for the subway system.

Mr. Giaino. It has nothing to do with the bridge and the highway system. Each stands on its own.

Time expired for the discussion, and Representatives Gross and Giaino never clarified the quid pro quo question. [District of Columbia Appropriations, 1973, *Congressional Record-House*, June 6, 1972, page 19836]

However, Representative Myers, a member of the Committee on Appropriations, also wanted to discuss the contrast between Metro and the Three Sisters Bridge. He understood that construction was tied up in the courts, but he wanted to address a few points. Litigants claimed that the Three Sisters Bridge “was an environmental hazard to our community.” It was going to “deny certain access to the river” and “was going to be less than desirable as far as aesthetics [sic] are concerned.” Some opponents even “made such statements that they will be making a platform of concrete clear along the river; all of the Potomac will be covered by concrete.”

At the same time, WMATA was planning bridges in the vicinity of the 14<sup>th</sup> Street bridge, tunnels under the river, and another bridge across the Anacostia River:

But how many people have you heard raising objections to the building of these two Metro bridges? It is rather strange that objections are only brought up when we are going

to build a highway bridge, and yet the Metro system will be building two more bridges across these beautiful rivers, and yet no objection is raised to them.

As for all the families that would be displaced by freeway construction, “have you heard any objection about the many families that will be displaced by the construction of the Metro system?” According to Metro, 744 families would have to be relocated. “Yet has there been any big hue and cry about that? I have not heard the first word of protest by the media.”

Representative Myers also took exception to some aspects of the court rulings, such as the concern about the taking of much needed, valuable parkland. “I actually wonder how much parkland is going to be taken for the building of a couple of bridge piers, possibly a few hundred square feet.” Meanwhile, almost “\$11 million in value of parkland is being taken by the Metro system.” This parkland included the line “running north alongside of this beautiful area in front of the Arlington Cemetery.” He added:

That system over there will be running above ground through this beautiful parkland. Where are the environmentalists who came in here and cried so much about the highways being built across the Potomac? And we are told that through this beautiful parkland they are going to run a railroad. Then consider the fact that in the future there is always the possibility that the Metro system might be a failure, but once you get a railroad right of way you can store boxcars up there along this beautiful parkland. Where are these environmentalists when this is being done? We have not heard the first word of objection.

He recognized the need for Metro, but he thought it was “very clear that they are not using the same standards for the construction of the Metro system that are being required today for the construction of a highway system as part of the balanced transportation system that this Congress has authorized be built.”

His time expired but Representative Davis, who likely was enjoying Representative Myers’ tirade, granted an additional 5 minutes.

Representative Myers wanted to point out “a few things concerning the Metro system that have gone unnoticed.” The system, he said, was going to use a lot energy, at least “90 million kilowatt hours requiring 35,000 tons of coal.” He asked where that coal was going to come from:

It will require more than 500 coal cars per month to operate just the Metro system alone. This city and this area are being threatened when we need an additional 35,000 tons of coal to run the Metro system alone, plus all the other electricity we require.

Where, he asked, were the environmentalists when this topic was raised:

Where are they today? How much information concerning this has been given to the Congress? This electrical energy that is going to be required to run the Metro system alone is enough electricity to supply the States of Alaska or Wyoming, yet this electricity is going to be required just to run the Metro system here in the District of Columbia.

The District had “some very real problems, this is very true, but sometimes we are unable to secure the true facts.” He added, “I think it is high time that this body, this city, and the Nation know how our tax dollars are being spent, and there are a number of cases of double standards.” [page 19387]

During debate on June 7, Maryland’s Representative Long inserted a statement expressing his well-known concerns about Metro. He opposed the \$33.5 million in the District appropriations bill and construction of the Metro subway. He stated his five reasons. First, based on the estimated cost of \$3 billion, the same amount could be used to buy a new home “for every one of the 150,000 families in the average congressional district.” Counting the other 13 metropolitan areas planning subways, “the costs are going to run between \$50 and \$75 billion.”

His second reason was the “probable lack of use” of Metro. “People do not want to use mass transit.” Crime was one reason. “If in New York City 3,200 police ride shotgun on the subways to keep law and order, imagine what it is going to be like in Washington, where we have a higher crime rate per capita than they do in New York City.” However, the real reason people “are loathe to take subways is that they just do not find it convenient to use mass transportation.”

Third, Metro would be used mainly by people of high income, but people of ordinary means would pay for it:

The beneficiaries will be most Federal employees already enjoying higher salaries and fringe benefits than the taxpayers back home . . . . What they have in mind, I think, is to let the poor people use the subway and keep their cars at home so that the well-heeled can get through the streets faster with their own automobiles.

Fourth, why spend up to \$5 billion on new rapid rail facilities in Washington “when these already exist.” He was referring to existing railroad right-of-way throughout the areas:

Why does the District of Columbia not undertake this quick, cheap, minimally disruptive program? Probably because it does not cost enough, there is no profit for the engineers, the designers, the contractors, the equipment manufacturers, and the investment bankers.

Finally, he did not think mass transit was the answer to congestion in Washington or other large cities. “The answer is to stop locating so many Government agencies in Washington and to decentralize our Government back home – in your district and mine.” [District of Columbia Appropriations, 1973, *Congressional Record-House*, June 7, 1972, pages 19907-19908]

That same day, the House approved the bill 302 to 67.

On June 12, the Senate Committee on Appropriations issued its report on the District of Columbia Appropriation Bill, 1973. The Senate bill, like the House bill, appropriated \$33,498,000 for the District’s matching share for subway construction.

Without explanation, the bill did not appropriate funds for several freeways:

- North Leg, west section, inner loop

- North Leg, central section, inner loop
- East Leg, inner loop freeway
- 9<sup>th</sup> St. expressway
- Interchange “C,” inner loop
- Center Leg, inner loop freeway
- Central Potomac River Bridge crossing (Three Sisters Bridge)
- Northeast, North-Central Freeway
- South Leg, inner loop
- North leg, east section, inner loop

The one exception was \$2,345,000 appropriated for the Potomac River Freeway, the same amount as in the House bill.

The committee’s report did include one reference to a freeway issue:

#### Three Sisters Bridge

The committee notes with frustration that funds continue to be utilized to maintain the existing contract for the construction of the Three Sisters Bridge. This burden has hampered the District for the past two years at a cost of \$15,000 a month. Only 10% of that amount is paid out of the City’s funds, the remainder being from the Department of Transportation, but the fact remains that good money is being spent to maintain a contract that will have to be substantially renegotiated before construction is continued. In addition, there is no real indication when construction will be allowed to resume by the courts. If the relocation hearings tentatively scheduled [sic] for this fall do not satisfy the courts, there may be indefinite delays and a continuing drain on the City’s resources. To scrutinize the budget as we have tried to do and to have this sort of uncontrolled waste, makes our efforts seem futile. The committee hopes that the District officials will do all that is in their power to see to it that either the construction is resumed as soon as possible or the contract is terminated to be renegotiated when the project is finally approved by the courts. District of Columbia Appropriation Bill, 1973, Report to Accompany H.R. 15259, Committee on Appropriations, United States Senate, 92d Congress, 2d Session, Report 92-844, June 12, 1972, pages 11-12]

The Senate debated and approved the bill on June 14, 1972, by a vote of 78 to 0. During the debate, the issues surrounding the freeways and Metro were not discussed. [District of Columbia Appropriations, 1973, *Congressional Record-Senate*, June 14, 1972, pages 20839-20848]

The House-Senate conference to resolve differences between the two bills completed work on June 27. The bill included WMATA’s matching funds of \$33.4 million.

When the conference report came before the House on June 30, Chairman Natcher pointed out:

The other body in marking up their bill approved the same amount that we approved for our rapid transit system of \$33,498,000. For some reason or other the highway

construction projects were deleted on the other side and, Mr. Speaker, everyone [sic] of those projects is back in this bill.

He continued:

Mr. Speaker, as you well know, the Highway Acts of 1968 and 1970 provide for the construction of the Three Sisters Bridge and the freeway program. These two laws will be carried out, Mr. Speaker, and as we have stated from the very beginning, we intend to complete our rapid transit system. The District of Columbia budget subcommittee appropriated the funds that started the rapid rail transit system and our action placed the Metropolitan Washington Area Transit Authority in a position to begin construction of this part of our transportation here in our Nation's Capital.

The House approved the conference report without a recorded vote.

President Nixon approved the District of Columbia Appropriations Act, 1973, on July 10, 1972 (P.L. 92-344).

### **A Landmark Event For The Nation's Capital**

As Congress agreed without delay or controversy to appropriate the District's matching funds for Metro construction, WMATA was continuing its work. With construction underway, WMATA was finding that its path would not be smooth.

As Representative Long had mentioned during his anti-Metro statement, WMATA was planning for a fifth span to carry Metro in the 14<sup>th</sup> Street Bridge complex. It was to be located in the complex of spans between the Penn Central Railroad bridge and the Rochambeau Bridge, which carried Virginia traffic into the city.

On March 2, NCPC refused to endorse the crossing. Instead, it called for detailed estimates for a tunnel crossing and an explanation why the Penn Central Railroad bridge could not be widened to accommodate Metro. Jack Eisen explained:

The proposal for a fifth bridge within view of the Jefferson Memorial was made by Metro officials in 1967, but got little attention largely because of widespread doubt the Metro ever would be built.

Originally, Metro officials expected to build the transit span downstream from the Penn Central crossing. However, the committee was told on Tuesday that engineers encountered problems of routing tracks around the National Park Service regional office on the Washington side of the Potomac and the Marriott Twin Bridges Hotel on the Arlington side.

The Metro line will run from 7<sup>th</sup> Street in downtown Washington via L'Enfant Plaza to the Pentagon station where trains will continue on a line to and beyond Alexandria . . . . The L'Enfant Plaza line will run in an underwater tube beneath the Washington channel

surfacing in East Potomac Park to cross the bridge, then will go into a subway on the Virginia shore to pass beneath Shirley Highway Interstate Rte. 95).

Two NCPC members, architect Paul Thiry and administrator C. C. Johnson, Jr., of the American Public Health Association, “voiced concern yesterday over the prospect of a fifth bridge that, they said, would clutter the area” – even though the bridge had been on Metro maps since 1968. The *Post*’s Around Town column dismissed their concern about clutter:

So it would – roughly in the manner in which another bale would clutter a messy haystack. To make that additional slender bridge as invisible as possible amidst the profusion of freeway bridges, Metro’s planners would now place it between the Rochambeau Bridge and the Penn Central railroad bridge . . . .

So, let’s stop fussing and get along. If the Planning Commission wants to improve the aesthetics of the 14<sup>th</sup> Street clump of bridges, it might ask Penn Central to simplify its bridge by taking those ugly trusses off. [Eisen, Jack, “Planners Balk Metro Bridge Proposal,” *The Washington Post and Times Herald*, March 3, 1972; “A Fifth Bridge,” Around Town, *The Washington Post and Times Herald*, March 6, 1972]

At the end of the month, the WMATA board received a surprise from Edward Waddell of the construction staff. Construction of the line along G Street, NW., was 10 months behind schedule and would cost an extra \$1.4 million to \$4 million. Work on the Metro Center station was 303 days behind schedule. Waddell explained that the problem was that some merchants in the 1100 block of G Street had resisted alterations to their store front. Eisen explained the problem:

As Metro staff officials described it, the main problem on G Street is that the street is narrow and the underground Metro Center station arch must occupy its full width.

To permit the sinking of pilings, store display windows and signs that protruded into so-called “public space” above the sidewalks had to be removed and reconstructed flush to the building fronts. Also, the Machlen National Bank building at 11<sup>th</sup> and G Streets had to be underpinned.

Jackson Graham, Metro general manager, said District of Columbia government policy permitted some merchants to delay long enough to hold up subway work.

The exact cost of the delays would have to be determined through negotiations with the prime contractor, Peter Kiewit Sons Company.

Cleatus E. Barnett, Montgomery County’s member on the board, said, “I am shocked . . . and the figures are pretty shocking, too.”

When Chairman Fisher suggested that staff should have informed the board sooner, Construction Director William Alldredge admitted that “looking back,” Fisher probably was right.

Three board members from Maryland prepared a memorandum denouncing the District for letting four of the 36 businesses in the vicinity of 1100 block of G Street to “determine when and

under what conditions they would remove their building protrusions” over the public sidewalk. “That policy brought Metro months of delay and millions of dollars in extra costs.” They urged all local jurisdictions to prevent similar situations.

The board would soon learn that the line between Dupont Circle and Rock Creek Park would cost \$3-\$5 million more than expected. The problem was poor rock conditions that had not been anticipated when the project was bid. The rock was laced with fractures and veins that preliminary borings had not detected. Engineers preparing the PS&E for the contract had expected that only 10 percent of the three-quarter-mile tunnel would require steel bracing arches and a fast-drying concrete coating sprayed from hoses. Instead, the contractor found that 90 percent of the section would require bracing.

The WMATA board voted to pay the contractor, S. A. Healy Company, for the additional costs.

[Eisen, Jack, “Metro Is 10 Months Behind Schedule,” *The Washington Post and Times Herald*, March 31, 1972; Eisen, Jack, “Bracing Forces Up Metro Tunnel Cost,” *The Washington Post and Times Herald*, April 14, 1972]

On April 10, Secretary Volpe announced a \$3.1-million grant to COG for the first major mass transit study since the 1959 Mass Transportation Study. He called the study “the most unified planning for transit improvements ever conducted in the Washington area.” Eisen reported:

The study is intended to bring improved bus routes and schedules, the erection of bus shelters and stations, the addition of more bus-priority traffic lanes leading into Washington and possible operating subsidies to hold down fares and prevent threatened service cutbacks.

Volpe said the program will integrate “all transit planning studies and projects” by 12 public agencies in the city and its Maryland and Virginia suburbs “into one unified, comprehensive transit development program.”

The study also, Secretary Volpe said, would carry out President Nixon’s “directive for coordination of local programs and for development of a balanced transportation system in the Nation’s Capital.”

The grant consisted of \$3 million for primarily short-range actions and improvements that would be consistent with the long-range plans and objectives, the planning of which would be undertaken with the remainder of the grant, \$133,300. The total grant would cover two-thirds of COG’s costs for the study, with local funds and staff services providing the remaining one-third.

UMTA Administrator Villarreal said the total was the largest technical study grant in the history of UMTA’s technical study grant program:

With this grant, we are again demonstrating the commitment of the Department of Transportation to improving mass transit in the Nation’s Capital. We feel that this immediate action program will help the Washington area qualify for two-thirds Federal

capital grant assistance for needed transit improvements, within the first months of the program.

He was referring to the fact that at the time, Washington qualified only for 50-percent Federal transit funding because the area lacked a regional transit development program of the sort that would be developed under the grant.

With Metro scheduled to open service in stages between 1974 and 1979, the 33-month “study will consider bus service through suburban corridors that will not have Metro routes and other corridors that will have Metro service only in the later” stages of construction:

The decision by Volpe to finance a single program followed a series of meetings last year by a COG-sponsored committee. It reported itself unable to reconcile the sometimes competing efforts of the 12 agencies, including Metro and COG itself. [Eisen, Jack, “Transit Study Slated,” *The Washington Post and Times Herald*, April 11, 1972]

At the same meeting where the board agreed to additional pay for a contractor that had encountered unstable rock conditions, the board heard a staff recommendation in support of construction of a Metro bridge in the 14<sup>th</sup> Street bridge complex. General Graham had told the board that the tunnel suggested by NCPC would cost \$20 million to \$60 million more than the bridge, an additional cost that could not be justified.

On April 20, the board voted unanimously to build the bridge. In doing so, it ignored NCPC’s concerns. As Eisen put it, “Although the commission’s role in the bridge issue is advisory, federal law requires that its advice be sought and given.” Any agency rejecting NCPC’s advice was required to explain the decision in writing.

NCPC Executive Director Conrad charged, “They are actually end-running the planning commission and short-circuiting its comprehensive planning procedures.” He added, “We assumed that no further action would be taken [by WMATA] until the planning commission meets [on May 4]. This is not saying the commission would not have gone along” with the bridge plan. [Eisen, Jack, “Metro Board Approves Bridge, Snubs Planners,” *The Washington Post and Times Herald*, April 21, 1972]

Meanwhile, construction work on Metro came to a halt after truck drivers in Local 639 of the Teamsters Union walked out of negotiations on May 12 for work on Metro and other projects in the area. Work on Metro continued initially, but contractors could not get material trucked in or debris removed from their sites after the drivers went on strike. With most Metro construction in the downtown area, sites did not have space to store the excavated material for any length of time. By May 20, General Graham told reporters, “Our jobs are largely shut down. Our contractors are going to have at least 2,500 of their 3,200 workmen off the job Monday [on May 22].”

Work on Metro was at a virtual standstill for 3 weeks until the drivers approved a new contract and began returning to work on June 8. Resumption of construction would not be overnight, because the first order of business was to remove accumulations of dirt and debris that had been

left on site when the strike began. In addition, contractors who had laid off their workers would have to reassemble crews before resuming work.

Cement truck drivers who had walked out on May 15 were still on strike. The strike “has had the effect of dashing hopes of opening the first 4.6-mile section of Metro in downtown Washington on schedule on July 4, 1974,” as Fred Barnes wrote in the *Star*. A WMATA spokesman said, “We’re not out of the woods yet by a long shot.” [Eisen, Jack, “Metro Asks Exemption in Driver Strike,” *The Washington Post and Times Herald*, May 19, 1972; Eisen, “Most Work on Metro Shut Down,” *The Washington Post and Times Herald*, May 21, 1972; Barnes, Fred, “Some Subway Work Resuming,” *The Evening Star*, June 8, 1972]

Cement truck drivers settled on June 22, but hundreds of laborers worked off the project on July 3 shutting all major Metro construction except on two tunnels where the contractors or subcontractors had entered into interim agreements with the Laborers District Council of Washington and Vicinity.

On July 10, unionized laborers ended their strike that had begun shortly after the truck drivers settled their disputes. The laborers were seeking protection for their jobs in jurisdictional disputes with other unions, as Eisen explained. “Recently, most such disputes have been with the carpenters, over such things as who should install beams required in Metro construction.” The laborers also were seeking a 5½ percent annual increase over the present \$5.77-per-hour pay, but Eisen described that as “not being a major issue”:

Told of the back-to-work order, Jackson Graham, general manager of the Washington Metropolitan Area Transit Authority, exclaimed, “That’s great!”

“I took a tour of our largely idle construction sites today,” Graham said. “The water pumps have been kept busy, but that’s about all.”

Dating to May 12 when the truckers walked off the job, Metro lost about 2 months in labor disputes. “Graham said it would take perhaps three more weeks to estimate the final effect of the strikes on the scheduled start of subway service.” Contractors returning to work would have extended time to complete their contracts, but not increased payments. Whether later contracts would cost more because of inflation during the delay remained to be seen. [Eisen, Jack, “Construction Walkout In D.C. Area Is Ended,” *The Washington Post and Times Herald*, July 10, 1972]

At the same time, Congress was moving forward on the bill to provide a Federal guarantee for WMATA bonds. On June 20, the House Committee on the District of Columbia released its report on the National Capital Transportation Act of 1972. Debate in the House on June 26 was largely supportive. Representative Gross expressed concerns about the likely cost increases in the cost of Metro and that “Uncle Sucker” would ultimately be responsible for repaying the \$1.2 billion in bonds, leaving the District residents to take a “free ride.”

Representative O’Konski agreed with Representative Gross that the final cost of Metro would far exceed current estimates:

[Here] we are again with a broken record. I have heard it time and time again in the years I have been a member of this House. This is all it is going to cost. This is all it is going to cost. This is all it is going to cost. How many times have we heard this refrain? What we are actually engaged in is a deception. We are again deceiving the taxpayers of our Nation. Time and time again we have engaged in gross deception. But this Metro system is the grossest deception of all time.

Nevertheless, the bill passed by a vote of 280 to 75. Chairmen Mahon and Natcher were among those who voted against District matching funds for Metro in December but who voted for the bond guarantee. Neither commented during the flood discussion.

With support likely in the Metro-friendly Senate, Representative Gude said after the vote, “We’re over the hump. Taken together, that vote [in December] and this one were crucial.” [National Capital Transportation Act of 1972, *Congressional Record-House*, June 26, 1972, pages 22389-22407; [Eisen, Jack, “Hill Votes Guarantee Of Metro,” *The Washington Post and Times Herald*, June 27, 1972]

The *Post* and *Star* editors shared Representative Gude’s optimism. A *Post* editorial began:

We don’t mean to get ahead of events or lull anybody into a false sense of security but it actually begins to look as if one of Greater Washington’s longest running, always-on-the-brink crises is over: There is honest-to-goodness light at the end of the Metro tunnel, thanks to a grand vote in the House this week. With nary a word about the Three Sisters Bridge and by a lopsided 280-to-75 vote, the House approved the granting of a federal guarantee for bonds to complete the entire 98-mile Metro system that has been so long in the making.

Although action by a supportive Senate was still needed, the House was “where for years the fate of this delicate regional subway project had been unfairly entangled in a web of congressional pique and power.” Even Chairman Natcher had joined the majority, “having lost a big round last December that could have killed the project if more responsible members had not prevailed.” This success “was due to vigorous, responsible efforts by sympathetic members of the House – and to strong and effective support from President Nixon.” [“Metro Makes It,” *The Washington Post and Times Herald*, June 29, 1972]

The *Star* thought that saying the House vote “was a landmark event for the Nation’s Capital understates the fact.” The vote “virtually assures the orderly completion of this region’s ultra-modern 98-mile subway system by providing the financial underpinning it must have to avoid costly delays”:

One of the most gratifying votes, furthermore, was that of Representative Natcher, who previously had delayed subway appropriations in attempts to break Washington’s freeway logjam. The highway controversy had no legitimate involvement with this legislation, and rightly was held apart to be resolved on its own merits, at a later date. [“Green Light for Metro,” *The Evening Star*, June 29, 1972]

The Senate Committee on District of Columbia released its report on June 28. The committee adopted the House bill without change, meaning Senate approval would end congressional consideration of the bond bill. The Senate passed the bill with minimal discussion and without a recorded vote on June 29. [National Capital Transportation Act,” *Congressional Record-Senate*, June 29, 1972, pages 23309-23310]

On July 13, President Nixon signed the National Capital Transportation Act of 1972 (P.L. 92-349) “with special pleasure.” Metro, he said in a statement on July 14, “moves a long step toward successful completion with this new law”:

Late last year, when it appeared the METRO might die altogether because of a complex legislative and judicial tangle, I appealed to the Congress for responsible action to cut the Gordian knot. The metropolitan Washington community was enormously heartened when such action was forthcoming . . . .

But as METRO construction now moves forward at a quickening pace with solid Congressional support, there is reason to hope that the lessons learned en route to completion of the world’s most modern subway for our National Capital area may also mark the beginning of a new and more effective Federal-local partnership in District of Columbia government. This Administration is committed, and I am committed personally, to furthering that result by every means available to us.

The legislation had several components. Of course, it guaranteed the Metro revenue bonds. It also authorized an increase of nearly 25 percent in the District of Columbia’s contribution to Metro (to \$269.7 million, up from \$216.5 million). In addition, it broadened the Metro compact relating to labor, permitted WMATA to operate Metro directly or under contract, and called for local jurisdictions to make up the difference between the normal fare and reduced fares for any class of riders (such as students or seniors) within their borders.

On August 10, 1972, Secretary Volpe, Mayor Washington, and WMATA Chairman Fisher signed documents assuring payments for Metro construction:

- Secretary Volpe and Chairman Fisher signed an agreement by the Federal Government to guarantee \$1.2 billion in Metro construction bonds to be repaid from fare collection.
- Mayor Washington signed an amendment to the interstate compact, previously signed by Governor Mandel and Governor Holton following State legislative action, permitting public operation of a unified rail and bus transit system if Congress passed legislation allowing a takeover.

The agreements allowed WMATA to proceed with the sale of \$225 million in bonds in September. The sale, as Jack Eisen observed, freed “Metro from future dependence upon congressional appropriations that repeatedly have been delayed.” Chairman Fisher reflected this change in status by saying, “I’m almost tempted to say it’s downhill. It’s not that. It’s over the hump.” [Eisen, Jack, “Documents Signed Assuring Payment For Metro System,” *The Washington Post and Times Herald*, August 11, 1972]

## Across the Lincoln Memorial

On June 18, the *Star* reported that Minority Leader Ford, “acting on orders from President Nixon . . . is working quietly to obtain legislation which would order construction of the Three Sisters Bridge without judicial interference.” A Ford spokesman confirmed the Minority Leaders’ actions, and said that he was only following Chief Justice Burger’s suggestion.

Representative Broyhill was pleased by Ford’s efforts. “This is where it should be done. Keeping it in limbo like it has been is unfair to opponents and proponents.” He said it was “like waiting for the other shoe to drop.” He added that, “Construction of the bridge will help resolve the I-66 controversy.” [Kneece, Jack, “Rep. Ford Pushing 3 Sisters Bridge,” *The Evening Star*, June 18, 1972]

The *Post* visited the site of the Three Sisters Bridge in early April and found that peace had settled in:

Birds flock to the sycamore trees at Three Sisters as before, traffic hums in the distance and the Potomac laps gently against the rusted pilings. Jets using Washington National Airport mar this peace, as does Sebastian, a toothy German shepherd whose bite is even worse than his bark. Let a visitor approach the Three Sisters Bridge construction site, a small compound of shacks and equipment just north of Georgetown, and Sebastian begins a fearful snarling and rattling of chains.

He and his fellow watchdog, Rex, mean business. As the only permanent residents of this acre or so of Washington, they take their responsibilities seriously.

Since work was halted by court order, the city had paid approximately \$275,000 to keep the two dogs, a construction superintendent, and two guards on duty. The city also had paid \$1.2 million to the contractor, who had completed only 90 days of the estimated 400 work days before the project came to a halt in August 1970.

The construction superintendent, Carlton Hudson of Head Construction Company, said “We work for the court. If they say work tomorrow, we start work tomorrow.” He and Frank den Outer of the District highway department worked out of a trailer on the site, keeping busy with maintenance of small boats, a tug, and a crane anchored by the shore. In addition, Hudson kept the lights working on a pier frame standing 20 feet out of the water—the only visible part of the project. [Levy, Claudia, “Peace Reigns Over Three Sisters Site,” *The Washington Post and Times Herald*, April 11, 1972]

On April 7, 1972, Airis had told the Senate District Appropriations Subcommittee that the contract for building the piers for the Three Sisters Bridge should be “discontinued” in view of the Supreme Court’s decision not to hear the case. The city’s inaction prompted Chairman Inouye to send a “sharply worded” letter dated August 2 to Mayor Washington about the funds wasted by paying the contractor mostly for not working on the bridge. Senator Inouye pointed out that if construction work resumed, the contract would have to be renegotiated anyway, thus minimizing the value of retaining the contractor on site.

The letter reinforced Airis's views, which had been strengthened when Hurricane Agnes (June 14, 1972 – June 23, 1972), one of the worst in East Coast history, dumped 10-14 inches of rain on the area. The hurricane flooded the Potomac River, Rock Creek, and part of the National Zoo, and damaged the bridge site as Eisen described:

When the bridge work was halted, the contractor, Head Construction Co., built the steel framework for a cofferdam to protect the pier excavation near the Washington end of the bridge from Potomac River water. However, no outer skin was attached to the framework, and the two-pier excavations have largely been filled with rock and silt, Airis said.

During the flood that accompanied tropical storm Agnes in June, the framework was snagged by driftwood and swept downstream where it is lodged near the 14<sup>th</sup> Street Bridge . . . .

“I concluded that there was not much reason to continue the contractor on the site,” Airis said. “I hasten to add that it [the cancellation] will have no effect on the construction of the bridge” if the decision is made to resume work.

On August 4, shortly after receiving Chairman Inouye's letter, city officials agreed to cancel the contract. [Eisen, Jack, “3 Sisters Contract Canceled,” *The Washington Post and Times Herald*, August 5, 1972]

While canceling the contract for its controversial bridge project, the city revived plans for building the six-lane I-695/South Leg Freeway, one of the projects the Federal-Aid Highway Act of 1968 had ordered the city to build. As in the past, the plan called for two tunnels connected by a half-mile-long depressed roadway an average of 30 feet below ground. One tunnel would run on the Potomac River side of the Lincoln Memorial while the other would cross under the northern tip of the Tidal Basin. The depressed section would be crossed by a grassed overpass that would provide pedestrian access between the Reflecting Pool in front of the Lincoln Memorial and West Potomac Park.

The city argued that the plan would neutralize criticism from national conservation groups and local anti-freeway activists because it would increase park land by 1.7 acres by replacing existing surface-level roads, particularly the section of Independence Avenue parallel to the I-695 alignment. Jack Eisen summarized the benefits cited in the city's prospectus:

In its prospectus, the highway department claims the road is needed to serve traffic between Northwest Washington and the growing, congested Southwest employment area.

Trying to channel all the traffic through the surface road network would cause more congestion and harm in the park areas than building the freeway, the department asserts.

The city scheduled a public hearing on the project to begin on September 6, saying it would “be on the proposed corridor for the freeway and its design, but not on whether the project should be built.” [Eisen, Jack, “D.C. Revived Proposal on Potomac Park Road,” *The Washington Post and Times Herald*, August 9, 1972]

*Post* architecture critic Von Eckardt did not wait for the public hearing to denounce this “slash across the monumental heart of the nation’s capital.” The issue at the heart of the debate was not how to cope with traffic “for in time we will surely develop techniques for reconciling the convenience of private transportation with the dictates of public health and amenity”:

The issue raised by this South Leg Freeway, more than by any other highway built or proposed in this city, is simply whether or not we want to preserve and perhaps enhance the beauty and dignity of the national capital we have inherited. Despite assertions to the contrary, this freeway . . . seriously threatens that beauty and dignity at its very heart – the Mall, its parks and its great monuments, which more than 15 million people come to see every year.

What people will see, if this freeway is built, are tunnel entrances, gaping caverns, more than 100 foot wide [sic], some 200 yards on either side of the Lincoln memorial, replacing marvelous old trees. The tunnel entrances will exude noise and fumes. At night, the harsh light needed to make the tunnel safe, will surely detract from the glory of the illuminated memorial. Another pair of such holes will spoil the serenity of the Tidal Basin and its cherry trees. True, you won’t see the depressed road itself and there is to be a grassed overpass so visitors can, on that one point, cross from the Mall to Potomac Park where the Franklin D. Roosevelt Memorial is to be built, and to the river.

Visitors may not see the road, but “most likely” they will “see its protective bannisters, flood wall and, most likely, high fences to keep vandals from throwing rocks at the cars.”

The city’s “prospectus and its rather Pollyanna Environment [sic] Impact Statement” referred to the freeway as a “strategic” link between I-66 and I-95/Southwest Freeway and that it would separate commuter traffic (“mainly Virginians who work in the new offices in the Southwest”) from tourists who visit the Mall by car.” It also claimed “the road would actually enhance the park by removing the growing number of automobiles.”

Von Eckardt questioned the name:

Despite the freeway’s name, the statements [sic] no longer refer to the Inner Loop, the vital northern segment of which has aroused so much opposition, that it is no longer publicly mentioned.

But does a “south leg” make sense without the rest of the loop?

He did not want to debate traffic estimates (“loose guesses – and that is all they can ever be”), but did want to decry “those awful tunnel entrances,” with their “ventilation stacks some 50 feet high,” and the loss of many trees, “particularly some of the old elms along the Reflecting Pool.

He did not object especially to inclusion of “the so-called 17<sup>th</sup> Street Drive,” which would be used by tourists in buses and cars (“it would be folly to try to deprive them of this pleasure”).

That one concession, however, did not mean “the park should be allowed to succumb to America’s waning passion for speedy, automobile travel.” The law on this point, specifically

Section 4(f), was “quite clear.” An alternative link between I-66 and I-95 on the Virginia side of the Potomac offered one possible “feasible and prudent alternative”:

As regards the Mall, however, the law is evidently on the side of what I would consider to be common sense, a livable environment and – I would not want to abuse this word – patriotism. [Von Eckardt, Wolf “A Freeway That Shouldn’t Be Built,” *The Washington Post and Times Herald*, August 18, 1972]

On the same day as Von Eckardt’s column, the *Post* carried an editorial against the proposal. The editorial board had “consistently favored a balanced transportation system” for the area. The paper “wholeheartedly” supported the Metro rapid rail system and keeping Amtrak “on the track,” and had questioned “the concept of an exclusive Highway Trust Fund.” Despite the advantages of the private automobile, “we believe it was a grave mistake to favor the car to the point where public transportation has badly deteriorated and commuting and railroad travel has become in many cases something of a nightmare.”

The editorial did not advocate eliminating the automobile, even as a means of commuting, but rather favored curbing “the zeal of highway builders and the powerful industries that support them.” Freeway battles around the country and in Washington had prompted the cancelation of “over-ambitious freeway plans on the grounds that our new concern for environmental values must take precedence over the actual or presumed convenience of motorists and truckers.”

These comments, the editorial continued, were meant to put the South Leg Freeway in perspective. “For it is another such long-standing, over-ambitious project.” The editors thought the Von Eckardt’s column on the editorial page made “a compelling case against it.” The editorial concluded, “It is not necessary to be against all additional freeways to see why this particular project should be dropped.” [“Washington’s Lincoln Tunnel,” *The Washington Post and Times Herald*, August 18, 1972]

A few days later, the *Post* published a letter from ACT’s James Govan criticizing the original *Post* article about the South Leg Freeway proposal. “Despair,” he said, was “the only word to describe my reaction” to the article, Govan began. The District’s plan “symbolizes, in a dramatic way, the continuing insensitivity of politicians and the highway engineers to the genuine desire of urban residents to see the end of massive freeways which desecrate their cities.”

He pointed out that the environmental impact statement claimed the plan would preserve and enhance the Lincoln Memorial and make possible policies to restrict cars in the center city. “Both claims are outlandish.” Further, the statement revealed that “nothing is held sacred by the highwaymen.” He referred to the claim that some cherry trees would have to be removed, but that they could be replaced:

With such logic we could temporarily relocate the President while the White House is torn down to make way for a freeway and then rebuild it. Cherry trees, White House, black communities – all seem vulnerable to the determination of highwaymen to serve the needs of the more important one passenger per car commuter.

Govan also considered the *Post's* characterization of the planned public hearing as an error:

According to Federal regulations issued by the U.S. Department of Transportation, this public hearing must permit public comment on “the need for, as well as the location of a Federal-aid highway” such as this proposed freeway.

Citizens did have the right to challenge the need for the freeway and he hoped they would.

Perhaps, Govan speculated, politicians who advocated freeways “must be made to understand that, while it may be true that most Americans cherish their cars, there are some things they cherish more – their homes, their parks, their national monuments.” Perhaps this latest proposal would “finally bring freeway foes and advocates together to say: this is one mile of freeway we can do without.” [Govan, James L, “Despair Over Another Highway,” Letters to the Editor, *The Washington Post and Times Herald*, August 23, 1972]

While officials, critics, and citizens debated the merits of the South Leg Freeway, NPS took action on a longstanding goal: to remove traffic from Circle Drive between the Lincoln Memorial and the Reflecting Pool. On August 22, NPS closed the drive to motor vehicles except during the morning peak period, 6 a.m. to 9:30 a.m. Beyond those hours, the drive was open only to pedestrians and bicyclists. On the first day, the morning and afternoon went smoothly until the evening peak period. The result was what John E. Hartley, the District Highway Department’s chief traffic engineer, called “a fantastic backup.” George Berglacy, the NPS Park Police’s spokesman, said, “I must admit, I now know what it’s like to be on the receiving end of an obscene telephone call.” Defensively, he added, “That was never meant to be a commuter route in the first place.”

The *Star* editors were less kind. “What has occurred . . . is a wholly predictable nightmare of congestion for motorists both leaving and entering the city.” In the early days after the closure, “cars have been backed up for more than a dozen blocks, in turn snarling other rush-hour traffic routes.” Protests were “steaming in,” and the editors expected the evening peak period ban to end soon. Perhaps a permanent ban was desirable, but will be needed for it to work was “the rational freeway pattern long proposed to divert traffic around that area—not the creation of makeshift bottlenecks.” [Kneece, Jack, “Tours 1, Motorists 0,” *The Evening Star*, August 23, 1972; “Calculated Congestion,” *The Evening Star*, August 25, 1972]

The experiment lasted until mid-January 1973 when Russell E. Dickinson, director of National Capital Parks, ordered removal of the barricades through the end of winter when tourist visits to the Lincoln Memorial were limited. The barriers would be restored in April because, Dickinson explained, the traffic streaming around the monument caused “extreme congestion and danger to visitors during the peak tourist season.” [“Circle Drive to Open,” *The Washington Post and Times Herald*, January 12, 1973]

With the South Leg Freeway hearing a week away, Peter S. Craig and Robert M. Kennan of the Committee of 100 on the Federal City wrote to ask Mayor Washington to cancel the event. As planned, the hearings “violate applicable federal highway administration regulations,” and District law. They contended that the agencies charged with planning highways were NCPC and

the city council. Neither the mayor nor the District Department of Highways and Traffic were the equivalent of a State highway agency or those two local bodies:

If the hearing proceeds as scheduled, it will be futile. Any decision to construct I-695 which is made on the basis of that hearing will be subject to certain reversal by the courts. In order to avoid further acrimonious litigation involving the District's proposed highway program, we urge you to cancel the hearing . . . ." [Griffin, James, "Freeway Heading Called Illegal," *The Evening Star and Washington Daily News*, August 31, 1972]

(As of July 12, *The Evening Star* and *The Washington Daily News* merged, creating a new combined masthead, soon changed to *The Washington Star-News*.)

The first day of the public hearing on September 6, held at 7:30 p.m. in the vast Commerce Department auditorium, opened with only about 100 people in attendance. Airis presented four South Leg alternatives, with emphasis on the preferred routing:

Our proposal is to remove Independence Avenue and to relieve the surrounding Memorial area of the sight and sound of city traffic.

Airis estimated that between 75,000 and 90,000 cars would use the South Leg connector between the Theodore Roosevelt Bridge and the Southwest Freeway by 1990. He told the audience that if the project is approved, it could be completed in early 1976 in time for the Bicentennial celebrations.

Sixteen witnesses testified on the first day. The *Star* estimated that "only about one fifth supported the proposed six lane freeway." As in the past, anti-freeway speakers denounced the hearing format and the authority of Colonel Starobin, whom Mayor Washington had appointed the presiding examiner. Peter Craig, as though preparing for a lawsuit if the city advanced the South Leg as proposed, took the lead:

Warning city officials that citizens groups already had successfully brought three lawsuits against other freeway and bridge plans, Peter S. Craig, an attorney with the Committee of 100 on the Federal City, declared that only the D.C. City Council could legally hold hearings on the proposed freeway and that the mayor had no legal authority to appoint a hearing examiner.

"The mayor-commission-whatsoever [has no role] other than to veto action by the council . . . it is the council not the mayor who is the equivalent of a state highways [sic] department here."

The *Post's* Jack Eisen also found the claims familiar, but said, "there was an added ingredient, the road's location in an area that constitutes one of the nation's most beloved shrines." Angela Rooney, representing the National Coalition on the Transportation Crisis, said, "Shafting the Lincoln Memorial in behalf of speed and tourists is a triumph of greed over logic." Former Representative Eugene D. Keogh (D-N.Y), chairman of the Franklin Delano Roosevelt Memorial Commission, recommended that the roadway, if it must be built, should be placed entirely in a

tunnel to avoid impacting the area for the planned memorial, which would be located on either side of the trench section.

The city's environmental agency offered lukewarm praise for the proposed freeway:

William McKinney, deputy director of the city's Department of Environmental Services, said his agency was "opposed to any proposal that would increase the level of traffic in the rush hours."

However, he did not oppose the project. He called the highway department's recommended design preferable and offered to help find ways to curtail downtown parking, provide reserve bus lanes, and do other things to reduce traffic downtown.

Eisen also found that the hearing was "tranquil," in contrast to "stormy opposition at freeway hearings in the past decade." He added:

While applause from the audience of 100 was generally restrained, it was apparent that most opposed the road.

Support for the project came from spokesman [sic] for Downtown Progress, the Washington Board of Realtors and the Metropolitan Washington Board of Trade.

Starobin, in response to a question from James Govan, said that Mayor Washington and the city council would "pay heed" to the opposition expressed during the hearing. [Griffin, James, "South Leg Debated at Highway Hearing," *The Washington Star-News*, September 7, 1972, Eisen, Jack, "Citizen Groups Attack Plans for Freeway," *The Washington Post and Times Herald*, September 7, 1972]

On the second and final day of the hearing, national conservation groups attacked the plan. As Eisen put it, the Wilderness Society and the National Wildlife Federation "fired broadsides" at the plan, according to the *Post*. They joined critics from local conservation groups:

"The south leg proposal is of much more than local interest," declared James G. Deane, executive editor of the Wilderness Society's publications. Attacking the highway department's insistence that the road will clear unwanted surface traffic from the park and Mall areas, Deane called the road "not remotely a park improvement; a freeway simply doesn't belong there."

Despite Secretary Volpe's agreement with Interior Secretary Morton, the Interior Department could not legally permit freeway encroachment on parkland, according to Robert M. Kennan, Jr., general counsel of the Wildlife Federation. Airis defended the plan by saying the freeway was intended mainly for tourists and business visitors, not "one-to-a-car commuters." [Eisen, Jack, "Conservationists Attack proposed I-695 Leg Near Lincoln Memorial," *The Washington Post and Times Herald*, September 8, 1972]

An editorial in the *Star* took an almost weary tone, stating that the scenario of the hearings "was as familiar as that of a well-loved theatrical drama. Supporters thought the tunnels would unsnarl

congestion while opponents considered it an esthetic disaster – and nothing will “shake, by as much as an inch, the advocates of either position.” Unlike the many other freeway controversies in the District, this one came down to a single issue, namely “the impact of the project on one of the nation’s most hallowed park areas.”

After all, the traffic was already there in the vicinity of the Lincoln Memorial, “bumper-to-bumper in rush hours,” as anyone “with eyes” could see. No families or businesses would be displaced and the proposal was not so much a new freeway as a link between existing freeways.

The tunnel proposal was not initiated by highway officials “but by the National Park Service itself, as a means of eliminating surface traffic from the park.” The editors thought the tunnel plan would do exactly that and that the NPS would support the new plan. The plan probably could be improved:

But there was no room for this sort of sensible, logical criticism in the emotional atmosphere of controversy that pervaded last week’s . . . hearing sessions. And that was an unfortunate loss. [“Return Engagement,” *The Washington Star-News*, September 14, 1972]

Later in the month, NCPC released a highly critical report on the proposal, calling it “insensitive” to potential aesthetic and environmental impacts. After reviewing the city’s draft EIS, NCPC questioned whether alternatives had been considered:

What alternatives, if any, have been studied for reallocating or reducing the traffic demand on the South Leg? For example, how many of these vehicles have both origin and destination on the east side of the Potomac River and how many could perhaps be accommodated on the Virginia side . . . ?

Can arterial streets such as Constitution Avenue carry part of the load on the District side, or can the Jefferson Davis Highway (U.S. Route 1) and/or the George Washington Memorial Parkway accommodate all or part of the Virginia traffic assigned to the South Leg?

NCPC also asked:

Has consideration been given to moving people rather than automobiles by public transit alternatives such as the Shirley Highway express bus system?

NCPC also disputed the city’s view that the tunnels would do little permanent damage to Potomac Park:

This view overlooks the encroachment of the project on the Washington Monument grounds, the reduction in the size of grounds and the almost complete separation of the Washington Monument, in some alternatives, from the Tidal Basin area.

In addition, NCPC said the proposal contained few details in map or text form, “making it difficult for anyone to fully compare and evaluate the planning, urban design and environmental impact of each alternative”:

This whole matter should be reanalyzed, clarified and the results documented in order to determine the new gain or loss in public park and open space. [Taylor, Walter, “Freeway Plans Criticized,” *The Washington Star-News*, September 20, 1972]

EPA also was critical of the draft EIS, calling for “much more evaluation and quantification” of the freeway. Robert J. Blanco, EPA’s regional chief, sent a letter to Leonard A. DeGast, assistant director of the District Department of Highways and Traffic, stating that, “The routing of through traffic into the urban core seems inconsistent with the goal of decreasing vehicles miles traveled in the core area.” The final EIS “should make an appraisal of the regional air pollution impact of the various alternatives.” EPA called for more information on traffic projections, the mix of trucks and automobiles that would use the freeway, right-of-way dimensions, and pollution from tunnel vents would affect building and plant life.

Blanco asked for more information on the timetable for highway and Metro construction, mass transit’s role in the regional system, alternatives to the proposed South Leg Freeway, and how the freeway would affect traffic patterns and parking in the city. Noting that the West Potomac Park area did not have separate storm sewers, Blanco asked for detailed information on surface drainage and design details for tunnel construction in the Tidal Basin area. He also wanted more information on noise potential and minimization, stating that “there should be a specific design noise level . . . rather than being content with the philosophy that a proposed project is merely quieter” than the current noise level. [“EPA Asks Details For ‘Inner Loop,’” *The Washington Star-News*, October 1, 1972]

### **I-66 Flounders**

In March 1972, EPA had told Virginia that I-66 “could have a significant adverse effect on the environment.” EPA was concerned about increasing traffic congestion and air pollution; it criticized Virginia highway officials for not considering alternatives such as rail rapid transit.

As the State completed a new EIS, EPA applied a new rating system to I-66 in June. The project received a rating of 3 on a scale of 1 to 4, the next to lowest rating. A rating of 3 meant that I-66 needed “major revisions or major additional safeguards to adequately protect the environment.” Virginia, EPA stated, should consider alternatives such as rail rapid transit. [“EPA Gives

I-66 Plan Next to Lowest Rating,” *The Washington Post and Times Herald*, June 22, 1972]

WMATA was concerned that delays in approval of I-66 would affect the agency’s plan to build a Metro line in the freeway’s median from just west of Glebe Road in Arlington to Nutley Road near Vienna, a distance of about 6.5 miles. On July 6, the board of directors decided to build the line in the right-of-way, which the State had already acquired, regardless of I-66’s fate.

In fact, WMATA’s assistant planning director, Mathew Platt, told the board that building Metro in the right-of-way would cost less if I-66 were never built inside the Capital Beltway. If I-66

were not built, the Metro line would not require retaining walls and other features to ensure safe, efficient operation between two sets of freeway lanes. The Metro line would cost \$108.6 million if the freeway were built, but \$102.1 million if it were not. Director Harris of Fairfax said, "Quite obviously, the public facility that comes in late would have to pay the added cost." General Graham agreed. "This is the position we would take." Still, VDH owned the right-of-way, regardless of the freeway's fate, resulting in Metro having to negotiate to use the land. "That," Chairman Fisher put it, "will be an interesting negotiation."

The board did not literally approve use of the right-of-way. Its approval was in the form of approving two Metro stations, East Falls Church and West Falls Church, and the adjacent alignment in the highway corridor. ["Subway Route Set In I-66 Corridor," *The Washington Star-News*, July 7, 1972; Eisen, Jack, "Arlington-Vienna Metro Route Set," *The Washington Post and Times Herald*, July 7, 1972]

The State appealed to the U.S. Supreme Court on August 8 seeking to overturn the injunction blocking I-66. The appeal contested the decision of the 4<sup>th</sup> U.S. Circuit Court of Appeals that new Federal environmental laws should be applied retroactively to I-66 because it had not reached a point of completion that made construction inevitable. The State contended that planning for I-66 had reached a point before enactment of NEPA and other environmental laws that the location was virtually irreversible:

The likelihood of a substantial change with respect to the present plans for the project even after expenditure of seven to eight hundred thousand dollars for the study is extremely slight.

Land, the appeal pointed out, had already been acquired at a cost of \$28.6 million, with 76 percent of affected families relocated. [Associated Press, "Va. Appeals Injunction On I-66," *The Washington Post and Times Herald*, August 9, 1972; Barnes, Fred, "Original I-66 Engineers Chosen for Impact Study," *The Washington Star-News*, August 22, 1972]]

In August, VDH decided to postpone construction of the 2-mile section of I-66 between the Capital Beltway and State Route 7. A Fugate spokesman said the concern was not that construction might violate the court order blocking construction in Arlington County, but that opening the short stretch before the rest of the highway might create traffic snarls by dumping traffic on State Route 7 in Fairfax. The *Post* reported:

The spokesman said "preliminary indications are that the adverse effects would be greater than we originally thought" and that the department would decide within a month whether to proceed with the two-mile section early next year. Another highway department source indicated Fugate was leaning toward delaying construction of the section at least a year until a court-ordered review of the impact of the highway in Arlington is complete.

James Govan speculated that VDH's review of the 2-mile section "should indicate that they might have problems at a lot of points." James Collis of a Fairfax group thinking about going to court to block construction in the county said, "I would guess when they ran into some

opposition they thought to make sure of their groundwork.” [Mathews, Jay, “Va. Defers I-66 Link, Study Set,” *The Washington Post and Times Herald*, August 19, 1972]

On August 22, Virginia highway officials announced that they had hired the consulting firm of Howard, Needles, Tammen & Bergendoff to conduct the court-ordered study of I-66 in Arlington County. The State estimated that the study would take a year to 18 months. John Simonds’ Pittsburgh firm of Environmental Planning and Design would also participate in the study.

The fact that Howard, Needles, Tammen & Bergendoff’s findings in the 1950s led to the routing of I-66 in the county along the abandoned railroad right-of-way prompted immediate criticism. ACT’s Emilia Govan called the selection “very inappropriate at the very least.” The firm was being called on to reevaluate its own study. She recommended selection of a firm that was not previously involved with the freeway plan.

Fugate announced that he had appointed five officials to “monitor” the study:

- Martha V. Pennino, chairman, Metropolitan Washington COG;
- Joseph Alexander, head of the Northern Virginia Transportation commission;
- Joseph Fisher, chairman, WMATA;
- A. Leslie Phillips, vice chairman of the area TPB; and
- Jimmie Singleton, head of the Northern Virginia Planning District Commission.

Emilia Govan denounced the group for being predominantly pro-highway. “Representatives of our organization and other citizens groups and commissions concerned with I-66 and related transportation and environmental issues (should) be immediately included in the membership of the monitoring committee. [Barnes, Fred, “Original I-66 Engineers Chosen for Impact Study,” *The Washington Star-News*, August 23, 1972]

After so much negative publicity about I-66 in recent years, supporters of the project formed Citizens for I-66 to advocate for the route. Funded by businesses and private citizens, the group flooded Arlington and Fairfax Counties with 16,000 leaflets and 20,000 red-white and blue bumper stickers extolling the route. The leaflet called I-66 “an outstanding example of progressive transportation planning,” with its small parks, bicycle trails, and platform for tennis courts.

Other groups joined in support, including the chamber of commerce for the two counties and the Highway Users Federation for Safety and Mobility. The federation’s Robert Justice said, “I’m convinced that the area is going to die as a viable economic entity if I-66 is not built. The area is going to strangle to death in traffic.” Rudolph G. Seely, a real estate developer in Fairfax, said he participated in the effort to respond to highway opponents who were “terribly well-organized, vociferous, and well able to put forth their point of view.” By contrast, he said, “I feel that the users of motor cars and the traffic planners have not been adequately heard in the controversy over I-66.” [Mathews, Jay, “I-66 Friends Launch Drive Backing Plan,” *The Washington Post and Times Herald*, August 25, 1972]

When Mrs. Govan wrote to Fugate with questions about how he selected the consultant, he replied that, "I can see nothing to be gained in answering detailed questions you list as to the consultants. Both firms are nationally recognized as having the highest competence for carrying out transportation and environmental studies such as the one the Highway Commission is now undertaking in the I-66 corridor."

As for her interest in attending a September 5 meeting, Fugate said it was limited to "representatives of the Highway Department and members of [I-66 advisory] committee." He added that, "Later, groups such as yours will have full opportunity for participation." Fugate said the purpose of the meeting was to establish guidelines for the study.

Mrs. Govan was disturbed by the reply:

This is ridiculous. If the citizens aren't allowed in at the first stage of discussions of the study, the scope of it will have been determined before any citizens have any input into it. We feel they must do a study of non-highway alternatives. [Griffin, James, "Fugate Refuses I-66 Answers," *The Washington Star-News*, August 26, 1972]

The Justice Department announced on August 29 that it had decided not to join the State in asking the Supreme Court to review the U.S. Fourth Circuit Court of Appeals' April 4 decision blocking I-66 in Arlington County. The *Post* reported:

Deputy U.S. Solicitor General Lawrence G. Wallace said yesterday government attorneys felt construction of the highway might begin sooner if the federal government did not ask the Supreme Court to review the lower court ruling . . . .

Wallace said Solicitor General Erwin N. Griswold decided not to challenge the court of appeals ruling after considering the affect [sic] of the case on other environmental suits in progress and the likelihood of a favorable Supreme Court.

An attorney for the Virginia Highway Department understood the decision in the context of the pending presidential election. "It's an election year and it's an environmental suit . . . . I can see that the administration does not want to come down on the wrong side of a popular issue." He summed up by saying that based on his discussions with Justice Department attorneys, "They're thinking about a nation-wide problem, and we're thinking about a statewide problem." [Mathews, Jay, "U.S. Quits Fight on I-66 Plan," *The Washington Post and Times Herald*, August 30, 1972]

Solicitor General Griswold went a step further in late September by asking the Supreme Court to turn down Virginia's request for a hearing. His memorandum to the court referred to the Circuit Court's ruling as "somewhat vague" and potentially "troublesome" as the government defended other highway decisions. "Reopening the hearing process with respect to the thousands of federal-aid highway projects under way throughout the country would cause significant administrative difficulties and, in our view, was not required by Congress." He continued:

However, because of the particular facts of the case, including the possibility of very substantial changes in the relevant factors since we believe the decision [by the Court of

Appeals] does not establish a precedent of sufficiently general applicability to require further review by this Court.

The *Post* reported:

A spokesman for the Virginia highway department expressed surprise at the Griswold action. Federal attorneys “have been telling us this decision would give them trouble in the rest of the country,” the spokesman said.

Sources close to the state highway department feel the federal government is simply reluctant to take firm action against environmentalists in an election year.

Attorneys for ACT and other I-66 opponents said they were pleased with the action. [Mathews, Jay, “Bid to Review Ban on I-66 Snagged,” *The Washington Post and Times Herald*, September 30, 1972]

The Solicitor General’s action reduced the likelihood that the Supreme Court would consider the State’s appeal. On November 6, that expectation was realized when the Supreme Court declined, without explanation, to review the U.S. Court of Appeals’ ruling. With four votes needed, only Chief Justice Burger and Justice Lewis F. Powell, Jr., voted to take up the case. Donald S. Burris, an attorney for the citizens groups fighting I-66 said the court’s decision “represents total victory for the aspects of the case we are litigating,” while Emilia Govan said:

The conclusion is very good for those of us who want them to re-evaluate the whole thing. It puts the burden on the highway department, which is as it should be. [Mathews, Jay, “High Court Backs Delay of Rte. 66,” *The Washington Post and Times Herald*, November 7, 1972]

Virginia’s public meeting at the Kenmore Junior High School a week later did not go well, as the *Post* recounted:

About 250 persons came to a “public participation workshop” on the proposed Interstate Rte. 66 last night to say that the Virginia Highway Department’s approach to public involvement is “totally unacceptable.”

Loud applause frequently interrupted Emilia Govan, co-chairman of the Arlington Coalition on Transportation, as she castigated highway officials as “nonelected bureaucrats (who) veto any decisions made by the citizens, a (highway department) consultant team or elected officials . . . .”

“To give policy-making power to highway officials and to deny it to citizens and elected officials is totally unacceptable – not only because the highway officials are irrevocably committed to I-66 as planned, but because these officials are not directly responsible to the people,” said Mrs. Govan to a burst of applause at last night’s meeting.

She suggested that the State’s steering committee be revised to include elected officials from the affected communities and the District of Columbia, the road’s terminus.

Other speakers affirmed support for some of her statements, while about 40 people shouted out opposition [to them].

Some also objected when Mrs. Govan called for audience adoption of three criteria to form the basis for all subsequent phases of the study: “To maximize the use of mass transit for commuting and other travel purposes; to prevent degradation of the natural and human environment, and to move the greatest number of people in the most efficient economical and convenient manner.”

County Supervisor Alexander, a member of the steering committee, objected that, “We should not have a plebiscite tonight.”

Mrs. Govan countered that, “This is billed as a public workshop and it’s the only forum we have to express our opinions.” The audience overwhelmingly approved her three criteria. [“Va. Highway Officials Blistered on I-66 Plan,” *The Washington Post and Times Herald*, November 15, 1972]

### **The Federal-Aid Highway Act of 1972**

On March 16, 1972, Secretary Volpe appeared before the House Subcommittee on Roads, during its hearing on the planned Federal-Aid Highway Act of 1972. Representative Harsha, during his question period, asked the Secretary to respond in writing to a set of questions, one of which was:

Question 18. Do you believe if we had completed the freeway system in the District of Columbia, that the congestion problem experienced in the Capital of the Nation would be as severe as it presently is?

Answer. In some respects, yes, because in the Washington area the congestion problem is related to the peak hour commuting problem. The planned freeway system is related to the peak hour commuting problem. The planned freeway system was planned only to serve a portion of peak hour traffic (such as motorists without alternative means of transportation, car pools, trucks, buses and taxis) and general traffic throughout the day.

A portion of the problem may have been alleviated by the planned freeway system had it been completed. However, the remainder [of the problem] would not have been because much of this demand really could be better served by an improved public transportation system. The private automobile is a relatively inefficient method of meeting peak hour demand in densely settled urban areas, particularly since the average ridership levels is so low in this country. In addition, new freeway capacity can influence land use patterns and induce new traffic growth, so a reduction in congestion is often short lived. Thus, new road capacity in and of itself to accommodate more automobiles alone will not solve the problem of peak hour congestion in such areas.

In an earlier report to Congress, I recommended a freeway system which is adequate to meet the general traffic needs as well as a portion of the peak hour traffic of the District of Columbia. You should note my emphasis on continued support to the METRO system

and integration with the existing bus companies to meet the overall transportation needs of this area.

In the long run, I believe that the peak hour commuting problem can be met only by providing a balanced transportation system for the D.C. metropolitan area. This would include reliance on the METRO system presently under construction, the new freeways which I recommended for the District of Columbia, a fully coordinated and integrated bus system, and better utilization of existing street capacity. The Shirley Highway [express bus lanes] project is an example of the latter approach. I strongly believe that the proper combination of the above elements offers the best hope for reducing commuter traffic congestion. [1972 Highway Legislation, Hearings before the Subcommittee on Roads of the Committee on Public Works, House of Representatives, 92<sup>nd</sup> Session 2<sup>nd</sup> Session, Committee Print 92-32, pages 508-509]

On March 21, the subcommittee heard from a delegation from Massachusetts, including Secretary Altshuler. With the full support of Governor Sargent, he said his “primary purpose” was to urge support for “a very specific provision.” At the time, Federal-aid highway legislation recognized that Federal law authorized 200 miles, known as Howard-Cramer mileage after the House sponsors, for alternative routes if States decided not to build an Interstate highway. With that mileage already committed to routes around the country, Secretary Altshuler favored an alternative that would allow city officials to cancel unpopular Interstate highways without losing the millions of dollars – based on the 1972 ICE – associated with them:

The provision that we desire is part of the official program that shall be presented tomorrow by the American Association of State Highway Officials (AASHO). The language of the AASHO recommendation in which we are so urgently interested provides that, where it is determined that previously approved Interstate links cannot be constructed, the responsible officials at all levels of government should be authorized:

To negotiate a compromise solution, satisfactory to the Secretary, that will satisfy the intent of Congress of completing a connected system aid, furthermore, that in arriving at a compromise and negotiated solution, the amount of funds included in the present cost estimate for the section of interstate highway involved, and not the mileage, should be the controlling factor.

This recommendation was endorsed by the chief administrators of the Nation's State highway departments by a vote of 42-4 in the official AASHO balloting on the 1972 legislative program – that took place last month.

Its implementation would require no more than the alteration of two numbers in the so-called-Cramer-Howard amendment of 1968 (Public Law 90-238).

Secretary Altshuler explained:

We believe that a sufficiently flexible highway program must be able to accommodate the finding that in some urban corridors it is no longer feasible to carve new rights-of-way –

and to do so without imposing harsh financial penalties upon the States involved. In these urban corridors, the States concerned will generally have to undertake large transportation investments, both highway and transit, of a noninterstate nature . . . . In cooperation with AASHO, we urge that Interstate funds be made available for reassignment to meet these needs where such reassignment is compatible with the objectives of the Interstate program. [pages 541-548]

After Secretary Altshuler, Secretary Hughes of Maryland testified on the same issue. He said that Maryland had built or programmed 358 miles of Interstate highway. But about 30 miles in the Baltimore area and Maryland's Washington suburbs were not built. This unbuilt mileage included I-95 and I-70S inside the Capital Beltway as well as segments of I-70N, I-83, I-95, and I-395 in Baltimore. Like Altshuler, he asked Congress to allow the State to substitute new freeway routes for the portions that may be abandoned, with the substitution based on cost (about \$1 billion) rather than mileage. "Public opposition connected to a great extent with environmental impact issues continues to overshadow the basic need to provide for a high level of transportation service in these corridors."

He endorsed the AASHO amendment and informed the subcommittee that Maryland "proposed to develop a logical system of replacement Interstate facilities, consistent with present Federal Interstate funding commitments, for use in the event certain controversial segments of the programed system are not construction." To correct "travel deficiencies" caused by the inability to construct certain routes, Maryland would proceed on a priority basis:

First priority in the replacement system will be given to facilities that serve to replace the function of a missing segment in a nearby location in order that a continuous Interstate routing is possible.

Next, priority will be given to facilities that will provide alternate routings for Interstate movements in order to relieve existing Interstate facilities that will receive additional, heretofore unanticipated travel demand.

Finally, facilities will be proposed to satisfy Interstate movements that have not been provided for in the presently programed system. These facilities will tend further to provide alternate routings for Interstate movements as they will interchange with the existing system.

This system of replacement facilities will be developed so that each project meets Interstate System criteria, contributes to the formation of a local network of freeways to serve Interstate movement, and is capable of construction within a reasonable time frame. [pages 549-552]

Secretary Hughes told reporters that substitutes for the controversial urban routes might include an expressway from Baltimore to Annapolis and upgrading the John Hanson Highway (U.S. 50) between Washington and Annapolis. He stressed this was not a proposal, but simply an illustration of where Maryland might shift the mileage if Federal law permitted. [1972 Highway

Legislation, pages 541-548; Eisen, Jack, "Permission to Alter Road Plans Asked," *The Washington Post and Times Herald*, March 22, 1972]

On March 28, the subcommittee heard from Francis A. Porter, president of Porter Associates, Inc., in Landover Hills, Prince George's County, Maryland. He testified, however, as executive secretary of the Committee for a Balanced Transportation Policy in the county. The committee supported Metro, but also I-95 through the county and the District of Columbia, as well as the necessary support roads and public transportation. His prepared statement stated:

Our concern dates from the adoption last Dec. 28<sup>th</sup> of the District of Columbia City Council's report on the Interstate Freeway System in Washington . . . . The report declares that the New York Avenue Industrial Freeway should be constructed to a connection with a greatly improved Baltimore-Washington Parkway as a "realistic alternative" to I-95, implied in the decision is belief that this route will handle adequately trips with a Washington destination, and that interstate through traffic will use the Beltway. [sic]

He objected to the current study in Maryland of I-95 within the county, as well as statements by the District's city council that it did not want to force "repugnant" decisions on the county by pursuing its segment of I-95. Opponents suggested that Metro and improvement of existing highways would be able to handle the traffic:

Opposition was climaxed by a hot fight over a bill (which fortunately failed) in the State legislature that would have denied the Maryland share of the proposed study, thus killing the entire project. The astounding thing is that the opponents, both in the District and in Maryland, have given no indication of understanding the relationship of I-95 to Metro although rapid transit is the keystone of their argument against completion of the highway.

He pointed out that Metro was supposed to occupy the I-95 right-of-way from the vicinity of New York Avenue to 2 miles beyond the District line in Maryland. WMATA was planning to place two Metro station on air rights over the highway, with Metro occupying the I-95 median strip for the first 2 miles after leaving the District. Metro costs for the line are all predicated on right-of-way acquisition, engineering, and construction of I-95:

Metro officials I have talked to literally shudder when asked what additional money must be programmed for this line. And they state flatly that elimination of I-95 will substantially delay and possibly eliminate the entire segment from Union Station to Greenbelt. On the other side of the coin, they admit that simultaneous construction of Metro and I-95 – which has not been planned – would probably bring substantial savings in the two projects and offer an advanced service schedule for Metro.

He acknowledged that construction of I-70S through Montgomery County to the District was dead. However, the committee did not consider any alternatives to construction of I-95 to be acceptable. The committee thought that the I-70S funds should be shifted to I-95. Porter

recommended the Committee on Public Works include a provision in the 1972 Act that would restore I-95 to the District's freeway system and:

1. Recognize that I-95 through Prince Georges County and the District of Columbia is an essential part of the transportation network serving the entire East Coast and guarantees adequate access for all of the nation's citizens seeking to visit their Capital City.
2. Recognize that large amounts of taxpayers' money can be saved by the simultaneous construction of I-95 and the Rhode Island-Prince Georges Plaza segment of Metro.
3. Recognize that construction of I-95 through the urban sections of Prince Georges County and the District of Columbia should meet every possible criteria contributing to the reductions in disruption of neighborhoods, and impacts on environmental factors. This should include standards for compensation for unavoidable noise pollution to neighboring properties, as well as improvements in the present system of compensation for properties affected by public construction projects. [pages 825-831]

On March 28, the subcommittee heard from Grosvenor Chapman and Gardner Palmer of the Citizens Association of Georgetown regarding the Three Sisters Bridge. Palmer, who chaired the association's Committee on Legislation, cited the Supreme Court's decision not to hear the appeal:

We are not here to kick a dead horse. In fact, we do not believe it is really a dead horse, and that is why we wish to present testimony before the subcommittee, and we feel that there are two difficult situations that must be faced.

One situation was the provision in past Federal-aid legislation requiring construction of the bridge, with Secretary Volpe and the District now required to go through the whole review process again, which would "cause a great deal of unnecessary anguish throughout the city of Washington, and throughout Arlington County."

The other situation was a "Government-authorized study and a mining study in the historic district of Georgetown's waterfront." At President Nixon's direction, the Federal Government was financing the study partly to preserve the historic waterfront "but also as part of the 1976 Bicentennial Exposition and celebration." Georgetown, as he mentioned, predated the District of Columbia's creation as the Nation's capital.

Palmer said that much of the debate was on the bridge itself – "you might say one abutment of the river bank to the other" – without enough attention paid to the effect of the traffic after it reaches the District. "We have taken the position that if we must accept it, we must accept it," but he added, "all we ask is that it be planned with the greatest delicacy . . ." He pointed out that since enactment of Section 23 of the Federal-Aid Highway Act of 1968, "traffic has not grown in the way that it was predicted it would grow, so that even more so today it would appear that the bridge is not going to be necessary."

He urged repeal of Section 23, which the prepared statement called "a colossal mistake," to allow planning to proceed without the bridge dictating six lanes of traffic through Georgetown. Even

with Section 23 still a law, the Three Sisters Bridge “should not be built and, in all probability, will not be built.” In view of court rulings, it probably could not satisfy Title 23 and other relevant laws. Residents of the District and Arlington County did not want the bridge. Further, if built, it would interfere with solutions to the traffic problems in Georgetown by funneling six lanes of traffic through the area.

When the association completed its opening statement, Chairman Kluczynski agreed to place their lengthy formal statement in the record. He said that before inserting Section 23 in the 1968 Act, “I was very interested in that, and drove out there, and I saw three rocks sticking out of the river and they wanted to name it that, and there is quite a history to it.”

When Chapman said he had not been able to cover the specifics of the Georgetown waterfront and the effect of the added traffic, Chairman Kluczynski interrupted to say he had to be on the House floor in a few minutes for a vote. “You could give the story to our engineer-consultant here, and we will have it in the record in its entirety.” [pages 897-908]

The subcommittee concluded its hearings on April 12, 1972. The report on the hearings contained statements and letters received beyond the hearings themselves on many issues, including several on the District’s freeway controversy. One was an April 12 letter from Robert F. Koch of Bethesda, Maryland to Chairman Kluczynski. Koch, speaking as an individual, wanted to go on record as supporting the freeways in the DeLeuw-Cather report. He said that the people of Montgomery County also supported the North-Central Freeway, notwithstanding the State’s recent decision to drop the freeway “in apparent ignorance of the strong public support” for it.

He enclosed a copy of his letter to Senator Mathias stating that “any talk of ‘balanced’ transportation in this area is a joke.” The Metro subway “enjoys a sacred status,” but I-66, the Three Sisters Bridge, the North-Central Freeway are “in serious trouble after years of delay” while the Northwest Freeway was dropped. “Everyone seems to forget that Metro runs on tracks and requires a complete road system to supplement and support it.”

Koch told Senator Mathias that the “well-publicized opposition of organized groups” had led to the “popular fallacy” that the public opposed freeways. This “completely false” impression may stem partly from the turnout at hearings. While the public “stays away in droves” and relies on the wisdom of its elected representatives, the hearings “are usually packed with objectors, who impress these same officials with their vehemence and create a completely false notion of a ‘popular mandate’ to do away with freeway planning.”

He illustrated “the monumental injustice of all this” by citing the example of the North-Central Freeway. When Representative Gude polled his constituents in mid-1971 on construction of the North-Central Freeway, 54 percent favored the freeway. The 1969 Quayle survey found that two-thirds of District residents favored the 1968 freeway system. “Obviously it is time for some statesmanlike action on the part of our elected officials to get the job done in spite of the obstructionists.”

In his letter to Chairman Kluczynski, Koch observed that he had chaired the Transportation Committee of the Bethesda-Chevy Chase Chamber of Commerce:

I have observed the steady deterioration of highway planning in this metropolis over the past ten years, thanks to a parade of Johnny-come-latelys in the NCPC and local governments, who have done a great job of cutting, slashing, changing, delaying, etc. The attrition continues today, with the D.C. City Council, DOT, HUD, EPA, and various courts all thwarting the people's needs and the will of Congress expressed in the 1968 Highway Act.

If we are to get the roads we so badly need here, only Congress can override the messy situation and get the job done. [pages 897-901, pages 1025-1026]

Dr. Leslie Logan of Arlingtonians for the Preservation of the Potomac Palisades, one of the litigants in the Three Sisters Bridge case, submitted a statement to the House Subcommittee on Roads later in the month. He urged repeal of Section 23 of the Federal-Aid Highway Act of 1968, although his primary concern was the Three Sisters Bridge. He questioned whether additional capacity was needed in view of recent traffic studies:

On May 19, 1971, there were no more commuters at the morning peak hour from Virginia to Washington than there were in 1964-65, despite population growth.

Aside from need, the Three Sisters Bridge “would destroy the beauty of the Potomac River gorge and adversely affect the national parklands along the Potomac River for several miles.” On a practical level, “it would be a large source of air and noise pollution.” Further, Section 23 and the bridge itself “are probably contrary to law,” as determined by the courts.

The statement pointed out that NPS Director Hartzog, in June 1965, had identified viable alternatives to the proposed bridge:

These alternatives include greater use of the bridges already built by reconstructing approaches and providing additional capacity on Chain Bridge and Key Bridge, widening George Washington parkway roadway from Spout Run to Theodore Roosevelt Bridge from four to six lanes, and providing connections between Highway 50 and Jefferson Davis Highway to facilitate the movement of traffic to the 14<sup>th</sup> Street bridges and points south.

He also pointed out the opposition to the bridge in Arlington County:

The bridge would not be consistent with Arlington's plans for the future; a bridge has two ends – it cannot be consistent with local planning on one side and not on the other. [pages 897-901, pages 1048-1050; Barnes, Fred, “3 Sisters Alternative Asked,” *The Evening Star*, April 20, 1972]

In addition, Douglas M. Parker of the law firm of Lankler and Parker provided a letter to Chairman Kluczynski on behalf of the Connecticut Avenue Association and the Committee Concerned for K Street. The groups opposed the location of the proposed North Leg of the Inner

Loop along K Street, NW. In response to Section 129 of the Federal-Aid Highway Act of 1970, the District of Columbia and Secretary Volpe had recommended an alignment along K Street. In doing so, however, they had “ignored the expressed view of Congress in this matter and failed to provide a sound basis for Congressional action.”

The 1968 ICE included a North Leg “in the vicinity of T and U Streets, N.W.” and that was the route specified in Section 23 of the Federal-Aid Highway Act of 1968. In the District’s Department of Highways and Traffic report dated January 12, 1970, the city rejected the alignment along T and U Streets:

At the same time, however, the report pointed out that a tunnel under K Street “would require serious business disruption during the construction period.” The District of Columbia City Council also received testimony on February 3, 1970, to the effect that (a) a tunnel under K Street could not serve as a traffic distributor; (b) the cost of a K Street tunnel would be prohibitive (c) [sic] the construction of a K Street tunnel would produce an enormous, perhaps fatal, amount of disruption to the business community in that area, and (d) a large number of families would be displaced by a K Street tunnel.

Parker wrote that the two organizations he represented presented this testimony to the city and that it “was not challenged by a single witness.”

Nevertheless, on February 17, 1970, the city council had recommended a tunnel under K, L, or M Streets. Further, the council’s report “stated that no route north of M Street was acceptable and that a tunnel connecting the E Street Expressway with Downtown was the only acceptable alternative to K, L, and M Streets.”

Quoting the House Report on the Federal-Aid Highway Act of 1970, Parker cited the call for “careful consideration” of the “potentially disastrous effects” that tunnel construction would have on K Street businesses. Section 129 of the legislation called for study of the North Leg of the Inner Loop and reports to Congress by the District and the Secretary regarding the project “including any recommended alternative routes or plans.”

Despite the expressed concerns, the District’s consultant recommended the K Street alignment for the North Leg and the city council endorsed the recommendation. Secretary Volpe concurred in part by stating that there should be “a connector facility along the K Street corridor” but expressing reservations “as to the type of facility.” He noted the cost and potential community disruption along the corridor, but “offered no plan as to how such problems might be overcome” beyond further consideration of alternatives such as “a surface improvement concept with or without grade separation.”

Parker concluded:

It appears that neither the consultants, the District of Columbia, nor the Secretary of Transportation have observed the Congressional mandate to explore fully all of the available alternatives. Accordingly, we submit, Congress should now reject the K Street

alignment in explicit terms and direct the further study of the remaining alternatives.[pages 1037-1038]

### **The 1972 House Bill**

On September 14, the Subcommittee on Roads approved a provision as part of the Federal-Aid Highway Act of 1972 (H.R. 16656) that would prohibit any court from halting construction of the Three Sisters Bridge:

#### Three Sisters Bridge

Sec. 139. No court shall have power or authority to issue any order or take any action which will in any way impede, delay, or halt the construction of the project described as estimate section termini B1-B2, and B2-B3 in the 1972 Estimate of the Cost of Completing the National System of Interstate and Defense Highways in the District of Columbia and as estimate section termini 02-03 in the 1972 Estimate of the Cost of Completing the National System of Interstate and Defense Highways in the Commonwealth of Virginia, in accordance with the prestressed concrete box girder, three-span design approved by the Fine Arts Commission, known as the Three Sisters Bridge. Nor shall any approval, authorization, finding, determination, or similar action taken or omitted by the Secretary, the head of any other Federal agency, the government of the District of Columbia, or any other agency of Government in carrying out any provisions of law relating to such Three Sisters Bridge be reviewable in any court. [H.R. 16656, 92d Congress, 2d Session, in the House of Representatives, September 14, 1972, pages 107-108]

The committee's report on September 25 explained that the history of the Three Sisters Bridge had been "one of intense emotion, countless years of planning and dispute, court action and literally millions of words in the press and other media." The committee, by enacting Section 23 of the Federal-Aid Highway Act of 1968, but "no one moved toward construction of the bridge until late in 1969," when "other circumstances produced a change in attitude and the bridge was started." Construction was halted by "endless court suits," resulting in Chief Justice Burger's explanation that the Supreme Court would not consider an appeal "solely out of considerations of timing." The Chief Justice noted that the Court of Appeals' decision "unjustifiably frustrated . . . the will of the Congress." In view of his opinion that Congress could act on the matter "even to the point of limiting or prohibiting judicial review of its directives." The committee was acting "accordingly." [Federal-Aid Highway Act of 1972, Committee on Public Works, U.S. House of Representatives, 92d Congress, 2d Session, Report No. 92-1443, September 25, 1972, page 17]

A spokesman for Chairman Kluczynski reaffirmed that role of Chief Justice Burger's invitation to congressional action:

Subcommittee sources said the measure is aimed at U.S. Court of Appeals Judge David Bazelon, who in ruling in favor of the citizen groups said that Volpe, in deciding to build the bridge, should not have considered the pressure of Natcher and other House members to force freeway construction in exchange for subway money.

Representative Schwengel had not been present for the vote on the provision but said at the time that he would attempt to block the measure when the full committee takes up the bill:

I'm disturbed that the subcommittee completely ignored the wishes of the people of the District. We treat them like foreigners. In every other area we have state highway commissions listening to what the local community wants. [Green, Stephen, "Amendment Would Halt Court Action on Bridge," *The Washington Post and Times Herald*, September 15, 1972]

Despite efforts by Representatives Schwengel and Abzug, the committee retained the provision in the final bill.

The bill's Section 140 also was related to the District freeway disputes:

#### District of Columbia

Sec. 140. None of the provisions of the Act entitled "An Act to provide a permanent system of highways in that part of the District of Columbia lying outside of cities", approved March 2, 1893 (27 Stat. 532), as amended, shall apply to any segment of the Interstate System within the District of Columbia.

The committee's report explained that:

This 79 year old Act is still applicable to the nation's capital today. At a time when a vast modern highway system has been developed throughout the nation, there is always the possibility in the District of Columbia that the application of this Act can in some manner impede the need to develop a modern highway program for Washington.

No city in the United States needs a full scale highway program greater than does Washington, D.C. to whom hundreds of thousands of tourists flock every year to visit its scenic and historic wonders.

The Committee feels that to allow such an Act the continuation of which might even remotely prevent the development of a full scale highway program for the nation's capital is a disservice to the city of Washington, to its citizens, and to the American public across the country, and for this reason urges it repeal in this section, with respect to the Interstate System only.

The report pointed out that, for example, the 1893 Act "prohibits the construction of a highway within the nation's capital at a width great than 160 ft."

As for the provisions in the 1968 and 1970 Federal-Aid Highway Acts, the committee stated, "The reports received by the Committee . . . have been deficient, and for this reason, the Committee now states that under Section 23(a) of the Federal-Aid Highway Act of the 1968, the entire Interstate System in the District of Columbia should be built forthwith." The exception was the South Leg of the Inner Loop, "on which recent hearings have been held by the District of Columbia which should produce a satisfactory plan for its construction." [page 18]

The bill also addressed the District Interstate controversies in Section 110 on “Federal-Aid Systems.” In recent years, Congress had tried to speed completion of the Interstate Construction Program by imposing deadlines for submitting PS&E for all remaining segments. If a State did not submit the documentation on time, the Secretary of Transportation was to remove Interstate designation for the segment. Section 110 extended the due date by 2 years to July 1, 1977. Committee members recognized that the deadline would give District officials an easy way to kill the city’s remaining Interstate segments by simply not submitting the documentation. Therefore, Section 110 exempted the District of Columbia from this provision. (The Senate included a similar provision in its version of the 1972 Act, but did not exempt the District of Columbia from the deadlines.) [page 32; Green, Stephen, “Amendment Would Halt Court Action on Bridge,” *The Washington Post and Times Herald*, September 15, 1972]

Secretary Volpe had written to Chairman Blatnik on September 18, before the committee vote, to say the Nixon Administration strongly opposed the provision on the Three Sisters Bridge. In general, Secretary Volpe said, the administration believed that congressional attempts to exempt individual projects from Federal requirements or court review “are not desirable.”

Further, “if the purpose . . . is to expedite the processing of the Three Sisters Bridge project, it is our opinion that it does not achieve that purpose.” Because “the provision is prospective,” Section 139 “would leave the existing court order standing.” Department of Transportation attorneys believed that “processing the Three Sisters Bridge without complying with the existing court order may lead to contempt proceedings against the secretary of Transportation [sic].” The committee, as the *Star* pointed out, ignored the letter in taking final action on the bill.

Martha Angle, reporting for the *Star*, pointed out that the committee received Secretary Volpe’s letter before voting on the bill, but “members apparently ignored his objections. A much more vigorous debate is likely when the measure reaches the House floor next week.” She added that even if the provisions related to District freeways survived the House debate, “they could be eliminated in conference with the Senate.” [Angle, Martha, “Volpe Scores House on 3 Sisters Action,” *The Washington Star-News*, September 23, 1972]

The bill also authorized Interstate construction funds through FY 1979 and approved use of the 1972 ICE for apportionment of funds in FYs 1974 and 1975. Secretary Volpe had submitted the ICE to Congress on December 29, 1971. The report stated that the previous ICE had estimated the total cost of the Interstate System would be \$69.870 billion (Federal share: \$62.5 billion). The 1972 estimate was \$76.3 billion (Federal share: \$68,26 billion), “without allowance for possible escalation in future program years.” As in past years, the difference in cost since the 1970 ICE could be attributed to Interstate additions and major adjustments, unit price changes, new legislation added increased emphasis on social considerations, added costs for preliminary engineering, right-of-way acquisition, and construction items.

[A Revised Estimate of the Cost of Completing the National System of Interstate and Defense Highways, Communication from the Secretary of Transportation Transmitting a Revised Estimate of the Cost of Completing the National System of Interstate and Defense Highways,

Pursuant to the provisions of Section 104(b)5, Title 23, United States Code, Committee on Public Works, U.S. House of Representatives, 92d Congress, 2d Session, Committee Print 92-29, February 1972, pages 13-14]

On September 25, 1972, the House Committee on Public Works released a report on its version of the Federal-Aid Highway Act of 1972.

Representatives Abzug, Schwengel, and Charles B. Rangel (D-NY) submitted additional views, totaling 11 pages, opposing both D.C.-related provisions:

We believe that local highway officials and local citizens should have the opportunity to be heard with regard to highway construction projects, and that they should also have the right to a day in court if they believe that such a project is in violation of law. To prevent them from having that say, and that day in court, as section 139 attempts to do, violates basic principles of American democracy and may be unconstitutional . . . .

In addition, we oppose section 140 of the bill, which we feel would wreak havoc with any further Interstate highway planning and construction in the Nation's Capital.

The bulk of their statement was divided into four lengthy segments:

I. SECTION 139 WOULD PERMIT AN INTERSTATE HIGHWAY IN VIRGINIA AND FEDERAL-AID HIGHWAYS THERE AND ELSEWHERE TO BE CONSTRUCTION UNLAWFULLY

Although the District of Columbia has a unique status under the Constitution, the Commonwealth of Virginia was a sovereign State. Congress might have the authority to direct construction of the Three Sisters Bridge in the District, but had never exercised such authority in Virginia or any other State. "The citizens of Virginia and the other States, acting through their duly authorized officials, have had authority to decide whether, where and in what manner Interstate highways should be construction." By ordering the District to build the Three Sisters Bridge, which touched down in Virginia, Section 139 would deprive Virginia's citizens of that authority, thereby creating "a dangerous precedent" for the Federal-aid highway program.

The prohibition of judicial review went even further, but was unclear as to exactly which elements of Title 23, United States Code, or related laws, such as NEPA, would not have to be satisfied because citizens could not go to court based on noncompliance. "We do not know the answers to these questions, for section 139 does not tell us."

Further, the Constitution provided for a court system, headed by the Supreme Court. The three Representatives had "serious doubt as to the constitutionality" of Section 139, which deprived citizens of their right to due process of law in the courts.

II. SECTION 139 UNWISELY AND UNNECESSARILY INTERFERES IN A LOCAL HIGHWAY CONTROVERSY IN THE DISTRICT OF COLUMBIA AND NORTHERN VIRGINIA

Of Section 23 of the Federal-Aid Highway Act of 1968, the Representatives said, “No legislation has evoked a more anguished or unanimous cry of protest from the people in the Nation’s Capital.” Opposition to the provision was widespread and intense “both within the District and throughout the country,” with President Johnson referring to it as “the most objectionable feature in this bill” and “inconsistent with a basic tenet of sound urban development – to permit the local government and the people affected to participate meaningfully in planning their transportation system.” The Representatives quoted extensively from President Johnson’s statement on why he signed the legislation, including his point that he did so only because Section 23 called for construction in accordance with Federal highway law.

They described the history of court cases involving the Three Sisters Bridge. “Some have said that the U.S. Court of Appeals’ decision ‘defied’ the will of Congress. That is not correct.” Section 23 directed construction of the bridge “in compliance with all applicable provisions” of Federal-aid law. Evidence revealed during the litigation demonstrated that Federal and local officials acting “under extreme pressure by-passed procedural requirements and ignored substantive protections which had been imposed by Congress,” citing Representative Natcher and the Metro funding. Far from defying the will of Congress, the court “was directing that the will of Congress be obeyed as written.”

The courts had correctly raised questions about the safety of the proposed design of the Three Sisters Bridge. They quoted from Administrator Turner’s March 1970 memorandum stating that the unconventional design and the lack of experience with it in the United States “make the undertaking extremely hazardous and fraught with danger.” They referenced the test of the scale model, citing the report that it had been broken before testing began. They did not believe Congress should mandate construction of a bridge in the Nation’s Capital that was “extremely hazardous and fraught with danger.”

### III. THE THREE SISTERS BRIDGE AND OTHER FREEWAYS IN THE DISTRICT OF COLUMBIA ARE OPPOSED BY THE COMMUNITY

The Committee on Public Works had not held hearings on Sections 139 or 140. In fact, the committee had not held hearings on the District freeway impasse since April 1968. During hearings on the Federal-Aid Highway Act of 1972, only one witness, representing the Citizens Association of Georgetown, had testified on the subject and he had urged repeal of Section 23 of the 1968 Act:

The singular and overriding fact that emerged from this committee’s hearings in April, 1968 was the unanimity of civic opposition to the present District of Columbia highway program. Never in the history of this committee has there been such an outpouring of civic protest against a highway program.

The Representatives listed the many groups opposing the measures and recounted the history of protests, beginning with opposition “in Northwest Washington where proposals to destroy Rock Creek Park, Glover-Archbold Park, and Northwest residential neighborhoods evoked unanimous opposition from civic groups in that area.”

In recent years, they said, opposition had centered on the Three Sisters Bridge. They cited the informal referendum in November 1969 during which 84 percent of voters opposed the bridge.

The Representatives concluded their summary of the history of opposition to the freeway network by writing:

The Interstate highway program embodied in section 23 of the Federal-Aid Highway Act of 1968, and particularly the Three Sisters Bridge, has no community support. Without that community support, the Congress should not further interfere in the highway controversy in the District and northern Virginia by enacting section 139 of H.R. 16656.

#### IV. SECTION 140 WOULD WREAK HAVOC WITH ANY FURTHER INTERSTATE HIGHWAY PLANNING AND CONSTRUCTION IN THE DISTRICT OF COLUMBIA

In repealing the District of Columbia Highway Act of 1893, as amended, for Interstate highways, Section 140 “does not contain anything to replace these provisions, thereby leaving a total void in District laws relating to planning and construction of Interstate highways.” Section 140 “would sweep away all these provisions with respect to Interstate highways – public hearings for affected property owners; public notice to affected property owners from detailed maps and plans; the right of property owners to use their property until condemnation begins.” The Representatives compared this action with repeal of statutes in Iowa, New York, or Oklahoma. “It takes little imagination to foresee that the result will be utter chaos in planning, approving and constructing Interstate highways in Washington, D.C.”

They acknowledged complaints by some Members of Congress about the District’s failure to complete its Interstate mileage. They pointed out, however, that many segments, including the Three Sisters Bridge, “appear to be misconceived.” Some may not be, but Section 140 was “an open invitation to the District government to plan nothing, approve nothing and construct nothing in the foreseeable future.” The provision led to many unanswered questions, such as who was responsible for planning highways in the District of Columbia, were public hearings necessary and, if so, who should hold them, are public notices necessary for Interstate highways, can District officials trespass on private property for survey purposes? “Even those not intimately familiar with the conduct of District government affairs can confidently predict that several years could be consumed in attempting to find answers to those questions.”

The Committee on Public Works “is obviously not equipped by jurisdiction or experience to review and, if necessary, revise the District of Columbia’s highway laws.” Repealing the 1893 District highway law “would be foolhardy and fruitless . . . without replacing them and providing the best possible framework for informed local decision-making.”

In conclusion, they pointed out that Section 139 was “an awkward attempt to assure construction of a project that is overwhelmingly opposed by the communities on both sides of the Potomac River. And by abolishing the District’s highway laws in relation to the Interstate System, Section 140 “would have chaotic consequences for the Nation’s Capital. Both sections “should be deleted from the bill.” [pages 83-93]

With the House preparing to debate the bill, Secretary Volpe released a statement on October 3 covering many of its provisions. Among other views, Secretary Volpe favored a provision that eliminated mileage restrictions on Interstate segments chosen to replace those deleted from the System. He also favored the Muskie-Cooper amendment that would allow funds from a deleted Interstate segment to be shifted to the Federal-aid urban system where they could be used for non-Interstate projects, including rail rapid transit. The provision was not in the House committee bill, but Representative John B. Anderson (R-Il.), Secretary Volpe pointed out, would introduce “a similar amendment providing \$700 million to the Highway Bill.”

He recommended deletion of both provisions on District freeways.

On October 4, a *Post* editorial opposed the Section 139 prohibition on court action regarding the Three Sisters Bridge. The editorial began:

Three Sisters Bridge, the bridge that isn't there but will not go away, is back. And it is back in the worst of all places, on Capitol Hill – more precisely, in the highway bill which has just emerged from the House Public Works Committee.

This was the same committee that, as “bridge-fight aficionados will recall,” had crafted “the peremptory 1968 law” ordering construction of the bridge. It was now “trying again to ram those lanes of freeway across the Potomac between Georgetown and Arlington, by simply bulldozing aside whatever happens to be in the way – including the federal courts, a few federal laws, the Nixon administration, the District government, and the possibility that the area’s transportation needs have changed.”

Virtually everyone else had accepted the ruling by the U.S. Court of Appeals, including the Supreme Court. “But now the Public Works Committee has blasted the interval of calm in a most disruptive, mischievous way, intent on turning back the clock to 1968.” After listing the provisions, the editorial summarized them:

In other words, no more public hearings, no more detailed reviews, no reconsideration on the merits, no enforcement of environmental protection laws, no due process for citizens with legitimate grievances and constitutional rights. Damn the torpedoes, damn the courts, and build the bridge.

The action that the committee was taking reflected the “highly injudicious and gratuitous suggestion by Chief Justice Burger.” Congress had the right to do so, “But the wisest thing for Congress to do about the Three Sisters Bridge would be nothing at all.” Instead, the House had stirred the issue up again. The editorial hoped that the eventual House-Senate conference committee would “bestir themselves to delete this objectionable provision from the highway bill.” [“The Bridge That Isn’t There—Again,” *The Washington Post and Times Herald*, October 4, 1972]

During the October 5 consideration of the bill on the House floor, Representative Abzug introduced an amendment striking Section 139 from the bill. She said that “even if the bridge is

the greatest thing that could happen for transportation in this area,” she opposed the provision because it created an exception to NEPA and deprived citizens of the United States “of their right to have access to the courts for redress of their legal grievances.” She cited the many organizations, including the *Post*, that had called for deletion of the provision:

The project has not complied with the law in numerous respects, there is doubt as to whether it is safe, and is opposed by the community. I urge the adoption of my amendment to delete section 139 from this bill.

Representative Broyhill confused the situation by offering “a perfecting amendment” that would add a section (b) stating that:

This section shall take effect upon the final determination of the route of Interstate Highway I-66 from its present terminus in Virginia at I-495 to its connection with a bridge or bridges (presently constructed or to be constructed) across the Potomac River.

The confusion stemmed from whether he was amending Representative Abzug’s amendment of Section 139. Representative Broyhill clarified that he was amending the provision, Section 139, that Representative Abzug was trying to strike from the bill. He said he favored I-66 as well as the Three Sisters Bridge, as did his constituents.

Minority Leader Ford agreed that the language in the bill was strong, but pointed out that “the language has come at the suggestion of a per curiam decision or memorandum from the Chief Justice of the Supreme Court of the United States.” Representative Ford read the statement into the record, then explained that the provision in the 1972 Act was a direct result of the Chief Justice’s suggestion and that the Chief Justice “fully concurs in the proposal by inference, if not directly, in this bill.”

Chairman Natcher spoke in opposition to Representative Abzug’s amendment. After inserting into the record another lengthy recounting of his efforts to achieve a balanced transportation system for the city, he concluded:

The provision set forth above concerning the bridge complies fully with the suggestion made by Chief Justice Burger of the Supreme Court. The amendment should be voted down and the provision in the bill pertaining to the Three Sisters Bridge project and the District of Columbia projects sustained.

Representative Gude, a cosponsor of the Abzug amendment, said “Section 139 must be removed from this legislation.” The question was not support or opposition to the bridge:

Supporters of this amendment are on both sides of that issue. Along these lines I might point out that enactment of this section might well mark the opening of a whole new round of legal actions which could well cause not only great confusion but as a result, further impede the orderly review and construction processes already established. Adoption of this section could well further delay, rather than hasten construction of the Three Sisters Bridge.

He also was concerned that Section 139, if approved, would set “a very clear precedent for future back-door attacks on the carefully constructed processes established by NEPA and enforced by the courts.”

He cited opposition to the bridge and the provision from “virtually every citizen’s association, and conservation organization in the area, as well as from many national conservation groups.” He also quoted from Secretary Volpe’s letter to Chairman Blatnik.

District Delegate Fauntroy spoke in support of the Abzug amendment. Regardless of the merits of the Three Sisters Bridge, Section 139 “would be a blatant denial of basic civil liberties and a corruption of the American political system.” Congress had established Title 23 and other laws that applied to all Federal-aid projects. “Why should not the citizens of the community have an input into the policy determinations that give rise to this sort of project?”

Section 139, he said, would have these negative impacts but “it does not build the bridge. It is prospective. It addresses itself to events that will occur in the future.” As Secretary Volpe had said in his letter, “the section is inapplicable to any preexisting court decision.” Delegate Fauntroy closed his statement by quoting an editorial on WTOP radio:

Barring citizens from asking for redress in the courts, even though their own taxes and their own communities are at stake, would be a corruption of the American system. No bridge – not even the Three Sisters – is so important.

Minority Leader Ford pointed out that the bridge had been in controversy for 6 years. In 1968, after 2 years, Congress said, in essence, “That is enough.” Four years later, “there have been repetitive legal actions taken to stymie the intent of the Congress, culminating in a decision by the Supreme Court in which we had the words of the Chief Justice giving us some guidance as to what we could do to get the bridge built.” He again quoted the Chief Justice’s language, then said, “The Court is telling us we should do something of this kind, as reflected in this section, in order to stop the kind of litigation which has frustrated the Congress and the people of this area for better than 6 years.”

Representative Abzug responded to Minority Leader Ford by saying that after listening to the views of her colleagues, “I am more convinced than ever that this is one of the most scandalous provisions I have ever seen in a piece of legislation.” The principle that citizens could be stripped of their right to petition the courts “does not affect only the Three Sisters Bridge area; the principle affects every single place in the country.”

She also responded directly to Representative Ford:

So far as the comments of Chief Justice Burger are concerned – by the way, they were purely an aside and certainly do not have the force of law – this provision goes way beyond even what he said. Even though he is a judge, his comments may have been injudicious. He did not suggest that we should restrain or should prevent any citizen from doing anything at all as to the enforcement of any provision of law relating to the Three

Sisters Bridge. He did not say we should make it unreviewable by any court. Members are distorting it by constantly saying that is what the Chief Justice said.

In any case, his statement is not a part of the law, and it was not a part of the decision. In fact, the decision sustained the lower [court], which had ruled that the bridge could not be built unless certain conditions were remedied. We must recognize that what is involved here is a complete denial of due process to any citizen who pays taxes in this area or in every other area of this country, and no responsible body, no legislature, could possibly agree to that and believe any words in the Constitution.

She also urged the House to reject Representative Broyhill's amendment to Section 139.

Representative Broyhill again sought to clarify that if the House adopted the Abzug Amendment, but then approved his amendment, Section 139 would be reinstated.

Regardless of the clarification, the House rejected the Broyhill Amendment to Section 139, without a recorded vote. The House then rejected the Abzug amendment, 125 ayes to 173 noes. [Providing for Consideration of H.R. 16656, Federal-Aid Highway Act of 1972, *Congressional Record-House*, October 5, 1972, p. 34130-34141]

Representative Anderson introduced his amendment to incorporate the Senate's Muskie-Cooper amendment allowing cities to transfer Federal-aid urban funds, including funds from deleted Interstate segments that would be transferred to the urban account, for transit, including rail rapid transit. With help from Minority Leader Ford, nearly two-thirds of Republicans opposed the measure, despite President Nixon's support for it. As Ford explained, the measure broke faith with highway users who paid taxes into the Highway Trust Fund for highway purposes only. Moreover, the proposal was a camel's-nose-under-the-tent. "Make one exception and the floodgates will be opened. Do this and someone will say, let's divert funds from the airport trust fund." [page 34069]

The House killed the provision by refusing to consider it when the House parliamentarian ruled that the amendment was not in order. The House voted 200 to 168 not to waive the point of order, thus not voting on the amendment itself but killing it nonetheless.

The House went on to approve the Federal-Aid Highway Act of 1972, including Section 139 (renumbered 140) and 140 (now 141).

### **The 1972 Senate Bill**

The Senate had approved its version of the Federal-Aid Highway Act on September 19, 1972. It did not contain any provisions related directly to the District of Columbia freeways. However, it did contain several controversial provisions that could affect the District. The approved Senate bill included the controversial Muskie-Cooper provision authorizing local officials to use urban system funds for mass transit, including rail transit. The bill also included a measure, promoted by Massachusetts Governor Sargent and Secretary Altshuler, for eliminating urban interstate segments without losing the money that came with them. According to the measure, at the request of a Governor and the local officials concerned, the Secretary could withdraw the

segment from the interstate system and transfer the funds intended for its construction to the urban system. The funds then, under the Muskie-Cooper provision, could be used for any highway or transit project eligible under the category.

In addition, if local governments in an urbanized area established a metropolitan transportation agency with authority to develop and implement transportation plans, the State was to “pass through” the urban system funds attributed to that area based on population for use by the agency in accordance with the 3C planning process.

The Senate bill also contained a highly controversial provision that worried opponents of the remaining District Interstate freeways. Section 147 of the Senate committee bill authorized termination of Federal-aid status for the project to build the U.S. 281/North Expressway through Brackenridge-Olmos Basin Parklands in San Antonio. The State had begun the project with Federal-aid funds, but was blocked by a June 1971 ruling by the U.S. Court of Appeals in New Orleans that required the project to meet the new environmental requirements, including Section 4(f). Texas and San Antonio officials had proposed to proceed without Federal-aid highway funds, but the court declared that the project had proceeded beyond the point of no return on Federal-aid status.

Senator Lloyd Bentsen (D-Tx.), a member of the Committee on Public Works, and Senator John Tower (R-Tx) proposed the measure to remove Federal-aid status from the freeway so it could be built without complying with Section 4(f) or other inhibiting Federal laws and regulations. Senator James L. Buckley (Conservative Party, NY), a chief opponent of their amendment, was one of four Senators who had voted against the amendment in committee. He said at the time that he believed Congress “should not become involved in weighing the pros and cons” of such disputes. “This has occurred once in the past, in the case of the Three Sisters Bridge in Washington, D.C., with unfortunate consequences.” As Fred Barnes explained in the *Star*:

The North Expressway case is similar in some respects to the two most publicized highway disputes in the Washington area, those involving the Three Sisters Bridge and Interstate Route 66.

In the 1970 highway bill, Congress ordered that construction of the bridge should begin within 30 days. Construction did begin, but it was later halted by a court order. Whether the Three Sisters Bridge will ever be built is unclear today.

“If Congress establishes the president [sic] of exempting specific projects from federal laws,” Buckley said, “the usefulness of those laws will be whittled away.” [Barnes, Fred, “Freeway Foes See Texas Precedent,” *The Evening Star and Daily News*, August 29, 1972]

During Senate debate on the bill, Section 147 was one of the most controversial provisions, but on September 13, 1972, the Senate defeated the Buckley amendment to delete Section 147, by a vote of 24 ayes to 49 noes.

As the House and Senate designated members to participate in the conference committee to resolve differences between the two bills, leaders of the House Committee on Public Works were

determined to delete any Senate provision that would allow the use of Highway Trust Fund revenue for nonhighway transit.

(For a detailed account of the history of the Federal-Aid Highway Act of 1972, including the debate on the San Antonio provision, see “Busting the Trust: Unravelling the Highway Trust Fund 1968-1978” on this Web site.)

### **The Conference Goes Down to the Wire**

With the House determined to hold its ground on the integrity of the Highway Trust Fund, and the Senate determined to “bust the trust” for rail rapid transit, the conference discussions were among the most contentious participants could recall. While conferees grew increasingly frustrated with each other’s refusal to compromise, developments continued outside the Congress.

*The Baltimore Sun* had reported that the Maryland Department of Transportation had begun on August 3, 1972, to study alternatives to construction of the I-95 extension through Prince George’s County to the District line. The department had formed a Study Steering Committee consisting of 60 citizens, elected officials, business and environmental groups, and agency representatives. The committee was using \$600,000 in Federal and State funds to finance the study.

Hal Kassoff, who was directing the study for MSHA, said:

It is the first study to consolidate highways and transit together, and it is a departure in terms of making an intensive effort to involve the community in a fair way.

He said the alternatives to be studied included “the possibility of building I-95, but range beyond it to transit improvements,” as well as not building I-95. He predicted that the study would be completed in the spring 1973.

He added that planning for the 6-mile extension of I-95 had been halted after the District’s city council and Mayor Washington recommended that the I-95 extension from New York Avenue to the Maryland line not be built. [“Road Unit Opens Study on I-95,” *The Baltimore Sun*, August 3, 1972]

On the day the House voted for its version of the Federal-Aid Highway Act of 1972, the *Sun* reported that the Maryland Department of Transportation was “quietly planning a system of highway segments to substitute for controversial interstate highways” in the Baltimore and Washington areas. In an interview, Secretary Hughes said the main reason for devising alternative routes was to retain the more than \$800 million authorized for the controversial current routings. The routes in doubt were I-70S and I-95 inside the Capital Beltway, totaling 8.5 miles, and much of the Baltimore area’s remaining 22.5 mile expressway system.

If these routes were not built, the State would lose the funds unless it had alternative segments ready for Interstate designation:

Mr. Hughes said that a 5-mile section of Route 46 from I-95 to Friendship Airport, a 19-mile segment of the Arundel expressway from the Baltimore Beltway to Route 50 outside Annapolis and a 20-mile segment of Route 50 itself from Washington to Annapolis were among the proposals his department was considering to qualify for federal interstate funds . . . .

“It looks like I-70S is not going to go,” the transportation secretary said yesterday, with regard to the first of the three controversial highways. “It represents \$100 million in interstate funds. We could do a lot with that. We could build the whole Arundel expressway.”

The second disputed road, I-95 into Washington, is the subject of a study that is unique in Maryland transportation planning . . . . [It] will determine whether a road, a rail line or nothing should be built in the corridor. [Dilts, James D., “Substitute Highways Being Planned by State to Preserve U.S. Road Funds,” *The Baltimore Sun*, October 5, 1972]

On October 10, WMATA entered the bond market, offering \$225 million in bonds at an interest rate of 7.3 percent. Merrill Lynch, Pierce, Fenner and Smith, heading the underwriters, reported the public sale, but found the public reception cooler than expected. Investors apparently wanted a return between 7.4 and 7.45 percent. [Jones, William H., “Investors Shy Away from Metro Bonds,” *The Washington Post and Times Herald*, October 12, 1972]

On October 13, local newspapers reported that House-Senate conferees were close to agreeing on the Federal-Aid Highway Act of 1972. The main issue was the Muskie-Cooper amendment opening the Highway Trust Fund to rail rapid transit. Chairman Kluczynski offered a compromise. If Senate conferees would drop the Muskie-Cooper amendment, House conferees would not only support a provision introduced by Senator Harrison Williams providing \$8 billion over 3 years for transit from the general Treasury, but would increase it.

That was the main obstacle to agreement, but the provision on the Three Sisters Bridge also was an obstacle. “Senate conferees,” the *Star* reported, “are prepared to see the entire highway bill go down the drain this year rather than yield to the House on several crucial issues, including the bridge.” [Angle, Martha, “3 Sisters Bridge Issue Stalls Highway Bill,” *The Washington Star-News*, October 13, 1972; Braestrup, Peter, “Hill Nears Agreement On Road Act,” *The Washington Post and Times Herald*, October 13, 1972]

The conferees were working against a deadline of October 18 when Congress would adjourn so all Representatives and one-third of the Senators could join the presidential candidates on the campaign trail for the November election. Despite predictions that the conference would break down, conferees reached surprise agreement on October 18. They agreed on a 1-year extension of the Federal-aid highway and safety programs to prevent States from running out of Federal-aid highway funds while the 93rd Congress addressed the controversial issues the conferees could not resolve. To please the House conferees, the bill dropped the Senate provision allowing use of urban system funds for rail rapid transit. To please the Senators, the bill dropped the House’s priority primary system funds, which many considered an extension of the Interstate System, but directed the Secretary to study the matter and report to Congress.

The Interstate withdrawal and substitution provision of the Senate bill that allowed remaining funds to be transferred to the urban system did not survive the conference. However, the bill included \$3 billion for the UMTA capital program, with a Federal share of 80 percent, and \$100 million for operating subsidies the first year plus \$300 million the following year, all out of the general Treasury. The Highway Trust Fund was not breached, but the Nixon Administration had made clear it would veto any bill that funded operating subsidies. [The conference report can be found at *Congressional Record-House*, October 18, 1972, pages 37115-37133]

The provision on the Three Sisters Bridge had been dropped but the exemption of the District's Interstate System from the 1893 District law, as amended, survived into the final bill, as did the provision allowing Texas to repay Federal-aid funds used on San Antonio's North Expressway so construction could begin as a State-funded project.

The Senate approved the bill by voice vote that evening before adjourning for the year.

In the House, consideration of the Federal-aid bill was interrupted for a vote on another bill.

When debate returned to the Federal-Aid Highway Act of 1972, Representative Myers raised a point of order that a quorum was not present. When a roll call was ordered, only 156 Members of the House were present. In the absence of a quorum, Speaker Albert adjourned the House *sine die*, without completing action on the Federal-Aid Highway Act of 1972. The legislation was dead. [*Congressional Record-House*, October 18, 1972, pages 37199-37200]

Representative Myers did not explain his action at the time or in coming days. The *Post* reported:

Myers was unreachable last night. But Republican House sources said he was angry because the bill no longer contained a House-passed provision barring any court interference with construction of the Three Sisters bridge, now stalled by environmental lawsuits.

House Minority Leader Gerald Ford (R-Mich.) later said he had no part in instigating the Myers move. Other GOP members said White House lobbyists had no hand in it.

However, several administration lobbyists spoke earlier in the day of trying to persuade a congressman or senator to kill the measure, to save the President from a politically painful veto aimed at the mass transit subsidies provision. [Braestrup, Peter, "Highway Bill Dies in Congress," *The Washington Post and Times Herald*, October 19, 1972]

This explanation appeared likely because Republicans had refused to respond to the roll call, thus killing the bill.

(Representative Myers had not addressed the House during debate on the Abzug amendment, but supported the Three Sisters Bridge during debate earlier in the year on the District of Columbia Appropriations Act, 1973. He voted against Representative Abzug's measure.)

Despite these developments, the U.S. Department of Transportation was still considering the Three Sisters Bridge in response to Section 23 of the Federal-Aid Highway Act of 1968.

Assistant Secretary Hirten confirmed that the study was underway, but added that Secretary Volpe had not yet decided whether to proceed with the project as part of the Interstate System.

Jack Eisen wrote:

The highway bill died in the final days of Congress last week in a disagreement between House and Senate conferees over Three Sisters [sic] and the use of highway money to finance rapid transit nationally.

Hirten said the potential schedule for Three Sisters construction is part of an effort to resolve the fate of all pending freeway projects in the nation's capital. "We're trying not to the prejudice [Volpe's decision], but to coordinate," Hirten asserted.

If Volpe approves the bridge project in the coming several weeks, Hirten said it would be reviewed by a committee on historic preservation in December. Public hearings on the location and design of the bridge would be held in January. The National Capital Planning Commission, now officially opposed to the bridge, would review the plans in March.

That would permit the award of a construction contract by August and the opening of the bridge to traffic early in 1975, Hirten said. [Eisen, Jack, "Three Sisters Span is Still Considered by Federal Agency," *The Washington Post and Times Herald*, October 24, 1972]

According to an editorial in the *Star*, this report of Department of Transportation activity "created about as much stir around here as a pebble tossed into the Atlantic, for understandable reasons." Nevertheless, the editors hoped that reports that Secretary Volpe would soon make a decision were true. "If such efforts by DOT and other agencies lead only to further obstructions, and more unconscionable delay, no one will have to wait long to find out." President Nixon had "on numerous occasions" supported the bridge. "It is time those pledges were honored."

Moreover, Secretary Volpe's decision would affect more than the Three Sisters Bridge:

No final resolution of a Georgetown waterfront redevelopment plan can be reached, for example, until the fate of the bridge is decided once and for all. Nor can the Interior Department's Palisades Parkway finally be designed. And those plans, in turn, involve the reconstruction of the C&O Canal, which ought to proceed as rapidly as possible.

Whatever the decision would be, "the administration's clear responsibility is to end the stalemate." ["Volpe and the Bridge," *The Washington Star-News*, October 23, 1972]

Whatever Secretary Volpe might decide, anti-highway leaders were certain that the House Committee on Public Works would continue their efforts to force the District to build the bridge in the 93<sup>rd</sup> Congress. Peter Craig told reporters, "The bridge has utterly no justification," arguing that every study in the past 15 years demonstrated that it was not needed. Sammie Abbott said:

We view the House action on the highway bill as the handwriting on the wall for the highway lobby. The use of the Highway bill for mass transit funding is a certainty for the next session. [Griffin, James, "3 Sisters Span Left in Limbo," *The Washington Star-News*, October 19, 1972]

## **Problems Building**

Secretary Volpe was in Lexington, Virginia, on October 26 to address the 25<sup>th</sup> Annual Virginia Highway Conference. Jack Eisen reported:

Before making his formal speech, Volpe told some of the road builders who infiltrated a press conference that it would be to their benefit to support the transit plan.

“The fewer miles of expensive urban highway you build,” Volpe asserted, “the more miles of less expensive rural highways you will get.”

If more money had been spent in past years on transit in the Washington area, Volpe said, it may have been unnecessary to spend \$56 million on the complex “mixing bowl” interchange on Shirley Highway (Int. 95) near the Pentagon.

In his speech, Secretary Volpe defended the plan to open the Highway Trust Fund to transit. Governor Holton, the next speaker, altered his prepared speech to endorse Secretary Volpe’s comments. The governor said that using highway funds for transit “may one day soon be the prevailing view. He challenged the road builders “to use your considerable influence to get a better balance” between the private automobile and public transit.

Commissioner Fugate also addressed the group, but avoided the controversial topic of highways versus transit. Instead, he pointed out that Virginia would be one of the hardest hit States if, contrary to expectations, Congress did not complete work on a new Federal-Aid Highway Act before the start of FY 1974 on July 1, 1973. Virginia was using Federal-aid highway funds as fast as they became available, and did not have a cushion to sustain the program if funds were cut off on July 1. [Eisen, Jack, “Change In Road Aid Seen,” *The Washington Post and Times Herald*, October 27, 1972]

Fugate was well respected in highway circles. As president of AASHO in 1970, he had testified before the House and Senate Committees on Public Works as they prepared the Federal-Aid Highway Act of 1970. In Virginia, however, his reputation depended on which part of the State was polled, as reflected in this *Post* headline of a Fugate profile on October 19, 1972:

### **Fugate is Ogre in Northern Virginia But a Hero Elsewhere in the State**

The profile began:

In the Virginia suburbs of Washington, where major state officials from distant Richmond are rarely seen, heard or recognized, Highway Commissioner Douglas B. Fugate has become something of a celebrity.

A “Douglas B. Fugate Balloon-Busting Contest” at a recent Earth Day festival drew hundreds of Arlington residents eagerly aiming darts at bright-colored symbols of the commissioner and the proposed I-66 highway he wants to build through their neighborhoods.

A Reston newspaper suggested:

He – and someone should remind him of this after getting his attention with a two-by-four – is a public servant, not a dictator of public policies.

At 66, “the short, wiry civil engineer” had been with the highway agency since 1927 and had no plan to retire:

The drive and impatience that have made him one of the most active and successful highway officials in the country have at times only worsened his relations with environmentalists and elected officials north of Richmond. The idea of not building a road seems foreign to him.

In Emilia Govan’s opinion, his popularity in other parts of the State had produced “a habit in him of doing whatever he feels like doing, without anybody stopping him.”

FHWA’s top Virginia official, Harold King, praised Fugate for having one of the best records in the country for immediate use of available funds. This rapid response to funds was one of the reasons for his lack of popularity in northern Virginia, at least among those who oppose Interstate highways and believe rail rapid transit and exclusive bus lanes were the answer to the area’s traffic congestion:

When Fugate pushed for a beginning of work on I-66, I-266, and I-595 in Northern Virginia, the antihighway ranks solidified. When, despite a court order blocking construction of I-66 in Arlington, Fugate announced plans to go ahead with an adjoining two-mile strip in Fairfax, antihighway groups sprang up in Fairfax and Falls Church. When Fugate suggested closing the highly successful exclusive bus lanes on I-95, local bus commuters became apoplectic.

Fugate has since backed off from his earlier stands on the two-mile section of I-66 and the I-95 bus lanes, but he maintains that in the case of I-66, first planned in 1958, “if we’d had the money and built it 10 years ago when we had the present plan, there would have been no opposition.”

The *Post* quoted from the “much-heralded speech” in Arlington during which he came down on critics, saying they were “bent on obstruction for the sake of obstruction alone,” among several choice critiques. Mrs. Govan said, “I get the feeling that he’s enjoying the battle with us, that he’s relishing it.” [Mathews, Jay, “Fugate is Ogre in Northern Virginia But a Hero Elsewhere in the State,” *The Washington Post and Times Herald*, October 19, 1972]

Earlier in the year, WMATA was told that construction of Metro in the I-66 right-of-way would be less costly if the freeway were not built. In July, Fugate dashed WMATA’s hopes. In an interview with Jack Eisen, Fugate explained that the State had condemned the land for the right-of-way by certifying that it was needed for highway purposes. A State law was then approved allowing construction of Metro in the median of I-66. “If there is no highway,” Fugate told Eisen, “there is no median . . . . As I interpret the law, I don’t see how we could use the property for transit . . . . It would require a pretty drastic change in the law.” He added that the law

requires that if the State did not use the right-of-way for I-66, it should be sold back to its original owners.

WMATA officials had hoped to begin construction of the line in 1974, with trains beginning to run in 1977. The delay caused by the court order blocking advance of I-66 made that schedule unlikely. Deputy General Manager Quenstedt, having discussed the matter with Fugate, told Eisen, "What this seemed to do is to lock our construction schedule into the fate of I-66. Of course, if the decision ultimately is made not to build the road, then we would promptly file our own condemnation papers." WMATA could not do so as long as the State owned the right-of-way. [Eisen, Jack, "Va. Metro Path Hits Blockage," *The Washington Post and Times Herald*, July 23, 1972]

On November 30, WMATA asked Virginia Attorney General Andrew P. Miller if Metro could be built in the median of proposed I-66 while the project was in the courts:

The action by the Washington Metropolitan Area Transit Authority yesterday followed the disclosure that Joseph L. Fisher, board chairman, has urged Virginia Gov. Linwood Holton to ask the General Assembly to pass special legislation during the next session to permit Metro to build its line along the six miles of uncompleted I-66.

With I-66 under court-ordered studies that could take up to 18 months, Metro was concerned "that the delays in constructing the highway also may delay the proposed opening of the Metro system in April 1977."

The *Post*, reporting on these developments, added that "at least one ecology group," ACT, supported Metro's proposal to begin construction regardless of the fate of I-66. Mrs. Govan said that ACT supported Metro construction despite the court fight over the highway. [Griffin, James, "Metro Requests Ruling on Rail Line on I-66 Site," *The Washington Star-News*, December 1, 1972]

WMATA had other problems to address. In early November, WMATA had revised its schedule for Metro service. It still intended to open the initial 4.5-mile section in downtown by December 1974 and to complete the 98-mile system in December 1979, as previously announced. However, service on suburban lines was now to be delayed by up to 2 years, as Eisen summarized:

Train service to Takoma Park has been put back from 1974 until 1976; to the Bethesda area from 1976 until 1978; to Alexandria and to the New Carrollton area of Prince George's County from 1975 until 1977, and to the Falls Church area from 1976 until 1977 . . . .

A new construction and operations schedule has been anticipated for two years, but the extent of some changes surprised Metro board members.

The delays were blamed on "past financial problems, construction strikes, flooding of work sites during tropical storm Agnes in June, and both past and present planning and land-acquisition problems." Disagreements with local jurisdictions on stations and routes also

delayed plans. As one Metro official told the *Star*'s James Griffin, "They're trying to re-invent the wheel":

Sixty of Metro's planned 98 miles of track and half its 86 stations will be in Virginia and Maryland. Route alignment hearings, station design hearings, "impact reviews," formal and informal, are cropping up all over the place, and for many suburbanites they are like too-early blooms in a spring that was thought of as far away.

And always, the casual observer can hear, "Fine, fine, but not in my backyard."

Griffin found that race was one of the factors delaying the suburban lines:

All of this has much to do with Metro, despite official pronouncements that questions of race do not enter into this oft-touted largest construction project the world has ever seen. Indications so far are that Metro will merely reinforce the situation which exists today –

with a more than 70 percent black population in the District and the only exodus going to Prince Georges County which has substantially lower-cost housing than either Montgomery County or those of northern Virginia.

"The suburbs will say to the blacks, in effect, that blacks can get out here easily enough via Metro, so you don't really have to live out here," says one northern Virginia official. "It may perpetuate the ghetto situation."

The officials pointed out that it was unlikely many blacks would move to Montgomery County or the northern Virginia counties because of the prohibitively high cost of homes. He said the recent years of the black exodus from Anacostia in D.C. into Prince Georges would probably expand.

Griffin also found a fear of reverse commutes by black District residents to jobs in the suburbs. "He reported that, "white workers may feel threatened by a diminishing job market there, although census figures seem to indicate that jobs in suburbia are increasing at such a rate that there may be jobs still going begging." [Eisen, Jack, "Metro Sees 2-Year Delay In Suburbs," *The Washington Post and Times Herald*, November 3, 1972; Griffin, James, "Metro Runs Into Trouble in Suburbs," *The Washington Star-News*, November 12, 1972]

### **WMATA's Bus Takeover**

As WMATA dealt with unexpected costs, delays, and other challenges, D.C. Transit Systems was experiencing problems of its own, as Professor Schrag explained:

According to the original plans, Chalk's buses were none of WMATA's business. The compact prohibited the Authority from operating a bus service and even required it to contract out the operation of its trains – a provision added in response to the union uproar over the 1963 bill. So at first, the Authority swatted Chalk away. By the late 1960s, however, D.C. Transit's finances began to melt, and WMATA had to consider a takeover more seriously. Metro needed a healthy, attractive bus system to deliver commuters to

rail stations, but a bus takeover would cloud the Authority's finances at a vulnerable time. Caught between these imperatives, the Authority awaited congressional instruction.

The waiting lasted until the spring of 1970 when District of Columbia leaders, whose constituents made up the vast majority of bus riders, pushed to give the Authority the ability to operate both buses and rail service and, if necessary, to acquire private transit companies . . . .

By then Chalk was desperate. As one observer put it, "declining ridership, increasing fares, and widespread deterioration of service combine to produce unmistakable symptoms of impending death." [Schrag, pages 175-176]

On January 17, 1972, Secretary Volpe suggested combining the Metro rail line and the D.C. bus system under a single authority. "I think the . . . interests of Washington would be best served if there were one operation. It could be private or public." [Dash, Leon, "Volpe Backs Central Agency To Direct Metro, Bus Firms," *The Washington Post and Times Herald*, January 18, 1972]

The possibility that WMATA would take over the bus system had been building for years. The perennial battles over fare increases for bus service had taken their toll on the company's revenues and sustainability, as Jack Eisen summarized in an April 6 *Post* article:

The D.C. Transit System is running on a shoestring and should take steps to add \$12 million in investment capital, a financial consultant recommends.

The bus company also should sell at least \$3.6 million worth of idle real estate and collect another \$3 million it has lent to related firms, using this money to slash its debts, consultant Pasquale A. Loconto reported to the Washington Metropolitan Area Transit Commission.

The commission, the bus regulator, had sought the report from Loconto, of the New York firm of Touche Ross and Company, while considering the company's request to increase the bus fare from 40 cents, the level since 1970, to 50 cents. Loconto found that O. Roy Chalk had invested only \$500,000 when he purchased the company in 1956, and had not invested further funds since then. Stockholders were the principal investors. Debt now exceeded their equity by the sum of \$18 of debt per \$1 of investment. For that reason, Loconto's report called for reducing debt levels. The company, in his view, was relying too heavily on short-term loans to finance its long-term debt. He found that loan repayments and interest were costing the company \$6.7 million per year.

The company had not responded to that suggestion at press time, but a consultant to the firm, John Curtin, said, it would be "foolish . . . to expect any informed investor to put any money into a business like this." [Eisen, Jack, "Transit Firm Said to Need More Capital," *The Washington Post and Times Herald*, April 6, 1972]

With the commission set to decide on the fare increase by May 26, Deputy Mayor Watt and Chairman Hahn testified before Chairman Cabell's subcommittee of the House District

Committee. Speaking on behalf of City Hall and the White House, Watt and Hahn proposed a way to avoid a fare increase. The city would use Federal grants to buy the company from Chalk at an estimated cost of \$18 million for D.C. Transit System's 1,058 buses, then lease the buses back to the company to operate for a token \$1 a year for maintenance and operation. Hahn suggested that the company would use the money to retire indebtedness on equipment and to

improve service. As Eisen explained:

The proposal would relieve the company of about \$3 million in depreciation and related costs of the buses, which could be subtracted from the company's operating expenses.

With these bus costs removed, the company would then receive a subsidy to keep its basic city fare at 40 cents for the present.

The proposal was presented as an interim measure to keep the buses running, at the current fare, until public ownership of the company could be achieved.

Chairman Cabell was skeptical. He said, "we've been stopgapping for a long time," suggesting the time for a permanent solution had arrived. He also questioned whether the company would perform as well as Watt and Hahn implied. "There's a lot of difference between feeding your own horse and a horse that's stabled in your barn." [Eisen, Jack, "City Rein Urged for Bus Lines," *The Washington Post and Times Herald*, April 14, 1972]

With the company expected to lose \$3.3 million if the commission did not approve the fare increase, the commission appealed to Congress for a stopgap \$3 million subsidy for D.C. Transit System. With that subsidy, the commission could leave the fare at 40 cents.

On May 8, the House rejected the subsidy contained in H.R. 14718 by a vote of 50 to 270, effectively killing the measure. According to an account in the *Post*, the vote came after "an emotional debate of nearly two hours," even though the outcome was never in doubt.

Minority Leader Ford set the tone by arguing that Washingtonians who had received a sharp increase in per capita income could afford the higher fare. Delegate Fauntroy argued for fare-free bus service, but after he spoke, "not one word [was] spoken in favor of the bill."

Representative John E. Moss (D-Ca.) labeled the company "this strange miniature Penn Central here in D.C., with valuable real estate benefitting only its owners."

Chairman McMillan apologized for bringing the bill to the House floor, saying the committee did so only at the commission's request.

Chairman Cabell thought the subsidy might actually work, but said of Chalk, "If I ever saw a sweetheart contract, he's got it. But it exists . . . [and after the subsidy] something more permanent and . . . more equitable has got to be worked out." He asserted the subsidy was needed on an emergency basis, but Representative Conte responded that a subsidy would be like "throwing corn down a rat hole." [Green, Stephen, and Eisen, Jack, "House Kills Subsidy for

D.C. Transit,” *The Washington Post and Times Herald*, May 9, 1972; District of Columbia Bus Subsidy, *Congressional Record-House*, May 8, 1972, pages 16151-16167]

On May 19, the commission made the front pages of the *Post* and *Star* by rejecting the fare increase and adding conditions before it would reconsider. As Eisen pointed out:

It was the first time since 1966 – when the commission first warned of the company’s eroding financial foundation – that the commission turned down a D.C. Transit application for a rise in its basic city fare. However, approved increases usually have been less than the company wanted.

The commission agreed that the cost of operating the system was higher by over \$3 million than the fares collected. However, Commission Chairman Jeremiah C. Water said in a statement:

We found that the financial condition of the company is extremely unstable, posing the possibility that the company will not be able to provide the full service required of it.

We also found that a fare increase alone will not solve the financial problems. In these circumstances, we felt that the company should be required to correct the condition of financial instability before we would ask the bus rider to pay higher fares.

The specific conditions we have set is [sic] that D.C. Transit must produce \$6.4 million in funds from sources other than the fare box before we will agree to authorize higher revenue from the bus rider.

The commission wanted the company to use the \$6.4 million to reduce the company’s debt (\$4 million) and to purchase 85 new buses (\$2.4 million). To raise the funds, the commission suggested that D.C. Transit Systems sell idle real estate, insist that affiliated companies repay loans, and seek additional capital from stockholders:

If these funds are produced and applied in the manner we have indicated within 90 days, we will then proceed to the question of whether and in what amount the fare should be increased. If the funds are not so applied in that time, the record in the fare case will be closed.

The commission warned, “What we see in the future if we increase the fare and do nothing more is continued instability and a deterioration in the level and quality of service.” The company had exhibited “less than efficient management” in its debt buildup. As a result, a fare increase would be “unjust and unreasonable.”

The commission described the congressional rejection of the subsidy bill as “a failure of government to respond to the needs of the community. Until that failure is remedied, the spectre of high bus fares and their destructive impact will be with us.”

Waterman denied that the commission’s actions were an attempt to force consideration of public ownership. He added, however, that “my feeling is that eventual public ownership is probably the only answer over the long term.” [Barnes, Fred, “Bus Fare Rise Is Rejected,” *The*

*Washington Star-News*, May 19, 1972; Eisen, Jack, “Bus Line Is Denied Fare Rise,” *The Washington Post and Times Herald*, May 20, 1972]

Editors at the *Star* and *Post* were surprised and pleased by the commission’s decision. The *Star* editorial began:

It may be remembered as the local surprise of the year. No one we know of expected the Washington Metropolitan Area Transit Commission to sock D.C. Transit as hard as it did last Friday, in denying the bus fare increases.

Such a total rejection is unparalleled in the commission’s history, but there’s another first in this action that is even more significant: The WMATC set severe preconditions that must be met before it will even consider the fare hikes again.

The commission deserved applause for its action, but “everything is still up in the air.” Whether D.C. Transit System could raise the funds within the time the commission set was unclear, but the decision provided “even more reason for congressional haste to authorize public ownership of the company.” Legislation for that purpose had passed the Senate 2 years earlier, but never received a vote in the House. Current bills remained on hold in the House District Committee. “We hope that this period in which a fare hike is being withheld will be used by the committee to act affirmatively on that bill, and hurry it along for floor action. [“D.C. Transit on the Spot,” *The Washington Star-News*, May 24, 1972]

The *Post* editorial began by pointing out that “the whole town is elated” that O. Roy Chalk did not get a fare increase:

For the first time in years, the authorities didn’t just wring their hands and nod approval to a fare boost; they said no to the bus company, and threw in a stiff lecture on finances, corporate management and the public interest. The surprise is worth savoring.

While uncertainties remained, what was “clearer and more urgent than ever now is the need to end this devastating arrangement by which Mr. Chalk always winds up with his fare increases: Congress should authorize public ownership of the bus lines.” Only if Congress met this issue head on “will the Washington area be able to concentrate on the business of providing efficient public transportation – instead of having to wrestle with stop-gap measures to bail out a failing system.” [“Score One for the Bus Riders,” *The Washington Post and Times Herald*, May 26, 1972]

Initially, D.C. Transit System threatened to implement the fare increase on May 27 in spite of the commission’s action. It decided not to do so in view of pending court action on an injunction. [Barnes, Fred, “Bus Fare Raise Delayed Temporarily,” *The Washington Star-News*, May 27, 1972]

While the focus was on the bill backing WMATA revenue bonds, WMATA and the White House were not eager to bring up yet another transit bill. However, the Nixon Administration strongly boosted the concept of public ownership on July 26 when Secretary Volpe wrote to Chairman Cabell to call on Congress to “move forward rapidly to prevent any further

deterioration in the area bus system.” [Eisen, Jack, “Nixon Moves To Take Over Area Buses,” *The Washington Post and Times Herald*, July 27, 1972]

Chairman Cabell introduced a bill on August 1. The House and Senate Subcommittees on Business, Commerce, and Fiscal Affairs of the District committees held joint hearings on the measure on August 14-16. [Bus Systems Acquisition by WMATA, Joint Hearings Before the Committee on The District of Columbia of the United States Senate and the Subcommittee on Business, Commerce, and Fiscal Affairs of the committee on the District of Columbia, House of Representatives, 92d Congress, 2d Session, on H.R. HR.16119, August 14, 15, and 16, 1972]

Senator Mathias introduced a takeover bill on September 7, followed by a hearing on September 25. [Federal Payment For Additional Rapid Transit Facilities, Hearing Before the Committee on the District of Columbia, United States Senate, 92d congress, 2d Session, on S. 3966, September 25, 1972]

During the joint hearing, Chalk estimated the sale value of D.C. Transit Systems to be \$75 million (\$40 million to \$50 million for buses and other equipment, plus \$25 million for garages and other real estate). WMATA estimated the value to be around \$45 million. While the discrepancy was likely to lead to difficult negotiations if Congress authorized WMATA to condemn and acquire the property, the important point was that Chalk seemed to accept the inevitable loss of his company. [Eisen, Jack, “Chalk Asking \$75 Million For Transit,” *The Washington Post and Times Herald*, August 16, 1972]

Over the next few weeks, the bus acquisition bill and a District home rule bill became entangled in congressional infighting. On October 12, the House defeated the bus bill, 226 to 129, short by 11 votes of the two-thirds majority needed because the bill was under suspension of the rules that prohibit amendments and limit debate. The unpopularity of Chalk was cited as a primary reason for the shortfall. The Senate approved the bill on October 14 by a unanimous voice vote. [National Capital Transit Act of 1972, *Congressional Record-House*, October 11, 1972, pages 35021-35031; National Capital Transit Act of 1972, *Congressional Record-Senate*, October 14, 1972, pages 36200-36204]

On October 14, the House reversed itself and approved the bill, 184 to 60, sending it to the White House for signature. After the Senate had passed its bill, supporters in the House convinced Speaker Albert to bring the Senate bill to the House floor for a vote. White House lobbyists joined with Representatives Broyhill and Gude to convince their colleagues to approve the Senate bill. Representative Fraser summarized what Senator Mathias had said earlier in the day. If Congress did not approve the bill, it would return in January to face “a real disaster . . . a total collapse of bus transportation this area.” [Bus Systems Acquisition by WMATA, *Congressional Record-House*, October 14, 1972, pages 36427-36431]

President Nixon approved the National Capital Area Transit Act of 1972 on October 21 (P.L. 92-517). He issued a statement on his signing of this bill and five other District bills. About the transit legislation, he said:

I am especially pleased to approve the National Capital Area Transit Act of 1972. Nothing is more essential in making a city livable than a regional transportation system which enables people to move easily among their homes, their places of employment, their leisure time pursuits and tourist attractions. During the last 4 years, Washington has taken long strides toward the development of such a system. Construction of METRO rapid rail transit system is progressing well [sic], as is the improvement of the regional highway system. The transit act signed today is a necessary complement to these steps. It opens the way for acquisition of the area's four major bus companies by the Washington Metropolitan Area Transit Authority, and thus for the efficient coordination of bus and subway services when METRO begins operation in 1974.

WMATA planned to take over operation of District Transit System and the three other private bus companies in January 1973. In doing so, WMATA expected to experience large deficits that would require growing government subsidies in coming years. It expected to lose the \$3 million that the bus company had anticipated losing, but projected that annual loss to be \$13.6 million in 1977. Under the circumstances, subsidies were the only way to retain the current fares.

Secretary Volpe and Chairman Fisher had testified before the joint hearing of the Senate and House District Committees on August 14 that subsidies would not be needed. Eisen reported:

At one point, Volpe . . . declared: "I would say that if they [Metro] gave [improved bus] service . . . that they could achieve possibly a break-even point. If there were a deficit, it would be very small . . . ."

Rep. Thomas G. Abernethy (D-Miss.) asked Volpe "if there is any intention or design set forth in this legislation which would authorize the subsidizing of fares either by the District government or the area government or the federal government?"

"There is not, sir," Volpe replied.

Abernethy pressed on. "There is none, and such is not contemplated?"

"No, sir," Volpe said.

Later that day, Abernethy asked Fisher . . . "whether or not a subsidy would be necessary to successfully operate this [bus] facility?"

Fisher responded: "It is our intention to operate the buses and integrate them with Metro [the subway] as Metro comes in without subsidy."

By September, when WMATA submitted its preliminary application to UMTA for \$70.8 million to acquire the lines, the authority was projecting operating losses. However, General Graham anticipated that the deficits would decline when major portions of the 98-mile Metro system opened in the late 1970s. The combined rail-bus network would then be able to pay for itself from fares, according to Graham. [Eisen, Jack, "Metro Sees Bus Deficits, Big Subsidies," *The Washington Post and Times Herald*, November 16, 1972]

Although the plan had widespread public support, many observers worried that WMATA would face the same problems that had proven the downfall of the private companies. WMATA held a week-long series of public hearings throughout the region in early December, during which citizens and public agencies expressed what Eisen called “deep concern that the Metro subway agency may not do enough to meet community needs.”

Several witnesses, including former City Council Chairman Hechinger and Sammie Abbott, argued that WMATA should not charge any bus or subway fare or should reduce fares. The WMATA board should be solely responsible for determining fares. For now, the board planned to retain current bus fares. [Eisen, Jack, “Public Support of Bus Takeover Mixed With Concern Over Service,” *The Washington Post and Times Herald*, December 9, 1972]

### **After the Election**

In the presidential election, President Nixon scored a landslide victory over Senator George McGovern of South Dakota to win a second term. In the wake of his victory, he asked his entire Cabinet to submit their resignations. Initially, Secretary Volpe seemed to have escaped the purge, but instead was offered the post of Ambassador to Italy. The shift was announced on December 7.

Secretary Volpe had been reluctant to accept the new position, despite the fact that it was a dream assignment for a man who was proud of his family’s Italian heritage. He felt he had unfinished business as Secretary of Transportation. He was proud that during his term, he had overseen efforts to achieve “real balance and environmental parity” among the modes. His biggest disappointment, he said, was that he had not secured legislation that would open the Highway Trust Fund to rail rapid transit. [Morison, Robert F., “Lack of Urban Transit Action Dismays Volpe,” *The Journal of Commerce*, December 20, 1972]

His successor would be Claude S. Brinegar, a 45-year old senior vice president of Los Angeles-based Union Oil Company. (His name rhymed with “vinegar.”) He had never served in government and had never met President Nixon before their interview about the position. He had contributed only \$50 to the reelection campaign. [“Charlton, Linda, “Oilman Will Get Transportation Post,” *The New York Times*, December 8, 1972]

According to a news account, colleagues described Brinegar as a “precise, able administrator who doesn’t waste words and is an expert at statistics.” He was the “type of administrator who must find things out for himself.” One colleague said, “With most people, you can give them a mathematical equation and they’ll use it, but Claude’s got to derive the equation before he’ll use it.” An engineering colleague said, “He’s considered one of the extremely good statisticians. He handles statistical analysis better than anyone I’ve ever run into. He also handles every problem from the standpoint of logic . . . and he’s a very thorough grammarian.”

Brinegar had limited experience with transportation, and that was mostly as a consumer:

Brinegar’s experience in transportation appears limited to what he has experienced at Union Oil – and that’s mostly pipelines. He told a Los Angeles news conference

yesterday that he has gained an extensive familiarity with transportation problems because he has flown one million air miles. He also pointed out he is a daily commuter on crowded Los Angeles freeways.

Another transportation link was his service on the Board of Directors of International Speedway Corporation, which operated stock car tracks in Daytona Beach, Florida, and Talladega, Alabama. His service on the board was not because he was a car or racing buff, but because Union Oil owned 25 percent of the firm and was the official fuel supplier for the National Association for Stock Car Racing. [Aug, Stephen M., "Brinegar Known for Management," *The Washington Star-News*, December 8, 1972]

Secretary Volpe, in a year-end news conference, said he would turn over the fate of the Three Sisters Bridge to his successor. The Department had not yet completed the court-ordered review of the proposed bridge. He said, "Two, three or four months of additional work is needed to come into compliance with the court order." [Eisen, Jack, "Volpe to Hand Over 3 Sisters Problem," *The Washington Post and Times Herald*, December 14, 1982]

While the Three Sisters Bridge remained on hold, officials were making progress on the Baltimore-Washington Parkway.

In February 1971, Maryland highway officials indicated that they planned to again seek designation of the Baltimore-Washington Parkway as part of the Interstate System. The \$65 million authorized by Section 146 of the Federal-Aid Highway Act of 1970 covered upgrading only the Federal portion of the parkway from the District line to Maryland Route 175 near Fort Meade. If that section were widened to six lanes and Interstate standards, the Maryland State Roads Commission would have to widen the northern state-owned portion from Fort Meade into Baltimore. Chairman-Director Fisher explained:

We have had some discussions with federal highway officials, and believe \$65 million is fairly close to the amount needed to do the job. We probably won't be able to sit down and work out a specific agreement until after the General Assembly here adjourns [on April 13]. It's necessary, though, that we also can improve the 14-mile road that goes from Route 175 into Baltimore, and widen it to six lanes. Otherwise, we'll eventually have a six-lane highway feeding into a four-lane highway."

With Interstate designation, he anticipated, Maryland would have 90-10 Interstate funds for reconstruction of the northern end. [Rowland, James B., "Interstate Designation Sought for Parkway to Baltimore," *The Evening Star*, February 8, 1971]

Negotiations between NPS and Maryland about takeover of the parkway did not go smoothly. Appearing before a House Appropriations subcommittee, FHWA Administrator Turner explained why his agency's budget for FY 1973 did not include the authorized funds for construction of the project. "Maryland has so far refused to enter into an agreement on the project." He said that "some planning and design work" were underway, but construction would not begin in FY 1973. A Maryland Department of Transportation spokesman explained that the State could not agree to maintain and police the project while construction was underway if the

Interior Department owned the road. The Interior Department did not want to use its resources on a road that was to be turned over to the State as soon as the widening was completed.

FHWA Executive Director Edgar H. Swick added that “the program is not getting off the ground as well as we had hoped”:

We have had problems between the Department of Interior and the state of Maryland as to who will assume the responsibility for maintenance and policing during construction. We have had three or four meetings with the two parties and so far the problem has not been resolved. We are still working on it.

Representative Conte, hearing Turner’s and Swick’s testimony, said, “This is a shame because it is really needed more than anything else around here, I would say.” [Barnes, Fred, “Parkway Widening Delayed by Hassle,” *The Evening Star*, May 9, 1972]

On June 7, NPS, the State, and FHWA found a compromise. Maryland would take over maintenance as each section of the road went to construction, with the contractor responsible for maintaining the section and controlling traffic as part of the bid price. The cost would be borne entirely by the Federal Government. NPS would continue police control of the entire parkway until construction was completed in 4 years. The agreement also called for completion of construction as quickly as possible, with final contracts to be awarded within 48 months of the first contract. Administrator Fisher said, “We will try to schedule it within the time period subject to the availability of funds for it.”

Assistant Director Raymond L. Freeman signed the agreement for NPS on June 7. Fisher and Turner signed it on June 8. [Barnes, Fred, “U.S. State Draft Parkway Accord,” *The Evening Star-News*, June 4, 1972; Lewthwaite, Gilbert A. “State, U.S. Agency Agree on Widening D.C. Parkway,” *The Baltimore Sun*, June 8, 1972]

The MSHA had submitted an application to the Regional Planning Council for \$4.3 million in Federal funds to begin preliminary engineering for reconstructing the parkway to Interstate standards. The council approved the request in November, subject to several conditions, including designation of the parkway and its State highway extension as an Interstate route connecting with I-95 in Baltimore. The council also called on Maryland to evaluate the environmental impacts of the project. The funding was subject to FHWA approval.

The project would involve widening to six lanes, reconstructing interchanges, and perhaps adding interchanges. If all went well, construction could begin in 3 years and would take about 5 years to complete at a total cost of \$115 million. The parkway section would be able to use the \$65 million authorized by the Federal-Aid Highway Act of 1970 for 100 percent of costs. The extension into Baltimore would use Federal-aid highway funds plus State and local matching funds.

Roland M. Thompson, the MSHA’s chief location engineer, said, “The two projects are going to be pretty staggering. It will wind up as a complete rebuilding of it.”

In approving the application, the council members acknowledged that the opening of I-95 between Baltimore and Washington had relieved congestion on the parkway. However, as State chief transportation planner William Okert put it, the parkway was still operating “near its capacity”:

Mr. Ockert said after the meeting that if the parkway were upgraded to interstate standards, trucks would be allowed on the entire length. Mr. Thompson said that was one of the questions to be taken up in the engineering study . . . .

Mr. Thompson said that the average daily traffic on the parkway at the district line was 73,000 cars [with trucks prohibited]; that at Friendship Airport, the road was carrying 52,000 vehicles a day; and that near the Baltimore city line, the traffic was 45,200 vehicles a day. [Dilts, James D., “Parkway Proposal Advances,” *The Baltimore Sun*, November 18, 1972]

By December, the *Star* could report on the Study Steering Committee’s action on the I-95 corridor in Maryland. The committee was studying five broad transportation proposals:

One would involve widening the Baltimore-Washington Parkway to eight lanes from the D.C. line to the Beltway and constructing a connector between the existing I-95 and the parkway in the vicinity of the Outer Beltway.

The connector would be designated I-95. The eight lanes of the parkway inside the Beltway would be divided among three northbound and three southbound lanes, with two reversible express lanes in the median for express commuter buses and car pools. Beyond the beltway, the parkway would narrow to six lanes.

The second highway alternative calls, in essence, for construction of the long-delayed North Central Freeway from I-95 and the Capital Beltway into the District. The highway would be generally within the PEPCO [Potomac Electric Power Company] right-of-way, entering D.C. near Gallatin and Galloway Streets NE. Short tunnel sections and depressed open-cut construction would be used to minimize adverse environmental impact.

The last highway alternative would make even more use of the PEPCO right-of-way, extending a six-lane I-95 south to New Hampshire Avenue, then along New Hampshire to the B&O railroad in the District.

Other options included using existing transportation lines to their maximum capacity, using Metro rapid transit funds planned for the Greenbelt line along with a comprehensive bus system and commuter railroads, to create a “mixed modes” approach of highway and rail improvements.

The committee also was considering the “no build” option. [Griffin, James, “I-95 Link to Parkway Being Studied,” *The Washington Star-News*, December 31, 1972]

In the spring of 1972, the District had completed a 1,600-foot segment of the Center Leg of the Inner Loop Freeway. It was six lanes wide, cost \$2.2 million, and was a freeway to nowhere,

with a wall of dirt and concrete 25 feet high at Massachusetts Avenue in the north and a hole in the ground for a subway tunnel at the south end at D Street. As it sat there, unusable, workers in the area began to clamor for its use as a parking lot. Jack Hartley of the District highway agency said, “So we responded to pleas to relieve the critical parking shortage.” The city calculated the space could accommodate 500 parking spaces, which it distributed among Federal City College (200 spaces), metropolitan police department (200), and Georgetown University Law School (100).

As the year ended, the *Post* surveyed the result, noting that despite this orderly distribution of parking permits, “things got a bit out of hand”:

The lot is so crowded that traffic police are issuing tickets (\$5 fine for parking in a reserved space) to poachers.

Part of the problem may be traced to Georgetown, where the would-be lawyers found, in the loose agreement with the city, a loophole big enough to drive hundreds of cars through.

We’ve sold about 600 decals,” for the 100 spaces, said Dan Hurley, a student and assistant to the dean. “It was a deliberate oversell – it gives you a license to hunt.”

Charging \$1.50 per decal, the law school took in \$900, making a profit beyond the city’s \$600 assessment for painting lines to create the parking spaces:

City officials don’t quite see it that way. “They did what?” shrieked Hartley . . . . “That’s not part of the deal,” continued Hartley. “We didn’t think it would be a money-making proposition.”

When the city would replace the Center Leg parking spaces with traffic was unclear, but a likely target date was the summer of 1973, possibly in August:

Even when, or if, the parking lot is abandoned, the Center Leg highway is destined to be somewhat of a crippled limb of a nonexistent inner loop.

The south end eventually will connect with the Southeast and Southwest Freeways. The freeway ends at Massachusetts Avenue on the north side, but a connector road will be built to New York Avenue. [Baker, Donald P., “New Use for a Freeway,” *The Washington Post and Times Herald*, December 16, 1972]

As 1972 came to an end, the District lost \$66 million in Interstate construction funds. Based on apportionment of Interstate funds, the District had accumulated entitlement to \$267 million in unprogrammed funds, but the funds came with time limits. An unnamed District highway official told the *Star*, “We haven’t been able to go ahead with Three Sisters Bridge, the Potomac Freeway along the Georgetown waterfront, the east leg of the Inner Loop, the upper end of the Center Leg and the south leg of the Inner Loop.” These projects, despite congressional mandates, had been stalled by environmentalists, anti-highway programs, and court battles.

(The Federal-aid highway program operates on a reimbursement basis. The FHWA informs States and the District of the funds available to it by category each year, but the funds remain in the Highway Trust Fund. As the State or District expends its own funds on eligible projects, it submits vouchers during the course of project development for reimbursement. At that point, FHWA pays its share of the State's expenditures. In the case of the Interstate construction funds, FHWA may have taken back the unused funds (which had never left the Highway Trust Fund), but the District remained entitled to funds equal to 90 percent of the cost to complete its Interstate network. The annual apportionment would continue to reflect the cost to complete the Interstate System in the District. Thus, in later years, the apportionment would continue to reflect the unbuilt segments as long as the program continued.)

Virginia, by contrast, had obligated 100 percent of its Interstate highway funds, bringing the program to a "virtual standstill," according to Fugate, until Congress approved new Federal-aid highway legislation. The State had 11 Interstate highway projects ready to use \$142 million in Federal matching funds but could not proceed with them. One of the delayed projects involved widening the Cabin John Bridge on the Capital Beltway to eight lanes. Virginia highway officials considered it ironic that their efficiency in using Interstate funds resulted in the State being penalized in the wake of the congressional failure to approve the Federal-Aid Highway Act of 1972.

Maryland, with its many controversial Interstate highways in Baltimore and the Washington suburbs, had \$296 million in unspent highway funds. [Griffin, James, "Road Funds Periled," *The Washington Star-News*, December 30, 1972]

### **Awaiting Congressional Action in 1973**

With prospects for construction of the North-Central Freeway declining, the District decided to auction off 34 row houses in its path. The 34 two-story, three-bedroom brick homes were on the west side of 10<sup>th</sup> Street between Rhode Island Avenue and Franklin Street, NE. The city hoped they could be rehabilitated and occupied by the families evicted 5 years earlier. With shifts in the alignment of the proposed freeway, these homes were no longer needed but the remaining dwellings of the 69 homes acquired were still in its path.

The city disclosed its plans in a letter seeking NCPC's approval. In the letter, Deputy Mayor Watt said the 34 homes "have been the subject of prolonged citizen concern because of the decay and crime affecting the Brookland community as a result of unoccupied structures . . . for over five years." NCPC's transportation committee endorsed the plan, but asked NCPC to withdraw any hint of support for the North-Central Freeway. [Eisen, Jack, "City to Sell Homes It Acquired," *The Washington Post and Times Herald*, January 3, 1973]

In Virginia, as noted, supporters of I-66 had organized to counter ACT and other opponents. Three western Fairfax County groups formed Citizens for I-66 and issued a fact sheet stating:

The issue is not concrete versus trees but people versus chaotic congestion and air pollution . . . . Travel time from the Capital Beltway to Washington would be cut nearly in one-half.

The group, formed by the Greenbriar Republican Club, Navy-Yale Community League, and the Centreville Lions Club, planned to distribute BUILD I-66 NOW bumper stickers and to submit a petition to Fugate urging him to “press for resumption of the I-66 project at the earliest possible date.” Spokesman Paul Alwine said motorists had been the “silent majority too long.” The fact that the freeway would follow an abandoned railroad right-of-way for about 6 miles “lessens the environmental impact” and by eliminating stop-and-go traffic on other roads “would cut down on air pollution also.” [Crosby, Thomas, “Start Firing Up I-66 Support,” *The Washington Star-News*, January 17, 1973]

The supporters’ impact was felt at a public debate held at George Marshall High School in Fairfax County sponsored by Howard, Needles, Tammen and Bergendorf under the contract to study the impacts of I-66. Turnout of about 400 people was nearly double attendance at the consultant’s public participation workshop on November 14, 1972, with many of the newcomers being Fairfax County residents who attended to support construction.

State Delegate James R. Tate, who represented a Fairfax County district, said:

Those of us who live outside the beltway and must commute daily into the District of Columbia have a very serious problem. The cost to Virginia [of abandoning I-66 inside the Capital Beltway] would be astronomical and the effect disastrous.

James Govan of ACT asked the consultant to “help us break this vicious cycle of more roads and more cars.” He argued that the extension of I-66 would increase air pollution, noise and traffic congestion.

Jay Mathews, in the *Post*, reported that the “nearly equal volume of applause and cheers for speakers on both sides of the issue was in marked contrast to November’s workshop . . . [when] the audience was almost entirely antihighway.”

A member of the consultant team told him, “The people came on so strong in November that it rankled the proponents and they made up their minds to prove that there were more people in favor.” As John Fowler of the consultant team put it, it was “unfortunate but many view these community workshops as public hearings and use this as the forum for expressing positions.” The consultants had hoped the workshops would provide “for extensive informal question and answer periods,” but instead he “sat down and quietly listened to nearly two hours of speeches.” [Mathews, Jay, “Supporters, Foes of I-66 Debate,” *The Washington Post and Times Herald*, February 2, 1973]

On March 13, the consultant released the results of a telephone survey, conducted by the nonprofit Bureau of Social Science Research, showing strong support for I-66:

Of 1,027 telephone customers polled at random in Arlington, Fairfax and Prince William counties and the city of Falls Church, 70.8 per cent said they approved of the proposed road, 22.1 per cent said they disapproved and 7.1 per cent said they didn’t care, the firm said . . . .

Even in north Arlington neighborhoods, where organized citizen opposition to the six- to eight-lane freeway has been strongest, 53 per cent approved of the road, against 38 per cent who disapproved . . . .

Along with the 70.8 per cent support for I-66, 92.7 per cent supported Metro, 83.1 per cent supported more express bus lanes, and 62 per cent supported construction of the Three Sisters Bridge connecting Arlington and the District, according to the survey.

The consultants released the results at another workshop, during which I-66 opponents pointed out that those polled actually favored alternatives to highways more than they supported I-66. In contrast, Horace Mann of Citizens for I-66 thought that “without a doubt,” the poll would speed final approval for the highway. [Mathews, Jay, “I-66 Backed in Va., Survey Shows,” *The Washington Post and Time Herald*, March 14, 1973].

Later that month, the Secretary Hughes of the Maryland Department of Transportation killed plans to build I-95 between the Capital Beltway and the District line through Northwest Branch Park in Prince George’s County. He called for study of a routing alongside a PEPCO transmission line parallel to New Hampshire Avenue:

I am in no way convinced that this option is feasible or desirable in terms of the ultimate outcome of the study. There are several compelling reasons, including legal considerations, for its inclusion [as an alternative].

He took these actions after a 6-month study while meeting with the Western Prince George’s Transportation Alternatives Study.

The steering committee had voted 31 to 26 against the PEPCO alternative and preferred four other alternatives. Secretary Hughes adopted those four alternatives for study, but felt the PEPCO alignment should have a public hearing. He also wanted to ensure consideration of all reasonable alternatives as required by NEPA.

Overall, Secretary Hughes adopted the steering committee’s four other plans for transportation development in heavily populated Prince George’s County inside the beltway and north of the Baltimore-Washington Parkway. Eisen summarized them:

All but possibly one of the five schemes would shift the location of the planned Metro rapid transit route to Greenbelt, would call for the widening the parkway [to eight lanes] and increase commuter service on the Baltimore & Ohio Railroad tracks that bisect the area . . . .

Metro’s current plans call for building its tracks on the now-scrapped I-95 median strip between Fort Totten in Northeast Washington and the Prince George’s Plaza shopping center at East-West Highway in Hyattsville.

Under various of the new proposals, the Metro line would be shifted from its right of way alongside the B&O tracks to alignments closer to the University of Maryland campus at College Park. Two of the proposals would shift the terminal from Greenbelt westward to

the point at which I-95 now ends at the Capital Beltway. [Eisen, Jack, "Officials Kills I-95 Route Into D.C.," *The Washington Post and Times Herald*, February 23, 1973; "New Plan Sought for I-95 Link," *The Baltimore Sun*, February 24, 1973]

## **Metrobus**

At 2 a.m. on Monday, January 15, 1973, WMATA took over O. Roy Chalk's two bus lines: D.C. Transit System, which served the District and Montgomery County) and the WV&M Coach Company (Virginia routes, including express bus service across the Potomac River). After negotiations with Chalk did not reach agreement on a purchase price, WMATA had seized the operating assets and rights through condemnation.

On February 4, WMATA acquired the assets of the area's two other bus companies, the AB&W of Virginia and WMA of Prince George's County. According to Professor Schrag:

These two companies, which together serve about 20 percent of the region's bus riders, had been in slightly better financial health, but they too were losing passengers. Rather than compete with a publicly owned bus system, they requested a takeover and were purchases by negotiation rather than condemnation.

He continued that "by purchasing assets rather than whole companies, WMATA had avoided taking over the companies' financial debts." For the Chalk properties, WMATA filed \$38.2 million with the U.S. District Court as collateral for the eminent domain takeover of the companies. The collateral represented WMATA's final offer to Chalk, who had rejected it. The court would settle the dispute.

Without fanfare, WMATA dispatched all 1,119 buses on their scheduled morning runs, and 1,116 for the evening peak period runs. On that first day, WMATA had managed to replace the former companies' names on some of the buses with the new name of the combined bus service spelled out in red, white, and blue: Metrobus. The "M" was identical to the "M" to be used on the Metro rapid rail service. Inside, the buses carried a sign informing riders that for the first time, "This Is Your Bus." [Eisen, Jack, "Metro Starts Inventory of Buses In Advance of Sunday Takeover," *The Washington Post and Times Herald*, January 13, 1973; Eisen, Jack, "No Fanfare Marks Bus Line Takeover," *The Washington Post and Times Herald*, January 14, 1973; Crosby, Thomas, "Metro at Helm of D.C. Transit, WV&M," *The Sunday Star and The Washington Daily News*, January 14, 1973; Schrag, Page 176]

WMATA understood that Metrobus would operate at a loss, projected initially at \$2.2 million to operate Metrobus in 1973. Based on a formula recommended by the WMATA board, the District would be responsible for \$1.1 million of the loss, with the Virginia suburbs (\$700,000) and Maryland suburbs (\$400,000) responsible for the remainder. The agency expected to use its borrowing authority initially to cover Metrobus losses.

Jack Eisen recalled that WMATA officials and Secretary Volpe had testified that they expected fare revenue to allow the bus service to break even:

Volpe said later that he based his prediction on information supplied him by Metro. Metro officials said they meant to indicate that the buses eventually would pay their own way after the Metro subway system goes into operation and the buses are converted mainly into a feeder service to subway service.

Apparently concerned over congressional or Nixon administration reaction, both Watt and City Council Chairman John A. Nevius have insisted at recent Metro board meetings that the agency's official references to the certainty of deficits be watered down.

In its formal adoption of a bus takeover plan, the board accepted Nevius' language that "public bus transit today is not necessarily . . . profitmaking" and that the future level of service and fares depends on a "willingness to assume or develop funding sources" to pay for "possible operating deficits."

Although local governments recognized that they would be responsible for deficits, they were hopeful that Congress would authorize a subsidy for Metrobus, even if the Nixon Administration opposed transit subsidies for the country's money-losing transit public operators. [Eisen, Jack, "Metro Lacks Subsidy in Bus Takeover," *The Washington Post and Times Herald*, January 7, 1973]

On February 17, during a meeting to work out a regional agreement to allow Metrobus to acquire 620 new buses, WMATA Comptroller Lowe revealed that losses in 1973 would be 20 percent higher than expected – \$3 million instead of \$2.5 million. Lowe added that cumulative losses for the first 5 years would be nearly \$40 million instead of \$35.8 million as previously predicted.

Eisen reported:

The main reasons for the higher loss estimate, Lowe said, were the Metro board's decision to eliminate extra transfer charges for rides between the city and the suburbs and to grant a discount to elderly bus riders throughout the region.

District Councilman Robinson, hearing the prediction, said "we may have trouble" getting Congress to approve the city's share of the deficit. "But we're going to fight for it," he told the officials. "I think we're going to get it." [Metrobus Losses in 1<sup>st</sup> Year To Run 20% Over Estimate," *The Washington Post and Times Herald*, February 18, 1973]

On February 1, Deputy Mayor Watt resigned to head the Office of Revenue Sharing in the Department of the Treasury. The White House did not name a successor. On January 11, 1975, Mayor Washington appointed his closest advisor, Julian R. Dugas, the city administrator, the new number two post in the city government. [Kiernan, "Mayor Picks Dugas As Top Assistant," *The Washington Star-News*, January 11, 1975]

### **The Senate Takes Up the 1973 Act**

Because of the failure of the Federal-Aid Highway Act of 1972, many States needed a new apportionment of Federal-aid highway funds. They also needed a new apportionment of Interstate funds that had been frozen when the provision approving the 1972 ICE apportionment

factors had died with the bill. Congress, therefore, turned to the subject early in 1973, beginning new rather than simply reconsidering the 1972 bill that had died at the end of the previous Congress.

All the issues from 1972 remained to be resolved, including what to do about the controversial Interstate highways, particularly in urban areas, that appeared unlikely to be built. In addition, the fight over legislation ending the Federal status of the North Expressway in San Antonio grew stronger, with many opponents citing concerns that it would set a precedent for congressional action on other controversial projects. What to do about the unbuilt District freeways was another concern.

The Senate Subcommittee on Transportation began hearings on S-502 on February 7, 1973. As the hearings began, Senator Bentsen, chairman, introduced the bill, which contained his provision allowing Texas to repay Federal-aid funds and build the North Expressway with State funds. It also dealt with controversial Interstate segments by allowing States to substitute other Interstate routes to be built under the Interstate Construction Program, with Federal funds limited to the cost of the withdrawn routes.

Secretary Brinegar was the first witness. He generally supported the ideas Secretary Volpe had proposed in 1972, but was still new to transportation policy and was unable to elaborate on many points.

Senator William L. Scott, who had defeated Senator Spong in November 1972, was now a member of the subcommittee. One of his top legislative priorities was completion of I-66 from the Capital Beltway to the Theodore Roosevelt Bridge. During his question period, he expressed his frustration about delays in building I-66 into the city. "I hate to think that our Government is so ineffective that we cannot build a highway." He knew about the court action delaying the route, but he wanted to know what the Secretary could do to expedite construction – "without telling us why it cannot be built." Secretary Brinegar noted that he now lived in Virginia (at 4056 41<sup>st</sup> Street North, Arlington, near the intersection of Chesterbrook Road and North Glebe Road, distant from the I-66 routing) and was aware of the problems of getting into and out of the city. However, "I have to admit I have not yet gotten to I-66." He promised to look into the issue. [*Federal-Aid Highway Act of 1973*, S. 502, Hearings, Subcommittee on Transportation, Committee on Public Works, United States Senate, 1<sup>st</sup> Session, 93<sup>rd</sup> Congress, Serial No. 93-H2, 1973, pages 108-109, 113-114]

When the National Wildlife Federation's counsel, Robert M. Kennan, Jr., testified later that day, he addressed many issues and submitted a detailed statement. He called the exemption of the North Expressway in San Antonio "a shameful precedent" but expressed relief that S. 502, unlike the House bill in 1972, did not contain any "ill-conceived provisions that would have confounded the confusion resulting from the Congress' first foray into the District [of Columbia] highway matters in 1968." [page 193]

The federation's statement elaborated on its concerns about the Three Sisters Bridge. The statement commended the Senate for resisting repeated attempts by the House to force the District to build the bridge, but acknowledged that the issue was likely to come up in 1973. After

quoting Section 139 from the House version of the Federal-Aid Highway Act of 1972, the statement said:

We are not constitutional lawyers, but this language would appear to be if not outright unconstitutional, at least downright dictatorial. Denying the public access to the third branch of government is denying the public the protection of the checks and balances which our constitution set up.

The statement mentioned Secretary Volpe's observation that he would be held in contempt of court if he obeyed that provision. The House Committee on Public Works had not released its version of the 1973 Act, but the statement emphasized that "it is time the Congress stopped intervening in this dispute." As with the North Expressway provision, a section on the Three Sisters Bridge, if enacted, would set a precedent for congressional interference:

Further, the bridge is the keystone to the freeway system which includes the ill-conceived South Leg – which would desecrate the Lincoln Memorial, Tidal Basin and whole monumental park area. Is nothing sacred? We urge the Senate once and for all to try and persuade the House to get out of the business of designing highways and back to the tasks for which the Members were elected by their constituents. [pages 888-889]

On March 1, the Senate Public Works Committee rejected, 6 to 8, the Muskie-Baker amendment, formerly the Muskie-Cooper amendment, to open Federal-aid urban system funds to rail transit. (Senator Baker of Tennessee has replaced retired Senator Cooper as the cosponsor.) Despite the committee rejection, Senator Muskie was optimistic that the amendment would be approved on the Senate floor. Recalling the 48 to 26 vote approving the Muskie-Cooper amendment in 1972, he said, "We had a good margin last year and I hope we do as well this time." ["Mass-Transit Backers in Senate Lose Bid to Tap Road Fund But See Eventual Win," *The Wall Street Journal*, March 2, 1973]

However, the committee approved other key provisions related to the urban Interstate debates around the country:

- At the request of a Governor and the local governments concerned, the Secretary could withdraw approval of any Interstate segment if the route is not essential to completing a unified and connected system within a State. Dollar-for-dollar substitution of an essential connection would be permitted without restriction on length. The existing 200-mile limit for substitute routes, known as Howard-Cramer mileage, would be repealed.
- If a substitute connection were not needed, or if the cost of the connection would be less than the cost of the original route, the total amount of the difference would be available for use on the Federal-aid urban system or for local public transportation purposes under Section 142 of Title 23.
- States must notify the Secretary by July 1, 1974, of their intent to build remaining Interstate segments. By July 1, 1975, States must submit a schedule for completing their remaining segments (including alternate segments). Otherwise, segments would be removed from the System.

As the Committee on Public Works completed work on S. 502, Senator Scott introduced an amendment requiring completion of the draft environmental impact statement for I-66 by October 1 as well as completion of all notices, reviews, and final consideration by the Secretary of Transportation by December 1, 1973. The committee adopted the amendment. After summarizing the history of the I-66 controversy, the committee report issued on March 13 stated:

The bill would direct the Secretary to complete the draft environmental impact statement on this I-66 project by October 1, 1973, and to circulate it to all interested public agencies for comments within 45 days after issuance of the required notice. By December 31, 1973, the Secretary would have to complete his consideration and review of all comments and information from the hearing, file the final version of the environmental impact statement, and make the other final determinations required by law before construction could proceed. The Secretary's determination on all issues of fact would be conclusive.

It should be pointed out that the Committee recommendations would have no effect on judicial decisions made pertaining to the procedures used for selecting the route for this highway nor would it bar future litigation of any kind. To the contrary, in order to expedite those procedures, the bill would establish a schedule to be followed by administrative agencies charged by law with reviewing the environmental impact statement and making final determinations. [The Federal-Aid Highway Act of 1973, Report, Committee on Public Works, United States Senate, 93d Congress, 1<sup>st</sup> Session, Report No. 93-61, March 13, 1973, pages 23-24]

After the committee adopted the I-66 amendment on February 28, Senator Scott told reporters:

"The highway will be built. I'm confident that it will be," said the senator, smiling broadly as he left the closed-door Committee meeting. "You can be assured that I'm going to bird dog this thing. I'll go to the White House" . . . .

Scott said he has no worry but that all the reviewers will ultimately determine that the highway is needed. What he is concerned about, he said, is that the studies will drag on unduly.

Scott interpreted his amendment as follows:

"It in effect does say, let's build a highway. Let's do what the law [court order] provides, but let's build a highway."

According to Senate aides, he had initially considered an amendment that would exempt I-66 from environmental, economic, or social studies required by law and subject to court review:

His choice of the more moderate strategy of tight review schedules came, Scott said, as a result of "compromise" in the Senate Public Works Committee.

Although Senator Scott said Virginia highway officials assured him the schedule in the amendment could be met, Fowler of the consulting firm preparing the environmental document said the firm was 1 month behind the September contract date. Completion was now looking

more “Octoberish.” He said, “It’s not beyond the realm of possibility that we could make the time up but I’d say that’s pretty remote, in all candor.” [Denton, Herbert H., “Measure to Build I-66 in Arlington Passes Senate Unit,” *The Washington Post and Times Herald*, March 1, 1973]

The Senate took up the Federal-Aid Highway Act of 1973 on March 14 and 15. On March 15, the Senate considered the provision freeing the San Antonio’s North Expressway from Federal oversight. As in 1972, Senator Buckley introduced an amendment to delete the provision from the bill. He acknowledged that supporters of the expressway had made the case that due to the unique circumstances of the case, the provision would not be a precedent for congressional action to resolve other highway disputes. “Notwithstanding,” he said, “it does provide a very large precedent and one which will be cited time and time again”:

What it is saying, in effect, is: Go ahead and reach out for that Federal money and when your hand gets caught in the environmental cookie jar, offer it back and proceed.

It is my understanding that there are over 30 cases, certainly not on all four’s with this one, where equivalent arguments could be made for elimination of Federal protection. There was one matter offered in committee by the Senator from Virginia relating to the exemption of I-66 in Virginia. He understood arguments against this kind of legislation and, therefore, he resubmitted an amendment which would contemplate the full environmental procedures, only provided that there would be special priority granted to the consideration of the impact statement once submitted.

Senator Bentsen addressed the issue of precedent earlier when he said:

Senator Buckley speaks of all these interstate projects waiting back here in the hills and in the wings which will be seeking relief. This is not an interstate project. I have not heard any State offers to build a 90 percent federally-financed interstate system with local funds. Just name one. Even if a State wanted to build one, Congress could not wash its hands of such a project. Interstate highways have been designated as part of a national system. What we have in San Antonio is local people wanting to build a local road with local funds.

After a lengthy debate, the Senate rejected the Buckley amendment, 43 to 50. [Federal Aid Highway Act of 1973, *Congressional Record-Senate*, March 15, 1973, pages 8184-8193]

As the Senators discussed provisions of the legislation in sequence, Senator Scott inserted comments into the record on the I-66 provision. He explained that when the 93<sup>rd</sup> Congress convened, he asked to be included in the Committee on Public Works because of his interest in transportation and specifically completion of I-66 inside the Capital Beltway:

For this reason, I was glad to be assigned to the Senate Committee on Public Works and asked to serve on the Roads Subcommittee – now the Transportation Subcommittee. At our organizational meeting on January 18, as members of the committee will recall, I discussed my interest in the prompt completion of I-66. Further, on the opening day of hearings on this bill on February 7, I expressed an interest in the immediate construction

of I-66 to Secretary of Transportation Brinegar – as I had done in former years with Secretary Volpe, and in fact with President Nixon.

Section 152 of the pending bill is one which . . . I developed with the assistance of the chairman of the committee (Mr. Randolph) and the ranking minority member (Mr. Baker) – one which we agreed would not conflict with either the requirements of the National Environmental Protection Act [sic] or the section 4(f) parkland procedures of the Department of Transportation Act. It is carefully designed not to affect any court action, but simply to insure that the administrative requirements and determinations which must precede construction take place in an orderly and expeditious manner, so that further unnecessary delay does not occur . . . .

When a matter has been under construction [sic] for 17 years and the road still is not built, then it seems reasonable to me that some dates for administrative action should be taken so that the highway can be constructed. [pages 8216-8217]

The provision did not warrant discussion or any opposition. It remained in the bill when the Senate approved it later that day, 77 to 5, as did the North Expressway provision. [page 8232]

### **The House Gets to Work**

The House Subcommittee on Transportation, as the former Subcommittee on Roads was now called, began work on the 1973 Act in March. After Senate action on S. 502, the Subcommittee held hearings on March 19 through 23 regarding future highway needs. The subcommittee had not yet released a Federal-Aid Highway Act of 1973 bill, but Chairman Kluczynski hoped the witnesses would help the subcommittee “cope with the questions presented in S. 502 which has passed the Senate, and also the administration bill, which I introduced at the request of the administration on March 5.” (The Administration bill had not addressed Interstate freeway issues in the Washington area.)

Because of the “emergency of the issue on mass transit,” he said the subcommittee had invited witnesses from “the entire spectrum of the mass transit program,” including operators, manufacturers, and unions. He added that the Committee on Public Works was “highly in favor of mass transit as it is for highways,” including “the proper financing of these two complementary systems of transportation.” The witnesses would help the subcommittee find “a proper solution to the problem and not one which represents a hastily contrived and partial answer which will only promote further confusion.” [*1973 Highway Legislation (Future Highway Needs)*, Hearings before the Subcommittee on Transportation, Committee on Public Works, U.S. House of Representatives, 93<sup>rd</sup> Congress, 1<sup>st</sup> Session, Report 93-5, March 19-23, 1973, page 1]

As in the Senate Committee on Public Works, the hearings covered many issues, but occasionally covered issues relating to highways in the Washington area. Thomas Airis was president of AASHO in 1973, but testified only on the association’s positions. He did not comment on and was not asked about District freeway construction. [pages 548-564]

On March 21, Robert Kennan appeared before the subcommittee on behalf of the National Wildlife Federation. As had been the case during his testimony before the Senate Subcommittee on Transportation, Kennan objected to the attempts to exempt San Antonio's North Expressway from Federal requirement:

We deplore this committee's proposal last year to exempt the San Antonio North Expressway from Federal environmental laws by special legislation. It would be a shameful precedent for similar action elsewhere in the country.

He also objected to the provisions in the committee's 1972 bill on District freeway issues. He cited Section 139 on the Three Sisters Bridge, Section 140 exempting the Interstate freeways from the 1893 District highway law, and Section 110 exempting the District from the provision requiring deletion of Interstate segments if the Secretary of Transportation did not receive a satisfactory schedule for construction:

We urge the committee to resist any proposal to include provisions specifically relating to District of Columbia highways in the 1973 Federal-aid legislation.

The District highway controversy is extraordinarily bitter and complex. This committee has [now] first-hand information about current public sentiment; no congressional hearings have been held on the subject since April 1968, 5 years ago.

Since this committee took an interest in the controversy, we have witnessed a revolution in the attitudes of people living in the Maryland and Virginia suburbs toward solutions to this area's transportation problems.

Kennan cited Representative Gude's opposition to District highway legislation since it might affect I-70S inside the Capital Beltway, and construction of the Metro system, now well underway:

Most people who live and work in the Washington metropolitan area would apparently prefer rail transit and express bus service rather than more Interstate highways, to meet their future transportation needs. The proposed highway system this committee considered in 1968 is now almost universally regarded as a relic of the past.

It would be contrary to principles of proper planning and public participation in vitally important transportation decisions for this committee to compel the construction of any remnant of that antiquated system.

Representative Abzug asked Kennan:

Do you feel that all District of Columbia highways in this Federal-aid legislation should be left to local consideration?

Kennan said the federation agreed, added, "We think this is true across the country." Federal-aid legislation was "no place" for Congress to "resolve these very difficult local matters, and this is

true of the District of Columbia, as well as the controversies in Minneapolis, Seattle, Memphis, San Antonio, and elsewhere.”

Representative Abzug, observing Kennan’s objections to the San Antonio and Three Sisters Bridge provision in the 1972 legislation, said, “Perhaps we will have a bit more success, I think so.” [pages 479-491]

The next witness was John Lagomarcino of the National Recreation and Park Association. He focused his testimony on provisions in the 1972 House bills. The association objected to the provision on the North Expressway:

Such legislation would be a dangerous precedent with serious national ramifications. Congress will have begun the task of undercutting, on a case-by-case basis, its own environmental safeguards.

The association also objected to the provision on the Three Sisters Bridge, citing its similarities to the San Antonio situation. He asked, “will the Congress, on a case by case basis, attempt to substitute its judgment for that of responsible authorities, citizens, and the courts *in an individual case?*” The provision in the 1972 bill would have deprived Virginia residents of access to the courts “if state officials should abuse or exceed authority relative to transportation projects of all types, including the Three Sisters Bridge.” [pages 492-497]

On March 22, Cynthia Wilson appeared before the committee on behalf of the National Audubon Society. She began by opposing the S. 502 provision allowing North Expressway to advance without complying with Federal requirements. Aside from the concern about the impact on Brackenridge-Olmos Basin Parklands, she was concerned about the precedent:

To vote to allow one State to wriggle out of compliance with both section 4(f) and NEPA is a vote against both of those landmark statutes and will be viewed as just that by the people. Congress can, if it wishes, overturn judicial decisions, but in doing so Congress seems to be saying, “We really didn’t mean it when we voted to protect public parks; that was all rhetoric . . . .”

You have seen the result of congressional meddling in the Three Sisters Bridge dispute; this is a horse of the same color. One exception will beget another; and this committee could become bogged down in a myriad of requests from different parts of the country.

She said the society had long opposed construction of the Three Sisters Bridge:

The language in the House bill last year not only deprived the citizens of the District of Columbia and Virginia of judicial review, it also would have set a precedent depriving all citizens of judicial review in highway cases.

As Kennan had said, Wilson acknowledged that the society did not consist of constitutional lawyers, but considered the language “to be if not outright unconstitutional, at least downright dictatorial” in denying citizens of the area access to judicial review. She urged Congress to stop

interfering in such disputes, which take on national significance because they involve the Nation's capital:

Further, the bridge is the keystone to the freeway system which includes the ill-conceived south leg – which would desecrate the Lincoln Memorial, Tidal Basin, and the whole monumental park area.

Is nothing sacred? We urge this committee to reevaluate its past decision and stop forcing this bridge on the people of Virginia and Washington.

During the question period, Representative Abzug commented:

Well, I remember, of course, that in the last session of Congress, we did concern ourselves with some of these like the Three Sisters Bridge, and I think that the committee will have to take very seriously the question of these special involvements in special areas.

The Three Sisters Bridge did receive some considerable opposition on the floor of the House, in view of the fact, particularly to those of us who are constitutional lawyers, that it presented some very dangerous precedents, not only for highway legislation, but for legislation in general. We will try to defeat it again this year.

Representative Jim Wright (D-Tx.), a leading figure on the subcommittee, engaged in a brief dialogue with Wilson:

Mr. Wright. Mr. Chairman, very briefly, with regard to the San Antonio Expressway, an effort is underway on the part of proponents and opponents locally in the San Antonio area to try to find some mutually amicable resolution of this problem. If they can, it would relieve Congress of the responsibility.

Ms. Wilson. We think that would be the best solution if the local people could find an answer among themselves, that would be the best solution of all.

Mr. Wright. To the end that this might be encouraged, both proponents and opponents have merely filed testimony for the record, feeling that conversation may exacerbate rather than relieve the problem. [pages 606-609]

The next witness, ACT's Emilia Govan, submitted a statement covering several issues, but primarily focused on I-66 inside the Capital Beltway in northern Virginia. She cited the poll showing that area residents preferred mass transit to highways. For example, when asked to rank four options (Metro, reserved express lanes, improving existing highways, and building I-66), Metro was the first choice for 62 percent of respondents. Only 15 percent chose I-66 as the first choice.

She said ACT opposed any provision that would overturn a court order requiring compliance with Federal law, including the provisions in S. 502 on the North Expressway and the measure in the 1972 House bill on the Three Sisters Bridge. Legislative provisions such as these were

“unnecessary and undesirable.” Federal-aid legislation should legislate broad national policies, applied consistently around the country. “Special-purpose legislation on highway segments is unnecessary, because all the legal requirements imposed upon administrative agencies by the Congress and applied by the courts are reasonable.” Congress, therefore, should not “be wasting its time” considering the merits of such projects.

She urged the House not to include Senator’s Scott’s amendment to S. 502:

The setting of arbitrary deadlines for the required study and consideration of a complex and controversial matter may well prejudice the objectivity and thoroughness of such consideration, and adversely affect the citizen participation aspects of the process.

She cited the U.S. Court of Appeals ruling, the Supreme Court’s decision not to hear an appeal, the study underway by the VDH’s consultants, and the department’s statement at the first “Community Workshop” that the study would take 12 to 18 months, but no arbitrary deadlines would be set. She also quoted Fowler, who had stated that, “Predicting the actual time it will take to fully consider all aspects is unusually difficult to do.” She also pointed out that after Senator Scott’s amendment had been adopted, Fowler told John Frece of the *Reston Times* that finishing the study by October was “pretty improbable.” Being forced to complete the study by then meant short-changing public involvement, adding, “There’s no sense to do it (the study) if we don’t react to the response.”

Further, Senator Scott’s provision was based on the assumption that “the inevitable conclusion of the study and of the required environmental considerations will be that the I-66 project should be constructed.” Such an assumption misconstrued the purpose of the environmental review. The study would be “superfluous if the original action proposed by the highway agency is the only one with any possibility of being implemented.” The provision also implied that “the legal requirements imposed by Congress and applied by the courts are nothing but mere paper-shuffling formalities to be gotten out of the way as quickly as possible so that the project may proceed as planned.”

Govan added that the Senate committee had adopted the Scott amendment after the committee’s hearings. As a result, the Senate did not hear testimony on the provision:

However, several Northern Virginia citizen organizations did express their opposition to any special legislation relating to I-66, in a telegram to members of the Senate Public Works Committee . . . .

Representative Abzug said that similar controversies were occurring around the country. Hearing from groups such as ACT was important because it would help committee members understand that “we have to have a more realistic and social view toward the old questions of transportation, and also a more orderly way of solving the conflicts . . . .” [pages 609-614]

On April 3, the Committee on Public Works met to consider S. 502. Representative Wright offered an amendment to substitute H.R. 6288 for the Senate bill following the enacting clause. H.R. 6288, which was essentially the 1972 House bill, covered the wide spectrum of highway

and highway-oriented transit measures, as well as provisions involving specific projects, including:

- “Federal-Aid Systems” (Section 110) – exempted any Interstate segments referred to in Section 23 of the Federal-Aid Highway Act of 1968 from timetable requirements.
- “Termination of Federal-Aid Relationship (Section 113) – allowed Texas to repay Federal-aid highway funds used on the North Expressway and complete the project with State funds.
- “Three Sisters Bridge” (Section 138) – Prohibits courts from issuing any order or taking any action that would in any way “impede, delay, or halt” construction of the bridge.
- “District of Columbia” (Section 139) – exempted the District’s Interstate highways from the 1893 act on a permanent system of highways for the city.

As the committee began considering Representative Wright’s motion, Representative Abzug raised a point of order:

Rule 11 of the Rules of the House provides that it shall not be in order for any bill providing general legislation in relation to roads to contain any specific provision for any specific road. I have read the gentleman’s amendment, and it seems to me it definitely violates this rule.

A great majority of the provisions in the bill refer to roads and related transportation in general, but Sections 113, 129, 131, 138, 140, 223 and 224 contain specific provisions for roads and related individual projects all across the country.

Chairman Blatnik sustained her objection.

Representative Wright replied:

I accede to the point of order, which I think was properly raised and has been properly sustained, notwithstanding the fact that all this material was encompassed in the bill that this committee approved and the House bill passed last year.

His original motion having been ruled out of order, he offered a second motion to substitute a new version of his bill minus the provisions Representative Abzug had cited. The committee approved the change.

Although committee members tried to reinsert their specific provisions, Representative Abzug’s point of order was sustained later in the process. The result was that most of the deleted provisions were left out of the S. 502 bill the committee approved on April 10. One provision that survived was contained in Section 139, exempting the District’s Interstate freeways from the 1893 law. The House committee report on the bill repeated the language from the 1972 report on the exemption.

The approved bill also exempted the District from the deadlines requiring submission of a schedule for completing the Interstate routes (July 1, 1974) and submitting PS&E for all unbuilt segments (July 1, 1975). The exemption applied to any segment of the Interstate System cited in

Section 23 of the Federal-Aid Highway Act of 1968. [Federal-Aid Highway Act of 1973, Report on S. 502, Committee on Public Works, U.S. House of Representatives, 93d Congress, 1<sup>st</sup> Session, House Report No. 93-118, April 10, 1973, pages 11, 27, 56]

In addition, the members approved a measure, Section 145, that addressed the timetable for completing environmental impact statements on a State Route 18 bridge over the Raritan River in New Jersey and I-66 in northern Virginia. The I-66 measure was essentially Senator Scott's provision.

The next step was for the Committee on Public Works to present the bill to the Committee on Rules, which would establish the rules for House consideration. Members of the Committee on Public Works appeared before the Rules Committee on April 12. According to a transcript of the hearing, Representative Wright told the Rules Committee:

We have asked for a waiver of points of order in certain provisions of the bill which would be subject to points of order . . . . Those provisions in the bill that would be subject to points of order relate to specific highways and a general highway [sic] and we would ask you to waive points of order. However, if a member wanted to make an amendment to knock out one of those, he should be entitled to do it. [Stenographic Transcript of Hearings on S. 502, Federal-Aid Highway Act of 1973, Before the Committee on Rules, U.S. House of Representatives, April 12, 1973, Reynolds Reporting Associates, Inc., page 8. (The House did not publish reports on the discussions in the House Committee on Public Works or the Rules Committee. Transcripts were found in the subscription service, ProQuest – Legislative Insight.)]

As requested, the Rules Committee adopted a rule, House Resolution 356, for considering the Federal-Aid Highway Act of 1973 that among other measures, waived all points of order on amendments addressing specific highways in general legislation. On April 17, after brief debate, the House of Representatives adopted the rule. [Federal-Aid Highway Act of 1973, *Congressional Record-House*, April 17, 1973, pages 12793-12796]

The House began debate on the Federal-Aid Highway Act of 1973 on April 18. As committee members discussed each section of the bill, Representative Abzug took her turn to discuss several of them, including Section 139 regarding Interstate highways in the District of Columbia. The provision, as she noted, was identical to Section 140 in the 1972 legislation that failed. She did not intend to offer an amendment striking Section 139 from the 1973 version, but wanted to clarify one point:

The committee's report suggests that section 139 refers only to a provision in the act which prohibits construction of a highway at a width greater than 160 feet. That statement is not correct. Section 139 would, by its terms, repeal all the provisions of the 1893 act in relation to interstate highways in the District.

She referred to her statement of additional views on the 1972 legislation and entered it into the record of the debate. [Federal-Aid Highway Act of 1973, *Congressional Record-House*, April 18, pages 13116-13117]

Representative Stanford E. Parris (R-Va.), a lawyer from Fairfax County who had won election in 1972 to now-Senator Scott's former House district, commented on Section 145 affecting the timetable for review of I-66. His comments were extended remarks, not delivered on the House floor:

I firmly believe that approval of this section of the bill will constitute a great public service, not only to those who daily commute from Virginia to the District of Columbia, but also to the many visitors who annually arrive in our Capital City.

He explained that I-66 was "an integral portion of our nationwide system," but had been delayed for the past 17 years "in spite of the fact that all traffic studies which have been conducted point out the urgent need for I-66 as part of a balanced transportation system for the Metropolitan Washington area." He had been "particularly pleased" that the Senate included a comparable provision in its bill, and he strongly urged his colleagues "to do likewise." [Federal-Aid Highway Act of 1973, *Congressional Record-House*, April 18, page 13106]

The House passed the bill on April 19, 1973, by a vote of 292 to 93. The final bill retained the provisions affecting the District of Columbia and I-66 in Virginia. [Federal-Aid Highway Act of 1973, *Congressional Record-House*, April 18, 1973 (pages 13097-13145) and April 19, 1973 (pages 13224-13276)]

### **While Congress Worked**

On March 9, 1973, the Interior Department wrote to the District Department of Highways and Traffic regarding plans to build a freeway tunnel under the Lincoln Memorial plaza. In the draft environmental impact statement, the letter stated, the District had failed to justify the plan, saying "... this department finds it premature to consider this project" while others are in limbo, including I-66 and the Three Sisters Bridge. The letter recommended that the District consider alternatives that "could be less disruptive and/or more compatible in this highly sensitive National Capital area." Interior suggested review of an alternative of building the freeway on the Virginia side of the Potomac River or dropping the South Leg altogether in favor of improving existing roads.

The *Post* summarized Interior's comments:

- The highway department failed to provide enough information on the impact of the freeway on parkland or to support its contention that the project would actually add parkland by eliminating some existing roads.
- The highway department statement failed to analyze the impact the project might have on water resources in the Tidal Basin.
- The question of the aesthetic impact of the project is analyzed in "a fragmentary and elementary way."
- The highway department failed to analyze the impact that vibrations from traffic might have on the Lincoln Memorial.
- The highway department failed to support its conclusion that the construction of the freeway would improve air pollution conditions.

The *Post* mentioned that in October 1972, Russell E. Train, chairman of the Council on Environmental Quality, had written to Secretary Volpe to suggest that only “minimum improvements” be made to existing roads. The plan would not solve all problems but Train thought it would “serve most anticipated traffic” until officials can determine how Metro would affect traffic volumes. [Scharfenberg, Kirk, “D.C. Freeway Unjustified, U.S. Asserts,” *The Washington Post and Times Herald*, April 6, 1973]

Thomas Crosby, in the *Star-News*, reported on May 10 that the Department of Highways and Traffic had submitted the final design plans for the South Leg to the city council and Mayor Washington. The 84-page design report described the South Leg Freeway (I-695) as a six-lane, 1.5-mile freeway connecting the District side of the Theodore Roosevelt Bridge with the Southwest Freeway:

The final design calls for the freeway to be composed of three 13,000-foot long tunnels and two 25-30 foot deep, 550-foot long depressed roadways which could later be converted into a single mile-long tunnel.

Floodgates would be provided across from the Bureau of Engraving and Printing [on 14<sup>th</sup> Street, NW.] to handle any overflow of the Potomac River, which highway officials say would occur only once every 50 years.

The report stated that “all of the structures subjected to water pressure are thoroughly waterproofed.” The result, as Airis had said during the hearings, would be that the freeway would make an extra 4 acres of land available for park use. “What other highway project,” he asked, “has ever given land back to the park service?”

The city council, Crosby said, “has gone on record as favoring the freeway, which originally was requested by the National Park Service to alleviate traffic and provide additional park area.”

The report addressed concerns expressed by NCPC, the Interior Department, and others about the plan:

The planning commission said alternate routes should be explored, and the final report says both Constitution Avenue and Jefferson Davis Highway (U.S. Route 1) were inadequate to handle the 67,000 cars which now use Independence Avenue daily.

The Interior Department said the draft environmental statement lacked “specificity and quantification” and suggested another draft be drawn up and circulated for comment.

The final design report stated that all adverse environmental impacts were “confined principally to the [three-year] construction period.” The final environmental impact statement had not yet been released to the public, but Airis assured reporters that it addressed the concerns expressed by the Federal agencies.

Airis called the \$110-million project a “high priority objective” that must be approved quickly if construction was to be completed in time for the rush of visitors for the 1976 Bicentennial

celebration. [Crosby, Thomas, "Freeway Decision Due," *The Washington Star-News*, May 10, 1973]

A *Star* editorial expressed skepticism that delivery of the report on the South Leg Freeway to the city council and Mayor would lead to construction. It sounded simple enough. "If the mayor and council approve, the project goes to the Department of Transportation and gets built. If not, it dies. Right?"

The editorial answered that question: "Not necessarily." The concept of tunneling under the Lincoln Memorial plaza and the Tidal Basin was "eminently sound," but "something – a policy switch or a financial hitch or a rash of new esthetic objections – always has seemed to go wrong." Just getting automobiles out of sight of park visitors would be "a significant aesthetic gain for the whole area":

Perhaps, as the highway people believe, the plan's latest refinements – responsive to specific criticisms voiced last year – finally will be sufficient to avoid another of the unforeseen setbacks that so persistently have materialized in the past.

With our fingers crossed, we hope they're right. ["Highway Merry-Go-Round," *The Washington Star-News*, May 15, 1973]

As if to demonstrate the editorial's point, Conrad Wirth, the former NPS Director and NCPC member, took strong exception to Crosby's article:

It is hard to believe that anybody – even a highway engineer – would make such a recommendation as that advanced by the District Highway Department; that is, to put a six-lane interstate highway through this nation's great memorial Mall and the stretches of cherry blossom trees of West Potomac Park. It is even harder to give credence to the proposal for putting it through the area set aside by Congress to memorialize President Franklin Delano Roosevelt. And to follow the suggestion with a sarcastic and self-righteous statement that four acres of land are being given in exchange is simply to add insult to injury.

Wirth said the statement that the NPS had requested the freeway was not correct. "The only thing the service tried to do was to get the traffic past the Lincoln Memorial underground, and into Independence Avenue." Wirth favored the NCPC proposal for a tunnel the entire length from the Theodore Roosevelt Bridge to a junction with the Southwest Freeway east of the railroad tracks near 14<sup>th</sup> Street.

As for the claim that adverse environmental impacts would be confined mainly to the construction period, Wirth asked, "How in the world can anybody make such a statement about a six-lane interstate highway going through the nation's great memorial area?" The construction period was the least of the problems; its impacts can be corrected. "But those heavy-traffic roads, operating twenty-four hours every day, would constitute a pollution, beyond all imagination, of our air, hearing, and scenic and historic heritage. The idea is frightful."

He also was skeptical about the added 4 acres parkland that Airis had cited. “What four acres?” If he was referring to land on Independence Avenue from 14<sup>th</sup> Street to the Potomac River, the NPS already owned the land. As a result, “the highway group doesn’t have it to give away.” Was it the area of fill in the Tidal Basin that they were proposing be built? “That would be as destructive as is the six-lane interstate highway they propose to build”:

But I guess we can’t expect anything very different from people who have spent their lives building highways. They don’t seem to have much interest in anything else. Thank goodness, that is not true of all engineers. [Wirth, Conrad L., “The Southwest Leg,” Letters to the Editor, *The Washington Star-News*, June 2, 1973]

By then, Administrator Turner had retired a year earlier at the end of June 1972. After a long delay, former Nebraska Governor Norbert T. Tiemann took office as Federal Highway Administrator on June 1, 1973.

After winning election in 1966, Governor Tiemann adopted an activist role to deal with Nebraska’s fiscal problems. He worked with the State legislature to create a tax base that provided the revenue the State needed to function. He also secured approval to enter into bonded indebtedness to pay for road improvements, with the debt backed by motor vehicle license fees and fuel taxes. In addition, Nebraska undertook the first broad reorganization of the Department of Roads, issued the first bonds for highway construction, established a 20-year plan for expressway construction, initiated the first mandatory driver examinations and motor-vehicle inspection programs, and closed the Omaha Gap on I-80. He served a 4-year term before losing his reelection bid in 1970.

Administrator Turner, whose entire career had been with BPR, had been a traditional road builder. Governor Tiemann, a banker and politician, brought a new perspective to the role. He embraced the new philosophy of balanced transportation, with each mode doing what it did best. He made this perspective clear in his first speech, on June 18, 1973, to the Western Association of State Highway Officials. He said, “we have arrived at a point where we must reduce dependence on private cars in urban areas – particularly during the rush hours – and convince commuters to either form carpools or use public mass transit facilities.” Highway officials could no longer think of transportation modes as “independent entities, each with its own constituency and indifferent to the problems and the needs of the others”:

The point is, we must now think in terms of overall TRANSPORTATION planning, and the role of each mode in that plan. The modes cannot be competitive in our highly complex society of today—and tomorrow—instead, they must be complementary.

### **Facing Chairman Natcher**

Chairman Natcher remained concerned about the District’s lack of progress on its Interstate freeways, as he made clear when Mayor Washington, Airis, and other officials testified on April 11 before his subcommittee regarding the District of Columbia Appropriations Act, 1974.

He began his comments on balanced transportation with a discussion of the origins of the Metro rapid rail transit system, a subject he had discussed many times before:

In 1955 I made the motion that started the rapid rail transit system in the city of Washington. The request for the District of Columbia's share for the metropolitan area transit survey came before this subcommittee. The cost of the survey was \$561,000 to be paid by the State of Virginia, the State of Maryland, and the District of Columbia. I sat next to the chairman of the subcommittee at that time, Louis Rabaut, who said, "This would be one of the biggest mistakes we have ever made. I won't make the motion." I said, "Mr. Chairman, I think you are wrong. We need to have a rapid rail system in Washington together with an express bus system along with an adequate freeway system." I made the motion and the District of Columbia's share was appropriated and paid. This is the subcommittee, Mr. Washington, that in 1969 appropriated the money that started the rapid rail transit system under construction. After that, we had the law suit [sic] halting freeway construction and the enactment of the 1968 and 1970 Highway Acts ordering a resumption of construction. I believe that the acts must be complied with. We were for rapid rail transit in 1955. I am for it today.

When the \$1.2 billion worth of rapid rail transit bonds, which are guaranteed by the Federal Government, come due the Federal Government will retire every one of them. Not a single one of them will be retired out of the fare box. They are guaranteed by the Federal Government and the Federal Government will have to pay off every one of them . . . .

Chairman Natcher was especially concerned about construction of the I-95/Center Leg Freeway behind the House Rayburn Building. It was, he said, "nothing but a disgrace," adding, "That is the only category you can place it in." Construction had been underway for 7 years:

All of the people working in the three House Office Buildings and the Capitol that drive in from the southwest freeway have seen 18 and 20 men, who work for the construction company that has the contract, standing on the curb each morning to see how the girls were dressed, standing there by the hour. We complained about the idleness of the contractor's employees and the delay in the completion of the project to Mr. Airis and he related the complaint to the contractor. The contractor wrote me a letter and said the reason for the great delay in the project was due to the fact that there were so many changes in the contract, trying to blame city officials.

He told Airis that "if every contract that you have the size of that one is going to take 7 years to complete, we ought to quit."

Mayor Washington replied, "I would agree," but according to the transcript of the hearing, neither he nor Airis explained the delay or promised that the contract would be completed promptly.

Chairman Natcher went through the history of the freeway controversies, once again inserting the documentation of letters and newspaper articles that he had inserted in previous hearing records and during House floor debates.

He asked Corporation Counsel C. Francis Murphy to send an update on what the city had done regarding the Three Sisters Bridge lawsuit to comply with the provisions of the Federal-Aid Highway Acts of 1968 and 1970, "and tell us whether or not an environmental statement for one thing has ever been prepared and submitted and just what has transpired." He also requested an update on the status of all the remaining freeway segments.

On May 12, 1973, Mayor Washington replied to Chairman Natcher's request. Mayor Washington began with the Three Sisters Bridge:

With respect to the legal and legislative matters which you inquired about, Mr. Murphy advises me that, in view of the fact that the Supreme Court has refused to grant a writ of certiorari, further litigation of the substantive issues involved in the lawsuit has been precluded.

Mayor Washington mentioned Chief Justice Burger's unusual comment about the possibility of congressional action to limit judicial review. He pointed out that the unsuccessful Federal-Aid Highway Act of 1972, with Section 139 designed to do just that, did not clear Congress. The House Committee on Public Works considered including the provision in the 1973 Act, but did not do so. "Absent such legislation, this project as well as all other interstate projects must be processed in accordance with the provisions of title 23 of the United States Code."

Mayor Washington then provided the status of the city's remaining freeways:

1. The south leg of the inner loop was part of the study report to the Congress in February 1970. In September 1972, a combined corridor and design public hearing was held. In preparation for the hearing, a draft environmental impact statement was prepared and circulated to concerned agencies. The Department of Highways and Traffic in cooperation with the Federal Highway Administration is now ready to submit the final environmental impact/4(f) statement to the Department of Transportation. Recommendations of the Department of Highways and Traffic are now being reviewed by the city council and my office prior to submission of the District's final design and location recommendations to the Department of Transportation.
2. The Three Sisters Bridge was placed under construction [in] October 1969 but activity was halted by court action in August 1970. Since the U.S. Supreme Court refused to hear the case, construction cannot be resumed until there has been compliance with the requirements imposed by the courts.
3. On the District of Columbia end of the bridge, the related project is the Potomac River Freeway portion of I-266. This segment was placed in a design status in 1969 with the concurrence of the Federal Highway Administration. The purchase of right-of-way recommenced and all properties have now been acquired between 31<sup>st</sup> Street extended and Key Bridge. Because of court actions the Department of Transportation has required additional environmental assessment studies leading to public hearings. In addition, a

Georgetown Waterfront Sectional Development Plan study was commenced on January 26, 1972. The study is being conducted in three phases. Phase I is a review of alternative freeway plans, development of compatible preliminary land use plans, and assessment of environmental impacts of the alternatives. Phase II and phase III of the study were designed to prepare a sectional development plan and program for the Georgetown waterfront area consistent with the selected alternative highway plan. The phase I report was published in November 1972. The District government is now preparing for public hearings required by title 23 and is utilizing phase I data in the preparation of appropriate public hearing documents. It is planned to schedule the public hearing for later this year. In Virginia, Interstate Route 66, between the Capital Beltway and the Theodore Roosevelt Bridge is now the subject of an intensive multidisciplinary study by the Virginia Department of Highways. The study is scheduled for completion in the fall of this year with the objective of final evaluation through the public hearing process at an early date.

4. Construction of the center leg of the inner loop has continued northward to Massachusetts Avenue and this portion is now scheduled to open in August of this year. The K Street overpass will be completed this fall. Completion of the remainder of the center leg, the covered section between H and K Streets and the temporary ramps northward to New York Avenue, is awaiting final environmental impact assessment. The final statement is scheduled to be submitted to the Department of Transportation before July 1. This project should be ready for advertisement this fall.
5. The segment of the east leg between interchange "C" and Barney Circle at Pennsylvania Avenue is nearing completion. The outbound section was opened to traffic on May 2. The inbound section will be opened to traffic this summer. Northeastward of Barney Circle, additional public hearings are required in order to advance this project to the construction stage. Experience with the conduct of such hearings has indicated the need for more definitive air quality analysis as part of the environmental impact/4(f) assessment. This is the principal cause for the delay of the hearings suggested in last year's statement. Preparation for a combined corridor and design public hearings [sic] is now underway with a hearing date anticipated for the fall of this year.

Mayor Washington added a paragraph on I-95:

With respect to I-95, the Maryland Department of Transportation embarked on a transportation alternative study in August 1972. Phase 2 of the study is examining five mixed-mode transportation alternatives. Four of the alternatives contemplate alignment tying into the proposed Industrial Freeway along New York Avenue in the District. The phase II analysis is now nearing completion and will be presented through a public meeting process in mid-June. A public hearing to consider any resultant highway recommendations will be scheduled as soon as practicable thereafter. [District of Columbia Appropriations for 1974, Hearings, Subcommittee on District of Columbia Appropriations, Committee on Appropriations, U.S. House of Representatives, part 1, pages 26-39]

When General Graham and other WMATA officials appeared before the subcommittee on May 2, Chairman Natcher briefly discussed the need for a balanced transportation system, dating to his 1955 motion. He then asked if General Graham still thought Metro construction would

cost \$2.980 million. General Graham said that “indications are pretty good, Mr. Chairman, that we can complete it for substantially that cost.” He thought the program was maybe \$35 to \$45 million over that estimate, but said, “It’s quite difficult to look down the road and see whether that is going to get any worse.”

Chairman Natcher pointed out that from the start, he did not think the final cost would be \$2.5 billion:

I said to you, and I still say to you this morning – and I hope I am just as wrong as I can be – that it’s going to cost you about \$4 billion to build this rapid rail transit system in the city of Washington and the surrounding metropolitan area. I was positive you couldn’t do it for your original estimate of \$2.5 billion. I am hoping now that you do stay within this present estimate of \$2.98 billion.

Next, Chairman Natcher asked if General Graham believed the \$1.2 billion in bonds, backed by the Federal Government, could be retired out of the farebox, or “do you agree with me, General Graham, that the Federal Government will pay every dollar of the \$1.2 billion worth of bonds?”

General Graham acknowledged that this was “a difficult question to answer.” The financial plan was based on assumptions about farebox revenue and ridership:

At this time we are prepared to stand by that financial plan, which says that not \$1.2 billion worth of bonds but approximately \$882 million worth of bonds can be repaid. If you will recall, about \$300 million was added in the form of an interest subsidy by the Federal legislation.

He cautioned that the WMATA board of directors “has indicated a willingness . . . to try to hold fares level.” The financial plan was based on the expectation that fares would go up as operating costs of the rail system increased:

If they take the same view on the rail system after we are in operation that they have taken on the bus system thus far, then there will have to be under present circumstances a subsidy from the local governments to make up that difference. [pages 939-942]

On May 14, Airis returned for additional hearings before the subcommittee. Airis, in his opening statement, included a status report on Washington area freeways, including a summary of those open and the Maryland transportation alternatives study. Of the 29.5 miles of freeway originally contemplated, a total of 10.8 miles had been completed:

These are the Theodore Roosevelt Bridge and portion of the Potomac River Freeway

(I-66) including the connecting E Street Expressway; the 14<sup>th</sup> Street bridges (I-95) including the new center bridge which was opened to use by express buses 2 years ago; the Southwest Freeway (I-95) including the northbound 12 Street Expressway and the southbound 9<sup>th</sup> Street Expressway; the Southeast Freeway (I-695) to the completed 11<sup>th</sup> Street Bridge over the Anacostia River; and the Anacostia Freeway (I-295) . . . .

Approximately 1.8 miles of the system are now under construction. These include the center leg freeway (I-95) between D Street SW., and Massachusetts Avenue NW, now scheduled for completion in August of this year.

The K Street structure over the center leg is the first contract in the portion between Massachusetts Avenue and New York Avenue. That is 40 percent complete.

A segment of the east leg (I-295) is under construction between interchange "C" and Barney Circle at Pennsylvania Avenue.

I should also mention that the outbound movement on that segment was completed and put into operation on May 2. The inbound will be finished sometime this summer.

He cited the court action delaying the Three Sisters Bridge and the study underway along the Georgetown waterfront. Design of the Potomac River Freeway (I-266), he said, was "tied to some extent to the resolution of the Three Sisters Bridge problem and, indeed, to the resolution of I-66 in Virginia."

The Department of Highways and Traffic's recommended alternative for the South Leg was construction of three 1,300-foot tunnels west of the Lincoln Memorial and under the northern neck of the Tidal Basin:

This plan can ultimately be converted into one long tunnel which will make the area west of the Tidal Basin fully usable as a park-visitor complex.

This can be accomplished at the time the requirements of the Clear Air Act of 1970 become effective. The facility as we have designed it, even with the two short sections of open, depressed portions, we felt can be justified from a park standpoint alone, as it turns back 4 acres of land that is now occupied by surface roads to the Park Service.

The city was "at the threshold of submitting a final environmental impact statement and the combined corridor and design recommendations to the U.S. Department of Transportation," subject to final review by the city council and Mayor Washington.

The East Leg of the Inner Loop north of Barney Circle to Bladensburg Road was in design status. "Work is now underway to assess the environmental consequences of this segment and to prepare for a combined corridor and design public hearing that is needed in view of past court orders on this project."

The remaining routes were "in a preliminary study status." The Federal-Aid Highway Act of 1970 had called for study of these routes, namely the North Leg (I-66), the Northeast-North-Central Freeway (I-95 and I-70S), and the upper end of the East Leg. Mayor Washington and Secretary Volpe had submitted their reports to Congress as required:

I should point out that the main difference in the system which was recommended by the Mayor, the Secretary of Transportation, and the City Council are [sic] that the North Central Freeway along the alignment of the B & O Railroad, was eliminated and a

substitute was made in the corridor of New York Avenue and the Penn Central Railroad, going past the Fort Lincoln development. We feel that it is a political decision and we support it. It will certainly be of great help to the city if it can be worked out with Maryland and something can finally be constructed.

Chairman Natcher returned to a subject he had raised earlier, namely construction of the Center Leg Freeway near the Rayburn House Building. He pointed out that the project had been underway for 7 years and that, according to Airis's statement, the completion date had changed from January 1973, the date provided in 1972, to August of the current year. It was, he reminded Airis, "nothing but a disgrace." He recalled the idle workers and the contractor's excuse about contract changes. He said that if this project was representative of projects in the District, "it certainly does not speak well for any that will be started in the future or those that are underway."

Airis responded by saying the "6 to 7 years is one heck of a long time." The city had dealt with the problem of the idle workers but "it probably has recurred to some extent." The project was nearly complete, subject to several claims filed by the contractors, some of which "we feel dubious about":

Nevertheless, this project is one of a kind. A project of this scope and size had not been attempted before with the air rights projects. We have probably the world's outstanding air rights project on the Labor Building alone. We had a very complicated reflecting pool that had to go over the Freeway, with all of the problems of waterproofing that go with it.

On the south end we have a HEW Building [Department of Health, Education, and Welfare] that also is an air rights project. The length of the tunnel structure is about two-thirds of a mile and it requires very complicated and very meticulous air ventilation for it to work properly. The visual problems that go with designing and take off [sic] inside a tunnel were imposed on the Department as a result of where this project was to be built and the manner in which it was to be built.

In addition to those, at a rather late date the Department had to accommodate the subway across the project at D Street, and the Metro works is not yet completed. Between D Street and E Street we have a Tax Court building under way, and there has been considerable discussion over a canopy to go across the freeway. All of these add up to a very, very complicated project. These are the principal reasons that this project had not been finished in the time that we would like to have accomplished it; that is, 3 or 4 years instead of 6 to 7 years. [District of Columbia Appropriations for 1974, Hearings, Subcommittee on District of Columbia Appropriations, Committee on Appropriations, U.S. House of Representatives, part 2, pages 862-874]

Later, Chairman Natcher launched into what the *Post* called "an off-the-cuff statement that lasted 15 minutes." He asserted his support for a balanced transportation system for the District, referred to his 1955 motion, and pointed out that the Subcommittee on Appropriations for the District of Columbia had not selected a single freeway, all of which were selected by the District in cooperation with BPR. Similarly, his subcommittee had not drafted either provision of the

Federal-Aid Highway Acts of 1968 or 1970 that had resulted in the freeway-subway impasse of recent years.

He recalled Chairman Rabaut's warning that the motion that launched the Metro rapid rail system was a mistake. "I didn't believe it then; I don't believe it today." However, he was concerned about the cost, recounting several exchanges with General Graham on the subject in recent years, including the discussion earlier in the hearing. He quoted General Graham, who was not present, as having said that he expected the system to be built within the \$2.98 billion projected budget, with only minor overruns at present:

Mr. Airis, one of these days – and you are going to live to see this day . . . when they are going to come back to this subcommittee and my friend, Mr. Myers, or one of these other members, will be chairman, and they are going to say, "Yes, it is going to cost \$4 billion."

When just for a change they start telling the truth about it, Mr. Airis, so the people in the city of Washington will have all of the facts, then they are going to say \$4 billion.

Now, Mr. Airis, I am still in favor of the Rapid-Rail Transit System.

He mocked Members of Congress who had called for WMATA to take over the private bus companies. "You know, they complained for several years about the operation of the buses. Certainly I am one of those members of this committee who believes we should have had better bus service in our Nation's Capital." He was just thankful that his colleagues did not want WMATA to take over Amtrak:

Now, Metro has taken them over, and at a cost of over \$100 million. What is the first thing they are saying to us? "Subsidy." They say it is going to be about \$6 million. Over the next 4 years it is going to be many times that amount.

That is in addition to the subsidy for transporting the schoolchildren. I am in favor of the school transit subsidy, which is in this bill now for about \$4 million. It has come up from a little over \$2 million to a little over \$4 million at the present time, and represents the difference between the 10 cents they pay and the regular 40 cents fare. Mr. Airis, as one member of the committee, I am in favor of making that payment. But I say to you on the record, I am not in favor of any \$6 million subsidy or for any amount in the future for the operation of the bus company, over and above the subsidy for the schoolchildren.

Then he reiterated his discussion with General Graham about the Federal guarantee of the Metro bond issuances. The bankers would not buy those bonds initially. "Because the fare box does not retire bonds." He had voted for the bill authorizing \$1.2 billion worth of bonds, backed by the Federal Government:

Mr. Airis, as I said in the beginning and I say to you again, as a matter of placing it in the record, that every bond will be retired by the U.S. Government. Not a single bond will be retired out of the fare box; not a single bond will be retired by the District of Columbia. They will all, under the guarantee made by the Government, be paid for by the Federal Government.

So, Mr. Airis, just as a matter of being truthful, decent, and honorable about these things, why don't they tell the truth to the people in the city of Washington. Down through the years you have read articles in the paper that are intended to sound good. Well, just for a change, don't you think it is time to start telling the truth to the people?

Mr. Airis, I am in favor of completing the system regardless of the cost, but at the same time I think we should tell the people the truth about the cost and the fact that the bonds cannot be retired out of the fare box.

As far as subsidy for the rapid transit system is concerned, that will be one of the major problems in 1976 or 1977 after it is completed. They will have to have a subsidy to operate it and they might as well start telling the people in the District of Columbia that that day is coming. If you want to start telling the truth about it, you ought to tell the people who pay the taxes what the situation is going to be.

The District would face many transportation problems in coming years, Chairman Natcher said, "and the best way to solve them, as we go along, is to just be honest and decent and tell the people the whole story":

You know that is the best way to live, Mr. Airis, the other way to live is to just say nothing, refuse to give all the facts and just color and distort them, and that is what has been going on for years.

Now is the time to start telling the truth about it . . . .

With what is going on in our Nation's Capital – the day will come, Mr. Airis, when the people in the city of Washington who pay their taxes, the ones who remain, are going to start saying, "Stop doing anything else in the District. Let's have something done for the District."

The transcript shows that at that point, Chairman Natcher and Airis had a discussion "off the record." [pages 895-899]

Jack Eisen asked General Graham about Chairman Natcher's comments. Graham denied not telling the truth about the cost:

"We'll build the rail system for \$3 billion if the President and Congress will get together on a program for controlling inflation," Graham told a reporter yesterday. "But we can't if prices continue to go out of hand as they have in [President Nixon's] Phase III" economic plan. [Eisen, Jack, "Rep. Natcher Opposed to Bus Subsidy," *The Washington Post and Times Herald*, May 15, 1973]

The *Post* took exception to Chairman Natcher's comments about operating subsidies for Metrobus. WMATA needed subsidies to avoid raising fares. "Certainly his opposition to a bus subsidy could spell serious trouble for Metrobus."

The editorial board had to concede that his complaint about officials not being honest about deficits was “not without foundation.” They had chosen their words very carefully. After explaining the comments by former Secretary Volpe and WMATA Chairman Fisher, the editors continued:

Metro officials have said that a stopgap bus subsidy will be essential until the combined bus and rail transit system is about to pay its own way. This is what apparently enraged Mr. Natcher – and what needs to be explained. First, despite Mr. Volpe’s good intentions in coming to the aid of Metro, his statement did not reflect the view of the system officials about the need for subsidy. In turn, Mr. Fisher’s response focused on how the subway-bus system would operate – not on how the buses would be financed until the subway is completed.

In short, a subsidy was needed. “This is what Metro officials should have said all along, and what city officials ought to be saying, too.” Any subsidy from the city would be part of the city budget, “and the city budget, like it or not, is a responsibility of Mr. Natcher. Mr. Natcher doesn’t like to be misled.”

For now, Chairman Natcher had made his point:

In fact, the debate should no longer be over whether a subsidy is needed to keep fares at their present levels, but whether the subsidies should be large enough to make fare *reductions* possible. Now that O. Roy Chalk and the other private bus owners have left, the opportunity for a forthright discussion of this course should not be lost in an attempt to placate Congress. [“Rep. Natcher’s Bus Subsidy Complaint,” *The Washington Post and Times Herald*, May 25, 1973. Italics in original]

The *Star*’s editors referred to his doubts about the cost estimate for constructing Metro, “and he may well be right.” He was, as everyone knew, “thoroughly irritated, with every justification, at the snail-paced progress of road-building in the city.” However, when it came to his opposition to subsidizing the bus system, “the gentleman from Kentucky could not possibly be more wrong.” Chairman Natcher and Metro officials disagree on whether WMATA and its supporters misled Congress on this point, but “nothing could be more fruitless” than trying to parse the debate:

What’s important is that the provision of the subsidies is vital to the public interest, and their inevitability was asserted clearly in the past on dozens of occasions . . . .

The Washington area is not alone in electing to subsidize transit. Virtually every other urban center in the nation has turned to the policy out of necessity, because the alternative was unacceptable.

That alternative involved increasing fares and reducing service, or both, to balance costs and income. “That, in fact, is precisely what occurred under private ownership” and that, in turn, was “what largely motivated the campaign for public ownership.”

The editors gave area officials credit for agreeing “to an equitable allocation of their own local funds – not federal funds – for this purpose of subsidizing bus service.” If Chairman Natcher refuses to appropriate the District’s share, the result “would surely result in another disruptive political confrontation in Congress that Natcher would be hard put to win, and which we trust he will not precipitate.” [“Natcher’s Doubts,” *The Washington Star-News*, May 18, 1973]

### **Awaiting the 1973 Act**

On June 9, 1973, Mayor Washington proposed a \$1.1 billion construction program for the next 6 years, including \$400 million for Metro construction. The budget included funds for 19 miles of freeway projects that the city council had not yet approved. The city council was expected to take up one of the freeways, the South Leg of the Inner Loop Freeway, during the summer. [Scharfenberg, Kirk, “Mayor Seeks \$1.1 Billion in Construction,” *The Washington Post and Times Herald*, June 10, 1973]

In Maryland, the citizens’ steering committee in Prince George’s County, after a 10-month, \$675,000 study, recommended in June that the State drop plans to extend I-95 into the District of Columbia. Delegate Ann R. Hull, the committee chairwoman, announced the decision during a public hearing on June 16. While opposing the extension, the steering committee favored:

- Widen the Baltimore-Washington Parkway to six lanes;
- Designating the parkway as I-95 inside the Capital Beltway with eight lanes and building a connector road through Laurel between the parkway and I-95;
- Shift the proposed Metro line planned to run east of the University of Maryland to the west of the College Park campus along University Boulevard with a station near Byrd Stadium and its terminus moved to the existing interchange of I-95 and the beltway instead of at Greenbelt Road; and
- Adjust Metro’s line to Greenbelt, including a terminus north of the intersection of the beltway and the Baltimore and Washington Railroad tracks.

Only about 75 people attended the hearing in the university’s Tawes Fine Arts Theater. Jack Eisen reported:

Almost everybody who spoke favored improved transit and better commuter service on the area’s Baltimore & Ohio Railroad line; some favored the extension of I-95, and a larger number, like Mrs. Hull’s committee members, would eliminate the superhighway extension. [Eisen, Jack, “Panel Urges Md. To Drop Plan for I-95,” *The Washington Post and Times Herald*, June 17, 1973; Crosby, Thomas, “Transportation Alternatives Argued by Public,” *The Sunday Star and The Washington Daily News*, June 17, 1973]

On July 12, Secretary Hughes officially dropped Maryland’s plan to extend I-95 into the District of Columbia. Although the I-95 extension was a planned part of a Maine-to-Florida route, it “must be judged primarily in terms of service to the Washington Metropolitan area. This department,” he said, “has not been convinced of the need for extending I-95 south of the Beltway on any new alignment.” He was addressing the 60-member steering committee. He had previously rejected the alignment through the Northwest Branch Park, but now he also was

rejecting the alignment along the PEPCO power line. If the city proposed a joint public hearing on I-95 inside the Capital Beltway, Secretary Hughes said, “the department will not express a preference for extending I-95 south of the Beltway on the Pepco power line in any joint hearing.”

As Eisen reported, “In an action that seems sure to stir a new controversy, Hughes indicated support for a connector freeway to link I-95 with the Baltimore-Washington Parkway.” It was, Hughes said, “an important link” to prevent the Capital Beltway from being inundated with I-95 traffic bound to or coming from Washington.

In addition, Secretary Hughes endorsed the steering committee’s proposal on the Metro line into Prince George’s County. He also supported a network of bicycle paths serving the University of Maryland campus, improved commuter service on the Baltimore and Ohio Railroad line, and additional bus service. He called for a study of express bus service along New Hampshire Avenue (State Route 650) and feeder bus service to the railroad line and Metro stations.

Eisen called the decision “a crippling and perhaps fatal blow” to the I-95 extension, and “a major victory for community groups that have been fighting since the mid-1960s against plans to extend the road inside the Beltway.” Including the District’s segment, known as the Northeast Freeway between the District line and the North Central Freeway. With Maryland having previously killed the State’s segment of the North Central Freeway south of Silver Spring, Secretary Hughes’ decision effectively ended the North Central Freeway north of New York Avenue. Or, as James Dilt wrote in *The Baltimore Sun*, the scrapping of I-95 killed the extension into the city “for all practical purposes.” [Eisen, Jack, “Md. Vetoes I-95 Extension Into District,” *The Washington Post and Times Herald*, July 13, 1973; Dilts, James D., “Plan for I-95 leg to D.C. Dropped in favor of better mass transit,” *The Baltimore Sun*, July 13, 1973]

During this period, efforts to develop I-66 in Virginia were running into roadblocks. A telephone poll, conducted at random in Arlington, Fairfax, and Prince William Counties, showed strong support for construction of I-66 inside the Capital Beltway. The results were revealed at a public workshop on I-66 on March 13. The *Post* summarized the results:

The survey while revealing overall support for I-66, also showed how much stronger opposition to the freeway is in the inner suburbs that I-66 would cut through.

Residents beyond the beltway, who expect I-66 to speed their trips into the District, approve the road by 81 per cent. Only 64 per cent of residents living inside the beltway approved it.

While the strongest opposition – 38 per cent – came in North Arlington, the weakest opposition – 8 per cent against, 92 per cent approval – occurred in Fairfax’s Centreville district, far beyond the beltway.

Along with 70.8 per cent support for I-66, 92.7 per cent supported Metro, 83.1 per cent supported more express bus lanes, and 62 per cent supported construction of the Three Sisters Bridge connecting Arlington and the District, according to the survey.

Asked about the area's most needed transportation improvement, respondents identified bus service (37 percent), Metro (26 percent), upgrading existing roads (15 percent, and combining bus and rail (8 percent). Four percent did not think any transportation improvements were needed.

The nonprofit Bureau of Social Science Research had conducted the telephone poll of 1,027 residents for the consultants preparing the court-ordered environmental review of I-66. The bureau said the margin of error for the poll was 3 percent. The study was one of several VDH had begun in the fall of 1972 after losing the court case.

Rival groups saw the results as supporting their perspective. Paul Alwine, of Fairfax County Citizens For I-66, said, "It shows that more people favor the highway than are against it." Harrison Mann of Citizens for I-66 was convinced the results would, "without a doubt," lead to approval for construction.

By contrast, Emilia Govan issued a statement pointing out that when asked to list, in order of personal preference, their choice of transportation, the ranking was: Build Metro, reserve more express bus lanes, improve existing highways, and build I-66. More people favored Metro (92.7 percent) than favored I-66 (70.8 percent). [Mathews, Jay, "I-66 Back in Va., Survey Shows," *The Washington Post and Times Herald*, May 14, 1973; Brosby, Thomas, "I-66 Gets Backing in Survey," *The Washington Star-News*, April 9, 1973]

In June, the Govans, on behalf of ACT, accused Fugate of attempting to blackmail the Fairfax County Board of Supervisors. A week earlier, Fugate had said that a proposed 12-mile high-speed toll road along the Dulles International Airport access road could be built only if I-66 were constructed. With the board already on record in support of the toll road, the Govans wrote to urge Chairman Jean Packard and the board to "spurn any Virginia Highway Department tactic to force the Board to support I-66." Fugate's statement was, in the Govans' view, "but another of many pressure tactics being used by [VDH] to force construction of this highway.

In our view, his statement . . . amounts to a form of 'blackmail' on the Fairfax Board to induce the board to exert influence in favor of construction of I-66." The Govans told Packard that the toll road might help alleviate a "serious transportation problem in the growing Reston-Vienna-Herndon corridor," but urged Fairfax County not to try to solve its problem by creating one in Arlington County.

Chairman Packard, in response, said any attempt to use the toll road plan to force the board to support I-66 was "disgraceful." She planned to ask Fugate for clarification.

Although Fugate was not available for comment at press time, a spokesman assured reporters that the commissioner was expressing only his personal view that without I-66, the toll road would not collect enough tolls to support itself. "I'm certain he's not engaging in any blackmail."

Previously, ACT had written to Governor Holton to warn him that VDH was exerting "improper and intolerable pressure" on the consulting firm leading the environmental review of I-66. The issue involved VDH's decision to deny the firm's request to extend the contract beyond the

completion date of September 18. VDH official A. K. Hunsberger told a reporter that the department was insisting that the consultant complete the study by the September 18 contract date. No “extenuating circumstances” justified an extension. In the absence of an extension, project manager Fowler said the consultants had “quickened the pace of the study.” ACT and other I-66 critics opposed that “quickening,” which they feared could reduce citizen input and result in an inferior product. [Crosby, Thomas, “ACT Charges Blackmail,” *The Washington Star-News*, June 28, 1973; Mathews, Jay, “Arlington I-66 Foes Charge Blackmail,” *The Washington Post and Times Herald*, June 29, 1973]

The five-member Arlington County Board was not on record on I-66. Two board members, Everard Munsey and John W. Purdy, were ACT members who intended to support an anti-highway resolution when it was offered, possibly in the fall. One board member, Dr. Kenneth M. Haggerty, had said he would oppose an anti-freeway resolution. The two other members, Joseph L. Fisher and Joseph S. Wholey, had not taken a position.

Nevertheless, the board had written to the consulting firm to express concern that the tight schedule “may provide too little time for the careful consideration of alternatives” to the eight-lane freeway. Fisher and Dr. Haggerty had supported sending the letter, but said they did so only because the consulting firm was rushing them to provide data on county parkland affected by the highway. Munsey and Purdy thought the deadline should be extended 3 to 6 months because the consultants needed more time to determine the impact of strong air quality controls, like parking surcharges, EPA had proposed for the area.

Given the deadline, project manager Fowler was philosophical. “At some point, you have to say this is our best judgment of what the real world situation would be and go forth.” [Mathews, Jay, “Arlington Board Hints At I-66 Stand,” *The Washington Post and Times Herald*, July 28, 1973]

### **Completing the 1973 Act**

The conference to resolve differences between the House and Senate versions of the legislation proved contentious, with the conference report delayed until July 27. The final bill retained the District and Virginia measures, including exemption of the District’s Interstate System from the 1893 Act on a permanent system of highways. The conference report included the provision on the North Expressway in San Antonio, as well as project-specific provisions on the Alaska Highway, Route 101 in New Hampshire, I-93 through New Hampshire’s Franconia Notch, construction of the Highland Scenic Highway in West Virginia, and relocation of U.S. 25E through a tunnel in Cumberland Gap National Historical Park

However, the section that most affected the freeway battles in the Washington area was one that had emerged from similar controversies in Boston. Governor Sargent and Secretary Altshuler had promoted a way to cancel controversial urban Interstate highways and use the funds instead for the Governor’s ambitious but unfunded transit plans. Section 135 of the Federal-Aid Highway Act of 1973 provided that mechanism. It allowed a Governor and local governments in an urbanized area to submit a joint request to withdraw a controversial Interstate segment. The Secretary of Transportation could withdraw approval of the segment if it was not essential to completing a unified and connected Interstate System and the State provided assurances that it

did not intend to construct a toll road in the traffic corridor. The left-over Interstate mileage could be used to designate an Interstate segment in any other State.

With the Secretary's approval, responsible local officials could advance nonhighway public mass transit projects, including construction of fixed rail facilities and the purchase of passenger equipment, including rolling stock for any mode of mass transit, or both. The Federal share of the nonhighway transit project was limited to the cost of the withdrawn route as shown in the 1972 ICE, but the funds would come from the general Treasury, not the Highway Trust Fund. The Federal share would be the same as for projects advanced with UMTA funds or up to the limit of substitution funds.

As Governor Sargent had anticipated, this provision contained the solution to the dilemma of mayors and local officials in Boston and around the country. They did not want to build a controversial Interstate segment, but they also did not want to lose the hundreds of millions of dollars in economic stimulus that would come their city's way if the segment were built. Before enactment of the 1973 Act, the only way to retain the funds was to resist citizen anger about building the highway segment. Now, after several years of debate in Congress, mayors and local officials could have the funds, but use them for popular nonhighway mass transit, including rail rapid transit, instead of the unpopular freeway.

The Senate took up the conference report on S. 502, the Federal-Aid Highway Act of 1973, on August 1. In introducing the bill, Senator Bentsen said:

Mr. President, this conference report represents months of very arduous work by both the Senate and House conferees . . . . I can report that the conference held to reconcile the differences between the two bills was a very difficult one . . . . We were in conference over 2 ½ months. The conferees met 29 times, and the House and Senate conferees met among themselves several times to try to work out solutions to our most difficult problem, the question of diverting money from the highway trust fund for the use of transit. I believe we have emerged with a strong bill which preserves the essence of the Senate position on the highway bill.

He explained that conferees had begun with 110 points of difference in the two bills, but had resolved all but 13 of them by May 17, and those 13 remained unresolved for the remaining 2 months. On the key issue of the Muskie-Baker amendment, Senator Bentsen said:

From May 17 until we reached a final agreement on July 18, there were no fewer than 10 proposals and counterproposals to reach a solution on this question. I believe that the solution that we ultimately reached was an eminently fair one . . . . In the compromise, Mr. President, I believe both sides have given substantially. The Senate gives up rail mass transit from the trust fund until fiscal 1976, although general fund moneys can be exchanged for trust funds for these purposes in both 1974 and 1975. The House gives up its absolute insistence that no funds shall be diverted from the trust fund for nonhighway related projects.

As for mass transit operating subsidies, Senator Bentsen said:

Faced with the unrelenting opposition of the administration, which indicated that operating subsidies in any form would invite a veto, and the skepticism [of] the House conferees, the Senate conferees agreed to drop operating subsidies from the bill.

He said the bill did not ignore transit, but included \$3 billion in additional funds for transit capital grants, as well as the breakthrough agreement on the Muskie-Baker amendment. The Interstate transfer provision also could benefit transit. In the Senate bill, any funds left over following a withdrawal “would have gone to the account of the urban area to be used for highways or any mode of mass transit.” The conference agreement modified the Senate bill to prevent the use of Highway Trust Fund revenue from withdrawn Interstates for mass transit. The “traded” funds would remain in the Highway Trust Fund for highway purposes, while an equal dollar amount of general Treasury funds would be made available for the transit project. [“Authorization of Appropriations for Construction of Certain Highways—Conference Report,” *Congressional Record-Senate*, pages 27194-27196]

The Senate approved the bill 91 to 5. Senators Biden, Case, Proxmire, Williams, and William V. Roth, Jr. (R-De.) voted against the bill. [page 27221]

On August 3, Representative Wright called up the conference report on S. 502 for consideration. The report, he said, “has been hammered out on the anvils of mutual compromise with the other body.” It was “a good bill, a sound bill, and undoubtedly the best bill that could have been achieved under the circumstances.” Conferees encountered “strong feelings” from their Senate counterparts, but also “conciliatory and harmonious” gestures. “I think it is impossible to say that either House predominated more than the other.” He urged a resounding vote of approval. [“Conference Report on S. 502,” *Congressional Record-House*, August 3, 1973, page 28089]

The House approved the legislation, 382 to 34, on August 3. [page 28110]

### **The 1973 Act Becomes a Law**

For President Nixon, July and August 1973 were difficult months. On July 16, 1973, Federal Aviation Administrator Alexander P. Butterfield, a former deputy to top White House aide H. R. Haldeman, revealed to the Senate Select Committee to Investigate Campaign Practices (also known as the Senate Watergate Committee) the existence of a taping system in the White House. As *The New York Times* explained, “The recordings became the immediate focus of the central investigation by the Senate panel into the role President Nixon may have played in the Watergate cover-up.” [Naughton, James M., “Surprise Witness,” *The New York Times*, July 17, 1973]

On August 6, Vice President Agnew revealed that he was under investigation by the United States Attorney in Baltimore, George Beall, for possible violations of criminal law. Initial media reports indicated he was suspected of extortion, bribery, and tax evasion related to a kickback scheme involving contractors, architects, and engineers employed on Maryland projects. He denied the charges (but would resign on October 10, 1973).

On August 13, the *Times* reported that Federal investigators were planning to go through the records of the Vice President’s 2 years as Governor of Maryland and those of Jerome R. Wolff,

Agnew's appointee as chairman-director of the Maryland State Roads Commission. "In the new phase of the far-reaching investigation – which has all Maryland agog even though the state had become all but accustomed to seeing its political figures face criminal charges – Mr. Beall appeared to be concentrating on highway construction and engineering contracts." [Waldron, Martin, "Agnew Term as Governor Under U.S. Scrutiny Today," *The New York Times*, August 13, 1973]

(Wolff, after being confronted by Beall's team, became a cooperating witness against Vice President Agnew and during the trials of other Maryland officials. Wolff, as it turned out, had kept meticulous records – including diaries and detailed notes on his day-planner – of the schemes he helped to carry out and the kickback payments made. Due to his cooperation, Wolff was never charged with a crime. He lost his engineering license but it was restored in 1978 on a legal technicality and worked as a hydraulics consultant for the rest of his working life. He died at the age of 98 in 2014. [Kelly, Jacques, "Jerome B. Wolff, former state roads chief who testified in case against Agnew, dies," *The Baltimore Sun*, August 30, 2016]

Later that day, as President Nixon signed the Federal-Aid Highway Act of 1973 (P.L. 93–87), standing behind him were Senators Randolph and Baker, Secretary Brinegar, Federal Highway Administrator Tiemann, Urban Mass Transportation Administrator Frank C. Herringer, who had taken office in February, and freshman Republican Representative Hanrahan, whom the White House President wanted to aid in his reelection campaign. In a formal statement, he called it "a significant extension and reform of the Federal highway program," which he described as "the strong tradition of Federal-State cooperation in building American highways." This was, however, more than just a highway act:

One of its most significant features is that it allows the Highway Trust Fund to be used for mass transit capital improvements. This landmark provision is one that I have urged for some time and one that I recommended with special emphasis in four different messages to the Congress this year. Under this Act, for the first time, States and localities will have the flexibility they need to set their own transportation priorities. The law will enable them at last to relieve congestion and pollution problems by developing more balanced transportation systems where that is appropriate rather than locking them into further highway expenditures which can sometimes make such problems even worse.

He highlighted "the \$3 billion I requested for funding the Urban Mass Transportation Act" and the provision allowing State and local officials "to substitute mass transit projects for certain urban Interstate highway segments which are controversial and non-essential." He also pointed out that the 1973 Act earmarked urban highway funds for areas with populations over 200,000 and "cuts red tape and improves efficiency by giving more authority to the States and by increasing planning funds." He added:

I am pleased that the bill also designates several links of the Interstate network forming a coast to coast route as the Dwight D. Eisenhower Highway, a fitting tribute to the father of the Interstate highway system.

He regretted that the bill exceeded his budget proposals and included “a number of special narrow categorical grant programs at a time when it is particularly important for us to trim back on the budget and the bureaucracy.” However, he recognized that funding levels had been cut back from earlier versions “and I am gratified that certain other elements, particularly an anti-impoundment provision and mass transit operating subsidies, were eliminated from the final version.”

Overall, he said, the legislation reflected “a spirit of constructive cooperation between the Congress and the Administration and I am confident that the Act can be properly administered so as to not violate my commitment to a non-inflationary budget.” He concluded:

The legislation I sign today represents an important forward step for our country, not only in providing for better and more balanced transportation, but also in related fields such as environmental protection, highway safety, energy conservation, and community development. I am gratified that it includes important proposals to which I have long given high priority.

I sign S. 502 with confidence that it will contribute significantly to the strength of our American economy and the quality of American life.

Informally, the President had observed that, “the dullest thing in the world is to spend a day on a superhighway.” He added, also informally, “Let me say after these two smog alerts we’ve had in Washington, let’s have more mass transit.”

After the ceremony, Secretary Brinegar and Melvin R. Laird, the former Defense Secretary who was now the President’s counsellor for domestic affairs, briefed reporters. Secretary Brinegar said:

Both in terms of dollars and numbers of separate programs, this is the single most important piece of legislation that the Department of Transportation has been called upon to administer.

He highlighted the urban transportation features of the 1973 Act, which gave “urban transportation planners immediate flexibility in the uses of the Highway Trust Fund dollars that are allocated to urban areas.” He said:

No longer must these planners think “just highways.” Now they will be able to consider trade-offs to such alternatives as buses, exclusive bus lanes, and rapid rail systems. We do not see such flexibility as a “busting of the trust,” but rather as a sensible broadening of its uses. Approximately \$2½ billion is authorized for this “flexible” urban usage.

In closing, he praised the conference committee that had drafted the final bill “in a spirit of constructive compromise.” The result was “a good bill—one that will go a long way toward providing our Nation with the balanced, total transportation system that it needs.”

Reporter Lou Cannon, writing in the *Post*, said:

Two emerging and related administration themes dominated the ceremonies and announcements surrounding the bill signing. One is the developing White House praise for Congress on non-Watergate issues, the other the reiteration of administration belief in its own ability to govern.

Cannon quoted Laird as saying during his briefing, "It is important to bear in mind that we are moving forward on the domestic agenda for America." [Cannon, Lou, "Nixon Signs \$22 Billion Highway Bill," *The Washington Post and Times Herald*, August 14, 1973; "President Signs Highway Bill With provisions for Mass Transit Assistance," *The New York Times*, August 14, 1973]

Senator Randolph issued a statement after the ceremony:

We deliberated the provisions of this bill in conference for more than 120 hours. The result is a measure that responsibly meets transportation requirements in large cities, small towns and rural areas.

Enactment of the 1973 Act gave Jack Eisen an opportunity to summarize the impact of the law on the District freeway controversies. The only provision specifically about the District of Columbia's freeway network was Section 135 (titled District of Columbia):

None of the provisions of the Act entitled "An Act to provide a permanent system of highways in that part of the District of Columbia lying outside of cities", approved March 2, 1893 (27 Stat. 532), as amended, shall apply to any segment of the Interstate System within the District of Columbia.

Eisen summarized the "stunning judicial setback" the city received in 1968 when the U.S. Court of Appeals blocked the Three Sisters Bridge and the North-Central Freeway because they did not comply with the 1893 law. The ruling resulted in the "notwithstanding" provision of the 1968 Act, itself blocked in court.

Now, the 1973 Act exempted the District's freeways from the 1893 law's restrictions. The provision "eliminates the legal basis for the court order in 1968 that brought the city's interstate freeway program to a virtual halt, except for projects that were then well underway."

A "little noticed provision" of the 1973 Act renewed the congressional mandate for construction of the Three Sisters Bridge and other controversial freeways. Section 110 required the Secretary to remove from designation any Interstate segments that did not meet deadlines (July 1, 1974, to notify the Secretary that the State intends to construction the segment, and July 1, 1975, for submitted a schedule of expenditures), but added:

This subsection shall not be applicable to any segment of the Interstate System referred to in section 23(a) of the Federal-Aid Highway Act of 1968.

By exempting the District from the requirement, Eisen explained, "it leaves in force a section of the 1968 Highway Act that says the District and federal governments must build the Three Sisters Bridge and other unbuilt interstate freeway links in the city." The impact would not be

immediate because the freeway projects needed administrative or judicial resolution. “The new legislation could make it harder for the city to drop any projects it might want to cut from the road system and make it harder for citizens to sue to keep those projects from being built.”

A spokesman for the House Committee on Public Works called the provision a “housekeeping action” to maintain the status quo and avoid complications:

The District is proceeding in good faith to meet the congressional will and this leaves the 1968 Act intact . . . . We did not want to complicate or change the mandate. Obviously this is a sensitive matter.

Title III of the 1973 Act was titled the Urban Mass Transportation Act of 1964, which authorized funds to:

. . . assist States and local public bodies and agencies thereof in financing the acquisition, construction, reconstruction, and improvement of facilities and equipment for use, by operation or lease or otherwise, in mass transportation service in urban areas and in coordinating such service with highway and other transportation in such areas. Eligible

facilities and equipment may include land (but not public highways), buses and other rolling stock, and other real or personal property needed for an efficient and coordinated mass transportation system.

Section 301(a) of Title III increased the Federal share for projects eligible under the 1964 Act to 80 percent, up from two-thirds. However, Eisen pointed out that the 1973 Act, while increasing the Federal share to 80 percent for Federal-aid transit projects around the country, left the Federal share for Metro at two-thirds, as provided for in the National Capital Transportation Act that “continues to contain the old formula.” WMATA Comptroller Lowe estimated that if Congress increases the Federal share to 80 percent for Metro, local governments would save an estimated \$142 million in local matching shares for the \$3 billion system.

Eisen advised readers that the next test of the District’s freeway plans would be the report by the city council’s transportation committee on the South Leg Freeway. The committee expected to issue its report in September.

Eisen recalled the “volatile political and social” debates over the past decade:

The issue has spawned angry confrontations between citizens and officials, demonstrations at road project locations and a series of successful legal challenges to construction plans.

Initially, opposition to the roads came from an unusual coalition of lower- and middle-income city dwellers whose neighborhoods would be bisected by the freeways and conservationist groups worried about preserving the unique monumental character of the capital city.

The chief villain of both groups was the suburban automobile commuter. “White men’s roads through black men’s bedrooms” was one rallying cry.

More recently, however, city dwellers have been joined by Maryland and Virginia suburbanites who also oppose freeways in their neighborhoods.

For example, plans for I-66 in northern Virginia were on hold by court order pending an environmental review. “If the freeway plan is abandoned, it would reduce and possibly eliminate any justification for the Three Sisters Bridge.”

The Maryland Department of Transportation had “dropped plans for extending I-70S and I-95 inside the Capital Beltway, making the District’s long-planned North Central Freeway a road to nowhere. It, too, has been dropped”:

Instead, Maryland has proposed to build a connecting road between its existing segment of I-95 and the Baltimore-Washington Parkway near Beltsville, north of the Beltway . . . .

Under Maryland’s new plan, the Washington end of the parkway would be widened from four to six or eight lanes and would be brought up to freeway standards as already authorized by federal law. It would be linked to a new Industrial Freeway paralleling badly congested New York Avenue NE within Washington.

This would provide a continuous route for Washington-bound I-95 traffic in Maryland and permit the District to comply with requirements of the 1968 highway law.

Eisen added, that, “Opposition to the parkway widening already has cropped up in Prince George’s County.”

Based on information from Airis, Eisen wrote:

As the District’s interstate freeway program now stands . . . . it has only the 14<sup>th</sup> Street and Theodore Roosevelt bridges, the Southwest-Southeast Freeway south of Capitol Hill, the Anacostia Freeway and an isolated fragment of the Potomac River Freeway in Foggy Bottom in current service.

At this point in the freeway battles, the city’s program “leaves the residential northern half of the District without any active freeway proposals.” An accompanying map depicted the North-Central Freeway (I-70S) and the Northeast Freeway (I-95) as “Eliminated.” The South Leg was shown as “Proposed” and “Plan pending.” The Industrial Highway was identified as “Crosstown North Leg tunnel is proposed but planning is dormant.” Eisen explained, “Nothing currently is being done about the proposal for a crosstown freeway that would carry Three Sisters Bridge traffic and tunnel under K Street NW to connect with the proposed new extension to the Baltimore-Washington Parkway.”

Outside the city, the map depicted Maryland’s plan for a freeway connecting I-95 east of the Capital Beltway with the parkway, depicting the link as “Proposed to connect with widened parkway into D.C.” In Virginia, I-66 was identified as “Court-ordered restudies under way on

I-66 and Three Sisters Bridge.” [Eisen, Jack, “Congress Renews Mandate on Three Sisters Bridge,” *The Washington Post and Times Herald*, August 21, 1973]

*Post* editors lauded Congress for including the provision in the 1973 Act that allowed cities to withdraw controversial Interstate segments and substitute rail rapid transit. The editorial picked up on Eisen’s theme:

The Act renews the congressional order of 1968 that we essentially complete a freeway system that was proposed 27 years ago by the D.C. Highway Department’s consultants, J. E. Greiner Company of Baltimore and De Leuw Cather & Co. of Chicago. The consultants concluded their 1946 recommendation for an “inner loop” and radial freeways into the suburbs with the statement that there was “little likelihood that Washington will ever need a rail rapid transit system.”

In contrast, of course, “we are building a rail rapid transit system now. It is the biggest public works project in the country”:

We also know a great deal more than we did in 1946 about the disruptions and social costs of urban freeways (which inevitably breed more freeways), about the health hazards of automobile-caused pollution and about the essential coordination between transportation planning and urban planning in general. Because of this new knowledge, there is also a great deal more public interest in and opposition to the conventional highway builders’ wisdom that freeways ought to run *through*, rather than *to* urban concentrations. Yet, Congress continues to insist that we stick to this outdated wisdom and build the Three Sisters Bridge to bring Virginia’s I-66 into the city, and a radial freeway to connect with Maryland’s I-70S and I-95 and that we complete the “inner loop,” of which one portion, the Southwest Freeway, has already been built.

Due to court orders, the 1973 Act would not “immediately unleash the bulldozers” for the Three Sisters Bridge. As a result, “those lyric little rocks in the Potomac, just upstream from Key Bridge, known as the Three Sisters, are likely to be left in peace for a while.” Other proposed freeways, including the Industrial Freeway, were not ready for construction.

The exception was the South Leg Freeway, the “innocent name” for the six-lane freeway the city wanted to build, partly in tunnels, across the Lincoln Memorial grounds and the Tidal Basin:

To contemplate what this surgery will do to the green center of the Nation’s Capital requires little imagination on the part of anyone who has ever walked, breathed and tried to enjoy nature (to say nothing of history) along a six-lane freeway. The justification for this vandalistic operation is, in part, that there is now far too much automobile traffic on the Mall, particularly along Independence Avenue as it winds its way across the Tidal Basin.

Many of those cars would disappear, the editorial explained, with the construction of Metro and a visitor center at Union Station north of the Capitol. “But that does not answer the Highway Act’s mandate – completion of that 1946 ‘system.’”

The *Post* recommended that the city and NPS “desist from digging up the Mall . . . until the future of all the other mandated projects is decided”:

We are optimists. We still hope that in time and with full respect for the law, Washington’s planners can come up with something better than the old Greiner-De Leuw Cather “system,” something that will satisfy environmental sense, traffic needs and the highway-minded congressmen. [“Washington and the 1973 Freeway Act,” *The Washington Post and Times Herald*, August 27, 1973]

### **The Center Leg Freeway Opens – In Part**

In early August, the *Star* alerted readers to the imminent opening of the Center Leg Freeway, the eight-lane, 1.4-mile section of I-95 that would connect the Southwest-Southeast Freeway and Massachusetts Avenue and Third Street, NW. The freeway was depressed for its entire 16-block length, running in a tunnel under the reflecting pool in front of the Capitol building. It passed under the new Labor Department and U.S. Tax Court building which was still under construction in the air rights over the freeway.

The District had intended to open the freeway on August 8 but “finishing touches” delayed the opening until later in the month. By then, most of the parking spaces provided on a temporary basis on the freeway would be eliminated:

Airis said the Center Leg opening “is a fine thing for the city. It will provide a more efficient means for traffic to get into center city and it will relieve traffic on several side streets.”

. . . . The Center Leg has been planned to connect with the New York Avenue Industrial Freeway, which has yet to be designed or built, but work is continuing on an uncompleted three-block section of the Center Leg between Massachusetts and New York Avenues. [Crosby, Thomas, “Center Leg Freeway to Open This Month,” *The Washington Star-News*, August 8, 1973]

Although Airis had expected the Center Leg Freeway section of I-95 to open in August, the opening had been delayed until October, when the *Post* reported:

Scheduled to open at the end of this month, the freeway comes with rebroadcast machines, saturable core reactors, impact attenuators and other gadgetry, all of which contributed substantially to its cost of \$70 million. It is 1.4 miles long and, yard for yard, the city’s most expensive road.

The unique features included in the freeway made it highly sophisticated:

Sophisticated equipment will permit emergency vehicle radios to transmit and receive while in the tunnel, as well as end interruptions to civilian radio programs when autos go underground.

Impact attenuators at abutments were designed to absorb vehicle impacts to minimize injuries. A city traffic engineer, George W. Schoene, said:

It's the latest concept in preventing personal injury. Damage will still be done to the vehicle, but any serious injury to the driver will be minimized. When the car hits the attenuator, the black cells with mushroom-like tops pop one at a time, spraying water everywhere.

Safety features included "the preprogrammed saturable-core reactors that dim or brighten lights gradually as motorists enter and leave the highway-tunnel." According to the city, the tunnel included 7½ miles of fluorescent light using 3,865 tubes. Twenty-eight chain-driven fans would keep the air in the tunnel clean while closed-circuit televisions and other features would allow officials to monitor traffic. "The lighting," Schoene said, "is the most unique in the city. Most of the other systems are 220 volts, this system is 2,000 volts."

Reporters viewed the exhaust system:

Visitors to the blower room of the tunnel were dwarfed by the big exhaust and fresh air fans that are part of the ventilation system.

There are 28 chain-driven fans in the facility, 16 to pull in fresh air and 12 for exhaust.

In addition, the tunnel featured:

Two closed-circuit televisions, 44 emergency phones, four cameras (eventually there will be 30 cameras located at the access and exit ramps from portal to portal) and a computer hooked to detectors on the roadway will be able to count vehicles, measure speed and give all this information to a control center

Airis said, "Some commuters will use it, but it is designed to provide a better way of moving service delivery vehicles around downtown street traffic." He said, "The main objective of the facility is to remove traffic from the surface of the mall area in front of the Capitol . . . part of a long-range park service and planning commission plan."

Despite all these benefits, "it will create problems for others," namely those parkers who would have to make new arrangements for their vehicles. [Wells, Major C., "Sophisticated District Freeway to Open Soon," *The Washington Post and Times Herald*, October 14, 1973]

Finally, on November 5, 1973, at 11:20 a.m., Mayor Washington cut a red ribbon stretched across the two northbound lanes and the freeway was opened. He said the connection would "add viability to the inner city" by taking traffic off side streets.

The first person to drive through the tunnel was 25-year old Spec. 5 1.C Lennie Firsina, who told a reporter, “Actually, I’m making history because of a mistake. I took a wrong turn back there.”

One problem was that even though hazardous cargo was prohibited, several gasoline trucks used the tunnel on the first day:

“That’s our first headache,” said Stuart Cross, a District traffic engineer. Trucking associations and bulk plants for oil companies will be told to route hazardous cargo vehicles around the freeway, Cross said.

Hundreds of trucks used the freeway yesterday and Airis said, “That’s what we wanted. The freeway is designed to take trucks out of the Mall area and off residential streets.

Construction to link the Center Leg Freeway with New York Avenue was underway with the goal of completion in 1974. [Crosby, Thomas, “Yep, It’s Open . . . At Last,” *The Washington Star-News*, November 6, 1973]

### **The Flow of Oil**

From October 6 to 26, 1973, Egypt and Syria were at war with Israel. Known as the Yom Kippur War or the Arab-Israeli war, the battle ended with a decisive victory by Israel.

On October 17, 1973, 11 Middle East nations, all members of the Organization of Arab Petroleum Exporting Countries (OAPEC), proclaimed a progressively increasing monthly cut in exports of oil to the United States and other nations perceived as unfriendly to Arab goals. The cut soon became a boycott until March 1974. The OAPEC and the Organization of Petroleum Exporting Countries (OPEC), which included non-Arab countries, used the boycott as an opportunity to raise the price of their oil after the boycott.

Historian Daniel Yergin described the reaction:

What better recipe could there have been for panic prices than the oil supply situation in the memorable final months of 1973? The ingredients included war and violence, cutbacks in supply, embargoes, shortages, desperate consumers, the specter of further cutbacks, and the possibility that the Arabs would never restore production. Fear and uncertainty were pervasive and had a self-fulfilling effect: both oil companies and consumers frantically sought additional supplies not only for current use but also for storage against future shortages and the unknown. Panic buying meant extra demand in the market. Indeed, buyers were scrambling desperately to get any oil they could find. “We weren’t bidding just for oil,” said one independent refiner who did not have a secure source of supply. “We were bidding for our life” . . . .

The age of shortage was at hand. The prospect, at best, was gloomy: lost economic growth, recession, and inflation . . . . Moreover, the United States, the world’s foremost superpower and the underwriter of the international order, had now been thrown on the defensive, humiliated, by a handful of small nations . . . .

In the United States, the shortfall struck at fundamental beliefs in the endless abundance of resources, convictions so deeply rooted in the American character and experience that a large part of the public did not even know, up until October 1973, that the United States imported any oil at all. [Yergin, Daniel, *The Prize: The Epic Quest for Oil, Money & Power*, A Touchstone Book, 1993, pages 615-616]

Journalist and author David Halberstam described the immediate impact:

The American economy and the American people were completely unprepared for the change. The squandering of oil was built into the very structure of American life. Everyone had become dependent upon cheap energy. Almost all American cars, for example, had automatic transmissions, which used 25 percent more gas than the old manual transmission. With many American brands of car, if a buyer wanted a manual shift, he had to say so in advance so it could be ordered from the factory. By the time of the Yom Kippur War, 85 percent of the job holders in America drove to work every day –

and as a result, public transportation had atrophied. Suddenly gas was expensive and scarce. In a short time it went from 36 cents a gallon to 60. People lined up for hours at every service station. There were fights as drivers tried to jump the line, reports of bribes, and even one murder committed in a struggle for gas. In the neurosis created by the boycott there was a new craze called “topping off,” which was an attempt to keep one’s tank perpetually filled. At one service station in Pittsburgh a motorist came in and bought 11 cents’ worth, and the attendant spit in his face. The Boston police department came up with an interesting statistic: The number of cases of automobile arson went up dramatically, from 149 to 330, in the year when the gas prices jumped; most of those torched cars were gas guzzlers. In the first quarter of 1974 the use of gas dropped

7 percent in the United States instead of rising the normal 7 percent. [Halberstam, David, *The Reckoning*, William P. Morrow and Company, 1986, pages 458-459]

In an address on November 7, 1973, President Nixon advised the Nation that the energy crisis was “a problem we must all face together in the months and years ahead.” The Federal Government, he said, would take several steps, such as preventing industries and utilities that use coal from converting power plants to use oil, reducing the number of flights as well as the supply of heating oil for homes and offices by 15 percent, reducing the temperatures in government buildings, and speeding up the licensing and construction of nuclear power plants. He asked State and local officials to take appropriate steps, including:

How many times have you gone along the highway or the freeway, wherever the case may be, and seen hundreds and hundreds of cars with only one individual in that car? This we must all cooperate to change.

Consistent with safety and economic considerations, I am also asking Governors to take steps to reduce highway speed limits to 50 miles per hour. This action alone, if it is adopted on a nationwide basis, could save over 200,000 barrels of oil a day – just reducing the speed limit to 50 miles per hour.

In addition, the President indicated he would direct his staff to work with Congress on emergency energy legislation. It would make daylight savings time a year-round provision, relax regulations to balance environmental interests with energy requirements, impose energy conservation measures such as restrictions on working hours for shopping centers, authorize full production in Naval Petroleum Reserve #1 (Elk Hills, California) and the exploration and further development of other Naval Petroleum Reserves, including Naval Petroleum Reserve #4 in Alaska, and give the Federal Government authority to reduce highway speed limits throughout the Nation as well as the power to adjust the schedules of planes, ships, and other carriers.

These were all short-term measures. For the long term, he outlined measures his Administration would take, such as launching a campaign to free the country from reliance on oil from other parts of the world. He was convinced the Nation had the reserves, as well as the technology to meet this goal. He cited the Manhattan Project and President Kennedy's pledge to put a man on the moon in 10 years:

Let us unite in committing the resources of this Nation to a major new endeavor, an endeavor that in this Bicentennial Era we can appropriately call "Project Independence." Let us set as our national goal, in the spirit of Apollo, with the determination of the Manhattan Project, that by the end of this decade we will have developed the potential to meet our own energy needs without depending on any foreign energy sources.

Let us pledge that by 1980, under Project Independence, we shall be able to meet America's energy needs from America's own energy resources.

Yergin said of Project Independence:

To call this plan ambitious was a considerable understatement; it would require many technological advances, vast amounts of money, and a sharp swerve away from the new road of environmentalism. His staff had told him that the goal of energy independence by 1980 was impossible, and suggested that it was thus silly to proclaim. Nixon overruled his staff. For energy was now both a crisis and high politics.

Nixon fired his energy czar, John Love, and replaced him with Deputy Treasury Secretary William Simon:

Telling the Cabinet about Simon's new post, Nixon likened it to Albert Speer's position as armaments overlord in the Third Reich. Had Speer not been given the power to override the German bureaucracy, Nixon explained, Germany would have been defeated far earlier. Simon was somewhat discomfited by the comparison. Nixon further said that Simon would have "absolute authority." But that was one thing he surely did not have in fragmented, contentious Washington. [*The Prize*, pages 617-618]

In coming weeks, the country would endure drastic shortages of gasoline, turn to carpooling, give increased emphasis to mass transit and the bicycle, and see freeways as encouraging wasteful use of oil.

## What To Do About The South Leg

Robert M. Kennan, Jr., age 35, died on October 29, 1973 of an embolism after gall bladder surgery. Kennan, who lived on Broad Branch Road, NW., east of Connecticut Avenue not far from Rock Creek Park's Beach Road, was general counsel of the National Wildlife Federation and a trustee of the Committee of 100 on the Federal City at the time of his death.

Obituaries in the *Star* and *Post* described his work in the anti-freeway battles. In the Washington area, he had provided his legal expertise to lawsuits blocking the Three Sisters Bridge, Potomac River Freeway, and extension of I-66 in Arlington County. At the national level, he had been involved in efforts to keep Interstate highways out of Florida's Big Cypress Swamp and the Sandia Crest Mountains in New Mexico. His most recent case involved litigation to open FHWA's NEPA procedures to public view. One of his lawsuits had in prompted FHWA, which wanted to exempt 1,000 highway projects that had been initiated before NEPA from its requirements, to require compliance.

The *Star's* obituary was titled:

Robert Kennan, 35, Dies;

Opponent of Freeways

He was survived by his wife and son Alexander. ["Robert Kennan, 35, Dies; Opponent of Freeways," *The Washington Star-News*, October 31, 1973; "Robert M. Kennan Jr., Wildlife Federation Aide," *The Washington Post and Times Herald*, October 31, 1973]

On November 14, 1973, the city council's transportation committee circulated its draft report on the South Leg of the Inner Loop Freeway. The committee had considered proposing to abandon the project, but rejected that idea:

We have . . . reached the conclusion that auto traffic through the south leg corridor cannot as a practical matter be eliminated or diverted and, hence, must be provided for. Not to build the south leg would result in environmental degradation in the project area.

The report recommended that the South Leg Freeway include more tunneling than the Department of Highways and Traffic had proposed. The reported stated that, "If any roadway is to exist – under any set of assumptions . . . the necessity for a roadway seems clear – a subsurface one is clearly preferable."

Eisen indicated that the report called for more tunneling than previously proposed:

As revised by D.C. highway department planners, the new proposal calls for putting about 48 per cent of the length of the 1 ½ mile, six-lane road in tunnels at the outset, with provisions for complete tunneling later. The original plan called for shorter tunnel sections with the balance in depressed ditches out of sight of most park visitors . . .

The freeway project would include the removal of Independence Avenue, now a busy commuter artery, in West Potomac Park, to be replaced by local park roads.

Director Airis indicated the South Leg Freeway would include reserved lanes for buses.

The plan was consistent with the plan that Transportation Secretary Volpe and Interior Secretary Morton had agreed to in May 1971, but Eisen added:

By a touch of irony, the project is being proposed for approval at a time of a major shortage of petroleum-generated energy and when public policy emphasizes mass transit over highways. [Eisen, Jack, "Inner Loop South Leg, Tunneling Urged," *The Washington Post and Times Herald*, November 15, 1973]

On November 17, Delegate Fauntroy issued a statement denouncing the planned project. "It's a silly way to spend \$110 million," he said. "This is a road that nobody needs and nobody wants. It would be enormously destructive to the entire area."

He acknowledged that he had supported the South Leg Freeway as a four-lane tunnel in 1968 when he chaired the city council's transportation committee. Now, he said, the proposal was "much worse" than the earlier plan, in part because "conditions have changed dramatically since then." He explained, "In view of the energy crisis, the last thing we need to do is to encourage new freeways."

Three other council members from that earlier period also assailed the new proposal. Former Chairman Hechinger pointed out that the freeway was intended to handle increased downtown traffic generated by I-66 in Arlington, the Three Sisters Bridge, and a Potomac River Parkway in the Canal Road corridor. All three projects, he pointed out, were stalled and probably would never be built. Hechinger thought that if the city council decided to advance the freeway, it should at least hold a public hearing on the project.

Former Councilwoman Shackleton pointed out that, "Without the Three Sisters Bridge and the other roads, this freeway makes no sense." Feinberg, Lawrence, "\$110 Million Road Project Is Assailed," *The Washington Post and Times Herald*, November 18, 1973]

Councilman Tedson J. Meyers, a member of the transportation committee, had voted against the report in a 2 to 1 vote. President Nixon had nominated Meyers, 43 years old, in January 1972 to fill the seat held by former Councilman Yeldell, who had resigned on November 30, 1971, to become Director of the District Department of Human Resources. Because Meyers, like Yeldell, was a Democrat, his appointment had not changed the political balance of the city council. Meyers was, however, white, thus changing the racial mix. Meyers, who took the oath of office in March 1972, was a communications attorney with the firm of Sullivan, Beauregard, Meyers, and Parkson. He and his wife live with their two children, ages 4 and 2, at 1828 Wyoming Avenue, NW., in the Adams Morgan neighborhood.

Meyers issued a nine-page minority report opposing the freeway and urging the city council to set a date for a public hearing. The goals of the freeway, his report stated, were unclear. He said, "The Environmental Impact Statement clearly admits that no survey has been taken analyzing the

source of traffic and its destination” along the proposed route. “We have only the projections of the proposing agency. There is very little – if any – balance of data.”

In the absence of a traffic survey, Meyers had taken a 2-hour helicopter ride a few days earlier to monitor Friday morning traffic. “For a good part of that time, we just hovered at about 500 feet and took a long look.” He used a stop watch to measure traffic flow per minute. He observed that “a relatively small percentage of the traffic flowing onto Independence Avenue arrives in this city over the interstate freeway source [Theodore Roosevelt Bridge] for which I-695 is proposed as a relieving link.” He explained, “It appears that the largest source of south or southeast bound traffic entering the center city from the west in the morning rush is not the I-66 interstate highway at all [Theodore Roosevelt Bridge], but Rock Creek Parkway.” His estimate was that the parkway provided “at least 50 percent” of westbound traffic on Independence Avenue.

In short, “There is no showing of need” for the South Leg as planned. “Thus, as an urgently needed connection between I-66 and I-295, the case for the South Leg Freeway is by no means clear,” he said. “We should demand more proof.”

In his view, the flow of the largest traffic volumes, from Rock Creek Parkway, could be eased with a few interchanges and overpasses to reduce crossroad delays. Further, the coming of Metro was another reason for delay because until its impact on traffic was known, the city could not say with certainty that additional freeways were needed. “Moreover,” he said, “the immediate fuel shortage, and the poor long-range prospects for the petroleum sources, suggests that now is not the time to build another freeway.”

Councilman Rockwood H. Foster, whom President Nixon had nominated to the council on September 21, 1972, was noncommittal. Foster was a former foreign service officer and member of the city’s board of education who lived in a Georgetown condominium at 3047 West Lane Keys. He had not read Meyer’s report. “I’ll have to wait and see what happens” when the city council meets on November 19 to decide what to do. [Eisen, William A., “South Leg Freeway Decision Postponed, *The Washington Post and Times Herald*, November 19, 1973; “Civic Leaders Protest Plans for the South Leg,” *The Washington Star-News*, November 19, 1973]

The city council had been expected to add the project to its agenda for November 19 and 20. However, Chairman Nevius decided on the evening of November 18 to remove it from the agenda. He took the action in concurrence with the Rev. Moore, chairman of the transportation committee. Moore said the delay was appropriate to permit “further deliberations,” although he did not explain how they would be conducted. Chairman Nevius explained, “The decision was made sometime Thursday to take it off the Tuesday agenda. Several people have injected new thoughts on the plan, and we want to look into it more deeply.”

Vice Chairman Tucker thought that instead of considering the South Leg Freeway, the council should take an overall look at freeway plans. In that way, the council could decide which should be killed.

Councilman Foster was disappointed by the postponement. If given a chance to vote, he told a reporter, he might vote against the freeway.

Despite the decision to call off the vote, about 50 people gathered in the wide hall outside the city council's chamber on November 19 to protest the South Leg Freeway in front of local television cameras. They had been summoned by Hechinger, who had invited many familiar names, including Sammie Abbott, Marion Barry, Jr. (then chairman of the Board of Education),

Reginald Booker, Grosvenor Chapman, Julius Hobson, Angela Rooney, and former council members Polly Shackleton and Stanley J. Anderson. Helen Leavitt, author of *Superhighway-Superhoax* was there (Eisen said of the book that it "has become a textbook for freeway fighters across the land").

Eisen described the protest:

They were black and white, Georgetowners and ghetto dwellers and a sprinkling of suburbanites, people of affluence and others of modest means, joined together in a cause that perhaps above all others has unified Washington civic leaders . . . . Nothing else, except threatened increases in bus fares that were opposed by many of the same people, seemed to excite so much attention.

A series of court decisions and governmental actions killed some of the freeway projects and put others in cold storage. As a cohesive group, the antifreeway coalition fell apart . . .

As antifreeway rallies go, the whole affair yesterday was rather subdued and could prove to be anticlimactic. For the freeway foes already had won a tactical victory.

The victory was the city council's postponement of the vote.

Hechinger, who had supported the freeway plan in 1968 as a victory for anti-freeway forces, said "there is no longer a reason to assume that the D.C. recommendations of the 1960s" were valid in the 1970s in view of Metro construction, current gasoline shortages, and growing air pollution. Freeways such as the South Leg Freeway were going to destroy Washington. "The time to put this on the shelf is now."

Anderson said the South Leg "may be obsolete by the time it's finished with the trend taking place in the country today as a result of the energy crisis."

Several protesters, Eisen reported, said "the road should be killed as a useless monument to a disappearing age of automobile commuting." As for those Virginia and Montgomery County commuters who favored the freeway, they should use transit:

The bluntest comment on the road project was voiced by veteran civic activist Hobson, who is suffering from a currently arrested case of spinal cancer. Getting out of his wheelchair and standing erect, Hobson said of the road: "To hell with it – we don't want to see it built." [Elsen, William A., "South Leg Freeway Decision Postponed," *The Washington Post and Times Herald*, November 19, 1973; Eisen, Jack, "Antifreeway Campaigners Reassemble," *The Washington Post and Times Herald*, November 20, 1973

“Civic Leaders Protest Plans for the South leg,” *The Washington Star-News*, November 19, 1973]

In an editorial, the *Post* agreed with the decision:

Much more thought is needed on all these points [raised by Meyers] before giving a go-ahead to dig up the Mall on the basis of outdated studies and questionable assumptions. The council should take a fresh look at all freeway plans, not in light of what looked right even five years ago, but what will meet the latest traffic needs and environmental considerations. As we have said previously, we continue to believe that, in time and with full respect for the laws that still bind this city’s ability to act, Washington’s planners can come up with more satisfactory answers to the region’s transportation problems. [“Freeways Again,” *The Washington Post and Times Herald*, December 1, 1973]

Members of the city council were not impressed by the anti-freeway rally. They saw it as a prelude to political fights that would erupt if home rule legislation pending in Congress was approved, with the result being elections for the city’s leaders. “The people,” Vice Chairman Tucker said, “ought to understand the nature of some of the attacks.”

Referring to the statements by former council members Anderson, Hechinger, and Shackleton, the Reverend Moore said, “It’s a sort of warmed-over crowd that came down here to deal with warmed-over issues left over by them.” He and Chairman Nevius noted that the three former members had supported the South Leg link not that long ago.

Hechinger could not be reached for comment, but former Councilwoman Shackleton acknowledged that she would like to run if an elected council were approved under the home rule legislation. However, she denied that political ambition had anything to do with her statements at the rally:

Whether home rule or not home rule, I think we would have gone ahead with this [freeway] issue because it is one we have all been involved in. If they want to call it political, everything is political; it’s the name of the game.

She pointed out that the 1968 plan that the three former members had supported contained more freeways than she supported, but they did so to free the funds to get Metro construction underway:

As John Hechinger said at the press conference, time have changed since 1968. We have air pollution problems and a fuel crisis that we didn’t have then. It just doesn’t make any sense to build more freeways. [Eisen, Jack, “Attacks on City Council Held ‘Political,’” *The Washington Post and Times Herald*, November 21, 1973]

*Post* editors commented on the change in attitude:

Nary a local official had said the word aloud in some time, and little wonder – for nothing in umpteen years has managed to set off as much united community clamor as the mention of *freeways*. But, sad to say, the word was back in circulation last week, as was

the old familiar core of vocal antifreeway crusaders. Subject of this latest alert was a revived plan for a proposed superhighway, known technically as Interstate Route 695 and less affectionately as the South Leg of the Inner Loop Freeway.

Recalling that the history of the route dates to the 1960s “or maybe even back to 1946,” the editors explained that what had brought it before the city council was “the question of approving a design, which has been dubbed ‘Plan A (modified),’ and which has yet to be seen in model form.”

They praised Councilman Meyers for his insight into the need for the freeway:

Having monitored the traffic flow from a helicopter on two recent mornings, Mr. Meyers found reason to believe that the largest flow of traffic – from Rock Creek parkway – might easily be improved with a few interchanges and overpasses “costing far less than \$111 million” needed for the South Leg.

The editors agreed with Councilman Meyers that now, in the midst of an energy crisis was “not the time to build another freeway.” The city council should take a fresh look at the need for the South Leg Freeway “before giving a go-ahead to dig up the Mall on the basis of outdated studies and questionable assumptions.” The editors concluded:

As we have said previously, we continue to believe that, in time and with full respect for the laws that still bind this city’s ability to act, Washington’s planners can come up with more satisfactory answers to the region’s transportation problems. [“Freeways Again,” *The Washington Post and Times Herald*, December 3, 1973, italics in original]

On December 29, Mayor Washington wrote to Chairman Moore of the transportation committee to rescind approval of the South Leg of the Inner Loop Freeway. He did not ask the city council to kill the project, only that the project “not go forward at this time.” His primary stated reason for withdrawing support was concern about disruption to the park area during the Bicentennial:

Among the issues that have been raised during Council consideration is whether the project can be completed in time for the bicentennial observance. I must report that it is not now possible to give such an assurance for the whole project.

The first phase of the freeway project, the tunnel under the Lincoln Memorial grounds might “under tight scheduling” be completed by January 1, 1976, but Mayor Washington was uncertain even of that schedule. “It is vital that no part of this area be torn up by construction during this period, if that can be avoided.”

Concern about Bicentennial visitors was, Mayor Washington wrote, fortuitous because “it will provide an opportunity to consider other issues which have arisen recently which could affect the South Leg project.” The energy crisis and EPA’s air quality requirements were on his mind:

We can expect major shifts of persons from automobile use to mass transit because of transportation strategies which we must follow in order to meet air quality standards and other environmental considerations.

He ordered Director Airis “to explore, in consultation with interested federal agencies, possible surface road improvements” in the park.

The *Star*’s article on the letter contained a heading over the title asking:

### Death of Freeway?

One “council source” said that Mayor Washington’s letter “kills what was already a dead issue with the Council.” Since Chairman Nevius had postponed consideration of the South Leg Freeway on November 20, the city council had not taken any action on the South Leg Freeway. Chairman Moore said, “The best way to describe where that freeway issue sits now is in limbo.”

Councilman Meyers called Mayor Washington’s letter “a step backward in the right direction.” Former Councilwoman Shackleton said, “It looks like the end of that one. It’s good news. The citizens have accomplished their purpose.” ECTC Chairman Booker also was pleased. “We’re glad he dropped it,” but he doubted the stated reasons, saying “we think it’s mainly for political considerations, with home rule impending. He wants to make himself attractive to voters and sees tremendous opposition [to freeways] in the black community as a political reality.” [Eisen, William A., “Mayor Drops Support for Freeway Leg,” *The Washington Post and Times Herald*, December 30, 1973; Braeden, David, “Mayor Orders South Leg Delay,” *The Washington Star-News*, December 30, 1973]

(Part 10 will discuss the pending home rule and the desire to appeal to voters.)

*Star* editors, writing on January 3, 1974, were not happy about Mayor Washington’s letter, calling it “regrettable.” His argument was “at least an arguable basis for reversing his prior pro-construction position.” Under the circumstances, completing it before the Bicentennial was unlikely. As a result, “it is prudent to put the whole thing in deep freeze.”

The editors, however, gave Mayor Washington little credit for ensuring the park would not be torn up when visitors arrived in 1976:

There is, of course, a further reason why any tears shed by the mayor on this occasion are of the crocodile variety: The anti-freeway forces had threatened to make a political issue of the West Potomac Park freeway in the District’s forthcoming local election campaigns – and indeed city council members already were back-pedaling from their own previous positions of support. Given that scenario, it is unlikely that Mayor Washington is unhappy to see the issue neutralized.

What galls us, though, is how thoroughly this project has been made the victim of an emotional wave of generalized anti-freeway sentiment.

After all, highway builders had not designed the plan; it was proposed by NPS officials. “Among its harshest critics today are former city council members who not so long ago had supported its construction.

As for Mayor Washington's instruction to the Department of Highways and Traffic to explore surface roadway improvements, "there is virtually nothing of consequence in that context to explore." The editors concluded:

A plan of potential benefit to the city has been allowed to slip down the drain, and it's too bad.

The title of the *Star* editorial was "End of the Road."

The *Post's* editorial board, which had abandoned the newspaper's long-time advocacy for freeways, began its editorial:

Score one for Washington's vigilant and vocal anti-freeway brigade: You won't have the South Leg to kick around anymore.

It agreed with Mayor Washington's stated reason for abandoning "this long-planned desecration." If his "political antennae" had something to do with it, "we can only say that it is an excellent example of how the right to elect our local government ought to affect the decisions made in city hall." Nevertheless, his decision "should not be attributed solely to political considerations":

It is a recognition that this city needs to take a fresh look at all freeway and transportation plans, not in light of what looked right even five years ago, but what will meet the latest traffic needs and environmental considerations . . . .

We continue to believe that, in time and with full respect for the laws that bind this city as well as the desires of its voters, Washington can come up with satisfactory answers to the region's transportation needs. ["Freeways – And Political Inroads," *The Washington Post*, January 7, 1974]

(In 1974, the *Post* removed *Times Herald* from its name and returned to its original name, *The Washington Post*.)

On January 14, 1974, the city council voted to shelve plans for the South Leg Freeway for an indefinite period. "Without one word of debate," Eisen reported, the city council acted after Chairman Moore of the transportation committee repeated Mayor Washington's words.

The impact of the decision was unclear because, in theory, the city council could revive the freeway it was shelving only at this time. [Eisen, Jack, "D.C. Council Shelves Plan For Freeway," *The Washington Post and Times Herald*, January 15, 1974; "Council Shelves South Leg," *The Washington Star-News*, January 15, 1974]

### **In Virginia, I-66 Moves Forward**

The parallel battle in Virginia over I-66 continued as the entrenched opposition pursued every option to force the entrenched VDH to kill the Interstate freeway inside the Capital Beltway.

Even the plan to provide at least \$1 million for park improvements as mitigation for construction of I-66 drew criticism. The freeway would require acquisition of five park parcels totaling about 22 acres. Compensation for that parkland might be more than the total acreage and the projected \$1 million. Just weeks before the deadline for the consultant report, however, Chairman Munsey of the Arlington County Board, said, "I wish they'd give us those kind of [park] funds directly rather than trading them for a miserable road."

The idea that highway officials would find substitute parkland alongside I-66 prompted questions about whether such parkland would be usable. ACT's James Govan said, "It would be like picnicking next to I-95. Who wants to?"

Nevertheless, Charles H. Russell of Citizens for I-66 said that highway officials were "not going to short-change the citizens of Virginia." Referring to the State slogan, he added, "Virginia is for lovers, and what that means is lovers of beauty." [Mathews, Jay, "I-66 Park Fund Termed Both Benefit, Bribe," *The Washington Post and Times Herald*, September 1, 1973]

Two weeks before the deadline, a public opinion poll conducted by the Bureau of Social Science Research for the consultant study reported on public attitudes in the District of Columbia about transportation. The poll, a companion to the earlier study of northern Virginia residents, suggested that a plurality of District residents (37.6 percent) favored construction of I-66 in Virginia, while 17.3 percent opposed it and 55.1 percent said they did not know or care about I-66.

However, the new survey revealed that for District residents, I-66 was not a high priority. Over 60 percent of the 284 residents surveyed had not heard about I-66 or the Three Sisters Bridge, and 24 percent had never heard of the Metro rapid rail system. Only 2 percent of District residents said road improvements were most important, while 72 percent put bus and rapid rail transit at the top of their priority list.

According to the *Post*:

The 102-page report on the public opinion survey . . . looks at attitudes on the long delayed highway by seemingly every imaginable population group: liberals, moderates and conservatives; bus riders and automobile drivers; those living inside the Beltway and those outside the Beltway. Although nearly every group polled produced a majority or plurality in support of the highway, liberals, bus riders and those living inside the Beltway were the least enthusiastic about I-66.

In northern Virginia, 58.6 percent of those polled "said they would or probably would switch to buses or rapid rail transit if those forms of public transportation were improved to their satisfaction."

The Govans claimed the results was "not valid." Emilia noticed that "people who never heard about I-66 were asked to express an opinion." People who are unconcerned about the highway, she pointed out, were more likely to favor it. James said, "If the poll means anything at all, it means that the public has made a clear and overwhelming choice in favor of mass transit."

Because of the small sample size, the bureau said the results could be off by as much as 10 percent. [Mathews, Jay, "D.C. Citizens' Support for Rte. 66 Lukewarm," *The Washington Post and Times Herald*, September 14, 1973; Crosby, Thomas, "I-66 Project Found Unknown to Many," *The Washington Star-News*, September 13, 1973]

Howard, Needles, Tammen and Bergendoff missed Virginia's deadline for the environmental report and the deadline of October 1 imposed by Senator Scott's amendment to the Federal-Aid Highway Act of 1973. Project manager Fowler told reporters he knew of no penalties for missing either deadline, but thought the report could be completed by the end of October. [Crosby, Thomas, "I-66 Ecology Study Deadline Missed," *The Washington Star-News*, October 3, 1973]

The U.S. Department of Transportation, according to a spokesman, also acknowledged that as a result of the delay in Virginia, it would miss Senator Scott's deadline for completing its review by December 31. ACT praised the Federal officials for not trying to meet the statutory deadline. If they had tried to do so, James Govan said, "There would be just that much less time for public reaction" to the EIS. The *Post* pointed out:

Although the Scott amendment sets out strict deadlines for various stages of a court-ordered highway review, it provides no penalties if the deadlines are not met. [Mathews, Jay, "Late Report Delays Action on Inside-Beltway I-66 Leg," *The Washington Post and Times Herald*, October 6, 1973]

On November 16, about 2 months late, Virginia released the consultant's 400-page draft EIS. In the *Post*, reporter Jay Mathews summarized the options studied:

- (1) The base case, the existing transportation system plus Metro and some exclusive bus lanes;
- (2) The transit option, more bus lines to Metro stops;
- (3) The highway option, essentially I-66 with some other road improvements;
- (4) The multi-mode/new facility option, a combination of the first three options; and
- (5) The multi-mode/road improvements options, a combination of the first two options with widening of some other roads or partial construction of I-66.

The report stated:

The evaluation of the alternatives shows that I-66 would be of significant benefit to both users and nonusers traveling within the corridor. However, the other options also would have significant benefits.

Although the report, as Mathews put it, found "significant benefit" from I-66 if constructed, it painted a "dark picture . . . of I-66's air pollution, destruction of scarce parkland and 'major disruptive impacts' in Arlington County." I-66 would cut travel time in half and reduce traffic on the George Washington Memorial Parkway and many streets in the District. "Its beneficial impact on local streets is most significant in Falls Church, where I-66 adjacent to the city would serve as a bypass for through trips."

The report also noted the results of the opinion survey. “Community sentiment as measured by the community attitudinal survey indicates a consensus in favor of constructing I-66.”

By contrast, Mathews observed:

Yet notations of the road’s disadvantages appeared far more frequently throughout the six-pound mass of maps, graphs and colored charts that made up the impact survey.

The highway would improve accessibility, but “would result in more heavily congested conditions” than any option except one (the present situation plus Metro). “Street intersections adjacent to highway interchanges would experience congested conditions due to the large numbers of turning movements that would occur.” The highway would produce significantly larger noise impacts than the other options, except no-build. “Air pollution impacts – in terms of both emissions and ambient concentrations – are predicted to be higher for the highway option than for any other option” and would “have significant deleterious impact on the lands in the vicinity of the I-66 facility.” With reduced energy consumption now a national priority, the report said that mass transit options, minus I-66, would produce the highest energy savings.

The report also considered whether the coming of Metro would eliminate the need for I-66:

Analyses . . . indicate that the construction of the Vienna Metro line generally will absorb the growth of radially oriented travel demand if I-66 is not built.

However, automobile use would not decline, with congestion on other roads continuing during peak periods if I-66 were not built.

The report stated that I-66 should not be built unless the Three Sisters Bridge was built:

The additional river capacity is required to accommodate the traffic which would use I-66 and the roadways connecting to I-66 and I-266 (a spur connecting I-66 to Three Sisters) as currently envisioned.

Mathews considered the report “at least a limited victory” for ACT, an assessment that ACT shared. Emilia Govan said, “I’m delighted. I had hoped the study would show that mass transit can do the job, do it better than I-66 and with fewer adverse social and environmental impacts, and that’s what it seems to show. [Mathews, Jay, “I-66 Report Mixed,” *The Washington Post and Times Herald*, November 17, 1973]

By a 4-1 vote, the Arlington County Board adopted a resolution expressing “clear-cut opposition” to I-66, describing the route as “seriously detrimental to the welfare of the county.”

The crowd of about 100 citizens cheered the vote. The only dissenter, Dr. Kenneth Haggerty, would be replaced on January 1, 1974, by Ellen Bozman, who had campaigned against I-66.

The vote took place at a hearing where 50 speakers addressed the board. Only four favored construction of I-66. “Most speakers,” according to the *Star* account, who opposed the extension “warned about excessive noise and air pollution from the freeway and urged instead that more

mass transit be provided in the corridor where the I-66 segment is planned.” [“Arlington Board Votes ‘No’ on I-66,” *The Washington Star-News*, December 5, 1973; Shaffer, Ron, “Arlington Board Votes Against I-66,” *The Washington Post and Times Herald*, December 5, 1973]

VDH held a week of public hearings on I-66, beginning December 17 in the 700-seat ballroom of the Ramada Inn in Rosslyn at 1900 North Fort Myer Drive. The hearings were to begin each day at 8 a.m. and, with breaks, end at midnight or after 3:00 a.m. Those asking to testify were assigned days and times. According to VDH, about 240 speakers and organizations had been scheduled, with individuals assigned 15 minutes and organizations given 30 minutes.

For example, a Federal planner who had “waited for months to speak at the final scheduled public hearing on the extension of I-66” was assigned 15 minutes on December 19 at 3:30 a.m. “It’s very disappointing. I believe the state could do better in scheduling the speakers. I may just mail my speech in.”

Ashton C. Jones, Jr., of Citizens for I-66 said the late-night scheduling was “unfortunate,” but declined further comment. Jim Govan of ACT was more open:

I’ve never heard of such a thing; it’s just ridiculous. What working person is going to show up at a public hearing at 2 a.m.? To me this is a way of the highway department saying, “We don’t care whether you come or not.” [Shaffer, Ron, “Late Night Hearing Set On I-66,” *The Washington Post and Times Herald*, December 12, 1973]

Before the proceedings, Citizens for I-66 held a news conference to make the point that their group represented thousands of people, while the antihighway forces consisted basically of individuals. Spokesman John Hoerner said, “Any two housewives can get together and say ‘we’re for clean air’ or something like that.” In response, Emilia Govan told reporters, “That’s just ridiculous.” Both groups claimed about 1,200 dues paying members.

The first day included 22 speakers against the highway and seven in favor. The *Post* described the first day:

A week of nearly nonstop public hearings on the proposed extension of Interstate Rte. 66 through Arlington got under way yesterday with generally restrained presentations by factions for and against the highway despite their violent clash of convictions.

As expected, prohighway people stressed the need for a faster route from the outlying suburbs to the District of Columbia, and those against the highway extension said it would provide for a far less efficient use of energy than would mass transit development.

The feelings of speakers did occasionally “boil over,” as when Sammie Abbott addressed the hearings:

“This hearing should be held in an insane asylum,” speaker Sam Abbott screamed at the dozen highway department officials and consultants sitting somberly before him. In light of the energy crisis, Abbott yelled, “it would be insane to consider the slightest increase in the use of the automobile.”

Abbott, for years the area's most vocal freeway foe, was thanked for his presentation by chairman Jimmie H. Singleton, an adviser to the highway department, and gaveled to silence after he berated the highway officials for failing to take up his invitation for questions.

Emilia Govan criticized the highway officials for not providing adequate notice of what she considered a rushed hearing. She also charged that VDH had prejudged the outcome in favor of the "multimode option." She argued that if VDH chose that option, the highway officials would build I-66 and wait for others to provide the transit option that might never materialize.

She added that contrary to supporters' claim that commuters on I-66 would save 30 minutes, the savings would be more like 15 minutes, about the same as for transit with less pollution and energy consumption.

To prove her point about prejudging the outcome, she submitted letters that Virginia Secretary of Transportation Wayne Whitham had sent informing two Arlington residents that barring a court order, VDH would build I-66. She told the hearing:

We have evidence that the Commonwealth of Virginia has made a decision to build I-66 before considering the views expressed at the court-ordered public hearing and before the final impact statement has been prepared.

Whitham responded, "I have favored I-66 and my position hasn't changed. The requirement of the court having been fulfilled, I believe that's also the policy of the [highway] commission." Fugate added, "The commission has adopted I-66."

James Govan pointed out that the multimodal option was not really an alternative to I-66 because it included construction of the Interstate highway.

Opponents did not expect to convince VDH to abandon I-66. Rather, they contended transit was a feasible alternative. In that case, Section 4(f) would prevent Secretary Brinegar from approving the taking of any parkland.

Arlington County Board Chairman Munsey expressed concern about noise impacts that seven schools along I-66 would "suffer," possibly causing them to close. Mass transit, he said, would be safer, just as fast, and reduce congestion better than the highway.

Virginia State Senator Omer L. Hirst (D-Fairfax County) said:

Northern Virginia is automobile dependent and there is no . . . expert opinion that contends that counties like Fairfax, Loudoun and Prince William . . . will be able to do away with the personal automobile.

He predicted that I-66 "would do more to relieve the present congestion on various streets and roads in Arlington and Fairfax counties . . . than any other construction."

The Reverend Gipson, the long-time freeway opponent representing the Upper Northeast Coordinating Council in the District, said construction of I-66 would simply funnel more vehicles onto the District's already overcrowded roads. "We're very concerned about any proposal that brings more roads at us." [Shaffer, Ron, "Start of Hearings on I-66 Is Calm," *The Washington Post and Times Herald*, December 18, 1973; Kast, Heilah, "I-66 Decided On?" *The Washington Star-News*, December 18, 1973]

During the December 18 hearing, I-66 supporters dominated the testimony. Citizens for I-66's Jones argued that building I-66 would save gasoline because it would eliminate much of the stop-and-go traffic on area streets. He said that I-66 would relieve congestion on the George Washington Memorial Parkway and State Route 123 while providing an improved link to the Dulles Access Road. As for the impact on Arlington schools, he said they "have had ample time to prepare" for the highway.

Another member of Citizens for I-66, John Hoerner, took exception to the anti-highway argument that freeways induce traffic to the point of congestion, making transit the best option. He argued that, "The trains run empty during off hours in every transit system. This wastes tremendous energy."

The group's chairman, Harrison Mann, supported the multimode option. The combination of I-66, Metro, and feeder bus lines to the Metro stations would result in more passenger-carrying capacity than the highway or transit alone.

Some critics testified. James B. Sullivan, director of the Center for Science in the Public Interest, accused consultants of "seriously underestimating" the air pollution that would result from construction of I-66. The *Star* summarized a related line of attack:

Twenty economists from the Public Interest Economics Center criticized the study because "it under estimates the cost of the proposed transportation options while overestimating their benefits.

The economists said nothing but the so-called "base case" – the existing transportation for foreseeable improvements – would be justifiable in cost.

As the *Post* and *Star* pointed out, the spur of I-66, namely the I-266 Three Sisters Bridge, also was in the news that day. Judge Sirica held a hearing to consider a request by the plaintiffs for the government to pay their fees. Assistant Corporation Counsel Thomas C. Bell of the District of Columbia told Judge Sirica the city still planned to build the bridge, but was awaiting approval for the project from Secretary Brinegar. Judge Sirica asked, "Why has it taken so long?" Bell did not have a clear answer, but referred to new Federal environmental requirements that were being applied to the bridge project. "It's very slow progress . . . . We are mandated to build this bridge by Congress."

After the hearing, a Department spokesman told a reporter that Secretary Brinegar would not decide whether to approve the Three Sisters Bridge until the fate of I-66 is decided. "We're in a holding pattern until the hearings are complete," the spokesman said. [Kast, Shielah, "I-66

Backers Dominate Hearing,” *The Washington Star-News*, December 19, 1973; Shaffer, Ron, “Adversaries Over Route I-66 Coexist,” *The Washington Post and Times Herald*, December 19, 1973; “DOT Delays Decision on 3 Sisters Bridge,” *The Washington Post*, December 19, 1973]

On December 19, ACT accused Virginia highway officials of having decided to build I-66 before the week-long hearings began. “From the evidence we’ve seen,” Emilia Govan said, “the decision has already been made at the state level to build the highway, and if that’s true, that’s contempt of the court order.” She also wondered whether highway officials would take the time to read the voluminous transcript of the hearings and what weight would be given to critical comments.

With a reporter in listening distance, VDH’s A. K. Hunsberger, cochair of the hearings, told her that he favored building the multimodal option. That was not the official position, as Fugate made clear to the reporter. State highway officials were “going to reevaluate” their decision to build I-66. “The Highway Commission will review the question very carefully and come up with another decision on the matter.” Highway officials assured the reporter that each member of the Virginia Highway Commission would receive a copy of the transcript and the testimony “will be read.” Meanwhile, Hunsberger pointed out that he was simply stating “my opinion” and that he had “an open mind” on all the options under consideration. He added that critical issues raised during the hearings “would be responded to” by the State’s consultants before any decision is made.

Attendance at the day’s hearing was sparse, with no more than 60 present in a ballroom at the Rosslyn Ramada Inn that could seat 700:

In yesterday’s testimony, Martha V. Pennino, Fairfax County Supervisor from the Centreville District, said the arrival of the Metro system in the suburbs will not reduce the need for a highway from western Fairfax County to the District. “As this area continues to grow, so will the use of the automobile,” she said.

Other prohighway speakers said the road extension is necessary to stimulate development in the Northern Virginia suburbs beyond the Beltway. Opponents said the extension would not relieve total traffic in Arlington as proponents maintain, but would generate even more traffic. [Shaffer, Ron, “Foes of I-66 See Plans as Already Set,” *The Washington Post*, December 20, 1973]

By December 20, the “seemingly endless flow of speakers for and against” I-66 was “suffering occasional interruption now.” Speakers, pro and con, were repeating the same points, as the *Post* summarized: “The highway will ruin the environment, shorten commuter time, waste energy, promote business activity.” During a brief recess for lack of a speaker, Singleton characterized the 53 hours of testimony thus far:

There’s a day-time and a night-time population. The night-time opponents are completely prepared with technical expertise. Their main objective I’m afraid is to render the consultants’ expertise inaccurate. They say you are going to increase pollution and congestion and destroy the quality of life.

The proponents have not done so much from the technical sense; they seem to say that common sense says we need it. I think the “pros” are representing many more people in Northern Virginia.

By his calculation, the hearing thus far had included 111 speakers in favor of I-66, and 106 against its construction.

Reflecting the pace, a police officer on security duty described the hearing as “drag time.”

A member of ACT, Kathy Freshley, said her group was calling people “on our side who couldn’t come so they can at least submit their statements for the record.” She added, “It’s an extraordinary time for a fight five days before Christmas, but if you didn’t testify it would be railroaded right through. We’ve got to be counted.”

Pro-I-66 forces wanted to respond to Emilia Govan’s claim that State highway officials had decided to build the highway even before the hearings began. Citizens for I-66’s Mann called that claim, “Pure poppycock” and said that Govan was making “self-serving charges to use in further delaying tactics through the court.”

When printed copies of his statement were being distributed, Govan commented “we can’t even get our statements typed. We just don’t have the money to do that.” She added, “There’s a difference in style between our groups.”

The two sides had taken rooms, for \$23 a day, at the Ramada Inn. Emilia Govan explained:

On our side it’s been a spontaneous grass roots effort with very scrimpy financing. We are operating on a shoestring. I was hesitant to get a room here, but it turned out to be a necessity. We had to have a place to work.

As the *Post* pointed out, pro and con speakers may have fallen into repetitive arguments, but the sides differed in the accommodations. By contrast with ACT, the pro-highway forces’ suite was “filled with people drinking coffee they had bought from the hotel management and enthusiastically describing the hearings as ‘sort of a little political campaign’”:

The differences between the two groups were apparent: the proponents had two electric typewriters, the opponents had an old manual; the proponents rented two tables at \$109 a day in front of the ballroom, the opponents have only one. [Kiernan, Laura A., “Views on I-66 Resolved to 4 Key Points,” *The Washington Post and Times Herald*, December 21, 1973]

On the fifth day of the hearings, WMATA Deputy General Manager Quenstedt testified that failure to build I-66 inside the Capital Beltway would result in “extremely high additional costs” for the Metro line to Virginia. He insisted he was not endorsing I-66, but simply urging officials to decide the fate of the highway as soon as possible so Metro could proceed accordingly. “We are committed to construct this route as expeditiously as possible, whatever decision is made on I-66.”

If I-66 were built, Metro and the highway builders could proceed at the same time. If I-66 were not built, Metro would “have to implement extensive design changes that will result in an extremely high additional cost.” The current design was based on grading, draining, retaining walls, site elevation, and bridge lengths with construction in the median of I-66 in mind.

Quenstedt also pointed out that the right-of-way for I-66 cost about \$22 million, but if I-66 were not built, the land would revert to the original owner. If Metro had to buy its own right-of-way, the cost would be far higher in the current market. “But if we have to go back through the process of condemning and buying once again, we’ll do just that, because the board has already decided we’re going to go down that corridor.”

Pro and con forces responded to Quenstedt’s testimony. Mann said the testimony was “vitaly important and shows that Metro regards I-66 as complementary to the Metro system.” Emilia Govan said, “I was afraid of something like that. His remarks indicate that the people who run Metro have always been in bed with the highway boys and are not interested in providing good rapid transit for this area.” She pointed out that the Federal-Aid Highway Act of 1973 would allow Virginia to request withdrawal of I-66 inside the Capital Beltway from the Interstate System in return for funds for rail rapid transit, thus addressing Metro’s cost concerns. [Oman, Joanne, “Metro Aide Backs I-66, Cites Costs,” *The Washington Post and Times Herald*, December 22, 1973; “Metro Rail Tied to I-66,” *The Washington Star-News*, December 22, 1973]

By the end of the 5-day I-66 hearings, the *Post* said that, “339 speakers representing individuals, civic organizations and governmental bodies spoke during the 84 hours of hearings . . . . 170 endorsed the 10-mile expressway, 168 opposed it, and one agency, the Fairfax County Park Authority, took no position.” The record covers 1,700 pages of testimony and included 760 letters and 21 petitions with 11,000 signatures.

In the end, the hearing was “gaveled to conclusion in an almost empty meeting hall big enough for 700 persons at the Rosslyn Ramada Inn in Arlington”:

At the conclusion of the hearings, Austin K. Hunsberger, director of engineering for the Virginia Department of Highways, said that he and his two top officials in the department will review the hearings and make recommendations on building the road to the highway commission.

If the commission approves construction, its recommendation will be passed on to U.S. Secretary of Transportation Claude S. Brinegar for a final decision. [Edwards, Paul G., “339 Talked in 6 Days of I-66 Hearing,” *The Washington Post and Times Herald*, December 23, 1973, cited in White, page 60]

As cited in Leland White’s article about the I-66 controversy, the *Fairfax Globe* said the hearings “had all the earmarks of a political convention”:

Different factions passed out buttons, stickers, and reams of propaganda, while their leaders huddled in upper-floor hotel suites, plotting strategy and polishing speeches . . . . Staring impassively, chomping on cigars, pipes and toothpicks, the men from the VDH

heard environmentalists call I-66 everything from a “concrete monster” to an “unspeakable obscenity” to “the rape of Arlington.” [Davies, Frank, “The I-66 Hearings: The Last Hurrah,” *Fairfax Globe*, December 27, 1973; White, page 61]

During the hearings, no one had objected to Metro. According to Donald Appel, who headed the study team that prepared the draft EIS, the question was, “What constitutes a balanced transportation system?” In other words, “how much mass transit and how much automobile.” Hunsberger saw the issue in the same terms:

One group is advocating a balanced transportation system. The others advocate abandonment of one form of transportation and insertion of another.

James Govan, of course, was in the latter group when it came to balance:

The day of choice in commuting to work, a single person in a car, is going to end in this decade. Restrictions on gas, parking charges and transportation control measures are going to at least require car pooling. [Kast, Sheila, “How Many Cars, How Much Transit,” *The Washington Star-News*, December 23, 1973]

**The D.C. Freeway Revolt and the Coming of Metro**  
**Part 10**  
**The End of the Road**

**Table of Contents**

Fighting Words .....	2
The Unusually Permanent End of the Road.....	10
Metro vs. Metrobus .....	14
The New President.....	18
A New Era in the District.....	19
Home Rule At Last .....	21
1974 Transitions.....	25
Winding Down the Freeways.....	28
Searching For a Metro Plan .....	37
The Fading Freeways .....	50
Completing the Center Leg Freeway .....	56
The Death of I-66.....	57
Metro – Open At Last .....	84
I-66 – Back From the Dead.....	95
Rebirth of I-66.....	114
Confirming I-66 .....	121
Completing Metro.....	136
The Georgetown Metro Station.....	151
Completing I-66 .....	154
The Barney Circle Connector.....	156
Closing the Missing Link.....	172
Unresolved Battles, Unanswered Questions .....	176

## **Part 10**

### **The End of the Road**

#### **Fighting Words**

In summing up the District's freeway issues, Thomas Crosby wrote in the April 7, 1974, issue of the *Star*:

The surest way to draw a hostile crowd in Washington these days is to propose a new super highway. This area has become a hotbed of anti-highway sentiment, and untiring citizen activists have caused the demise of several big and expensive highway projects.

Dust, he said, was gathering on the drawing boards for the remaining freeways, delayed by "suits, public hearings media blitz campaigns and even unruly demonstrations." The message was loud and clear: "no more big highway projects at the expense of neighborhood environments."

In summary:

The result has been highway officials charging freeway foes are misguided zealots who don't realize the failure to build more highways could have a disastrous long-term effect on the area's goal of a balanced transportation system employing buses, rapid rail and highways.

But highway foes argue that the wave of the future – especially in light of the energy crisis – is emphasis on mass transit, both Metrobus and the coming 98-mile regional rapid rail system.

Only history will prove which group is correct.

Crosby went through each of the planned freeways. In view of citizen opposition, he wrote, Mayor Washington had withdrawn his support of the South Leg tunnel plan between the Lincoln Memorial and the Tidal Basin. "It now appears dead."

Maryland had killed I-95 between the Capital Beltway and the District line. The State planned to widen the Baltimore-Washington Parkway to Interstate standards.

The U.S. Department of Transportation was studying the Three Sisters Bridge "but appears to be in no hurry to reach a conclusion." Crosby added, "The bridge has been so vigorously opposed by District and Virginia citizens that on at least two separate occasions bridge foes have been arrested."

The Industrial Freeway in the New York Avenue corridor "which would connect with I-95 in Maryland and the new Center Leg in downtown Washington, is under active consideration" by District highway officials. "However, highway officials are afraid to announce their plans because of the current anti-highway fervor and because the freeway would require the razing of nearly 600 Washington homes."

Crosby described I-66 in Virginia as “still alive and kicking,” but the pending decision by Secretary Brinegar on the \$181 million highway would not be the conclusion. A court challenge was “a virtual certainty no matter what Brinegar decides,” meaning that “the I-66 controversy is likely to be around for some time.” [Crosby, Thomas, “Them’s Fighting Words,” *The Washington Star-News*, April 7, 1974]

Although Crosby described I-66 as “alive and kicking,” the highway got off to a bad start in 1974, largely based on the draft EIS prepared by Howard, Needles, Tammen, and Bergendoff and released in November 1973. The Council on Environmental Quality and EPA came out against I-66. The council found “little justification” for I-66, saying a mass transit option that included Metro was “clearly . . . preferable.” EPA Deputy Administrator John Quarles issued a position paper on I-66, saying “it does not seem prudent from the standpoint of attaining clean air.” Because highway construction would result in more automobile traffic, EPA concluded that the route was “environmentally unsatisfactory.”

Emilia Govan, learning of the EPA report, said “If reason and logic prevail, this is the death blow for I-66.” She added that if VDH defied Federal law, it “would invite considerable litigation.”

Harrison Mann of Citizens for I-66 said of the report, “Apparently many environmentalists haven’t discovered that people too are part of the environment and that their needs are paramount to other factors, like trees, squirrels’ homes, flyways for migrating birds and stuff like that.”

On January 11, the *Post* and *Star* reported on a Department of Transportation report, prepared in the office of General Benjamin O. Davis, Jr., Assistant Secretary for Environment, Safety and Consumer Affairs. Construction of I-66 would be unnecessary and illegal. “Based on the highly questionable need for the highway and also on the substantial environmental impacts,” the report said, “it would appear doubtful” that I-66 “would meet requirements of applicable law.”

The highway was not needed to handle peak-hour projected traffic loads in 1995. Two other options in the study, the “base case” and “transit option,” would provide adequate capacity. As a result, the report could find “no justification” for building I-66 as a six- or eight-lane freeway.

Moreover, the freeway option “would appear to be inconsistent” with the area’s plans for complying with Clean Air Act requirements. Further, none of the I-66 options could be approved because they did not satisfy Section 4(f) in their impact on parkland.

In transmitting the report to FHWA’s Virginia Division Engineer, Harold King, General Davis indicated that at this point, approval of I-66 appeared doubtful. Department of Transportation spokesman H. Davis Crowther told reporters that the staff paper did not necessarily represent Secretary Brinegar’s views and that General Davis may take a different position after reviewing the final EIS.

King pointed out that the final decision rested with Secretary Brinegar, not a staff paper:

King said yesterday that Davis’ office did not have access to all the information available on I-66 and thus should not have indicated a preference. He said he had received but “not

accepted” the report and would send a response to the report to assistant secretary Davis’ office.

King added that he did not think “anyone in DOT should make a preference. We are still studying the whole picture. I haven’t made a final decision and I don’t like anyone else to.”

ACT’s James Govan responded to the report by saying, “There’s not much more to be said about the fate of the highway when a DOT department takes a position like this.”

[Shaffer, Ron, “I-66 Plan Opposed By EPA,” *The Washington Post*, January 7, 1974; Gay, Lance, “EPA Requests Delay on I-66,” *The Washington Star-News*, January 7, 1974; Shaffer, Ron, “Federal Report Opposes I-66,” *The Washington Post*, January 11, 1974; Griffiths, Harriett, “I-66 Leg Illegal, DOT Report Says,” *The Washington Star-News*, January 11, 1974; Shaffer, Ron, “Federal Report Opposed I-66,” *The Washington Post*, January 11, 1974; Shaffer, Ron, “3d U.S. Panel Criticizes I-66,” *The Washington Post*, January 13, 1974; “The Unwinding of I-66,” *The Washington Post*, January 15, 1974]

On January 13, Mayor Washington responded to a letter he had received in December from I-66 opponents: former NCPC Chairman Rowe, now chairman of the Committee of 100 on the Federal City; Dr. Ellis Haworth, president of the Federation of Citizens Associations of the District; and F. H. Thomas, vice president of the District of Columbia Federation of Civil Associations. They urged him to encourage Director Airis to vote against I-66 as a member of TPB when the issue came up for a vote. If I-66 were abandoned, they argued, about \$200 million would become available for transit under the Interstate withdrawal-substitution provision of the Federal-Aid Highway Act of 1973.

The mayor replied that “the uncertainty of this provision of highway legislation” raised some concerns. Action should not be taken hastily. He urged TPB to examine carefully whether the substitution funds would be made available before deciding what to do about I-66.

TPB was scheduled to consider a motion introduced by Arlington County Board’s Munsey to reject I-66 and the Three Sisters Bridge. Because of uncertainty about the transfer program, Munsey anticipated that TPB might postpone the motion. “I think there is some uncertainty about it, but I don’t know how we are going to know if it will work or not without going ahead and trying it.”

James J. Bosley, COG’s general counsel, agreed with Mayor Washington about proceeding cautiously. The interim regulations on the withdrawal-substitution provision “say if the situation is right they should go ahead and not wait for the [final] regulations to come out.” At that point, the Department “will give them guidance.”

Director Airis was skeptical of the withdrawal-substitution provision, which he called “very difficult and unclear.” No one had tried it as yet. He said, “It is in its infancy. The feeling seems to be there’s got to be more guidance set up, probably through further legislation.”

He declined to say how he would vote on the TPB motion. He agreed “there is a heavy need for a connection between Washington and the Dulles area and I-66 would provide this connection.”

At the same time, he did not appreciate Munsey's decision to bring a Virginia problem to the TPB:

The Virginia folks ought to wrestle with the problem themselves. I think it is improper at this time to ask TPB to rule on this when they can't make their own minds up. [Kiernan, Laura A., "Hasty I-66 Action Opposed by Mayor," *The Washington Post*, January 14, 1974; Duvall, Owen, "I-66 Rejection Could Cost Transit Cash, Mayor Says," *The Washington Star-News*, January 14, 1974]

Summing up these developments in an editorial on January 15, the *Post* noted, "You would think that these recent developments would be enough to close the case once and for all – but there is yet another crucial round in the offing this week," namely the TPB action:

The effort is important because it would put the entire region on the record against both projects – a move viewed as a lethal blow to chances for federal approval.

As for Mayor Washington's concern that "premature rejection of the plans could jeopardize chances to use the federal money for mass transit," the editorial stated:

Unlike Virginia Gov. Mills E. Godwin, who wants I-66 built, the mayor has not said he favors the freeway projects; it's just that he's not sure they should be killed until it can be established that the federal funds can be transferred to mass transit.

Amidst these pending uncertainties, "We probably ought to withhold our applause until the final curtain officially comes down, but it looks as if Greater Washington's oldest running road show – 'Freeway Follies of '48,' featuring the Three Sisters and assorted legs – may at last succumb to the critics and close." They concluded:

I-66 and the Three Sisters Bridge are not merely local issues anymore – if they ever were. The federal and local decisions on these projects will serve as signals to the entire nation about the seriousness of governments in regard to mass transit needs at a time of intense concern over the energy situation. If nothing else, mere prudence dictates against going ahead with huge highway projects now. The mayor, the Council of Governments and the Secretary of Transportation should take all steps necessary to ring down the curtain on the I-66 and the Three Sisters Bridge. ["The Unwinding of I-66," *The Washington Post*, January 15, 1974]

On January 18, HUD expressed "grave concern" about I-66 based on the draft EIS, largely because of "major disruption to neighborhoods and schools" and "significant and adverse" problems in residential relocations. In a letter to VDH, Robert Duckworth, HUD's assistant area director for planning, wrote that the project would require the relocation of 161 households. (Virginia had acquired about 85 percent of needed right-of-way; HUD was referring to the remaining acquisitions.) "With Fairfax County's latest building moratorium, it could be concluded that the highway option is not in step with current local land use policy efforts." HUD favored the mass transit option, which would require the taking of only 35 households.

The *Post* summarized the housing issue:

Relocating households is a problem, HUD said, because Arlington has a low vacancy rate and “one for one replacement will be extremely difficult at least for the next several years.” There is concern, HUD said, that the number of households uprooted by I-66 would create problems in meeting the Uniform Relocation Act of 1970, which requires federal assistance in relocating families within the same general area where they were displaced by a federally-funded project.

Duckworth wrote, “From a HUD point of view, that’s a major, significant impact – adverse.”

I-66 was “not prudent and realistic . . . from an environmental perspective.” The central question, according to HUD, involved a choice: whether to support travel modes that “are wasteful and inefficient energy users, or creatively seek . . . new travel patterns which are less wasteful and more efficient.” The decision on I-66 would “point in the direction the federal government will take” in deciding highway versus transit issues. For HUD, the mass transit option was “significantly superior” to the options involving I-66.

The *Star* explained that highways encouraged diffuse development, while rapid transit encouraged concentrated development surrounding transit stations:

By diffusing development, the highway would interfere with the “edges and corridors” pattern of development for the metropolitan area, the report said.

The HUD letter also indicated that the EIS had not fully addressed the impact of I-66 on the District of Columbia. The study, however, “does indicate” that the transit option would generate less traffic in the city than the highway option. [Shaffer, Ron, “HUD ‘Concerned’ By Impact of I-66,” *The Washington Post*, January 19, 1974; Kast Sheilah, “HUD Joins I-66 Opposition,” *The Washington Star-News*, January 19, 1972]

Notwithstanding those negative views, Douglas Fugate made his well-known views clear when he appeared before the Senate Rules Committee of the General Assembly on January 31:

I am convinced that if this badly needed highway . . . is lost by default, the transportation system of Northern Virginia will suffer a mortal blow impossible to correct in the foreseeable future. I don’t see how the consultants can recommend other than to build I-66.

Delegate Mary A. Marshall of Arlington said his remarks were an “outrage to the citizens, another opportunity to be ignored.” Another delegate from Arlington, John L. Melnick, said, “It shows there is not impartiality.” Emilia Govan agreed. “Apparently the court decision and the laws of the United States are irrelevant to Mr. Fugate.”

Project supporters saw no outrage. “I don’t see any impropriety,” said Senator Adelard L. Brault of Fairfax. “He’s fully informed about the impact.” Paul Alwine of Fairfax County Citizens for I-66 responded, “It doesn’t bother me any more than all the environmental groups who are prejudging, too.” [Bredemeier, Kenneth, “I-66 Backed By Virginia Roads Chief,” *The Washington Post*, February 1, 1974]

The consultants completed their work on February 15 by recommending the multi-mode new facility option: construction of I-66 with Metro rail partly in the median and partly parallel to it. They also recommended construction of I-66 to accommodate I-266/Three Sisters Bridge. The bridge was “inextricably linked” to completion of I-66 as the outlet for truck traffic banned from the I-66/Theodore Roosevelt Bridge. However, the report added that I-266/Three Sisters Bridge was “not absolutely essential to the implementation of I-66.”

They rejected the option of combining rail rapid transit and expanded bus service. Nevertheless, they recommended several elements of the transit alternative, including extension of Metro to Dulles International Airport, a comprehensive feeder bus system for the Metro stations, an increased numbers of preferential bus lanes. In fact, the EIS stated, unless funding can be found for Metrobus operating deficits, northern Virginia might find itself “without any transportation relief.”

The EIS, in any event, argued that the automobile was the key to suburban development, serving job centers, recreational facilities and housing over a wide area not easily served by transit. Building only Metro, the document said, would leave the rapidly growing area without “a fully balanced and flexible transportation system.”

As for common criticisms, the cover letter to VDH acknowledged “negative environmental attributes” to build the \$181-million I-66. Those impacts could “be ameliorated or mitigated in the final design process.”

The EIS pointed out that the planned corridor was the “only feasible and prudent” location for I-66. Because VDH had acquired 98 percent of businesses to be relocated and 75 percent of homes, much of the community disruption had already occurred. If I-66 were not built, the EIS stated, the property acquired would revert under State law to the former property owners. WMATA would have to acquire the property at a higher price if it wanted to place Metro in the corridor.

As for the possibility of securing funds for transit under the withdrawal-substitution provision of the 1973 Act, the EIS warned that in the absence of precedents or clear guidance, if officials rejected I-66, they might not have the highway or the funds for transit.

Concerns about impacts on traffic in the District of Columbia were overblown; traffic in the I-66 corridor accounted for only 15 percent of vehicles entering the District, and that traffic was dispersed among the city’s roads.

Additional abatement features should be incorporated into the project to address concerns about noise. The consultants argued that the air quality issue was “impractical to address” in the absence of universally accepted standards for measuring potential air impacts.

The *Post* summarized:

The consultants said their recommendations would reduce traffic on city streets in all jurisdictions, decrease the rush-hour travel time between the Capital Beltway and the

Potomac River bridges from 30 to 15 minutes, improve their travel times significantly, and would offer better traffic service on the Beltway and Potomac River bridges than any other option.

Emilia Govan said that in producing the EIS, the consultants were “sacrificing professionalism for the dollar [by] supplying conclusions that its client wanted and paid for.” A spokesman for the consultants declined to comment on Mrs. Govan’s remarks, but added, “It is foolhardy for anyone to suggest that you can coerce a reputable engineering firm into recommending anything.”

VDH would now submit the final EIS to FHWA for a decision by Secretary Brinegar. [Shaffer, Ron, “Consultant Firm Backs I-66 Project,” *The Washington Post*, February 16, 1974; Crosby, Thomas, “Consultants Back I-66,” *The Washington Star-News*, February 15, 1974]

The EIS also addressed the Section 4(f) issue by questioning whether transit was a “feasible and prudent” alternative to I-66. However, the highway would require 55 acres of parkland. The Section 4(f) question was one of the “substantial legal, policy, and political problems involved in the decisionmaking process that are beyond our purview to assess or resolve.” The Section 4(f) issue was “a legal and administrative problem which must be solved by the Secretary of Transportation.”

Shortly after release of the EIS, the Department of the Interior addressed that point in a position paper endorsing the mass transit alternative to the highway because of the “severity of the environmental impacts” of I-66. Interior had no intention of releasing the Section 4(f) properties. The Capper-Cramton Act provided that the 36.6 acre Spout Run Parklands could be used for nonpark purposes only with the consent of the Arlington County Board, the State of Virginia, and NCPC. Two of those agencies would never consent.

Interior funds had been used to develop the Four Mile Run Bicycle Trail; about 1,500 feet of this trail crossed the I-66 right-of-way between Roosevelt Street and North Powhatan Street. The trail would have to be relocated for I-66, a shift Interior would not concur in without the improbable consent of the Arlington County Board. This requirement was not statutory, but was a policy.

Virginia, Interior pointed out, had “overlooked the fact that the road is aimed at some major historic properties on the other side of the river.” I-66 and I-266 would “severely impact” the historic, recreational, and aesthetic values of the Georgetown Historic District and the Chesapeake and Ohio Canal National Historical Park. More information would be needed about the impacts on these and other areas that may be eligible for inclusion in the National Register of Historic Places.

Bruce Blanchard, director of Interior’s Office of Environmental Project Review, put it this way:

What we’re saying to the highway department is that you guys have got some problems that have to be resolved, and until they are, the Interior Department cannot approve the

highway. [Shaffer, Ron, "Ecology, Procedural Snags Seen," *The Washington Post*, February 17, 1974]

More bad news for I-66 occurred on February 20 when TPB voted overwhelmingly for the Munsey resolution stating that I-66 was "not compatible with regional goals and objectives, including the redevelopment of mass transit and achievement of adequate air quality." Under a weighted voting system reflecting each jurisdiction's population, the final tally was 8.0 to 1.8. The District of Columbia's representatives voted for the resolution and the only Maryland jurisdiction to vote against it was from College Park. The Virginia vote was split, with the cities of Fairfax and Falls Church, Prince William County, and VDH voting for the highway. Arlington, Fairfax, and Loudoun Counties and the city of Alexandria approved the motion.

VDH Deputy Director John Harwood, a member of TPB, had tried to postpone the vote, saying it should not be held until the Virginia Highway Commission voted on I-66. Other members preferred to let the commission know TPB's views in advance of that vote.

Approval of the Munsey motion was an informal "expression of sentiment," not a final TPB action. That action would come if, as expected, the Virginia Highway Commission approved

I-66, Secretary Brinegar approved it, and VDH sought to include funds for the work in the area's 3C plan. Under metropolitan planning requirements, Federal-aid highway funds cannot be used on a project unless it is included in the plan developed under the 3C process by the MPO, in this case TPB. The vote on the motion was an indication of TPB's likely action on such a request.

As Madeleine Schaller, staff attorney for COG, put it, the vote erected a legal barrier that could be undone only if TPB members reversed their positions. David E. Wells, FHWA's Chief Counsel, told reporters that the effect of the vote was less clear than Schaller had suggested. True, Federal-aid highway funds may not be used on a project that is not in TPB's plan, but the complexities of the lawsuit that the current process grew out of made predictions difficult.

Following the vote, the audience of about 75, many wearing "Block I-66" buttons, applauded. Munsey said, "I am delighted." Emilia Govan called the vote "fantastic," and "the most significant thing that's happened so far." [Eisen, Jack, "COG Planners Oppose I-66 Leg," *The Washington Post*, February 21, 1974; Crosby, Thomas, "COG Board Opposes I-66," *The Washington Star-News*, February 20, 1974]

Despite these setbacks, the nine members of the Virginia Highway Commission unanimously approved I-66 without debate following a 45-minute presentation by VDH. Fugate told the commissioners:

If the interstate highway system had been dependent on the whims of local governments or changing political climates, then we wouldn't have the fine interstate system we have. I am convinced that completion of I-66 is an essential part of the interstate system and is necessary for a balanced transportation system in Northern Virginia.

The commission also endorsed the development of mass transit in northern Virginia, including extension of Metro to Dulles International Airport. With the commission's approval and

Governor Godwin's prior endorsement, the next steps were for the consultants to complete the final EIS and for Secretary Brinegar to decide the issue.

In a news conference, Fugate acknowledged many legal and environmental obstacles to be overcome before construction could begin. However, he said, "if the Secretary of Transportation approves the highway then we can sit down and tackle the problems. They can all be worked out." He also disagreed with EPA's opinion that mass transit would be a "feasible and prudent" alternative to I-66.

Ten members of the Virginia's congressional delegation had written to Secretary Brinegar in support of I-66. In addition, Chairman Randolph of the Committee on Public Works and Senator Baker, the ranking Republican on the committee, also wrote to the Secretary stressing that I-66 was an important link in the Interstate System and part of a balanced transportation system for the Washington area.

Both sides in the debate expected a court challenge. If Secretary Brinegar approved I-66, ACT would pursue its legal challenge. If he turned it down, VDH would go to court to challenge the basis for his decision. [Shaffer, Ron, "Va. Highway Unit Favors Extending I-66," *The Washington Post*, February 22, 1974; Crosby, Thomas, "I-66 Issue Heading for Court," *The Washington Star-News*, February 22, 1974]

On February 28, a *Post* editorial titled "The End of the Road" predicted that "the long drawn-out debate" over I-66 had finally come to an end with TPB's vote. "This, in our view, gives U.S. Transportation Secretary Claude S. Brinegar no other sensible choice, as we read the law, than to disapprove the 90 per cent expenditure for the freeway." Under Federal law mandating the 3C planning process, TPB's vote was "the final word":

Mr. Brinegar could, of course, yield to highway lobby pressure and either try to pressure the Transportation Planning Board to reverse itself or seek some interpretation of the complex highway planning procedures that would revive the hassle. But that would inevitably take the controversy into court and the courts have repeatedly ruled against highway builders . . . .

The editorial urged Secretary Brinegar "to write the final act speedily and unequivocally." Then, under the Federal-Aid Highway Act of 1973, Virginia and local officials could secure substitution funds for transit improvements. "All the governor has to do is fill out his application." ["The End of the Road," *The Washington Post*, February 28, 1974]

### **The Unusually Permanent End of the Road**

Mayor Washington announced on May 12 that the Three Sisters Bridge, long considered dead, actually was dead. He said the U.S. Department of Transportation had informed the city it could employ the withdrawal substitution provision of the Federal-Aid Highway Act of 1973 to remove Interstate designation from the bridge and the K Street Tunnel in exchange for comparable funding for Metro (\$344 million, according to Mayor Washington) and city street and bridge improvements (\$49 million). As the *Post* put it, the bridge "was killed for the third or fourth

time yesterday. This time it looks unusually permanent.” [Feaver, Douglas B., “Three Sisters Highway Project is Killed – Again,” *The Washington Post*, May 13, 1974]

By then, WMATA staff had informed the directors that the cost of Metro had increased to at least \$3.5 billion, largely because of inflation and delays. Noting Chairman Natcher’s repeated predictions about cost, Jack Eisen wrote:

Yesterday, to the obvious discomfort of Graham, D.C. Metro director Henry S. Robinson Jr. speculated that the cost might reach a level mentioned by Natcher.

Graham later grudgingly acknowledged that total might be reached, but insisted that the main reason would be inflation nobody could have foreseen.

Forecasts had been based on an inflation rate of 7 percent that was running about 10 percent in the wake of the energy crisis:

Joseph Elward, Metro’s director of program control, told the board that inflation, storms, strikes, governmental red tape and indecision were to blame for rising costs.

The sharpest increases came when the Nixon administration relaxed economic controls last year. With all controls now off, Elward said it is anybody’s guess what will happen.

The only optimistic outcome from the report, board members hoped, was that “candor should help win public support.” [Eisen, Jack, “Metro Cost Estimate Rises to \$3.5 Billion or Higher,” *The Washington Post*, May 3, 1974]

By August, the estimated cost had increased to nearly \$4 billion. Elward attributed the increase to the same factors as cited in May, in addition to the unanticipated cost of installing provisions for the handicapped in Metro cars and stations:

But the bulk of the increase, Elward said, is because of Metro construction projects that are still either in a general planning stage or a preliminary planning stage. The costs for these items won’t be known, he said, until a design plan for them is completed.

WMATA board’s Fisher was concerned about public reaction. “We’ve got to let the public know these increases are due to rising costs of labor and materials – things which we have no control over. Otherwise, they’ll think the rising costs are due to our mismanagement.” The board adopted his recommendation that WMATA issue a report to the public on the reasons for the increases, but General Graham said the report would take 3 months to compile. [Daniels, Lee, “Metro Cost Jumps to \$4 Billion,” *The Washington Post*, August 9, 1974]

In July, Virginia highway officials forwarded the final EIS adopting the multimodal option to FHWA’s Division Office in Richmond. The proposed plan included eight lanes and a double-decked segment 10 stories high and 3,500-feet long between Spout Run Parkway and adjoining apartment buildings. Metro would be built in the median.

A. D. Harris, a Virginia highway department engineer, acknowledged that the double-decked segment was “a monstrosity,” but said the design was necessary because Arlington County opposed the use of parkland for I-66. “We hope Arlington County realizes what they’re doing to us by not letting us use this little parkland. We hope we can sit down with them and have some kind of agreement that is pleasing to them instead of the monstrosity.”

County board member Munsey said accommodation was not likely:

We won’t let them use the parklands because we’re trying to block the highway altogether. But the real problem is that the Virginia Highway Department is trying to ram the road down our throats whether we want it or not.

He agreed, however, with Harris’s description of the segment. “It’s absurd,” Munsey said, “Can you imagine glancing out of the third story of your apartment and seeing a Mack truck roll by?”

Harris acknowledged that the segment would not meet Federal noise requirements:

There’s no way we can abate the noise level unless we put an ugly wall around it and the thing is going to be ugly enough already. [Shaffer, Ron, “Way Cleared for Decision on Rte. 66,” *The Washington Post*, July 12, 1974; Shaffer, Ron, “I-66 Plan: 10-Story Highway,” *The Washington Post*, August 22, 1974]

On July 29, 1974, Governor Godwin and other Virginia officials met with Secretary Brinegar in Senator Scott’s office to support I-66. Representative Parris told reporters that everyone “put in our 2 cents worth.” He added, “If we don’t continue to let our concerns be known, he can only assume that nobody’s interested.”

Governor Godwin said after the meeting:

The project has already been delayed for two years while the state highway department conducted a complete restudy in accordance with the ex post facto requirements of federal law. Enough studying has been done . . . project is long overdue. I hope we can get on with it.

He noted that preliminary stages had cost \$30 million and that “95 per cent of the dwelling units and 98 per cent of the businesses in the right-of-way have been acquired”:

It seems to me this matter should now be decided in accordance with the democratic process that favors the wishes of the majority over those of a few, who however sincerely motivated, now stand in the way of progress.

He thought the meeting went very well. “Brinegar was most polite and receptive and indicated it would be as much as two months before there’s a final decision.”

FHWA, which was still reviewing the EIS, had returned the document to VDH for expansion of the section on citizen comments. Secretary Brinegar’s spokesman Robert Beasley told reporters:

Either way we decide we're probably going to get sued. This was probably a perfect loophole for the environmentalists to sue us because the environmental statement wouldn't be complete without more on those comments.

Fugate assured reporters that VDH would provide the requested information and return the EIS in about a week. "I'm very optimistic the secretary will approve the highway. I don't see how he can do otherwise." [Omang, Joanne, "I-66 Ruling Expected In 60 Days," *The Washington Post*, July 30, 1974]

Opponents met with Secretary Brinegar on September 13. They excluded the press and outsiders from the meeting because, as Munsey explained, "It was in the interests of a frank and meaningful discussion to meet privately."

After the 1-hour meeting, Alexandria City Councilman Melvin Bergheim said, "I got the strong impression he had not committed himself at all." Along the same lines, Munsey reported that, "He said he had not previously had any material before him on I-66."

The *Post* summarized:

The group . . . told Brinegar they opposed the highway because it would cost more, lead to more traffic congestion, and have a greater adverse effect on the environment than a mass transit option favored by the group for the I-66 corridor.

"We made it clear that the transportation philosophy in Northern Virginia is toward mass transit solutions rather than more highways," said Rufus Phillips, a Fairfax County supervisor and member of the Northern Virginia Transportation Commission.

He added that the group emphasized that VDH's latest estimate of \$219 million "grossly understates what the real cost will be," when inflation was taken into account. [Shaffer, Ron, "I-66 Construction Held Not Imminent," *The Washington Post*, September 14, 1974]

In September, FHWA returned the plan to I-66, objecting particularly to the 10-story high, double-decked section. In a letter to Fugate, Administrator Tiemann called for measures to "further ameliorate the impact of the project on Arlington and Fairfax Counties." In addition to objections to the double-decked section, Tiemann asked Virginia to reduce the number of lanes from eight to six and prohibit truck traffic on the I-66 extension to the Potomac River, where trucks were prohibited from the Theodore Roosevelt Bridge. The changes, Tiemann wrote to Fugate, were needed to achieve "greater acceptance on the part of the communities and the people who will be directly affected."

VDH officials were optimistic that they could address FHWA's concerns. Deputy Commissioner Harwood said the letter left VDH with the optimistic view that Secretary Brinegar would approve the extension after the changes were made. "I don't see how the Secretary can do anything but approve it."

Administrator Tiemann's letter did not encourage opponents. Munsey called FHWA's letter "a last desperate effort of the proponents of the highway oriented transportation solutions to save a

transportation policy that has been exposed as fallacious.” James Govan said, the suggested revision “in no way satisfies us,” adding, “I’m not celebrating at all.” He suggested that Administrator Tiemann was “reacting to pressure” and characterized the letter as a “desperate attempt to save the road.”

In an interview, Tiemann said he hoped the changes would win over opponents because I-66 would not be “just a slab of concrete but be like the George Washington Parkway.” The changes would not only reduce the number of lanes but reduce air and noise pollution levels, while VDH could add “grass shoulders, shrubs, flowers for beautification purposes.

Tiemann, who lived at 8440 Brook Road in McLean, Virginia, said this was the first time in his 16 months as Administrator that he had turned down a highway proposal. VDH had made a “conscientious and painstaking effort” to mitigate or eliminate environmental impacts but “additional effort” was needed. He anticipated that VDH would need about 6 months to revise the design.

While the reduction to six lanes would reduce some impacts, it could cause other problems. The plan to build Metro in the median would have to be reviewed to determine if that were still possible. Further, eliminating the double-deck section would mean that retaining walls would have to be built next to Spout Run Park. [Shaffer, Ron, “U.S. Urges 6-Lane I-66 in Arlington,” *The Washington Post*, September 20, 1974; Crosby, Thomas, “I-66 Seen O.K. With Revisions,” *The Washington Star-News*, September 20, 1974]

### **Metro vs. Metrobus**

After WMATA took over the area’s bus systems to create Metrobus, the combination was uncomfortable, with problems left over from D.C. Transit System’s management of the buses. On June 28, 1973, the U.S. Court of Appeals ruled that the Washington Metropolitan Area Transit Commission, which had jurisdiction over bus fares until WMATA initiated Metrobus, had improperly approved fare increases to ensure D.C. Transit System could operate at a profit. Noting that the company owned several properties such as bus barns and office buildings, the court concluded:

We cannot avoid concluding that, performing its burdensome functions, the agency has throughout acted on the erroneous postulate that it was compelled – no matter to what level it must raise the fares, how substantial the fall in ridership, and how financially sick Transit might be – to set the fare so that Transit could always earn a profit,

The company had a right to earn a fair return, but “it was not for the commission to insure a return.”

Chalk had taken some of the properties acquired with the company out of transit service:

Nothing . . . suggests that Congress intended that Transit’s investors would automatically pocket, at the expense of the fare-payers, the expectable increment in value [of those properties] . . . .

We cannot believe that Congress contemplated such an outright gift to Transit's investors, who would not have done anything to earn or deserve it . . . .

The ruling also pointed out that while WMATA had acquired the company's assets, "its corporate existence outlives that event, and so also do its unassumed liabilities." Arguing that the commission "was not a substitute for competition," the ruling called on the commission to determine a formula to determine how much funding the company collected improperly and how restitution should be made.

WMATA, which was solely responsible for setting fares, had agreed to freeze the basic fare at 40 cents; the remnant of D.C. Transit System was responsible for making up the difference in past fare increases beyond 25 cents. Nevertheless, WMATA, like public transit authorities around the country, was searching for ways to subsidize losses. Chairman Natcher had made clear that he opposed spending District funds for Metrobus subsidies. At the same time, UMTA Administrator Herringer said Chairman Natcher's opposition would not be permitted to block Metro construction. Herringer said UMTA would not authorize further government-backed construction bonds unless the District provided a good faith assurance that it would do everything it could to obtain subsidy funds.

Chalk appealed the decision to the Supreme Court, which rejected the appeal on February 19, 1974. [Robinson, Timothy, "Old D.C. Transit Told To Return Fare Boost," *The Washington Post and Times Herald*, June 29, 1973; Eisen, Jack, "25-Cent Metrobus Fare Next Target for Hahn," *The Washington Post and Times Herald*, July 3, 1973; "Decision Upheld On Chalk's Profits," *The Washington Post*, February 20, 1974]

The problems left over from D.C. Transit System compounded, as Professor Schrag described. Even as Chalk was in the final stages of transferring his company to WMATA, he averted a strike of his alienated employees by guaranteeing cost-of-living adjustments every 3 months:

With labor accounting for close to 85 percent of the bus system's cost (typical for the industry), and with inflation ever increasing, this concession meant that operating expenses would automatically increase for years. Moreover, because both D.C. Transit managers and workers made the move to WMATA, so did their mutual dislike, which grew even worse as former D.C. Transit employees saw buses playing second fiddle in a subway agency. Despite the raises, in May 1974 bus drivers struck. Old WMATA hands were no happier: the Authority's payroll had grown from 300 to 4,000 employees overnight. No longer could Graham expect to know each employee's name; no longer was everyone focused on the single goal of building a rail system. [Schrag, page 178]

Shortly after that court ruling, the oil boycott sent the price of fuel soaring. In January 1974, at the peak of the oil shocks, Jack Eisen reported:

A record-breaking cost-of-living wage increase for bus employees and a sharp ride in the price of diesel fuel yesterday added another \$2 million a year to the projected deficits of the Metrobus system . . . .

For the entire fiscal year, starting next July, the \$31.8 million deficit that was forecast just two weeks ago will reach at least \$33.8 million

WMATA board member Joseph Alexander told his board colleagues, “I know this is a bad thing to say . . . . We are faced with a tremendous increase of costs and perhaps we ought to do something about it.” Board chairman Jerry Moore and Montgomery County’s Idamae Garrott, who favored keeping the fare at 40 cents, or lowering it, halted discussion of a fare increase. [Eisen, Jack, “Metrobus Fuel, Pay Costs Soar,” *The Washington Post*, January 4, 1974]

Nevertheless, with WMATA’s takeover, ridership of Metrobus stabilized while route coherence was improved in ways that were not possible when buses were operated by four independent companies. These gains could not resolve the inherent problems, as Professor Schrag explained:

But with fares frozen and wages automatically rising, by November 1974 the fare box was paying only half of bus expenses. Soon, a board committee reported, “local government officials, private citizens of the area, editorial writers and, on many occasions, Metro Board Members” began speaking of “mushrooming, runaway, spiraling, out-of-control” deficits.

WMATA recognized that it was providing a public service, but costs had to be met:

The bus takeover, however necessary, was a disaster for WMATA. By showing just how hard it was to raise fares, the takeover threatened the financing of the rail system – by July 1973 the Nixon administration warned that its backing of rail bonds would depend on the jurisdictions’ willingness to subsidize bus operations. Moreover, the bus takeover, and the resulting deficits, strained regional cohesion. Thinking of their constituents, many of them poor and carless, District of Columbia board members generally supported high subsidies and lower fares . . . . Suburban members, particularly those representing Virginia, knew that their voters would swallow a fare increase better than a tax increase, so they fought to keep deficits low by raising fares.

He added that, “the bus takeover directly threatened WMATA’s image as the public champion”:

When the Authority first considered a takeover, in 1970, Pfanstiehl warned that it “would be about the worst community relations calamity possible.” He was right. In buying Chalk’s buses and hiring his managers and employees, WMATA also acquired much of his unpopularity. The worst insult came from the head of a citizens’ group organized to fight air pollution, who disparaged the WMATA chairman as “a public O. Roy Chalk.” For him and others, the takeover had raised expectations beyond what could be met. [Schrag, pages 178-179]

Through mid-1974, Chalk and WMATA were still battling in court about the price WMATA would pay for D.C. Transit System. WMATA had deposited its estimate of \$38.2 million with the court hearing the condemnation case, but Chalk had asked for \$63.6 million. On July 26, 1974, U.S. District Judge Gerhard A. Gesell approved Chalk’s and WMATA’s split-the-difference compromise price of \$44.9 million.

Jack Eisen explained that WMATA would have to pay only an additional \$1.3 million:

The difference is \$5.4 million that D.C. Transit owes Metro for such items as pension funds, the redemption of fare tokens and a share of revenues from advertising inside the buses that formerly was sold by another firm controlled by Chalk. [Eisen, Jack, “\$44.9 Million Price Set for Transit Firm,” *The Washington Post*, July 27, 1974]

As estimated Metrobus deficits mounted along with the cost of Metro construction, WMATA struggled to find a new formula for sharing amid jurisdictions whose board members felt their residents were being unfairly overcharged. Professor Schrag wrote:

Nasty surprises, inflation, and the bus takeover required a rethinking of Metro finances. When, in the fall of 1974, that rethinking took place, the accountants reported some very bad news.

A record cost-of-living wage increase, effective October 1, 1974, had shattered deficit projections. For FY 1975, the Metrobus deficit now was expected to be \$40 million, with a deficit of \$56.8 million projected for FY 1976:

In January 1970 the WMATA jurisdictions signed a Capital Contributions Agreement that, among other things, required the Authority to update its financial estimate within five years. So, in November 1974, the Authority produced a “Net Income Analysis,” an official estimate of total capital cost and likely operating costs and revenues. The staff replaced the capital cost estimate of \$2.98 billion with a new figure of \$4.454 billion, attributing almost all the increase to inflation. Moreover, it predicted that fare-box revenues would not cover operating expenses, much less pay off bonds.

The Office of Management and Budget (OMB, successor to the Bureau of the Budget in 1970) asked WMATA to consider shorter rail systems to reduce the cost:

WMATA staffers sketched out various shorter systems, including one limited to the forty-seven miles then under construction. Even with the \$3 billion already promised by the federal government and local jurisdictions, WMATA could build at most seventy-six miles. Such a system would eliminate the Mid-City trunk and Anacostia branch, along with extensions past Silver Spring [Maryland] and Huntington [Virginia]. This plan, the staff argued, would eliminate service to the region’s poorest neighborhoods, force all sorts of operational improvisations to compensate for missing yards, and, in the long run, prove more expensive, should the ninety-eight-mile system eventually be completed after several years of inflation. Perhaps most seriously, no suburban jurisdiction would pay its share unless it got its promised lines. As OMB later noted, “local financing is a house of cards, each jurisdiction expecting METRO to be constructed as advertised in the 1960’s.”

Even a hint of truncation might blow the house down. [Schrag, pages 179-180]

Chairman Natcher was one of the least surprised people in Washington. General Graham and other WMATA had repeatedly assured him that their estimate of just under \$3 billion was as accurate as they could make it. On November 25, 1974, he released to reporters a letter that he

had sent to General Graham. After reviewing past assurances about the cost, Chairman Natcher wrote of the new estimate:

Gen. Graham . . . [\$4.5 billion] will not complete the 98-mile rapid rail transit system, and again I would like to urge that you and members of the authority take another look at the cost of this system . . . .

Simply tell the people who will have to pay the taxes to carry this burden that the system will ultimately cost of \$5 billion and unless there is some change the figure could go as high as \$6 billion.

Responding to inquiries from reporters, General Graham said he had not seen the letter, but thought that Chairman Natcher's estimate was premature:

In hindsight he was right, because inflation occurred at a greater rate than anybody could have imagined . . . . It is one hell of a time to try to be setting the cost of a project as big as this one. [Eisen, Jack, "Natcher Puts Metro Cost At \$6 billion," *The Washington Post*, November 26, 1974]

WMATA "faced the music" in December 1974 by asking OMB to allow an additional \$1.26 billion to cover the new estimate.

## **The New President**

Following the resignation of President Nixon, Vice President Gerald R. Ford became President on August 9, 1974. In reaching out to him, WMATA knew that he "had less enthusiasm for Metro than did his three immediate predecessors, as Professor Schrag explained;

As House Minority Leader he had been one of Natcher's greatest allies in 1971, and some, including Graham, believed he still held a grudge. As a congressman from auto-building Michigan, he had generally been cool to federal support for transit. In 1973 his biggest break with the Nixon administration had been to oppose legislation allowing cities to transfer some Interstate highway funds to mass transit. He later softened on that issue, but within weeks of ascending to the presidency, he announced his dismay that federal policies had skewed local transit planning toward subway construction. Ford also lacked his predecessors' fondness for the District of Columbia. Although he had spent a quarter-century in Congress, since 1955 he had lived across the river in Alexandria rather than in the District itself.

(Until September 1975, Vice Presidents had lived in their private residence. In 1951, Representative Ford and his family moved to 1521 Mount Eagle Place in the Park Fairfax apartment complex in Alexandria, the same rental community where the Nixons had once lived. They moved to 514 Crown View Drive in the Clover neighborhood of Alexandria in 1955. The home is near King Street (State Route 7), a main commuter road between U.S. 1 (Jefferson Davis Highway) on the east and Henry G. Shirley Highway, soon to become I-95, then I-395). The Fords had built the four-bedroom, two-bath colonial house on a quarter-acre lot. When Representative Ford became Vice President on December 6, 1973, following the resignation of

Vice President Agnew, the Secret Service improved the home's security, installing bulletproof glass and adding steel rods under the driveway to support the Vice President's armored limousine, among other changes. From this home, the Secret Service escorted him along the Shirley Highway to the White House for his oath of office as President of the United States.)

In addition to White House skepticism, WMATA also faced revolts in the suburban jurisdictions:

Suburban officials began worrying that they would never get the extensions for which they had already paid. In Maryland, transportation secretary Harry Hughes threatened to cut off further contributions until more ground was broken in his state, and Montgomery board member Idamae Garrott proposed that some lines be built from the periphery toward the center to guarantee their completion. Prince George's County worried it would never see Metro. Throughout the region, county and city governments began tightening the leashes on their WMATA representative, making sure they cleared their votes at the county seat before casting them at WMATA headquarters. As one suburban councilman observed, the jurisdictions dismantled as an independent, decision-making body and turned it into a United Nations. [Schrag, page 180]

### **A New Era in the District**

On December 26, 1974, Mayor Washington announced that Thomas F. Airis, 68 years old, would retire after 45 years of government service. He had directed the District highway agency since 1964, a holdover from the days when the District was governed by three presidentially appointed commissioners. He was reluctant to leave, and had resisted the temptation for 3 years, but with retirement incentives increasing, "I just could not afford not to take advantage of it any more." His annuity would be 80 percent of his \$36,000-a-year salary, plus a boost in cost of living adjustments. The first year of his pension also would be tax free. If he did not retire, he would lose the cost-of-living boost in his pension under a government incentive program to encourage retirements.

In an article about the retirement, the *Post* wrote as if the District freeway battles were over:

Airis is best remembered for supporting the construction of controversial freeways in the city and for advocating the building of the Three Sisters Bridge between the District and Virginia.

The question of how many freeways to build within the city reached its height in the early 1970s when Rep. William H. Natcher (D-Ky.), head of the House District Appropriations Subcommittee, threatened to cut off money for the construction of the Metro subway system until the freeway network was completed.

At the time, citizens were regularly demonstrating against freeway construction, contending the roads would add to pollution and disrupt neighborhoods.

More than one-half of the system was eventually built, and yesterday Airis pointed to this as one of the major accomplishments of his administration.

The *Star* described Airis as “the bane of freeway fighters and a boon to area commuters, having built major portions of more than half a dozen freeways in the city”:

While director of the D.C. Department of Highways and Traffic, Airis saw parts of his plan for an inner ring of highways chopped up by freeway foes. In addition, Airis lost a bitter and prolonged battle over construction of the Three Sisters Bridge between Georgetown and Northern Virginia. The bridge was supposed to link the city with Interstate Route 66, which remains under heavy fire from highway opponents there.

Despite the Three Sisters loss and the scuttling of plans for the South Leg – a part of the inner ring to run in a proposed tunnel in front of the Lincoln Memorial – Airis was successful in getting several highways built.

He said he takes pride in having helped with construction of the Southwest-Southeast Freeway, the new Theodore Roosevelt Bridge, the Potomac River Freeway, two new 14<sup>th</sup> Street bridges, a major portion of the Anacostia Freeway, two new 11<sup>th</sup> Street bridges and a 1.4-mile segment of the Center Leg in front of the U.S. Capitol . . . .

In addition to the freeways he helped build, Airis [was credited with installing] new sodium vapor lights, and has developed better paving techniques for highways.

In discussing his accomplishments, Airis added developing the concept of air-rights construction that including the HEW building over the Center Leg and part of L’Enfant Plaza over the 9<sup>th</sup> Street expressway. He added:

The city’s streets are not yet in the condition we hope to get them, with a lot of resurfacing and striping still to be done. If funding continues, the streets should be in good condition by the Bicentennial.

Despite his support for freeway construction in the District, Airis “rides the express bus almost every day between his home in Potomac, Md., and his downtown office.” This was not a contradiction, as he told reporters covering his announcement. “I’ve advocated mass transit and pushed for it.”

Mayor Washington took the opportunity of Airis’s retirement to announce that he would establish a Department of Transportation that would oversee the Department of Highways and Traffic or possibly replace it. Several officials were vying to head the new agency, but “sources” indicated that Douglas Schneider, Mayor Washington’s special advisor on transportation, was the likely choice. [Bowman, LaBarbara, “City Highway Chief Planning to Retire,” *The Washington Post*, December 27, 1974; “Airis Retires As Chief of D.C. Traffic,” *The Washington Star-News*, December 26, 1974; Crosby, Thomas, “Airis Retires as D.C. Traffic Head,” *The Washington Star-News*, December 27, 1974]

In the meantime, Mayor Washington appointed Deputy Director Bernard J. O’Donnell acting director.

If the articles gave the impression that the freeway battles were over, that the critics had won, and that the chief freeway advocate was now gone from the District government, that was a good summary of the situation. Details remained to be worked out, but the battles over the District's freeway network were largely a thing of the past.

### **Home Rule At Last**

The change went far beyond Airis's departure because in January 1975, a new District government, the first elected by the city's residents, took office under the District of Columbia Home Rule Act, which President Nixon had approved on December 24, 1973. He signed the bill without ceremony, but issued a statement in which he referred to himself as "a longtime supporter of self-government for the District of Columbia":

I first voted for home rule as a Member of the House of Representatives in 1948, and I have endorsed the enactment of home rule legislation during both my terms as President.

His political philosophy was "to place responsibility for local functions under local control and to provide local governments with the authority and resources they need to serve their communities effectively." This new law was "a significant step in achieving this goal in the city of Washington":

It will give the people of the District of Columbia the right to elect their own city officials and to govern themselves in local affairs as the Nation approaches the 200<sup>th</sup> anniversary of its founding. It is particularly appropriate to assure those persons who live in our Capital City rights and privileges which have long been enjoyed by most of their countrymen.

The new law established the machinery for election of local officials, but "also broadens and strengthens the structure of the city government to enable it to deal more effectively with its responsibilities":

For example, this legislation transfers to the city government control over certain quasi-Federal agencies: the Redevelopment Land Agency, the District of Columbia Manpower Administration, the National Capital Housing Authority, and the local planning functions of the National Capital Planning Commission. These steps are in accord with the recommendations of the Commission on the Organization of the Government of the District of Columbia, known as the Nelsen Commission. By making such transfers, the bill will end the fragmentation of authority over the city's physical planning, housing, community development, and manpower programs, steps which are essential to the development of the city's neighborhoods, to the health of its economy, to the effective coordination of its public services, and to the overall success of self-government.

Home rule also provided a "broad revenue raising authority for the city, enabling the people through their elected representatives to determine how to pay for the services they require." This

authority was not total because the law provided for “final Congressional review of the District’s appropriation process is retained under this measure.”

At the same time, the law covered the Federal payment:

The bill . . . provides for an increasing multiyear authorization for Federal payments to the city, giving greater predictability to the Federal payment than has previously existed. As the principal employer in Washington, D.C., the Federal Government recognizes its responsibility to pay its fair share of the operations of the District government.

The measure I sign today also empowers the city to issue its own obligations, while providing financially sound limitations to its borrowing authority comparable to those which exist in most other municipalities in the United States.

President Nixon’s statement concluded:

The District of Columbia is a unique combination of Federal and local concerns, each of which must be satisfied. All in all, I believe this legislation skillfully balances the local interest and the national interest in the way the District of Columbia governed. I am pleased that the bill has enjoyed bipartisan support throughout the Congressional deliberations, and I am proud to join the Congress in pledging the full support of my Administration to make self-government a success in the District of Columbia.

The success of the home rule legislation was directly related to the departure of its chief opponent – dating to the Truman Presidency, Chairman McMillan of the House Committee on the District of Columbia. Professor Lewis explained:

McMillan and his fellow southerners might have lost on civil rights in 1964 and on voting rights in 1965, but they still could deny Washingtonians full citizenship and the right to elect voting representatives to Congress. Over the years they had thwarted nine home-rule bills; indeed, only one, Lyndon Johnson’s, got to the floor of the House for a vote, where it was defeated. “Washington is a federal city,” McMillan declared in one of his committee reports, “established exclusively for the benefit of, and as a home for, the federal government.” Most of those who “swarmed here” were “intruders” and “not vital” to its operation.

Republicans and liberals had begun to combat Chairman McMillan by 1970, gaining some victories in weakening his total control, including approval for a nonvoting District delegate.

Back home, in South Carolina’s Sixth Congressional District, Chairman McMillan had an assured seat, having not faced a serious opponent in years:

But in the summer of 1970, when a young black physician mounted a challenge, Washington’s civic activists sent their money south along with Walter Fauntroy, the District’s newly elected nonvoting representative, and a chartered bus of civil rights and home-rule supporters to get out the black vote. The strategy backfired when McMillan went on TV for the first time in his life and said, “This is a South Carolina election and

we don't need any advice from people in Washington." Two years later, the seventy-six-year-old faced a younger, better organized, and white primary opponent. The activists stayed home but gave money to fund the defeat of the longest-serving representative in South Carolina's history.

State Representative John J. Jenrette of Myrtle Beach won the primary, but lost the general election to Edward Lunn Young, a former Democrat, now a Republican who had served in the State legislature:

Ungrateful to the end, McMillan complained that he lost because "the colored people were brought out." When they heard the news, Walter Fauntroy and the residents of Seventh Street celebrated with a parade.

At the end of his last term, John McMillan wrote his final report as chair of the District of Columbia Committee. It included a delusional epitaph of his reign. "He remains the best and most effective friend the Nation's Capital has ever had." [Lewis, pages 419-420]

Representative Charles C. Diggs, Jr. (D-Mi.), became chairman in 1973, taking the oath of office on January 27 to become the 52<sup>nd</sup> chairman of the House District Committee. Chairman Diggs was an African-American from Detroit where his family operated the largest black funeral home, known as the House of Diggs. Journalist David Maraniss, in his book about Detroit in the peak year of 1963, described the family:

The Diggs family had been in the undertaker business for more than four decades. Charles Diggs Sr. had started it all in a first-floor funeral parlor on Russell Street near the local headquarters of the United Negro Improvement Association, founded by Marcus Garvey, the pan-African redeemer whose teachings the mortician once followed. The elder Diggs eventually expanded his business into a vast enterprise that included burial insurance and diversified the family's interests into politics, gaining election to the Michigan State Senate and paving the way for Junior's rise to Congress, as well as setting a father-son pattern of stellar civil rights activism intermingled with problematic political ethics. The Diggs name was among the most prominent in black Detroit.

In 1963, the family "accentuated the year's boom with the grand opening of its nouveau classic Boulevard Chapel. It was "conveniently located on Detroit's growing east side":

More than seven thousand visitors toured the new funeral chapel one Sunday afternoon, lured by door prizes (silver tea set, AM-FM radios, and ladies' wristwatches) and a live broadcast of the House of Diggs Radio Hour featuring the congressman and the Voices of Tabernacle choir. Myrtle Gaskill, a face in the crowd as the women's editor of the *Michigan Chronicle*, reported that she and other visitors were "awed by [the chapel's] magnificence," with its accents of Moorish and Mediterranean detail, its oriental décor, and its lush carpet of lavender, turquoise, aqua, lilac, emerald, and absinthe green. [Maraniss, David, *Once in a Great City*, Simon and Schuster, 2015, pages 96-97]

In 1954, Chairman Diggs, a licensed mortician, had been the first African-American elected to Congress from Michigan – increasing the number of African-Americans in the House from two to three. He supported efforts under the leadership of The Reverend Martin Luther King, Jr., including the Montgomery Bus Boycott, and was one of the founders in 1969 of the Congressional Black Caucus and its first leader.

After becoming chairman, he revamped the House District Committee in ways that favored home rule, including subcommittee chairmen who had not been on the committee under Chairman McMillan, with one exception (Representative W. S. Stuckey (D-Ca.)). He fired all but two of the committee's Democratic civilian employees from the McMillan era.

As early as January 16, 1973, Chairman Brock Adams of the D.C. Operations Subcommittee, announced that the committee would hold hearings on home rule. The goal was a home rule bill that would give the city self-government, and that could pass Congress. Chairman Adams said, "We're going to try to produce a damn good bill." He did not expect immediate action, but said, "we're all aiming to get this job done as soon as possible. We have plenty of commitment to get this job done . . . deep commitment."

Chairman Diggs confirmed the difficulties ahead:

I'm just being very practical about chances of passage. If we could report out a bill tomorrow, I say flatly the self-determination measure would be defeated on the floor 2 to 1.

[Hamilton, Martha M., "Diggs Revamps D.C. Committee," *The Washington Post and Times Herald*, January 16, 1973; Hamilton, Martha M., "House D.C. Unit to Push For Early Home Rule Bill," *The Washington Post and Times Herald*, January 17, 1973; Hamilton, Martha M., "Diggs Fires Aides Of D.C. Committee," *The Washington Post and Times Herald*, January 20, 1972

By May, he could predict that the city would have home rule in time for the Bicentennial celebration in 1976. He said, "the people of the District will join that celebration not as members of the 'last colony' but having at least become full citizens with all the rights and responsibilities that home rule will bring":

For 171 years, Washingtonians have been bartered and manipulated. For 171 years, Washingtonians have been tokenized and homogenized.

Now come the changing of the guard, when Washingtonians will be the masters of their own fate. [Hamilton, Martha M., "Rep. Diggs Predicts Home Rule by 1976," *The Washington Post and Times Herald*, May 4, 1973]

Under the resulting law that President Nixon signed on December 24, the city's voters would decide on a May 7 charter referendum that gave them the choice of retaining the current presidentially appointed government or an elected mayor and 13-member city council. If the votes chose election of the mayor and city council, the city would hold primary elections on September 10, 1974, and general elections on November 5. The new government was to take office on January 2, 1975.

The provision that most troubled local leaders was that the bill gave Congress veto authority over the city's laws. With a vote of the House and Senate, Congress could veto local action. In addition, city authorizations were still subject to congressional action on appropriations.

Mayor Washington, who had taken the oath of office for his third term on February 22, 1973, said, "It is not the whole loaf but we got a large piece of self-determination. It is worthy of celebration after 100 years."

## **1974 Transitions**

President Nixon had won reelection in 1972 by a landslide, but in 1974, with Republicans weighed down by investigations into assorted Watergate-related controversies, voters nationwide turned the off-year elections into a landslide for Democrats.

In the Washington area, the elections changed the landscape for transportation choices. The *Star* began its article:

At the end of a lackluster race that produced as many surprises as a Brigitte Bardot-Twiggy swimsuit contest, District voters all but ignored political neophytes and chose experienced candidates to run the city's home rule government.

Mayor Washington won his election, as did Delegate Fauntroy. Sterling Tucker won election as chairman of the city council.

The home rule legislation had provided that no political party could nominate more than two candidates for the four at-large seats on the city council – a provision to ensure Democrats would not hold all the seats in the overwhelmingly Democratic city. As expected, Democrats won all the seats they were eligible to compete for. The Reverend Jerry Moore was the only Republican to win a seat. Julius Hobson, the Statehood Party candidate, won the other non-Democratic seat. The two Democratic at-large seats went to Marion Barry and The Reverend Douglas Moore. The biggest upset came when Democrat William Spaulding defeated incumbent Dr. Henry Robinson, a Republican.

In Virginia, the Democratic tide defeated Representative Broyhill after 22 years in the House of Representatives. Arlington Board Member Joseph L. Fisher won the 10<sup>th</sup> congressional district. The *Star* listed some of Representative Broyhill's accomplishments:

Broyhill's bills – or his legislative efforts – produced the latest three bridges spanning the Potomac River between Virginia and the District. His efforts also resulted in the Dulles Interceptor Sewer, the area-wide planning agency that drew up the blueprints for the Metro subway system, a new veterans hospital here, federal and district government pay raises and a panoply of fringe benefits for government workers, plus the limited Home Rule bill six years ago that gave the District its first elected school board in 94 years.

District officials were not sorry to see Representative Broyhill's defeat. The *Star* reported this exchange:

“Ahh, Joel is leaving us,” said Bishop Smallwood E. Williams, the powerful pastor of Bible Way Church.

“I guess you will pray for Joel,” said Mayor Walter E. Washington.

“I’ll pray that he never comes back,” the bishop said.

An impromptu farewell celebration was being held in the District for Virginia Republican Joel T. Broyhill last night.

“It’s fantastic,” said elections board official Walter Pozen, learning of Broyhill’s defeat by Democrat Joseph L. Fisher.

“Hallelujah,” said mayoral aide Kathy Ross.

“Wonderful,” said Brent Oldham, another top mayoral aide, who added, “I never could stomach that guy.”

In Virginia’s 8<sup>th</sup> district, Herbert E. Harris II, a Fairfax County Supervisor, defeated one-term Republican Representative Parris. President Ford, whose private home was in Parris’ district, had made his first appearance for his former Representative at a fund-raiser, to no avail.

In Maryland, what the *Star* called the “National GOP Bloodbath” did not affect the congressional delegation. Senator Mathias, a Republican, won reelection, defeating Democrat Barbara A. Mikulski, a social worker and member of the Baltimore City Council, who had risen to prominence as one of the anti-highway crusaders in Baltimore.

In House races, Maryland reelected three Republican incumbents: Gilbert Gude, Marjorie Holt, and Robert E. Baumann. In Prince George’s County, Democrat Gladys Noon Spellman won the 5<sup>th</sup> district seat. Montgomery County reelected Republican James P. Gleason as county executive, defeating Idamae Garrott. [From articles in the November 6 issue of *The Washington Star-News*.]

One result of the elections was that 6 members of the 12-member WMATA board of directors would be replaced, as Jack Eisen described:

Both voting directors from Virginia, Herbert E. Harris of Fairfax County and Joseph L. Fisher of Arlington, were elected to Congress. William W. Gullett lost his Metro directorship from Maryland by failing to be re-elected Prince George’s County executive. D.C. City Council Chairman John A. Nevius is retiring.

The leadership changes were important because WMATA faced several challenges:

In the coming months, the new board must grapple with financing the completion of the Metrorail system (as the subway is called) in the face of inflationary increases that have pushed the cost from under \$3 billion to at least \$4 billion. It also must deal with

growing bus deficits. [Eisen, Jack, "Half of Metro Board Will Be Replaced," *The Washington Post*, November 7, 1974]

As 1974 ended, officials were debating how to address the new cost estimate for the Metro rapid rail system and the Metrobus operating deficits. About 40 miles of track in the District in close-suburbs were under construction, but the future for the remaining 58 miles was uncertain. Officials, however, were committed to their construction.

On November 21, 120 area officials and 70 Metro staff members gathered at Airlie House near Warrenton, Virginia, to discuss how to finish the Metro system. The question was where to find an additional \$1.5 billion. If that gap could not be closed, 1975 would bring "Doomsday" for the Metro system. Even the mileage under construction could not be completed.

Officials agreed on a solution. They would ask Congress to authorize another \$1.3 billion, possibly by issuing bonds, to be matched under a new sharing formula by \$134 million collected from the eight city and county governments that are partners in WMATA. This plan involved congressional agreement to increase the Federal share from the normal 66 percent to 80 percent, as Congress had approved for other transit systems in the Federal-Aid Highway Act of 1973. The plan also involved making the change in matching share retroactive to July 1, 1973, a change that would increase the Federal contribution by \$720 million, leaving \$671 million to be raised to meet the higher estimated cost. The local jurisdictions, which had been contributing to the construction pot while seeing little construction in their jurisdictions, would have to go back to voters for new bond referenda.

Although Metro officials were reluctant to discuss what would happen if Congress rejected the plan, Jack Eisen pieced together the "bleak picture" they discussed with him. Suburban governments "might be expected to start curtailing their payments, forcing WMATA to decide which projects would have to be cut back to stay within the available funds:

A contract for work on a line into Prince George's County is due to be let soon, so the possible truncated subway network would provide only minimal service there and in Montgomery County and no service at all in Alexandria or Fairfax County.

Metro's budget director, William E. Boleyn, reported that OMB had not endorsed the plan. "They've listened, they've discussed, but they've not committed themselves."

The compact governments outside the District of Columbia were committed to pay interest and help retire \$1.2 billion in Metro construction bonds, but beyond that, they could refuse to pay for what they did not receive. Without the suburban lines, Metro would operate at an even larger deficit. "This could leave the District holding the bag."

And if all went well to account for the estimated \$4.5 billion cost of Metro, the cost could continue rising "if inflation does not begin to stop by the end of 1975, or if there are delays in construction due to any problems including a lag in funding."

John F. Herrity of the Fairfax County Board of Supervisors, "a persistent critic of Metro," according to Eisen, told the gathering that the gradual cost increases for Metro were like the

drop-by-drop water torture. He urged Metro to admit that the final estimate would be about \$5.5 billion, but General Graham said that projection was much too high. [Eisen, Jack, "Alternative Is Halved System: Massive Aid Held Needed For Metro," *The Washington Post*, November 23, 1974; Eisen, Jack, "Cost Estimate Almost Doubled, Now Stands at \$4.5 Billion," *The Washington Post*, November 24, 1974]

Representative Brock Adams, who had helped get Metro started in 1969, doubted Congress would provide the desired \$1.3 billion. The District Committee would consider any legislation to authorize the funds, but Chairman Natcher's subcommittee would have to approve the appropriation – an uncertainty in both cases. After Chairman Natcher's prediction that the cost would escalate to \$6 billion, Representative Adams agreed that Metro officials had "consistently underestimated the costs." He thought Metro would have to eliminate some of its 98-mile system.

Chairman Diggs of the District Committee said he had ordered a staff analysis "but I am not prepared to make a judgment on this matter" at the time. Representative Gude, who was to be ranking Republican on the committee, thought Congress would understand that Metro is dealing with the same inflation that was affecting all public works projects. "To bobtail or to truncate it at this time would be penny wise and pound foolish," he said.

Delegate Fauntroy agreed. He would "discourage any talk of curtailing the system. It was rationalized to meet the needs of the entire area and should be built." [Eisen, Jack, "Rep. Adams Asks Metro to Cut System," *The Washington Post*, November 28, 1974]

### **Winding Down the Freeways**

A *Post* editorial described the situation as 1975 began:

Now and in the weeks ahead, the survival – or fiscal strangulation – of Greater Washington's Metrorail system depends on a series of make-or-break decisions by President Ford, Congress, the Maryland and Virginia state legislatures and every local government in this region. The problem . . . is inflation; and the danger, which we believe is real, is that seemingly sensible but short-sighted decisions to back away from awesome financial obligations will bring about a far more costly collapse of a nationally significant and locally necessary transportation project . . . .

Metro has effectively progressed beyond the point of no return. To stop the system dead in its tracks at this point, or even to build a bobtailed system, would leave some jurisdictions with nothing except grounds for demanding their money back – and others with impossible financial obligations for a project they couldn't begin to justify or sustain.

Increased State and local contributions were a possibility. Another option would have to be considered:

Ultimately, the search for new ways to meet local, state and federal costs of Metro should include a harder look at the possibilities of using money originally planned for expensive highway projects that this region doesn't need.

Experts predicted "there may be up to \$1.9 billion in federal and local funds currently tied to freeway plans for the area." In May 1974, Massachusetts, appropriately, was the first State to take advantage of the Interstate withdrawal-substitution provision of the 1973 Act that Governor Sargent had championed. The State had received more than \$600 million in general Treasury funds in substitution for Interstate construction funds intended for I-95 and I-695:

There may be arguments here about which area highway projects ought to be formally eliminated, but we have a strong hunch that many taxpayers would perk up at the prospect of trading in costly, unwanted segments of highway for better mass transit services.

Already, "exploratory study" was underway by regional officials. The prospect may raise "delicate political considerations as well as specific legal steps" before substitution could be accomplished. "Nevertheless, the extreme financial strains on governments and taxpayers, coupled with the urgent need to make the Metrorail system a workable reality for the national capital area, point up the necessity of exploring every way possible to stretch the region's transportation dollars. ["Finding Ways to Pay for Metro," *The Washington Post*, January 20, 1975]

According to sources, the U.S. Department of Transportation was "desperately trying to find money for Metro." The obvious source was the withdrawal-substitution provision. Key targets were the South Leg of the Inner Loop and the North-Central Freeway. The department was, in late January, excluding the Three Sisters Bridge, the Potomac River Freeway, and the extension of I-66 into the city – all technically active projects. The *Star's* Thomas Crosby reported that, "DOT officials are uncertain how much money would be involved, but it is possible the entire \$1.4 billion that Metro needs could be made available."

City Council Chairman Tucker, when told of the study, told Crosby, "My personal view is we need no more concrete jungles through the city but the situation must be assessed." He opposed more freeways, but completing some projects might be needed to "make some kind of sense" of the city's freeway network.

Mayor Washington also said the idea had "substantial potential and we are studying this matter. We expect to be able to take advantage of this alternative." [Crosby, Thomas, "U.S. Ponders Canceling Freeways to Pay for Metro," *The Washington Star-News*, January 23, 1975]

While District officials debated which freeways to withdraw, Maryland's actions essentially determined the fate of some of the freeways. On February 25, 1975, Governor Mandel requested the withdrawal of I-70S (soon to be renumbered I-270) and I-95 between the Capital Beltway and the District line. If, as seemed likely, those segments were withdrawn, the District's continuations of the routes to the District/Maryland line would truly be "roads to nowhere."

The Maryland withdrawals were under separate provisions of Title 23, United States Code. Maryland proposed to withdraw I-270 inside the Capital Beltway under Section 103(e)(4), the Interstate withdrawal-substitution mechanism included in the 1973 Act.

Maryland proposed to withdraw I-95 between the Capital Beltway and the District line under Section 103(e)(2), known as the Howard-Cramer Act. As noted earlier, this 1968 law authorized 200 miles as a supplement for cases where the Secretary agreed, at the request of a State, to withdraw a segment of the Interstate System; the State could combine the withdrawn mileage and a portion of the Howard-Cramer mileage for another designated route (23 U.S.C. 139 – Additions to Interstate System) as long as the total would not cost more than the withdrawn segment. The Federal-Aid Highway Act of 1973 increased the Howard-Cramer mileage to 500 miles.

On May 12, 1975, City Administrator Julian R. Dugas informed the transportation and environmental committee of the city council that the District would use the Interstate withdrawal/substitution mechanism to shift funds to Metro. The city planned to request withdrawal of 7.6 miles of controversial Interstate segments: the Inner Loop Freeway segment of I-66 planned as a tunnel under K Street, NW.; the North-Central Freeway (I-70S); and the Northeast Freeway (I-95). Dugas added that several other projects were being kept alive for exploration of alternatives. Eisen listed them in his account of the announcement:

Among the projects kept alive are the Three Sisters Bridge and a connecting tunnel alongside the Georgetown riverfront; a freeway along the west bank of the Anacostia River passing and serving the Robert F. Kennedy Stadium; the south leg of the Inner Loop Freeway through West Potomac Park, and a freeway link between the center leg of the Inner Loop near 4<sup>th</sup> Street and New York Avenue NW generally northeastward to 9<sup>th</sup> Street NE . . . .

Dugas emphasized that the city had no plans to build these highway segments. Officials wanted to reserve the \$800 million earmarked for them until final decisions are made on their fates. For example, Dugas said the freeway along the Anacostia River might be built as a parkway with its traffic flow reversible to serve stadium events, such as games by the area's football team.

At the moment, WMATA had only enough funds for one more major construction contract. WMATA was hoping for approval of a bill in Congress that would allow \$1.5 billion worth of projects to advance, with the Federal Government paying \$1.3 billion of that amount:

At present, about 40 miles of route[s] are under construction, including 25 miles in Washington. Without the added money, Metro officials have warned that the 98-mile system would have to be slashed to about 48 miles.

Dugas told the transportation committee that the initial substitutions would make about \$500 million available for Metro. It "will not solve the Metro financing need," he said, but would allow construction to continue until "a realistic financial plan for completion" could be developed. WMATA Comptroller Lowe appreciated the thought, but was concerned that the funds would not become available in time to help Metro's immediate need.

Sammie Abbott said after Dugas's announcement, "The most charitable thing you can say is that [it] is a cowardly evasion of the problem." [Eisen, Jack, "Road Funds Shift to Metro Sought," *The Washington Post*, May 13, 1975]

Committee Chairman Moore scheduled hearings in late June to discuss further withdrawals from the Interstate System under the 1973 Act provision. City planning officials told the committee that they favored transferring funds from the remaining proposed freeways – including the I-66

K Street tunnel and the I-266 Three Sisters Bridge – to mass transit. Ben W. Gilbert, director of the planning office, said he supported the shift of funds to mass transit, but wanted the city council to "reserve sufficient funds" to study and develop the Industrial Freeway from 9<sup>th</sup> Street, NE., to the District Line. Planners considered the freeway a way to spur a small industrial complex in the New York Avenue corridor. It was, he said, "an opportunity for diversified employment in the District."

Councilwoman Shackleton, who had long opposed the Three Sisters Bridge, favored removal of the freeways and inclusion of the Industrial Freeway in the Interstate System. The *Post* described Abbott's reaction to the discussion of the Industrial Freeway:

Sam Abbott, a member of the Emergency Committee on the Transportation Crisis, challenged both Gilbert and Mrs. Shackleton about their support of the freeway.

"What they call citizen involvement is a phony," Abbott said. "People in the area will tell you they oppose the freeway." He accused Mrs. Shackleton of being "misguided" in her support of the freeway "because it's not going through Georgetown," a portion of her ward. [Jones, Linda Newton, "City Aides Back Transfer of Funds to Metro," *The Washington Post*, June 27, 1975]

On June 27, 1975, Mayor Washington submitted a formal request for withdrawal of I-70S and the unbuilt portion of I-95 inside the District of Columbia.

By then, Secretary Brinegar had left office. When President Ford announced his intention to seek election to the post in 1976, Secretary Brinegar decided to resign rather than be part of a political campaign. He had never been a political person.

On January 14, 1975, President Ford announced that he would nominate William T. Coleman, Jr., an African-American attorney based in Philadelphia, as the fourth Secretary of Transportation. Supreme Court Justice Marshall, Coleman's associate from the Civil Rights era, administered the oath of office in a White House ceremony on March 7, 1975. During his tenure, he would live in McLean, Virginia, at 1100 Crest Lane, near the George Washington Memorial Parkway. (Former Attorney General Elliot L. Richardson, Coleman's closest friend since their days at Harvard, had "offered us the use of their house on the bluffs overlooking the Potomac River," Coleman explained in his autobiography. [Coleman, William T., with Bliss, Donald T., *Counsel For the Situation: Shaping the Law to Realize America's Promise*, Brookings Institution Press, 2010, page 214]

Unlike his methodical predecessor, Coleman would prove to be a confident and quick decisionmaker who would address several freeway crises, including the fate of I-66 in Virginia, as will be discussed.

On July 28, 1975, Administrator Tiemann and Acting UMTA Administrator Judith T. Connor approved Maryland's request to withdraw I-270 (formerly I-70S) and I-95 inside the Capital Beltway. Their cosigned letter to Governor Mandel addressed the withdrawals based on the different provisions of Title 23, United States Code, that Maryland had cited in its request. The approved withdrawals under Section 103(e)(2) and (4) were subject to three conditions:

1. That Maryland, Virginia and [the] District of Columbia agree to the routing of I-95 via I-495 in order to maintain System continuity for I-95, and that AASHTO concurs in such routing.
2. That Maryland agrees to provide an appropriate Interstate connecting link inside I-495 under the provisions of Section 139 of Title 23 in the event that the District of Columbia proposes, and FHWA approves, the New York Avenue-Industrial Freeway Corridor as an addition to the Interstate System under Section 103(e).
3. That evidence of Takoma Park, Hyattsville and College Park concurrence in the withdrawal is furnished as required by paragraph 476.304 of the June 12, 1974, regulations; or that documentation is furnished indicating that under Maryland State law these jurisdictions are not "Local Governments Concerned" (LGC) as defined by paragraph 476.2(b) of the regulations.

Section 139, added to Title 23 by the Federal-Aid Highway Act of 1968, authorized the Secretary to approve Interstate designation for routes that would be a logical addition or connection to the Interstate System, meet or will meet all Interstate standards, and have been built or will be built without Interstate Construction funds – "shall create no Federal financial responsibility" except that the State may use its apportioned Federal-aid primary system funds for the route if it wishes.

Paragraph 476.304 of Title 23, Code of Federal Regulations, required that withdrawals under Section 103(e)(4) be submitted jointly by the Governor "and local governments concerned, with the concurrence of responsible local officials."

Tiemann and Connor approved alternative Interstate segments under Section 103(e)(2), subject to specified conditions:

- (a) The Baltimore-Annapolis Interstate route is approved with the understanding that the final location (Anne Arundel Expressway, Route 2 versus Patuxent Freeway, Route 3) will be determined when the results of the Baltimore-Annapolis Transportation Study are available, and that an appropriate connection to the Baltimore terminus will be provided under Section 139 for System connectivity.
- (b) U.S. Route 50 between the Capital Beltway and Annapolis is approved subject to your furnishing, with respect to the portion of this route located within the District of Columbia urbanized area, documentation of consultation with the responsible local officials (WASHCOG/TPB) and with local governments concerned (Prince Georges County) as required by paragraph 476.206 of the regulations. It is understood that the

specific Annapolis terminus of the route will be determined after the specific location of the Baltimore-Annapolis route is established.

Paragraph 476.204 explained how a State may seek withdrawal of a designated Interstate segment outside the context of the withdrawal-substitution mechanism. Further, under paragraph 476-206, “A State highway department may request use of the mileage withdrawn under § 476.204, or of the additional [Howard-Cramer] Interstate mileage authorized by 23 U.S.C. 103(e)(2), or both, for a substitute or additional segment.” For segments in an urbanized area, the request was to be submitted jointly by the State highway department and the local governments concerned and responsible local official officials.

- (c) The Route 3 connector between U.S. 50 and Route 32 is approved with the understanding that the northern terminus of the route will be determined when the specific location of the Baltimore-Annapolis route is established.
- (d) The proposed extension of Route 46 from U.S. 1 to the Baltimore-Washington International Airport is approved.
- (e) The outer belt segment from I-270 to the proposed Shady Grove Transit Station is approved:
  - (1) Subject to the construction of the Metro Line and proposed extension to serve the Shady Grove area; and the construction of the transit station, access road, and related facilities.
  - (2) Subject to your furnishing evidence of consultation with the city of Gaithersburg on this proposed addition, or evidence that Gaithersburg is not a LGC.
  - (3) With the understanding that the entire cost of the spur, including the I-270 interchange, will be constructed with substitute funds.

With respect to the proposed System additions under Section 139, we are today approving the portion of the airport spur (Route 46) from I-95 to U.S. 1. This approval under Section 139 complements the Section 103(e)(2) approval action indicated under Item (d) above. We are also granting an interim approval of the extension of the Baltimore Beltway to an intersection with the proposed Baltimore-Annapolis route. This action, which is consistent with Item (a) above, will provide temporary System connectivity in the Baltimore area. Final approval of this link and the remaining proposed addition under Section 139 will be deferred pending clarification of the segments involved and a final determination of the location of the Baltimore-Annapolis route.

The *Post* summarized Maryland’s plans:

The state proposal calls for using \$36.2 million . . . to extend the projected Rockville rail line three miles to Shady Grove Road, near Gaithersburg, and \$50.1 million to divert the Greenbelt rail line from the east side of the University of Maryland’s College Park campus to its west side, generally into the old I-95 corridor . . . .

One other suburban Washington project that would be financed with the transferred interstate funds would be a segment of the proposed Outer Beltway from I-270 to the projected new Shady Grove Metrorail terminal.

Among the highway projects to be financed from the fund transfer is the widening and upgrading of U.S. Rte. 50, the John Hanson Highway, between the Capital Beltway and Annapolis . . . . Other road projects approved yesterday by Tiemann as part of the Maryland package are an access road from I-95 near Elkridge to the Baltimore-Washington (Friendship) International Airport and a freeway from Baltimore to Annapolis, entailing a reconstruction of Maryland Rte. 3 connecting with a new freeway on the west side of the Severn River through the Crownsville area of Anne Arundel County.

According to Professor Schrag, Maryland added the extension to Shady Grove “to avoid placing rail yards in Rockville.” City officials also were concerned about possible congestion at the terminus in the Rockville station. The extension of Metro to Shady Grove Road increased the Metro system to 103 miles. [Eisen, Jack, and Dewar, Helen, “Transfer of Freeway Funds Approved,” *The Washington Post*, July 25, 1975; Eisen, Jack, “Rockville and Greenbelt Lines Are Funded by U.S. for Metro,” *The Washington Post*, July 27, 1975; Schrag, page 231]

Despite the approval, Tiemann and Connor said they were “very concerned . . . over the current financial problems of funding the Metro’s 98-mile Adopted Regional System”:

Our action with respect to the Section 103(e)(4) elements of your proposal is therefore limited to an approval of the withdrawal with the reservation of an appropriate amount of substitute funds for future implementation of substitute transit projects. Before the Urban Mass Transportation Administration can approve specific project applications for Lines connected to the Metro System there must be reasonable assurance that these Lines will, in fact, be connected to a constructed Metro System. To approve these projects without such assurance would not be to our mutual interest.

In other words, if financial cutbacks prevented construction of Metro to Rockville, the extension to Shady Grove would not be eligible for substitution funds from the general Treasury.

Section 125 of the Federal-Aid Highway Amendments Act of 1974 (P.L. 93-643, January 4, 1975) revised the way the amount of substitution funds under Section 103(e)(4) would be calculated. The base cost in the most recent ICE would be increased or decreased based on variations since then in the cost of construction as of the time of the withdrawal/substitution action. Maryland had estimated that with the escalation factor since the 1972 ICE, its withdrawal requests would result in about \$270 million becoming available for substitute projects. However, because FHWA had not yet released guidelines for calculations under the 1974 amendment, officials could not calculate the precise amounts that would become available for the proposed substitution projects.

Tiemann and Connor ended with a compliment:

In closing, we compliment you and the officials of Montgomery and Prince Georges Counties for coming forth with positive transportation proposals, employing the provisions of the 1973 Federal-Aid Highway Act which provide the flexibility to resolve major Interstate issues while meeting the transportation needs of the urbanized areas. We

are confident that with the System related activities currently under way in the District of Columbia, an integrated transportation program which best serves the needs of the entire metropolitan area will be achieved. You may be assured that we will work closely with you and other jurisdictions involved towards that achievement.

The District's request drew White House attention, in part because of President Ford's past positions. As President, he was aware of President Nixon's support of Metro as a unique Federal responsibility and wanted to honor President Nixon's commitments, but "was appalled by the cost overruns, which he blamed on WMATA's failure to get tough with bus unions," according to Professor Schrag. He had asked Secretary Coleman to develop a sound financing plan for Metro, but he also "feared that a generous payout to WMATA would set a national precedent":

White House aides concluded that "the Metro cost overrun issue [is] controversial and a no-win matter. We should move quickly to put some distance between it and the President," delegating decisions to the secretary of transportation. Nevertheless, in June 1975 Ford himself chose Interstate transfers as the centerpiece of a Metro financing plan. [Schrag, page 181-182]

On October 3, Secretary Coleman announced that Administrator Tiemann and UMTA Administrator Robert E. Patricelli had approved the District's request to withdraw the unbuilt

I-70S and I-95 from the Interstate System. A grant of \$286,560,000 would go to WMATA for Metro construction. The press release announcing the approval included a statement from Secretary Coleman:

Regional and Federal officials acknowledged last spring that the first priority must be to meet Metro's immediate financing needs. Today we are doing that.

He hoped the move was only the first step in "an effort by all the area jurisdictions to draw on available resources to meet Metro funding needs."

Administrator Patricelli said that the substitute transit projects represented the largest grant that UMTA had approved. Counting local matching funds, the grant amounted to \$358 million for

11 construction contracts, track work, and graphics contracts for which final design and engineering had been completed or were rapidly nearing completion. The contracts were in the District, Maryland, and Virginia. The funds would allow Metrorail construction to remain on schedule through most of FY 1976.

(Patricelli, 35 years old, had taken the oath of office as UMTA Administrator on August 6, 1975. He had served in the Department of Health, Education and Welfare, but since 1971 had been living in his home town of Hartford, Connecticut, where he was vice president of Greater Hartford Process and Greater Hartford Community Development Corporation. Returning to the Washington area for the UMTA post, he relocated his family to 7721 Desdemona Court in McLean, Virginia, with the intention of commuting by bus to Department of Transportation headquarters. When he learned how inconvenient bus commuting from McLean would be, he switched to driving his car and parking it in the Department's four-level underground garage. He

had never held a job related to transit, but thought the job would be an “exciting challenge.” [Crosby, Thomas, “Brand New U.S. Mass Transit Boss Misses the Bus,” *The Washington Star*, August 7, 1975])

To WMATA officials dealing with the financial crisis, the new funding was “manna from heaven,” as Professor Schrag quoted:

With the administration allowing D.C. and its suburbs to transfer money at a faster rate than could other urban areas, WMATA soon became the nation’s heaviest user of highway transfer funds, and by January 1976 WMATA was counting on \$875 million. [Schrag, page 182]

The withdrawal of the District’s unbuilt portions of I-70S and I-95 and the use of substitution funds for Metro in and out of the District raised unexpected problems. One involved the difference between the District’s plans and those of Maryland and Virginia, according to Professor Schrag:

For one thing, they [the complications] threatened the symmetry of the compact. The unbuilt highways in the District were by far more extensive, more costly, and less popular than the unbuilt segments in Maryland and Virginia. Moreover, though Maryland and Virginia were willing to scrap certain controversial segments (such as I-95 within the Beltway and the Three Sisters Bridge), unlike the District they had other roads they wanted to build. The District therefore would make a greater financial sacrifice than its neighbors, and Mayor Washington could be accused of selling out to the suburbs. Conversely, the District’s eagerness to transfer funds led the Ford administration, Graham, and the suburban WMATA representatives to worry lest the District claim to own the football and make the rules. [Schrag, page 182]

Professor Schrag also pointed out that the reliance on substitution funds “threatened Metro’s special status as a federal ward.” Unlike rail rapid transit programs in other metropolitan areas, Metro had received Federal loan guarantees and more Federal funds than other systems “in absolute terms” because of its unique status – but was still subject to the local matching requirement of one-third instead of the 20-percent required in other areas under the Federal-Aid Highway Act of 1973. To protect Metro’s special status, General Graham had cautioned against national transit aid:

By asking for highway transfer funds, WMATA bit that apple. Metro’s friends in Congress immediately gave up on trying to save the system with special legislation, and the Urban Mass Transportation Administration asserted its obligation to assure “that Departmental METRO decisions are reasonably consistent with nationwide mass transit policy.” Having surrendered its claims to special status, Metro now shared a fate with San Francisco Bay Area’s BART, Atlanta’s MARTA, and every other urban transit system in the nation. [Schrag, Page 182]

In short, Metro could no longer count on special treatment by Congress.

(In the early 1970s, AASHO and FHWA wanted to change Interstate numbers to eliminate alphabetic directional suffixes (N, E, S, and W). On April 18, 1975, FHWA approved Maryland's request to change I-70N (Frederick into Baltimore) to I-70 and I-70S (Frederick into Washington) to I-270. At the time, I-270 continued via an interchange with the Capital Beltway into the city along the North-Central Freeway, but that would soon change. Today, I-270 terminates at the Capital Beltway with a "Y" connection – with a southwesterly leg connecting with the Capital Beltway near Bradley Boulevard and the other extending southeasterly to the Pooks Hill interchange. AASHO's Route Numbering Committee approved the change during its meeting on November 14, 1975.

(Eisen reported that the N/S designations were a compromise dating to the numbering of the Interstate System in the late 1950s. "Rather than choose between favoring either the nation's capital or its busy seaport neighbor, highway officials labeled the Washington branch 'S' for south and the Baltimore branch 'N' for north.

(According to Maryland State Highway Administrator Bernard Evans, FHWA initiated the change because it considered the designations I-70S and I-70N confusing to motorists who, while trying to drive west or east had to choose between routes with north and south suffixes. The District's Thomas Airis had blocked the change of I-70S to a three-digit number because he believed the Nation's capital deserved two-digit status. With his retirement, the change became a reality. According to Evans, "Our only problem is that quite a few people will have to relearn a little bit, but we don't think that amount of relearning is unbearable." Signs alerting motorists to the ROUTE NUMBER CHANGE, began appearing in March. [Eisen, Jack, "Route I-70S in Maryland Quietly Becomes Known as I-270," *The Washington Post*, March 2, 1975])

### **Searching For a Metro Plan**

In early 1975, the Ford Administration was searching for a solution to Metro's funding problems. OMB Director James T. Lynn had summarized his views in a memorandum to President Ford on April 16, 1975. At the time, 40 miles were under construction, mostly in the District, and 30 miles were under final design:

If all existing commitments – Federal and local – toward the \$3.0B plan were met, 76 miles of the system could be built. However, WMATA believes a Federal decision not to provide additional funding toward a \$4.5B cost estimate would collapse existing financing arrangements to the point that only 47 miles could be built (at a cost of about \$2.4B).

After describing the Metro system, the reasons for the cost increases, and the options for controlling costs, Lynn concluded that support for full funding was "not justified in our view because of the high marginal cost of the transportation benefits received." That would leave funding available for a 76-mile Metro system, but only if Maryland and Virginia jurisdictions agreed on highway decisions resulting in substitution transfer funds "which may be difficult to achieve."

Referring to a recent UMTA policy on alternatives analysis for new rail rapid transit systems, Lynn wrote:

It is probable that if WMATA were applying for Federal assistance for the unbuilt lines for the first time through the regular UMTA program, some of their proposals might not withstand the test of cost-effectiveness and would not be funded by UMTA.

In contrast, however, the Federal involvement during the inception and development of METRO, the Federal stake in some kind of successful outcome, plus the good faith efforts of the local jurisdictions make it undesirable to take a position that no further Federal assistance should be forthcoming. Such a position would probably not be agreeable to the Congress.

He presented four alternatives, the first of which were:

Alt. #1. The Federal Government to pay 80% of the increased costs plus 80% of the costs since July 1, 1973. (The date on which the national mass transit program went to 80-20.) Local officials on November 21 voted unanimously to seek this arrangement. It would entail additional Federal contributions of \$1,257M and additional local contributions of \$135M.

Alt. #1A. To ease the near-term Federal outlay impact, WMATA has proposed that the Federal Government authorize the sale of \$1.257M in taxable bonds for which the Government would pay the principal and interest over a 40-year period. Annual liquidating appropriations would be \$88M, with a \$14M tax recapture for a net annual Federal cost of \$74M.

Alt. #2. No further special Federal financing. Any additional funds would come from a combination of local funds, interstate substitution funds, and perhaps, the UMTA nationwide mass transit program late in the decade. The current UMTA funding assumptions do not include any planned coverage for METRO. This alternative assumes the localities would repay existing bond obligations, but some contingent Federal liability of up to \$997M already exists due to the Federal guarantee.

Lynn favored Alternative #3:

Reliance on Interstate Funds with accelerated payments. Funding would come from money available through Interstate transfer. Legislation, in the form of an amendment to the National Capital Transportation Act, would be submitted soon to provide for such a mechanism.

This mechanism would allow local officials to choose between highway mileage and mass transit. Until final local decisions on highway substitutions are made, it will not be known if such funds will be adequate to complete the system. If these funds are not adequate, or if fiscal uncertainties cause a failure to issue the remaining bonds, a decision on possible additional Federal assistance will be needed. However, any consideration of this question should not be required until all highway substitution decisions are made and resultant funding substantially committed, in two to three years.

Lynn explained his choice of alternative #3 in the memorandum's evaluation and recommendation section:

Full local use of interstate transfer funds and their accelerated availability should make possible completion of the system. It would provide the maximum incentive to local officials to make good their bond guarantees, reducing possible Federal liability for almost \$1B in already issued bonds. This proposal would offer a solid alternative to area officials and, if agreed to, prevent a separate appeal to the Congress.

Secretary Coleman has been briefed on the details of this memorandum. He strongly supports the effort to meet the METRO construction schedule and agrees that among the financing alternatives available, the use of the interstate transfer provisions is the best means of meeting increased METRO construction costs while minimizing the total impact on Federal expenditures.

In summary, Alt. #3 – while subject to some uncertainties – appears to be the most desirable course at this time.

In an appendix to Lynn's memo, Secretary Coleman opposed "either a slowdown in the pace of METRO construction or cutbacks in the mileage of the final system":

At a time when the Administration is attempting to cut back fuel consumption, when construction delays mean substantially increased costs, and when cutbacks in the METRO system would greatly reduce service to low and moderate income areas of the District, such a position would not be tenable.

He agreed that the Interstate withdrawal-substitution provision was "the best available means of meeting increased METRO construction costs," but he did agree with the mechanism OMB proposed involving an amendment to the National Capital Transportation Act:

The Department's recommended approach for managing the interstate transfer provision throughout the Nation as well as in D.C., would provide for control of the rate at which funds are obligated without the need for new legislation. Furthermore, the DOT recommendation would permit management and funding decisions on the substitute transit projects to be made in the context of the national transit program, rather than being dictated by an unrelated highway distribution formula. [Gerald R. Ford Library, <https://www.fordlibrarymuseum.gov/library/document/0047/phw19750416-01.pdf>]

In August, Mayor Washington announced that Douglas Schneider would become acting director in October of the District's new Department of Transportation. The new department incorporated the Department of Highways and Traffic, the Department of Motor Vehicles, and the Office of the Mayor's Transportation Systems Coordinator.

Four years earlier, Schneider had begun riding his three-speed bicycle from his home in Glover Park to his job as executive director of the Washington Metropolitan Transit Commission, which was located at 1623 I Street, NW. Three weeks later, he switched back to taking the bus. "The major problem," he explained, "was the automobile traffic. I didn't feel safe and when I got to

work I needed a shower badly.” Despite this early experience, the “athletically trim 43 year old” remained a bicycling enthusiast. [Crosby, Thomas, “Pedalling Transit Chief Plans 75 Miles of New Bikeways,” *The Washington Star*, August 7, 1975; “Schneider to Head New D.C. Agency,” *The Washington Star*, October 30, 1975]

While working for the transit oversight commission, Schneider had fought for WMATA’s takeover of the area’s bus systems. He also had been a member of the TPB as it worked against the city’s planned freeway network. Now, as the new director, he agreed with those who favored using the withdrawal-substitution mechanism in the Federal-Aid Highway Act of 1973 to secure funds for Metro.

City Council Chairman Tucker favored freeing about \$1.25 billion by wiping out all the freeway mileage that was not yet underway. Further, the decision to kill the remaining Interstate would show that the District was finally in control of its own destiny. Doing so, however, would help fund the system, but the transfer would also “drive a final stake through the heart of the freeways and the bridge,” as Professor Schrag wrote.

Timing was another factor. All the substitution funding was not needed immediately. By spacing out the withdrawals, Metro would gain more substitution funds from the general Treasury under the new calculation process required by Section 125 of the Federal-Aid Highway Amendments Act of 1974. [Schrag, pages 181]

During a press conference on October 8, Chairman Tucker discussed the disparity among Maryland, Virginia, and the District in the use of substitution funds. The District had shared its substitution funds with Metro, but Virginia refused to spend highway revenue on Metro while Maryland was using only a small part of its transfer funds for Metro, which now included the extension to Shady Grove that increased overall costs. With the city contemplating what to do with remaining substitution funds, Tucker said, “There should be some movement on the part of Maryland and Virginia.” The city’s failure to allow additional funds to be shifted to Metro at this time, could bring construction to a halt. “I’m saying to them [Metro officials] ‘Don’t count that \$250 million yet,’ until we see every reasonable effort of Maryland and Virginia to put money in the general pot.” [Lynton, Stephen J., and Bowman, LaBarbara, “City Eyes Holdout on Metro,” *The Washington Post*, October 9, 1975]

Virginia’s General Assembly had included \$15.2 million in its budget from highway user tax revenue to help Alexandria, Falls Church, Arlington, and Fairfax County with their share of Metro costs. It had been considered a coup for the region; the *Star* headline at the close of the session told the story: “Northern Va. Delegates Bring Home the Bacon”:

Northern Virginia’s lawmakers went home triumphantly yesterday with a \$15.2 million transit fund assured for their area . . . and authorization of a toll road running side by side the limited access highway to Dulles International Airport . . . .

Despite efforts to take the funds from general revenue, the General Assembly finally designated that the funds were to come from the State’s highway trust fund:

While the \$15.2 million falls somewhat short of the \$20 million the Northern Virginia Transportation Commission sought for Metro rapid rail construction costs over the next two fiscal years, the approved sum was triple the \$5 million proposed in former Gov. Linwood Holton's budget message two months ago.

It was, the area's legislators believed, their "major accomplishment." [Kelly, Brian, "North Va. Delegates Bring Home the Bacon," *The Washington Star-News*, March 11, 1974]

(In 1974, VDH was incorporated into a new VDHT, which included rail and public transportation in its jurisdiction. The General Assembly turned down creation of a Virginia Department of Transportation, while adding transportation planning to the VHTD. In approving legislation to create VDHT, the General Assembly declared:

It is hereby declared to be the policy of the Commonwealth of Virginia that the present and future welfare and mobility of the citizens of Virginia require a balanced transportation system, consisting of coordinated private and public facilities and services, provided and administered to assure adequate, safe, economic, and efficient transportation.

(The transportation system should "stimulate economic growth, provide access to employment, health, educational, recreation, and other activities for all . . . citizens, facilitate the flow of commerce, encourage efficient allocation of human and economic resources, and preserve the inherent advantages of each mode, while utilizing inter-modal advantages to the fullest extent."

(According to a history of Virginia transportation:

The department's job in the planning of air, rail and waterway facilities was limited by the General Assembly to one of coordination. The authority of other state and local agencies and the private sector was kept intact.

Still, precisely what would be the state government's role in the planning, development and administration of highways, rail transportation, air travel, urban mass transit, ports and waterways remained a question in the minds of department officials.

(The General Assembly reconstituted VDHT as the Virginia Department of Transportation in 1986 "to reflect the increased emphasis on diverse modes of transportation." [*A History of Roads in Virginia: "The Most Convenient Ways,"* Special Centennial Edition, Virginia Department of Transportation, 2006, pages 53-54, 67)

In early October 1975, the *Post* and *Star* reported that in VHTD's budget for the next 2 years, Fugate had not included \$15.2 million that the General Assembly had approved in 1974 for transit in northern Virginia.

Fugate's decision not to draw on the funds for Metro in VHTD's 2-year budget was seen as a betrayal of the compromise needed to secure approval of the funds in 1974:

“I told him that he had broken faith with the House Appropriations Committee and with me particularly,” said House Majority Leader James M. Thomson (D-Alexandria) after Fugate told him of the exclusion Friday [October 3].

Thomson said that Fugate agreed to incorporate \$15 million for Metro construction in his own budget in 1974 “with the full understanding that this was a continuing program.” Thomson said Fugate also understood that the state was eventually to “fund 65 or 70 per cent of Northern Virginia localities’ share for Metro capital construction.”

State Senator Hirst called Fugate’s decision “an outrageous neglect of our needs.” He vowed to “fight tooth and nail” to convince Governor Godwin and the General Assembly to reinstate the funds.

Fugate explained that he had excluded the funds because of a lack of funds for State roads and a decrease in State revenues. He did not believe he had authority, despite the 1974 legislation, to use gasoline tax revenue for anything but highway construction and maintenance. His spokesman explained that Fugate was “not the foe of mass transit as he sometimes comes out seeming. But where is the money going to come from when we’ve all these other problems.” [Yeager, Deborah Sue, and Lynton, Stephen J., “Va. Road Unit Excludes Aid for Metro,” *The Washington Post*, October 5, 1975]

Fugate appeared on October 9 before northern Virginia legislators at a budget conference in Richmond. He explained that the 1974 appropriation of \$15 million conflicted with State law on how highway trust funds could be used. In reply to a question, he said, he was “prepared to see the law changed” to allow use of the gas tax revenue for transit if the General Assembly came up with additional funds and “can develop an equitable division of funds.”

Delegate Vincent F. Callahan, Jr., of Fairfax said, “I took it as an oblique commitment to cracking the road fund for transit.” However, Delegate Dorothy S. McDiarmid, also of Fairfax, said, “I think he will support use of the money for transit, although he was a little wobbly about it at points.” [Edwards, Paul G., “Fugate Won’t Oppose Aid to Mass Transit,” *The Washington Post*, October 10, 1975]

*Star* editors admitted that Fugate’s “freshest exercise in government gamesmanship” was not a surprise. After all, Governor Godwin had referred to Metro as a “boondoggle.” Not, the editors stated, that Fugate needed encouragement from the governor. Fugate “had been awaiting an opportunity to show the rambunctious urbanites of Northern Virginia who has the clout.” His exclusion of the transit funds “looks vindictive” and like “mischievous harassment.”

The result was that northern Virginia legislators would have to “expend time and energy at next year’s session in another of the rural-urban skirmishes that annually are a main event down there,” where rural legislators took tax revenue from heavily populated northern Virginia to build roads elsewhere in the rural parts of the State:

But Mr. Fugate has expressed his pique effectively. As the protests roll in from jurisdictions along the Potomac River, he probably is humming the song from the movie

Nashville that goes, “It don’t worry me . . .” [“Mr. Fugate’s Mischief,” *The Washington Star*, October 10, 1975]

Governor Godwin appeared to endorse Fugate’s view during a press conference on October 10. He said he had not decided whether to include the \$15 million in his budget proposal to the General Assembly in 1976. However, the *Post* reported that “he endorsed the position of his top transportation adviser, Douglas B. Fugate, that the General Assembly will have to change existing law before Fugate can recommend transit spending in his Highway and Transportation Department budget.” He said he was “not aware of any agreement” between Fugate and legislators in 1974 “to carry forward the mass transit appropriation” in the recently submitted VDHT budget.

As for Metro, he said:

It must be pretty evident to everybody that rail transit in the Washington area is almost a financial disaster. The cost is unbelievably high. It may cost as much as \$6 billion to build, even more, together with an operating budget of staggering proportions.

He added that, “The people all across Virginia may not want to support it” since it would not benefit anyone outside northern Virginia. [Edwards, Paul, “Godwin Hints No Metro Aid,” *The Washington Post*, October 12, 1975; Associated Press, “Godwin Sees an End to Budget Cutbacks,” *The Washington Star*, October 12, 1975]

On October 14, the *Post* and *Star* interviewed Theodore C. Lutz, Deputy Under Secretary of Transportation with oversight of Metro’s finances. He said that Secretary Coleman planned to send a plan to the White House that involved using Federal highway funds to cover most of the

\$1 billion cost overrun for Metro. The plan, which involved finding additional funds to help finance principal and interest payments on long-term bonds, was designed to remove financial obstacles to paying the \$4.6 billion cost of Metro.

The Interstate withdrawal-substitution mechanism was one of the chief sources of new revenue:

Shifts of U.S. money from highways to the Metro subway are regarded by federal and some local officials, nevertheless, as the easiest means of solving Metro’s multibillion dollar troubles, partly because such transfers do not require legislation.

One estimate predicted the transfers would amount to \$1.5 billion, but Lutz pointed out that the Federal-Aid Highway Amendments of 1974 had, in response to the energy crisis, revised the substitute funding entitlement. The base cost of a withdrawn route under the most recent ICE would be increased or decreased in accordance with variations in the cost of construction:

Lutz said this could mean a 60 per cent increase nationally and as much as a 300 per cent boost in the District of Columbia’s federal highway money because of faster rises in construction costs here.

The Department was still working on calculations of the impact of the provision, but Lutz thought the “amount may be sufficient to cover Metro’s \$1 billion overruns in construction costs,” as the *Post* summarized:

Among other points, Lutz noted that the department will ask Metro officials to carry out “hard-nose construction cost economies” to save money and avoid further overruns. He said the department probably will offer to pay for a study of possible local tax measures to help finance the Maryland, Virginia and D.C. governments’ shares of anticipated operating losses and revenue bond payments. Some officials already have suggested regional gasoline, sales or other taxes to help finance these costs.

He added that WMATA needed to let the public know about the cost savings. “Metro has got to show the public it is making some cost savings to offset the ballooning of the economy.”

General Graham had established a special committee to find savings. Thus far, the committee had identified a potential \$40 million in savings, but they had not yet been presented to WMATA’s board of directors.

Debt service also had to be addressed. WMATA estimated that service on its 40-year bonds would reach \$90 million a year by 1984. The *Star* pointed out that “Metro officials originally hoped to repay the bonds out of the fare box, [but] they now concede it will not be possible.”

As noted, the District, Maryland, and Virginia had different priorities:

Virginia has refused to shift federal highway money to aid mass transit. Maryland has agreed to such transfers, but only to modify Metro routes in Maryland. D.C. officials have threatened to block further shifts of highway funds unless Virginia and Maryland accept similar moves. [Lynton, Stephen J., “Ford to Get Plan to Keep Metro Alive,” *The Washington Post*, October 15, 1975; Crosby, Thomas, “Tough Decision For Area: Highways or Subway,” *The Washington Star*, October 15, 1975]

Metro’s financial strain prompted varied reactions among the partners in its construction. First, WMATA had increased the cost estimate to \$4.6 billion, leaving a \$1.5 billion gap since the previous estimate of nearly \$3 billion. Then they admitted what almost all observers had said, namely that fare receipts could not cover the estimated \$2.5 billion in principal and interest payments on the long-term bonds. As the *Post* pointed out, “Another source of money is needed to repay the debt.” These problems were compounded by the losses WMATA was experiencing on Metrobus:

The subway is expected to lose more than \$100 million in its first five years. The bus system is expected to lose almost \$52 billion this year and the annual deficit is projected to rise to \$86.5 million by 1980.

One option was an annual increase in subway fares, “already regarded as likely to be the world’s highest.” Such increases might be necessary, but “almost certainly will face political opposition.”

Nevertheless, Metro was “pressing ahead, with a display of determined optimism . . . . Work is underway on almost half the planned system, some of it virtually completed, and new construction contracts soon will be let.” General Graham had told the board earlier in October, “There’s no question that we’re moving relentlessly – like a giant flywheel.”

In the District of Columbia, “the skyrocketing Metro costs are adding a new burden to an already-strained city budget.” They favored a regional tax to finance construction and authority to tax nonresident commuters for the services they received in the city.

Maryland had “poured millions of dollars into the Metro system,” but was now facing shortfalls in its gasoline tax revenue in the aftermath of the energy crisis. The State also had to address “mounting financial troubles over Baltimore’s proposed rail system.” The result was that State officials warned “they are running low on funds to bail out Metro.” Maryland officials had not been convinced by Metro’s assertions that it eventually would stop losing money. Governor Mandel said, “I think there’ll be an operating deficit and I think that operating deficit will increase every year.”

Montgomery County Executive Gleason, who had served on the WMATA board, called the outlook “perilous,” if not “chaotic.” He said, “This has shaken the confidence of a lot of people.”

Virginia Governor Godwin had once called Metro a “boondoggle,” but “suburban county and city governments are so worried by its rising costs that they have asked for a delay in the start of subway service, now scheduled for January, unless the financial problems are solved.” Arlington County Manager Bert Johnson said, “I look upon these increases in cost as inevitable – and inevitable means horrendous.” The counties in northern Virginia had their own take on the situation:

Arlington County officials warn that the county already is spending more for Metrobus service and subway construction than for police. Fairfax County officials say that, while Fairfax can more easily absorb the Metro costs, they are still big, comparable to county spending for fire protection. Fairfax City officials say Metro costs are now equivalent to 20 cents on the city’s real estate tax rate and will rise to 31 cents by 1980. [Lynton, Stephen J., “Metro’s Problems Are Baffling,” *The Washington Post*, October 20, 1975]

Metro officials met with Secretary Coleman on October 23 to discuss options for addressing the financial shortfalls. After the meeting, Chairman Alexander of the WMATA board, said, he was “very optimistic” that solutions will be found.

Governor Godwin remained skeptical. He had heard estimates that Metro could cost between \$6 billion and \$7 billion and had learned of fears in northern Virginia jurisdictions about meeting their obligations for construction of rail rapid transit. He said, “For Virginia to try to bail out Metro, we can’t do that.” He added, “It would be awfully nice if we could afford it,” he said. “But it would be awfully nice for everybody in Virginia to have a turkey every day and a Cadillac.” As for operating costs as high as \$200 million a year, he said, “There is no way as

governor of Virginia that I can commit the resources of this state to a project containing such a projected deficit.”

A delegation of northern Virginia officials had met with Governor Godwin and VDHT Commissioner Fugate to request that any unspent funds for I-66, should they materialize, be spent in northern Virginia. The local officials came away with the impression that the Governor agreed to keep the funds in their jurisdictions. He even seemed to indicate some of the funds resulting from a withdrawal-substitution action might be used for Metro construction. He made clear, however, what he did not support:

I am opposed to taking the I-66 money and just flopping it over and adding it to Metro, because we have other problems there [in northern Virginia]. [Kelly, Brian, “Godwin Appears To Ease Stand On Metro Funds,” *The Washington Star*, October 24, 1975]

Although Secretary Coleman delayed submitting a plan to the White House for completing Metro, reports indicated he was considering a plan based on a cost of \$4.65 billion to complete Metro. The *Post* reported on October 24 that the plan would provide 80 percent of the funds needed to solve Metro’s problem:

It is uncertain, however, whether Coleman’s proposals will be accepted by the White House, Office of Management and Budget and Congress.

Two sources, who asked not to be identified, said this week that Coleman believes U.S. aid should be provided to finance 80 per cent, or \$2 billion, of some \$2.5 billion due in principal and interest payments on long-term Metro bonds. Local governments would be required to pay the remaining \$500 million.

A “knowledgeable source” indicated the Department “now believes that federal highway money should be used to finance all current cost overruns on construction of the planned \$4.6 billion, 98-mile Metro subway systems,” amounting to about \$1 billion. [Lynton, Stephen J., “Coleman Favors U.S. Aid to Metro,” *The Washington Post*, October 24, 1975]

One thing that Secretary Coleman and Governor Godwin agreed on was that Metro construction costs should be held to \$4.6 billion. On November 5, they met in Richmond to discuss the governor’s concerns about the financial problems. Secretary Coleman told reporters, “We have agreed that whatever happens in Metro, the \$4.6 billion should be it.” The figure, he said, included “normal inflation,” so any additional overruns could be avoided.

Earlier that day, General Graham disclosed in congressional testimony that the cost had increased by \$200 million to \$4.65 billion. [Lynton, Stephen J., “Metro Subway Cost Estimate Raised Again,” *The Washington Post*, November 6, 1975; Taaffe, William, “Guess What! Price Of Metro’s Up Again,” *The Washington Star*, November 6, 1975]

These matters were very much on Chairman Natcher’s mind as he greeted District officials on November 13, 1975, for hearings on the District of Columbia appropriations for FY 1976. Mayor Washington and Chairman Tucker as well as budget and other city officials were present, but this panel did not include a representative of WMATA or the highway agency. After

discussing other issues, Chairman Natcher, who now referred to Mayor Washington by his elected title, asked, "Mr. Mayor, can you tell me what the rapid rail transit system will cost?" Mayor Washington tried to defer an answer until WMATA could respond at a later hearing.

Undeterred, Chairman Natcher asked if Mayor Washington had "any idea, as to a guess at this time." The mayor replied that the costs were "highly speculative and there are some assumptions," but he would prefer to defer an answer. He added:

Now, Mr. Chairman, I am well advised that each year you have calculated the cost, and I must say, each year you have come closer and closer, as the costs have escalated. I might want to ask you what your current figure is.

Chairman Natcher was not at all hesitant. "I am going to tell you, Mr. Mayor, the current figure was the same that we gave you in November of last year, \$6 billion." He then launched into a long discussion of the escalating cost estimates and his warning that "you have heard me say a dozen times, you could not retire a single bond out of the fare box." His litany included newspaper articles such as a Jack Eisen article from a year earlier that began:

Representative William H. Natcher (Democrat-Ky.), whose prediction of the rising cost of building Washington's rail rapid transit system initially outraged Metro officials but later proved more accurate than theirs, has come up with a new figure: \$6 billion.

[Eisen, Jack, "Natcher Puts Metro Cost at \$5 Billion," *The Washington Post*, November 28, 1974]

After a presentation on the issue that takes up about 13 pages in the hearing record, Chairman Natcher concluded:

Again, I want to say to the Mayor of our Nation's Capital and the officials of the Washington Metropolitan Area Transit Authority that the figure of \$4.65 billion will not construct the rapid rail transit system consisting of 98 miles and the Washington Metropolitan Authority should take another look at the cost of this system and simply tell the people who will have to pay the taxes to carry this burden that this System will ultimately cost over \$5 billion and will probably go as high as \$6 billion. [District of Columbia Appropriations for 1976, Hearings before a Subcommittee of the Committee on Appropriations, U.S. House of Representatives, 94<sup>th</sup> Congress, 1<sup>st</sup> Session, Part 1, General Operating Expenses, pages 28-41]

During testimony on November 18, Richard W. Gutmann of the GAO informed the House Committee on the District that the cost of Metro construction would be at least \$4.8 billion and could be considerably more. In response to questions from reporters after the hearing, Gutmann agreed that it could possibly increase to \$6.1 billion. "I think it's possible that could happen." General Graham disagreed, saying the current estimate was \$4.65 billion, with a contingency factor of \$467 million that would increase the total estimate to \$5.1 billion. [Lynton, Stephen J., "Cost of \$6 Billion Forecast for Metro," *The Washington Post*, November 19, 1975]

On December 5, General Graham, Chairman Alexander, and other members of the WMATA board appeared before Chairman Natcher's subcommittee. Before the witness testimony began, Chairman Natcher once again went through the history of cost increases that he had predicted and introduced news reports and editorials in support of his predictive abilities.

At the end of this recitation, he recalled a letter that General Graham had sent on November 20, 1974. In it, General Graham stated that the latest estimate was \$4.454 billion. He referred to the conference at Airlie House on November 21-23, 1974, stating that area officials were gathering to consider the cost increases "with the objective of providing additional funding on a schedule that will keep construction moving at the maximum possible rate so as to minimize escalation, which in the latest estimate now amounts to \$1,856 million."

Chairman Natcher recalled that he had replied on November 21, 1974, to suggest:

General Graham, the figure of \$4,454,000,000 will not complete the 98-mile rapid rail transit system, and again I would like to urge that you and the members of the Authority take another look at the cost of this system and simply tell the people who will have to pay the taxes to carry this burden that the system will ultimately cost about \$5 billion and unless there is some change the figure could go as high as \$6 billion. [pages 1385-1386]

Speaking to General Graham, Chairman Natcher said, "I think this would be a good time to tell us whether there is an estimate of an increase in cost since your letter to me of November 20, 1974."

General Graham introduced his prepared statement, which described the progress of Metro, current activities, and plans for the next year. As for the total cost, his statement indicated the current estimate was \$4,650.7 million.

Regarding the Interstate transfer plan, he said that the escalated value of withdrawn routes thus far was \$592.1 million:

Of this, \$286.6 has been approved by the Urban Mass Transportation Administration for construction purposes in fiscal 1976. A second increment is being processed and discussed with UMTA prior to submission to the District of Columbia government in the escalated amount of \$305.5 million. These highway funds totaling \$592.1 million matched by local funds of \$147.9 million, together with Federal and local matching grants of \$102 million would produce a total funding of \$842 million in fiscal 1976. However, approximately \$697 [million] of this total will be committed during 1976 with the remainder of \$145 million applied to the fiscal 1977 construction program.

General Graham testified briefly about the status of work before the day's hearing ended for the weekend. [pages 1354-1369]

When the hearings resumed on Monday, December 8, General Graham responded to Chairman Natcher's discussion of cost increases on December 5:

You put your evaluation on the matter and there is no doubt you have shown a great ability at crystal balling our costs. I don't know how you achieved this; how you foresaw the inflation of 1973 followed by the stagflation of 1974, but in any case, we recognize your record of prediction.

As for WMATA's year-old estimate of \$4.5 billion, General Graham pointed out numerous changes that had occurred since then resulting in the new estimate of \$4.650 billion. He said, for example, "At the time we made the \$4.5 billion estimate, we were thinking a decision would be made on I-66." That decision, which would affect the cost of constructing Metro whether the highway was built or not, was still pending. Another delay affecting the estimate was occurring because of location issues on the Branch Avenue line, relating to its terminus, and the Greenbelt route, relating to the location change approved on July 28, 1975. He said, "it looked as though we could proceed into final design, hearings had been held, but that was not to be":

We are hopeful by July of 1976 there will be some decision as to a road in that corridor, I-66. We have added 18 months of delay to that estimate. We have added 18 months of delay for the Branch Avenue and Greenbelt routes.

General Graham pointed out that other major projects also experienced significant increases, including the Interstate System. He cited a statement by Administrator Tiemann, who said that even with 87 percent of the Interstate System open, 30 percent of the estimated total cost remained to be funded. Tiemann had added, "And this does not take into account the effects of the last 21 months' inflation," which could mean that about 37.6 percent of the cost was unfunded.

He concluded his testimony by promising:

We will continue to try to give you the most accurate financial estimate for the Metro System. We feel we owe the Congress and the local governments that consideration so they can fix their planning. But it is extremely difficult to look ahead.

Chairman Natcher had only a few comments and questions for General Graham, beginning with:

I hope that is a firm figure and we will be able to complete this system. As you have heard me say at other times, I think it is going to cost \$6 billion. I hope I am wrong.  
[pages 1375-1397]

Perhaps the lack of aggressive questioning was the result of General Graham's decision, announced on December 4, to step down as General Manager. Professor Schrag discussed the reasons:

Jackson Graham saw his job falling apart. He was disgusted by any suggestion of studying alternatives to the complete system, arguing that a truncated system could never lure commuters out of their cars, and that additional studies would only delay construction in some counties, which would then envy their more decisive neighbors. He was frustrated with his deteriorating ability to control WMATA's fractious board, which

was forming executive committees to steal some of his power. He was dismayed that President Ford was less supportive than his predecessors. He was sixty.

He had assembled an excellent staff and held them together through all the controversies afflicting rail construction and operation of the bus system:

He had gotten the first, and more difficult, half of the system under construction and brought the first 4.6-mile segment to where only a lack of working rail cars stood between it and operation. He had brought Metro within sight of the Promised Land and was ready to leave it at that. [Schrag, pages 183-184]

He had submitted his resignation to the board on Thanksgiving Day 1975, but did not announce his decision until December 4, attributing his decision to “personal reasons.” The *Post* quoted a rhyming comment in his Thanksgiving letter of resignation: “My quest after some rest and fest is to test a nest in the West.”

In discussing his decision, he “hinted yesterday that the timing of his announcement was partly linked to the skyrocketing subway costs.” He said he hoped his retirement would help Metro win additional congressional support.

His departure, set for January 31, 1976, prompted WMATA to launch “a worldwide scramble – and I mean worldwide” to find his replacement, according to WMATA spokesman Pfanstiehl. [Lynton, Stephen J., and Klaidman, Stephen, “Graham Quits Subway Post,” *The Washington Post*, December 5, 1975]

Now, after the brief questioning on December 8, Chairman Natcher concluded:

I have no further questions, but before yielding to Mr. Young, I want you to know, General Graham, that all through the years it has been a pleasure dealing with you. You have established an outstanding record not only in the Corps of Engineers but as a man. It has been a pleasure dealing with you, and being just as frank as I can be, I am sorry to see you retire and leave the Authority. [page 1398]

### **The Fading Freeways**

On May 7, 1975, U.S. District Judge Gasch had ruled that the District of Columbia must pay \$350,000 to Head Construction for its work on the Three Sisters Bridge before the stop-work order. The payment included reimbursement for work completed before the order, interest on that amount while the suit was pending, and \$106,000 in possible profits the company lost because it was unable to complete the contract.

The District had disputed the claims for work done and the company’s “anticipated profits”:

Judge Gasch rejected the claim that the city was not liable for the lost future profits, saying the city “knew full well that there was controversy surrounding the Three Sisters bridge. It knew that pressure had been exerted upon the District of Columbia City Council to concur in the building of the bridge.

“It knew that the bridge had already been the subject of litigation seeking an injunction. Yet it went forward with this contract without making any specific provision” that future legal action might halt the project.

Since the delay resulted from the failure of the U.S. Department of Transportation to follow its procedures, Judge Gasch anticipated that the Federal Government would pay 90 percent of the award, as it would have paid for construction of the bridge. [Robinson, Timothy S., “Court Tells District to Pay for Bridge,” *The Washington Post*, May 8, 1975]

With that action, the Three Sisters Bridge was, in effect, dead.

On December 18, Acting Director Schneider, Acting Deputy Director O’Donnell, and other transportation officials appeared before the subcommittee. Chairman Natcher pointed out his longstanding support for a balanced transportation system in the District that included freeways and rapid rail transit. He reminded Schneider of the prediction that the cost of Metro would go to \$6 billion and said of the freeway network:

Nearly all of the freeway projects that you people in the District government – I would say the people in the District government at the time the Interstate Highway System was developed – asked for have been stricken. Nearly all of them are no longer in the program. They did not get underway, and are not even being considered for construction . . . You only have one project under the original freeway system underway.

Schneider confirmed that only the Center Leg was actively being worked on.

Chairman Natcher asked for the status of freeways in the District. Schneider replied:

Mr. Chairman, the I-70-S and I-95 connections from Maryland, the North Central Freeway and the Northeast Freeway have been deleted. The Secretary of Transportation took the action to take those off the system in October. The District’s Federal entitlement amounting to \$286,000 [sic] has been transferred to Metro, which is the money Metro is using to keep construction going from last June, or July, when their money ran out. We also requested that the K Street tunnel be deleted . . . because – there are a number of reasons. One is it would have a very disruptive effect on the businesses along the alinement.

He continued his status report:

### Three Sisters Bridge

Now the Three Sisters Bridge . . . no longer has a connection, even if they are going to build something in the I-66 corridor. The latest word is if there is going to be a road in there at all, it is going to be less than full freeway standards. In any case, the plan apparently no longer contemplates the spur to the Three Sisters Bridge.

That indicates to us that the Three Sisters Bridge is no longer necessary and we probably will want to take the position that that ought to be deleted.

## Potomac River Freeway

The Virginia situation also has affected the Potomac River Freeway, I-66.

That is the one that would connect from the Three Sisters Bridge down to the south leg. That was planned to be an eight-lane tunnel. We have been talking about reducing that to a four-lane tunnel because of the fact that it no longer would connect to the Three Sisters Bridge and it would not serve the same kind of traffic demand. We have been even considering that perhaps a tunnel would not be a wise choice. That is because while the tunnel takes the traffic away from sight, it is a very, very expensive matter to maintain.

## Center Leg Freeway

The center leg is costing us something in the neighborhood of a million dollars a year for maintenance. I think in these days of austerity that that is probably something we had better take a very close look at, because we would have that maintenance problem in perpetuity. That is one of the reasons we thought the K Street tunnel was no longer well advised, again another \$1 million annual cost possibly.

## South and East Leg Freeways

The south leg has been tabled because, while we were preparing to go ahead with the construction on that, it was felt it would cause a disruption during the Bicentennial, in a very sensitive spot for the Bicentennial visitors. So that was shelved.

The east leg and the south leg are under review at the moment but not under very active review. Within the new Department of Transportation, we are still in the process of getting our priorities organized. I expect that we will have a full-fledged review of the south leg and of both sections of the east leg for purposes of determining their need and whether or not we ought to build full freeways in those corridors.

## Industrial Freeway

Now, we have also suggested to the City Council that the Industrial Freeway, which is not now on the system, is on our local plan for highways and streets, but it is not on the interstate system. We have suggested that it be put on the interstate system for purposes of preserving the entitlement to Federal funds it would cost as a freeway. However, we don't expect a full freeway in that corridor is going to be either necessary or called for.

Our main problem, as we see it there, is to furnish a facility for rapid movement of mass transit vehicles – in this case it would be buses – and also trucks.

That corridor out there is the prime candidate for redevelopment as an industrial park, for light industrial use. It is our feeling that we ought to try to provide some priority access for trucks into that facility so that industrial users will be attracted to the area.

We want to try to provide an advantage for moving goods in and out. We are talking about not really an industrial freeway, but a busway, truckway kind of facility and perhaps an upgrading of New York Avenue to better accommodate the automobile traffic. So I guess my answer to the question is that in general we are reviewing the whole situation to see where our special needs are, where we are going to need freeway facilities, where we are going to need something less than that and how it all fits in with the emerging Metro system.

Questioning moved on to other aspects of the new department's general needs, but near the end of the session, Representative Claire W. Burgener (R-Ca.) asked if the route west of the Rayburn House Office Building was I-95. Schneider confirmed that it was and elaborated on the city's plans:

The original [plan] was designed to tie into the freeway system that would come down the north central and northeast, which have been deleted; then another section of the so-called north leg which has not been constructed. I think ultimately that center leg will be tied into this industrial freeway corridor that we are talking about, not a freeway, but some kind of a specialized roadway for buses and trucks and some automobiles; it will tie into the complex but probably not to another freeway. [District of Columbia Appropriations for 1976, Part 2, pages 976-1030]

By then, Maryland, Virginia, and the District of Columbia had agreed on a series of Interstate changes to provide connectivity within the metropolitan area despite the absence of planned freeways:

- Eliminated I-70S from its terminus at the intersection of I-95 in the District to the intersection of the Capital Beltway (I-495) in Maryland.
- Eliminated I-95 as an Interstate route from the intersection of I-295 in the District to the intersection with the Capital Beltway in Maryland.
- Redesignated I-95 as I-395 from the intersection of the Capital Beltway in Virginia to the intersection of I-295 in the District.
- Relocated I-95 onto the Capital Beltway from the intersection of I-95 and I-495 in Virginia, then northeasterly along the eastern portion of I-495 to the intersection of I-95 and the Capital Beltway in Maryland.

At Maryland's request, U.S. 50 from the Capital Beltway to Annapolis was designated I-68 (this number would later be shifted to the National Freeway from Cumberland, Maryland, to Morgantown, West Virginia; U.S. 50 was redesignated I-595, although Maryland does not display the Interstate number).

These changes provided an imperfect connection for I-95 traffic. Northbound and southbound traffic on I-95 could remain on the East Coast's main street by looping through interchanges with the Capital Beltway in Maryland and Virginia that were not designed for the traffic. In coming decades, Maryland and Virginia officials would periodically reconstruct the interchanges to handle the traffic more efficiently. The problems were especially acute in Virginia where the

interchange of I-95, I-395, and I-495, known as the Mixing Bowl, had to sort streams of Interstate traffic, traffic using high occupancy vehicle lanes, and traffic bound for local destinations.

Links between I-95 and the District were more problematic. In Virginia, renumbered I-395 (still part of the Shirley Highway) within the Capital Beltway provided an easy route into and out of the city. However, I-395 was a spur in the city that would eventually end on New York Avenue without a freeway connection to northern areas of the city. From Maryland, motorists could enter the city by exiting the I-95/I-495/Capital Beltway onto the Baltimore-Washington Parkway. The parkway ends where motorists had a choice of using New York Avenue to reach I-395 in the city or congested District Route 295 leading to I-295 east of the Anacostia River, with interchanges into the city. New York Avenue took motorists into the city on a congested roadway; the Industrial Highway conceived by city planners was never built to divert bus and truck traffic from the avenue. Neither option was ideal, even with subsequent upgrades to New York Avenue and Route 295, but they have had to suffice ever since.

On December 29, 1976, Mayor Washington asked Secretary Coleman to withdraw the Three Sisters Bridge (I-266) over the Potomac River to the Virginia State line and the I-66 K Street Tunnel between I-266 and I-395. The two routes totaled 2.5 miles. Mayor Washington said the request was based on future Metro rail capabilities. FHWA Administrator William M. Cox and UMTA Administrator Charles F. Bingham approved the request to withdraw these routes from the Interstate System on April 29, 1977.

This withdrawal released \$392 million for substitute projects. About \$344 million was to be used for Metro construction, with the balance going to other road and bridge improvements in the city. In reporting this information, the *Post's* Douglas B. Feaver used a phrase he had used a few years earlier:

The Three Sisters Bridge, a once locally famous proposed Interstate highway project . . . was killed the third or fourth time yesterday. This time it looks unusually permanent.

Announcement of the death of a project that had long-since been regarded as abandoned by highway officials came from Mayor Walter E. Washington. [Feaver, Douglas B., "Three Sisters Highway Project Is Killed – Again," *The Washington Post*, May 13, 1977]

This time, the phrase "unusually permanent" was accurate. I-266 and the Three Sister Bridge were dead.

On August 7, 1978, Mayor Washington asked Secretary of Transportation Brock Adams to withdraw portions of the East Leg (I-295) and North Leg (I-395) freeways, a total of 4.7 miles. Mayor Washington's letter explained that the change to I-295 would leave a gap that the city had not yet decided how to close:

The withdrawal of the upper section of the East Leg Freeway likewise will not interfere with the connectivity of the Interstate System. It remains for us, however, to determine which of several options we will implement to provide a permanent terminus of I-295. A

connection, for example, of I-295 with Kenilworth avenue would close a gap in our existing expressway network and provide for a logical terminus of I-295.

FHWA Administrator Karl S. Bowers and UMTA Administrator Richard S. Page approved the request on September 8, 1978.

On December 19, 1979, the TPB essentially killed the Potomac River Freeway in Georgetown and the South Leg Freeway in front of the Lincoln Memorial across the Tidal Basin to a connection with the Southwest Freeway (I-395). The *Star* pointed out that:

The fate of the proposed highways, which had been debated for almost two decades, was resolved in less than two minutes by the Metropolitan Washington Council of Government's Transportation Planning Board. It voted unanimously against building the roads.

The formal burial will come next year when the D.C. City Council and the mayor officially request that the \$550 million set aside by the federal government to build the two roads be used for Metrorail construction.

Director Schneider said a recent restudy showed "major new highway capacity is not necessary" in the two corridors. (The *Star* added that these days, "The District has an avowed anti-automobile and pro-transit policy.")

The assistant director, James E. Clark, said of the TPB's vote that, "It's a very clear indication that there won't be any more freeway construction in the city." He anticipated that the substitution funds "will put Metro on a firm financial footing for several more years, construction-wise." [Crosby, Thomas, "D.C. Kills 2 Highway Proposals," *The Washington Star*, December 20, 1979]

The District's second elected leader, Mayor Marion S. Barry requested the withdrawal of a

1.7-mile segment of the South Leg Freeway portion of I-695 between I-66 and I-395 on April 30, 1980. On August 27, 1980, FHWA Administrator John S. Hassell and UMTA Deputy Administrator Lillian C. Liburdi approved Mayor Barry's request.

These actions left a few very short Interstate segments to be withdrawn. On January 27, 1982,

Mayor Barry acted to withdraw the westerly 0.6-segment of I-266/Potomac River Freeway between the planned Three Sisters Bridge terminus and I-66/Key Bridge. FHWA Administrator Ray A. Barnhart and UMTA Administrator Arthur E. Teele approved the withdrawal on June 28, 1982.

Mayor Barry proposed withdrawing the final segments of the Interstate System on May 19, 1983, namely the remaining .52-mile segment of I-266 and a .25-mile segment of I-66 within the interchange area of I-66 and I-266. On August 19, 1983, Administrator Barnhart and Acting UMTA Administrator G. Kent Woodman approved the withdrawal.

Overall, the estimated base value at the time of withdrawal for the District's freeways was nearly \$2.197 billion, with \$1.963 billion going to transit projects.

With these withdrawals, the District of Columbia's designated Interstate network was 13.71 miles long consisting of:

I-66 – 1.48 miles

I-95 – 0.11 miles (the portion of the original Woodrow Wilson Memorial Bridge on the Capital Beltway crossing the southern tip of the District of Columbia across the Potomac River)

I-295 – 7.25 miles

I-395 – 3.48 miles

I-695 – 1.39 miles.

### **Completing the Center Leg Freeway**

One of the city's main remaining Interstate actions was to complete the Center Leg segment of

I-395 between its terminus at Massachusetts Avenue and New York Avenue. The city had completed the segment to Massachusetts Avenue in 1973. Work on the extension came to an end due to runaway inflation in 1978 when the District ran out of funds to install lights in the tunnel, put tiles on the walls, and pave the road with asphalt. The Center Leg tunnel extension gained the nicknames "Highway to Nowhere" and "The Pit."

Unable to complete the segment, the District used it as a parking lot for city employees. Half of the tunnel was allocated to NPS as parking for tour buses that were banned around the same time from Pennsylvania Avenue near the Capitol and White House. The *Post* described the situation in 1982:

The other half of the tunnel, with space for more than 100 passenger cars, also is fenced off with an "Authorized Personnel Only" sign. Here, employes [sic] from the parking bureau two blocks away pull past the gate in their blue and white patrol cars – or are dropped off by coworkers – each afternoon to exchange the vehicles for their own cars, which they park there for free in the morning . . . .

Located near the closed road are police headquarters, the courts and many other local and federal government offices. For many people who work there, every delay in transforming The Pit into the highway is a blessing.

By anyone's measure, the parking fee is practically a gift: 25 cents for three hours, the only such long-term rate in the downtown area. But a count this week showed that more than half the 200 parking meters originally installed on the six-lane lot are missing. [Bruske, Ed, "D.C. Freeway to Nowhere: Free Parking," *The Washington Post*, April 10, 1982]

The District revived the Center Leg project in 1984 with \$6.5 million in city and Federal-aid funds. The Federal-aid funds had long been available, but the city had not set aside its \$650,000

share. The city planned to open the tunnel in April 1986, but “it was delayed in part because a water pipe burst last winter, heavily damaging electrical equipment needed to operate tunnel lights and exhaust fans,” as the *Post* explained.

By December 1986, the asphalt pavement was in place and white ceramic tiles had been installed. Work on the light fixtures and ceiling panels was underway:

On top of the tunnel, a long-planned housing project is rising. The \$9 million, eight-story structure, sponsored by Mount Carmel Baptist Church, is to include 133 apartments, some of them available to low-income families at federalized subsidized rates.

The [housing] project is due to open in June. [Lynton, Stephen J., “After 8-Year Wait, Last Segment of Center Leg Freeway Nears Completion,” *The Washington Post*, December 10, 1986]

On December 15, 1986, the city opened the southbound tunnel between Massachusetts Avenue and New York Avenue at 11 a.m. Southbound motorists would no longer have to turn left from New York Avenue to take Fourth Street, NW., to the open Center Leg segment – passing the entrance ramp to the Highway to Nowhere. [Baker, Peter, “Center Leg of I-395 No Longer ‘Highway to Nowhere,’” *The Washington Times*, December 15, 1986]

The northbound lanes opened on February 7, 1987, completing the \$36.5 million project. The city planned to remove the barriers in the morning, allowing several hours for workers to paint new pavement markings. The city did not hold a ceremony to open the tunnel. [Lancaster, John, “D.C. Freeway Stretch Will Open Today,” *The Washington Post*, February 7, 1987]

## **The Death of I-66**

In September 1974, FHWA had asked the VDHT to “further ameliorate” the adverse impacts of I-66, particularly the 10-story section, on the local community. FHWA also wanted the State to reduce the number of lanes to six (from eight) and prohibit trucks from I-66 between the Capital Beltway and the Theodore Roosevelt Bridge.

According to Rex Wells, chief of FHWA’s Environmental Development Division, FHWA would approve I-66 if the State redesigned the freeway in accordance with the three objections. He predicted that the redesign would take between 6 months and a year. One question to be studied was how diverted traffic would affect parallel U.S. Routes 50 and 29/211.

The trade association for truckers, the Virginia Highway User’s Association, strongly objected to the truck restriction. Executive Vice President E. H. Williams said, “The trucking industry pays more than its fair share of taxes to support the interstate system, and no one should prohibit their use on an interstate highways.”

He questioned whether such a restriction was legal for the Interstate System and if any other Interstate segment had such a restriction. According to FHWA, the restriction would be legal if

truck traffic could use a parallel route. Such a restriction had been approved for I-680 near Berkeley, California.

Emilia Govan told reporters that FHWA's request for the modifications "has demolished the proponents' own justification for the highway." In her view, the changes meant that I-66 would no longer provide one of its supposed benefits, namely reducing commuter traffic on local streets. [Shaffer, Ron, "Suggestion of Limiting I-66 to Cars Angers Truckers," *The Washington Post*, September 21, 1974]

On September 25, 1974, TPB voted to remove I-66 inside the Capital Beltway from the regional transportation plan. The board voted to remove I-66 despite testimony by VDH Deputy Commissioner Harwood that failure to construct the freeway would increase the cost of Metro by \$50-54 million. Arlington County Board member Munsey said those figures were "fanciful – no one knows what those costs might be." Any additional cost for Metro could be met by transferring funds via the withdrawal-substitution provision from I-66 to Metro. The remaining substitution funds could be used for an expanded bus system and other mass transit improvements that would get commuters between the Capital Beltway and Washington just as fast.

Harwood pointed out that if Secretary Brinegar approved withdrawal of I-66, the substitution funds would be used mainly on other Interstate highways in Virginia, such as completion of I-264 and I-664 in the Tidewater area.

TPB Member Lee M. Rhoads of Falls Church said, "That sounds like a threat to me." Citing the State motto ("Sic Semper Tyrannis," Latin for "Thus Always to Tyrants"), he told Harwood, "We will not be stepped on . . . the people will make this decision." Harwood replied that he was not making a threat, but simply describing the situation.

Munsey did not think Governor Godwin would react in a punitive way, as if to say "Sorry, boys, you did not let us have our road and therefore we're not going to do anything about meeting the transportation needs of Northern Virginia." The vote, in essence, formalized the TPB's February 1974 "expression of sentiment" against the highway. However, Munsey could not guarantee the result would be what those voting for the measure wanted. "It's not a package deal . . . . Given the fact, as everyone in this room knows well, that we're having some trouble paying for our current Metro commitments, there is some doubt that the transit elements of that package would ever be built."

Metro Deputy General Manager Quenstedt told TPB, "Have courage, gentleman. We're going to build it, if it should be built. Have faith."

Actually, no one was sure what the action would mean. The TPB could not request withdrawal of I-66; under the law such a request would have to come from Governor Godwin, a strong I-66 supporter. He also would determine what to do with the substitution funds. At the least, Munsey argued, the vote would at least strengthen the position of I-66 opponents. In any event, "Laws say what the courts say they mean, when you're all done." [Shaffer, Ron, "COG Board Votes to Remove I-66 From Region Transportation Plan," *The Washington Post*, September 26, 1974;

Kast, Sheilah, "On-Again, Off-Again I-66 Now Off of COG's List," *The Washington Star-News*, September 26, 1974]

The District of Columbia's representatives had voted with the majority to remove I-66 from the regional plan. Mayor Washington said he supported their action.

Meanwhile, Delegate Fauntroy wrote to Secretary Brinegar to urge rejection of I-66 to "protect the environment and the welfare" of the city. Construction of I-66 inside the Capital Beltway would "lead to an intolerable level of traffic on our streets and bridges." It also would "ruin our scenic parkland and seriously increase air pollution in the District of Columbia." [Shaffer, Ron, "Fauntroy Urges I-66 Rejection," *The Washington Post*, September 27, 1974]

Fearing Federal rejection, State highway officials developed a "fallback" strategy of building I-66 as a toll road without Federal funds. State Senator Omer L. Hirst of Fairfax County prepared a bill for that purpose for consideration in the 2-month 1975 session of the General Assembly. Because the General Assembly had demonstrated support for I-66, he predicted "no problem with the General Assembly. I feel they will pass this bill." Anti-I-66 Delegate Melnick of Arlington feared his colleague might be right. "A lot of people [in the General Assembly] are prohighway," he said. "If a bill came up to pave over Northern Virginia it would probably pass."

Senator Hirst said he prepared the bill, in part, with Metro in mind. If I-66 were not built, Metro would have to acquire its own right-of-way through Arlington County, relocate utility lines, and pay for grade separation structures with cross roads. The cost, he said, was "incalculable at this time but obviously it is a very substantial sum of money." Virginia highway officials acknowledged on December 19, 1974, that they had refused to review Metro's design plans between East Falls Church and Vienna in the absence of a decision on I-66.

Munsey objected, arguing that Hirst's bill was "an attempt to subvert the normal transportation planning process and federal environmental impact requirements." James Govan called the bill "a Gestapo-like tactic." Hirst countered, "I'm sure some people will read sinister things into this bill, but it is simple: Let's build the road with state funds if we can't with federal ones, but let's build it." [Crosby, Thomas, "Virginia May Build I-66 As Toll Road Without U.S.," *The Washington Star-News*, December 20, 1974; Shaffer, Ron, "Arlington Toll Road Urged," *The Washington Post*, November 22, 1974]

VDHT submitted its new design to FHWA in late November. "We've done what they've asked us to do," Harwood told reporters." The *Post* described the redesigned facility:

Under the new design, a slight shift southward in the highway right-of-way, a response to the elimination of the double-deck segment along Spout Run Parkway, would require the destruction of a four-story building in the Ancient Oaks complex at 2515 n. 20<sup>th</sup> Rd.

This would force the relocation of about 150 people, mostly moderate-income families, according to the new design study.

Munsey's immediate reaction was that, "We don't need to lose any more moderate-income housing in Arlington; we have moderate-income people who need to be housed."

Emilia Govan called the new design “a last resort. And it’s still unacceptable.” [Shaffer, Ron, “Modified I-66 Design Razes Apartment, Eliminates Deck,” *The Washington Post*, November 30, 1974]

In early 1975, Delegate Melnick revealed that he had discovered a flaw in the toll plan. The Interstate withdrawal-substitution provision of the Federal-Aid Highway Act of 1973 included a condition requiring the Governor and cosigned to commit not to build a toll road in the corridor. If the State attempted to build the route as a toll road, it would lose up to \$180 million in Federal-aid Interstate funds, and not receive the substitution funds for other purposes. Delegate Melnick wrote to inform Governor Godwin of this loss. [Flor, Lee, “Va. Warned on I-66 Plan,” *The Washington Star-News*, January 4, 1975]

On January 29, Senator Hirst withdrew his bill authorizing a toll road in the I-66 corridor. He said he did so because he found that Virginia already had the authority to build the toll road. [Kelly, Brian, “Va. Senate Oks No-Fault; Toll Road Bill Withdrawn,” *The Washington Star-News*, January 30, 1975]

As noted, the delay while officials awaited Federal action on the new I-66 design also held up VDHT’s review of Metro’s design for use of the median. In the meantime, the delay was costing WMATA an estimated \$37,500 a day or \$13.5 million a year. The *Star* explained the basis for this calculation:

The money problem arises because both Metro and the Virginia Department of Highways felt that work on I-66 would begin on Dec. 15. Metro then calculated this date into its construction schedule and because of the delay it is expected that service to Metrorail stations at East Falls Church, West Falls Church, Dunn Loring and Vienna will not begin before 1980.

According to General Manager Jackson Graham, Metrorail plans will have to be “put on the shelf” until a final decision is made on I-66.

Further complicating the picture is a study ordered by the Fairfax County Board of Supervisors not to build in the I-66 corridor but instead divert the Metrorail line to the Tyson’s Corner area. If such a shift eventually is approved, it could save Metro money because of the mounting costs caused by the delay in the I-66 decision.

The board voted to send a telegram to Secretary Coleman, who was just about to take office, to alert him to the issue.

Arlington County Board member Munsey saw VDHT’s delay in reviewing the Metro design as continued “blackmailing” to get I-66 approved. VDHT, he said, was “using every bit of leverage they can to get this road approved.” [Crosby, Thomas, “Va. Delay Costing Metro a Bundle,” *The Washington Star*, March 7, 1975]

(Beginning February 21, 1975, the newspaper was renamed *The Washington Star and Daily News*, with *The Washington Star* its main banner.)

On March 17, 1975, President Ford was in South Bend, Indiana, in part to discuss the country's energy needs. He met with a group of Governors, including Governor Godwin. According to an account by Fred Barnes:

Godwin, a strong supporter of I-66, complained to Ford about environmental concerns that have held up construction of the road for years. In particular, Godwin said the Transportation Department was tardy in filing its final environmental statement.

Ford responded that he had supported the building of I-66 when he was a member of Congress. He voted to construct the Three Sisters Bridge across the Potomac River near Georgetown, but the President made no offer to take any steps in favor of I-66 now.

Later that month, the White House clarified that while the President favored construction of I-66, he would leave the decision to Secretary Coleman. Press Secretary Ronald Nessen said, "The President is just going to stay out of the whole thing. It is a matter that belongs in the Department of Transportation." [Barnes, Fred, "Ford to Keep Out of Ruling on I-66," *The Washington Star*, March 31, 1975]

In late May, Secretary Coleman announced he would hold a hearing on I-66 on June 21. It would be a 4-hour hearing. During the first hour, he would hear from elected officials who favor I-66 while elected officials opposing I-66 would speak during the second hour. After a half-hour intermission, he would hear from project supporters during the third hour and from opponents in the final hour. According to the *Star*:

Speakers are to be limited to 10 minutes each. If each group cannot agree on who will speak, Coleman said, names will be drawn from a hat. He said the first six drawn will be heard with the rest submitting written comments.

Reaction to the planned hearing was negative. James Govan of ACT said, "We have a gut reaction that anything with the title (public hearing) should be open to one and all." Representative Harris, who favored I-66, said, "That's no way to run a hearing."

Representative Fisher, an opponent, said, "People don't like to be put in a hat and be drawn out." The format would not "allow for a meaningful dialogue." He also pointed out that he been trying for a month to get a meeting with Secretary Coleman to discuss the issues. Secretary Coleman explained that such requests were why he decided on a public hearing:

Starting about a month ago I began to get telegrams, calls and letters from elected officials and private citizens, each of whom wanted to come in and talk to me . . . I didn't know when I could cut it off.

He also was concerned about the appearance of spending more time with either faction.

As for the format, he was thinking like the attorney he was. He said the format was fair because "the Supreme Court of the United States can have the most difficult case and they don't hear more than an hour or two hours" of testimony. If the hearing did not work, "I'm going to try some other method before I make decisions to see if I can't get people involved." [Crosby,

Thomas, "Sec. Coleman to Hold I-66 Hearing June 21," *The Washington Star*, May 31, 1975; Stone, Sue, "Still Another I-66 Hearing," *Fairfax Journal*, May 29, 1975]

Secretary Coleman held the hearing in the Departmental Auditorium at 1301 Constitution Avenue. He told the audience of about 300 that in addition to this hearing, he would accept written statements until June 28 and legal position papers until July 10. He would decide the fate of the proposed 10-mile segment of I-66 by August 1. He emphasized that although President Ford had recently asked him to find \$1.5 billion to complete Metro construction, his decision on I-66 would not be influenced by Metro's financial problems. "It's a separate decision and I want it not to be affected by (the fact that) the deletion of I-66 could be a source of money for Metro."

The *Post* reported:

The hearing yesterday brought out some 60 speakers about evenly divided between pro- and anti-highway stands. Sitting alone on stage in a high-back chair flanked by a map of the proposed I-66 route[,] Coleman questioned the speakers[,] instructing their spirited supporters that he came "to gather information first hand not to listen to applause."

. . . Coleman asked supporters and opponents to supply information on whether the Theodore Roosevelt Bridge was built on the assumption that I-66 would be constructed, whether that bridge could handle the traffic generated by I-66, whether local government can legally override planning decisions made by previous local governing bodies, and what effect the highway would have on the District.

Governor Godwin told Secretary Coleman, "I am convinced beyond all doubt that we must complete this highway." Citing its value for access to Dulles International Airport and western Virginia, he added, "If we had to wait for everyone to agree on every highway project we wouldn't have gotten so much built over the years." As for the withdrawal-substitution option, he said he would find it "extremely difficult . . . to take the position that the funds earmarked for this project should be diverted to mass transit." He said he was more likely to transfer the Interstate funds to routes in the Tidewater area.

State Senator Hirst said that State and Federal airport authorities had told him the route was needed to shift long-distance flights from Washington National Airport to Dulles International Airport.

Munsey of the Arlington County Board told him that, "Because of congestion in rush hour I-66 would be no improvement."

District Councilwoman Shackleton said, "We have reached the saturation point; our streets and parking lots are clogged, our air is foul, our lungs and our skin are burning and still the flood rolls in every morning unabated." All the District connections with I-66 beyond the Theodore Roosevelt Bridge were "in limbo." As a result, "for all practical purposes, I-66 would become one huge parking lot."

Representative Fisher said that 16 years earlier, "highway building was unquestioned; new ribbons of concrete were viewed as solutions to transportation problems." That view was no

longer valid. He said “we have learned” that highways cause problems such as air and noise pollution and the waste of gasoline.

The Reverend Jerry Moore said he was heading a drive to transfer the District’s remaining Interstate funds to Metro. He was “deeply disturbed” that Virginia “continues to ignore this option and to push a transportation facility that will encourage more, rather than less, automobiles.”

Harrison Mann, chairman of Citizens for I-66, pointed out that I-66 had been approved many times over the years. It should not be rejected now by “no-growth people, extreme environmentalists, and ‘automobile-is-outmoded’ enthusiasts.” He complained, “They would have us plow up our existing highways and plant them in daisies.”

Norman Worthington, executive director of the Arlington Chamber of Commerce, suggested that much of the I-66 traffic would be headed toward jobs in Rosslyn and Crystal City, not Washington.

WMATA Chairman Alexander told Secretary Coleman that if I-66 were not built, building Metro in the corridor would cost between \$50 and \$100 million more. However, State Senator Clive L. DuVal II indicated that an amendment to State law would allow WMATA to use the abandoned right-of-way without it being offered back to the previous owners.

Speakers differed on whether the public supported I-66. Several pro-I-66 speakers referred to the polls showing that 70-80 percent of northern Virginia residents supported the highway, but Emilia Govan pointed out that those polls were “open to various interpretations.” Referring to the U.S. Court of Appeals ruling in ACT’s suit, she described I-66 as “an idea whose time has passed.”

Secretary Coleman, a newcomer to the area who had only recently stopped driving from his rented home in McLean to Philadelphia on weekends, needed the map behind him because he had little knowledge of the geography of northern Virginia. The *Star* reported that, “Local Virginia officials spent part of yesterday’s five-hour hearing . . . coaching Secretary William T. Coleman Jr. about points of interest in Northern Virginia.” At one point, he asked, “Springfield, that’s on I-66, isn’t it?” No, Fairfax County Supervisor Herrity told him, “it’s on I-95,” adding that Springfield was where all the traffic that would use I-66 goes instead to connect with I-95. Fairfax City Manager Nathaniel Young needed several minutes to direct Secretary Coleman’s eye to the city’s place on the map (“No, in farther, sir, where Route 50 crosses 236”). Fairfax County Supervisor Martha V. Pennino, after helping Secretary Coleman find Centreville, said, “We welcome you to come anytime and ride with the commuters to the bottleneck at the Beltway and I-66.”)

The *Post* concluded its article:

Coleman, who ran the heavily guarded auditorium like a courtroom, commented little, except to say that he was “utterly impressed” with both speakers and audience. The difference between hearing their arguments and reading the “massive record” on his desk

“is the difference between night and day.” [Shaffer, Ron, “I-66 Completion Decision Set by Coleman for Aug. 1,” *The Washington Post*, June 22, 1975; Kast, Sheilah, “Coleman Comes to Grips With I-66 Problem – Just Where Is It?” *The Washington Star*, June 22, 1975]

By mid-July, a dispute had erupted over what would happen to right-of-way acquired for I-66 if the highway were not built. In legal briefs filed with Secretary Coleman in anticipation of his decision, Virginia Attorney General Andrew P. Miller said the State would have to sell the property, including property acquired for construction of Metro, back to the original owners.

Latto, the project opponents’ attorney, challenged Miller’s opinion. The *Post* explained:

Miller’s opinion appears to step up state government pressure for the road by making the six-mile Metro segment a legal hostage of the expressway. Much of the right of way for I-66 was acquired by the state Highway and Transportation Department before 1965 and 84 per cent had been acquired by the time work on the road was enjoined in 1971.

The rights of way would be sold back to their former owners for the original acquisition prices. The price Metro would then have to pay to buy the land for transit purposes would be much higher since the owners could take advantage of higher current market prices.

“There is no question but that this puts pressure on Mr. Coleman,” Metro spokesman Cody Pfanstiehl said in a telephone interview. “There is no doubt that it would cost us more money and create a long delay if we had to reacquire the right of way.”

Latto, however, did not think the resale issue was a “particularly important problem” because “it is clear that this won’t be necessary . . . .”

Miller and Latto cited identical sections of Virginia law in reaching opposite conclusions about what the law says on resale of land acquired for joint highway-transit purposes.

In general, State law allowed a State agency to hold land intended for highway use for 15 years (not counting litigation delays) before it must be resold, without interest, to any original owner who asks for return of the property. However, State legislation in 1973 (the amendment DuVal had cited) approved Metro’s use of the I-66 right-of-way if “construction of rapid transit shall conform with highway plans and that construction procedures shall be reviewed and approved by the state highway commissioner.”

Miller argued that, “The entire statute contemplates the existence of a highway. Without Interstate Route 66, there can be no median strip and thus no area for mass transit facilities.”

Latto, by contrast, said, “If the highway is disapproved, the only sensible interpretation of this provision is that it would be rendered ineffective by the disapproval of I-66 so that technical compliance with this requirement would no longer be necessary.” The only reason the General Assembly had inserted the conditions in 1973 was to ensure Metro would not interfere with

operation of I-66. If the road were not built, the possibility of interference would disappear, meaning the required approvals by State highway officials would not be an issue.

Latta added, moreover, that the General Assembly could change the vested rights of prior property owners. In fact, he pointed out, State law had been changed in the last session of the General Assembly to allow VDHT to hold the right-of-way without building I-66 for 15 years, instead of 12 years under previous law. Thus, even if Miller were correct in his interpretation of the 1973 amendment, he could be overruled. "If the right of repurchase can be postponed, there is no reason why the legislature cannot modify it further by providing, for example, that the repurchase right will not arise if the land is used for some other public purpose, such as construction of rapid transit facilities or for a public park." [Edwards, Paul G., "I-66 Right-of-Way Question a Possible Snag for Metro," *The Washington Post*, July 15, 1975]

The *Post* came out against I-66 in an editorial on July 24, just days before Secretary Coleman was scheduled to announce his decision. The decision had "already been decided by the elected representatives of the people most directly affected," despite the "fanatical tenacity by the Virginia State Highway Department in Richmond." Since no one claimed I-66 was essential to national defense, the only arguments justifying its construction were that it was essential to interstate commerce and that it was essential to the regional transportation system.

FHWA's proposal to ban heavy trucks meant I-66 was basically a commuter road because "you can't very well serve interstate commerce without trucks." Moreover, the area's TPB had determined that I-66 inside the Capital Beltway was "inconsistent with regional goals and objectives" and removed it from further regional transportation plans:

The basic issue, of course, is whether to continue on the road of recklessly uncontrolled "automobility" or whether Mr. Coleman and the Ford administration are serious about restoring a sensible balance between public and private transportation.

The editors dismissed the argument regarding resale of the right-of-way as having "little legal validity." Building Metro in the former I-66 right-of-way "would no doubt be somewhat more expensive" than building it in the I-66 median:

But the additional cost is in no proportion to the gain in parkland, much needed housing and livability that the final demise of the I-66 project would provide. This is not a decision that can be compromised. A little bit of inadequate freeway makes no more sense than all 10 destructive lanes of it. It is too much to ask the Secretary of Transportation to stand for. His office can afford to risk the wrath of a state highway department in the cause of advancing an emerging, new national transportation policy and of protecting the environmental interests of the people who live in the immediate vicinity. ["I-66: Mr. Coleman's Choice," *The Washington Post*, July 24, 1975]

True to his word, Secretary Coleman announced his decision on August 1, 1975. After describing FHWA's recommended six-lane I-66, with heavy trucks prohibited and Metro in the median, he said:

On the basis of the record and after consideration of the relevant issues of law, fact and public policy, I have decided to disapprove FHWA's recommendation to construct this segment of I-66 under the proposal submitted to me for approval. My reasons for disapproval are that (1) the improvement of existing roads and highways in the corridor and the extension of a Metro line to Vienna constitutes a prudent alternative that will meet the transportation needs of the metropolitan area in a manner which is more consistent with metropolitan development goals and planning objectives, and has fewer long term adverse consequences, and (2) the changed circumstances, including the probable end of the plans to build the Three Sisters Bridge and the adoption of the plan to build Metro, make the plans to build this segment of I-66 as an Interstate Highway no longer suitable.

This has been a difficult decision, which I have made reluctantly, because I have great respect for the important role of state governments in the Federal-aid Highway Program. The VDHT has done a creative and thorough job in designing a proposal for a modern multi-modal facility. But this is simply the wrong time and the wrong place for an otherwise excellent project.

I-66 was part of the Interstate System "– a system designed to connect principal metropolitan areas, cities and industrial centers and to serve national defense." The proposed route did not serve these purposes, "must be considered primarily a commuter road designed to serve people in the Washington metropolitan area," and was "no longer essential to completion of a unified and connected Interstate System." I-66 might alleviate congestion on Arlington streets, but "improved mass transit would provide a greater overall relief from congestion because it would not be a major artery inducing cars onto the Theodore Roosevelt Bridge." If the Three Sisters Bridge were not built, traffic crossing the Theodore Roosevelt Bridge would confront "greatly increased congestion."

Moreover, after reviewing the final EIS, "I have not been convinced that the construction of a six-lane highway would be substantially more effective in meeting the community's transportation than would be some of the alternatives." Moreover, the time "saved by commuters through use of I-66 does not outweigh the adverse impact of the highway's construction."

He pointed out the opposition of local bodies, the District of Columbia, and Federal agencies, including EPA ("it would result in concentrations of CO exceeding standards at various points of concentration"), the Council on Environmental Quality ("the need for the highway is not sufficiently established in view of the substantial adverse local and regional environmental impacts"), and the Federal Energy Agency ("would be inconsistent with the national goals of reducing our reliance on imported petroleum").

He acknowledged the dispute over what would happen to the right-of-way acquired for I-66, but did not consider it a major issue:

Since the estimated cost of the Vienna Metro line is in excess of \$350 million, costs related to I-66 do not appear to be a major part of this total. Over the long term, the presence of an Interstate highway serving the same corridor would divert operating

revenues from Metro, and compete with the objectives of a financially sound mass transit system that will be used by increasing numbers of commuters as they see the advantages of fast, safe, and efficient service.

He added that he had considered the benefit of I-66 to Dulles International Airport:

While construction of I-66 might improve trip time to Dulles Airport, the reduction in time would not be great (probably less than ten minutes) and there is doubt whether there will be any significant improvement during peak commuter hours.

He instructed FHWA to work with State, local, and Metro authorities to review alternative way to improve access between downtown in the District and the airport.

In conclusion, therefore, I disapprove the VDHT-FHWA proposal to build this segment of I-66. I instruct the FHWA to provide every possible assistance to the VDHT in developing any additional proposals, supplementing the “base case”, to improve transportation facilities in the corridor.

He listed several followup actions, including FHWA’s activities to improve access to Dulles International Airport. He also stated:

This decision is without prejudice to any further consideration on the part of the VDHT of the need for a non-Interstate commuter highway in the I-66 corridor if, after consultation with appropriate metropolitan authorities, the state finds it in the best interest of the metropolitan area to build a highway in the corridor, and if the proposal meets all the appropriate legal tests.

He also asked Deputy Under Secretary for Budget and Program Review Theodore “Ted” Lutz to “undertake a review of the financial requirements needed to complete the Metro line to Vienna and report to me on whether there are any impediments to completion of this project and whether the timetable for its completion may be accelerated.”

In addition, he directed UMTA to work with WMATA, TPB, and Virginia officials “to determine whether Federal assistance for any additional mass transit improvements would help to alleviate congestion in the I-66 corridor and make recommendations to me on this issue.”

Secretary Coleman, in his autobiography, discussed the I-66 decision, the “first controversial case I faced.” Although Virginia had submitted “a comprehensive environmental impact statement,” the proposal faced “a lot of opposition to the highway from within the District of Columbia and close-in Arlington County, Virginia, and a lot of strong support from the further-out suburban communities whose residents faced increasing congestion in their commute to jobs in the capital.”

He also had to consider the District’s decision to use the Interstate withdrawal-substitution mechanism of the Federal-Aid Highway Act of 1973 for the Three Sisters Bridge and other unbuilt Interstates, as well as the 1973-1974 energy crisis and the coming of Metro.

“Clearly there were disconnects in the planning of the two neighbors,” the District and Virginia:

On June 21, 1975, I held all-day public hearings and heard arguments by elected officials and organizations both for and against the proposal. After the hearing, I reviewed the extensive record and wrestled with the decision. I asked Don Bliss [Special Assistant Donald T. Bliss] to prepare two written decisions, one approving the project and one disapproving it. I outlined the issues for each and scheduled a press conference to explain my decision. The preceding evening, still at the office near midnight, I called in Don and told him I was going to disapprove the proposal. Although it was a well-designed proposal, this was simply the wrong place and the wrong time to build it. I was concerned that constructing a major new highway to serve peak-hour commuter traffic to an urban center was inconsistent with emerging policies on energy conservation, air quality, noise, conservation of public parks, and the quality of urban living. I was also concerned that an eight-lane highway would generate additional traffic congestion in Washington and promote land-use patterns that would increase reliance on the automobile at a time when we were promoting the use of public transit.

I told Don to add several qualifications to my decision of disapproval. The first was to direct the department to recommend ways to improve access to Dulles International Airport from downtown Washington and to improve public transit alternatives in the corridor that would alleviate congestion. The second was that my decision would be without prejudice to any further modified design proposal by the commonwealth of Virginia to build a highway in that corridor that would meet the environmental and other concerns raised in my decision.

Don pointed out that if I invited Virginia to submit another proposal, I probably would have no choice but to approve it. It simply was not fair to ask the Virginia Department of Transportation to expend millions of dollars in designing a new highway proposal and to disapprove it a second time. I told him that the condition was essential. I would not reject the eight-lane highway proposal without it. [Coleman, pages 259-260]

As he recalled, “reaction to my decision ranged from extremely favorable to extremely hostile.”

Deputy Commissioner Harwood said:

I really feel the people of Northern Virginia are going to be the losers. We’ve been accused of wanting to build a road for the sake of roads, but we felt we needed a facility there.

As for the issue of how Metro could acquire the right-of-way, he said, “This is going to be a right sticky legal question.” It was complicated by the fact that Metro did not need the full width of land acquired for I-66 – it needed only a 50-foot wide strip.

Harwood rejected Secretary Coleman’s suggestion that the State could build a commuter road in the corridor. “The idea of being able to finance a facility that would cost in the vicinity of \$200 million is just out of the question. We just don’t have the money.”

Governor Godwin deferred comment until he had reviewed Secretary Coleman's decision. However, he did not back off on his stated position that if I-66 were withdrawn from the Interstate System, he would use the substitution funds for Interstates in the Tidewater area.

Representative Fisher called Secretary Coleman's statement "a splendid, well-justified decision." As for Governor Godwin's view on the use of substitution funds, Representative Fisher said, "It looks too much like a narrow, spiteful action to peevishly take the money from the part of the state that it was planned to be spent in."

The decision revived talk of the toll option of financing construction without Federal funds. Fugate, however, did not favor that option. "We have a limited amount of state funds and our plans don't include building a road in the corridor without Interstate funds." The only thing he would say of the toll option was that it was "a possibility." One thing was clear: he did not want to use the Interstate withdrawal-substitution mechanism to benefit Metro construction. "Interstate highway money should be used for Interstate construction."

The funds should be transferred to other Interstate projects in the State. Fugate pointed out that the Department of Transportation had transferred Interstate funds earmarked for withdrawn Interstates in Maryland to other Interstate projects in the State. He pointed out gaps in the Tidewater area, such as gaps in I-264 between Norfolk and Portsmouth and I-664 between Hampton and Portsmouth. "The people who live in those areas are intensely interested in getting mileage to fill those gaps. They want it and want it badly." His position was "absolute," but he could not predict what the Virginia Highway Commission would decide.

Chairman Alexander of the WMATA board said, "Taxpayers in the area are getting tired of paying more and more for Metro. The obvious alternative . . . is to shift the funds earmarked for I-66 to the Metro system."

WMATA's Quenstedt pointed out that for years, the issue had been whether to build I-66. Now that the issue had been decided, "Now you get into all the technicalities."

Alan H. Magazine of the Northern Virginia Transportation Commission agreed:

One of the biggest problems in the state of Virginia is the fact that Fugate is a czar when it comes to highway planning and highway money. I think it's time someone should do something about removing him or get checks and balances for his decision-making powers. He's an appointed bureaucrat who has more power than most elected officials in Virginia, and I think it's absurd.

Deputy Undersecretary Lutz pointed out that Virginia, Maryland, and the District had about \$1.7 billion in Interstate construction funds that could be transferred to Metro as a partial solution to WMATA's financial problems. Ultimately, however, the decision was a State prerogative:

We can't say "no, you can't do that because we'd rather see the money transferred to Metro." We can't legally do that. Clearly the (state) government under the federal highway aid statute has tremendous power. If he [Governor Godwin] wanted to thumb

his nose at a certain part of the electorate in Northern Virginia, he could just about do that.

As for ACT, Emilia Govan, one of *Washingtonian* magazine's 10 Washingtonians of the Year in 1974, recalled how she and her husband had begun fighting I-66

We knew the highway was coming, but we didn't know its impact. We began to find we couldn't get any information on it. We asked the highway department about the noise, and they said, "Well, we'll put up a chain link fence," and we said that's not enough, and they said, "We'll cover it with ivy." That's the kind of insensitivity we faced.

An unnamed ACT member said of the Coleman decision, "We could have written it ourselves. And we probably did."

(In addition to Emilia Govan, the 1974 Washingtonians of the Year included Senator Eagleton, Mayor Washington, *Post* journalist William Raspberry, and the local radio team of Frank Harden and Jackson Weaver.)

[Shaffer, Ron, "Coleman Bars I-66 Between Beltway and Potomac," *The Washington Post*, August 2, 1975; Kast, Sheilah, "I-66 Rejection: More Problems Than Solutions," *The Washington Star*, August 2, 1975; Lyons, Douglas C., "Revenue Bond Toll Road Eyed For N. Virginia," *The Washington Post*, August 4, 1975; Shaffer, Ron, "Va. Aide Wants

I-66 Funds held From Metro Use," *The Washington Post*, August 5, 1975; Kast, Sheilah, "Ruling on I-66 Uncovers Some Strange Bedfellows," *The Washington Star*, August 7, 1975]

An editorial in the *Post* said that Secretary Coleman had turned down an I-66 roadway "that would have dumped still more combustion engines and their poisonous exhausts on an area that is already choking and smarting and has clearly reached the automotive saturation point." Now that "this seemingly endless freeway controversy is settled," the highest priority was to build the Metro line to Vienna. The Interstate withdrawal-substitution mechanism in the Federal-Aid Highway Act of 1973 offered the means "to help speed Metro":

So far Gov. Mills E. Godwin has declined comment on the use of highway funds for Metrorail construction. On reflection, however, the governor will surely not want to deny the citizens of his state the benefits – in jobs and other economic advantages, to say nothing of relieving highway traffic and air pollution – that speedy completion of the North Virginia Metro line would bring about. ["The Good News About I-66," *The Washington Post*, August 4, 1975].

Commenting editorially on the decision, the *Star* recalled the long history of the I-66 controversy. During that 20-year period, public attitudes had changed, leaving "a dearth of middle ground" on the project:

On one side, like Horatius at the bridge, has stood Virginia's powerful highway commissioner, Douglas Fugate, adamantly supporting the completion of I-66; opposing him with increasing muscle has been a coalition of citizen and government forces that has

grown into an effective lobby. The Interstate-66 issue, even more than the heated dispute over the Three Sisters Bridge, has become a classic chapter in the assault on the dominance of the automobile.

The *Star*, as the editorial acknowledged, had long supported I-66:

But now that the project has been deep-sixed – apparently for good – we can only hope that the rejection will galvanize transportation officials in our cross-jurisdictional territory: The lack of cohesive planning and action is leading this area to major trouble. It is not the notion of a madman that, in the foreseeable future, much of the metropolitan area could be turned into a waste-sink for air-borne pollutants – witness our severe air-quality problems right now.

As for State officials calling for the I-66 funds to be transferred to other Virginia Interstate projects, the *Star* agreed with Representative Fisher's comment that Governor Godwin's leaning in that direction "looks too much like a narrow spiteful action to peevishly take the money from the part of the state it was planned to be spent in." The *Star* hoped FHWA would consider the area's transit needs in considering what to do with those Interstate funds. "Metro must have a quick infusion." ["Unlinking Interstate 66," *The Evening Star*, August 6, 1975]

On August 7, Governor Godwin met with legislators from northern Virginia to discuss how I-66 substitution funds would be used. They wanted the funds to stay in northern Virginia. After the meeting, Governor Godwin told reporters, "The state has formulated no position on the matter." He said he would look for ways to use the Interstate funds from the Highway Trust Fund in northern Virginia before agreeing to the transfer of equivalent general Treasury funds to Metro. "If all of this money is diverted to Metro, it would leave Northern Virginia's traffic problem unsolved."

He said he told the delegation that State officials were "trying to approach the problem on every sound basis we know," adding, "But we want to keep our options open," as Associated Press explained:

Godwin noted that the Tidewater area "would love to have it" and Fugate said it could be used to expand the beltway now only partially complete around Richmond.

The governor said one alternative might be to try to use the money in Northern Virginia to either improve existing highways or build new ones. But he added that it would take congressional action to alter the existing disbursement formula under which federal interstate highway funds are made available.

The problem, Fugate pointed out, was that the Interstate withdrawal-substitution provision "clearly does not permit use of interstate highway funds for any other kind of highways." A change in the Federal law would be needed. As for that, Governor Godwin said, "I suppose anything is possible, but that would seem to be a remote possibility."

In response to the Governor's position, State Senator Leroy S. Bendheim of Alexandria, said, "It is clear that we are whistling in the dark if we think all of that money is going for Metro. Maybe

some of it, but certainly not all.” [Edwards, Paul G., “Godwin to Try to Use I-66 Funds in N. Va.,” *The Washington Post*, August 8, 1975; “Godwin: No Stand On I-66 Funds Yet,” Associated Press, *The Washington Star*, August 8, 1975]

The death of I-66 prompted the *Post* to interview the freeway’s chief opponents, Emilia and Jim Govan. In the 5 years of their freeway battles, Emilia said, “I’ve lost the use of a lot of space in the house,” which was located in Arlington at 1423 North Buchanan Street, five blocks from the rejected freeway. “Books, papers, boxes of papers, they’re everywhere. We got so we had to have two electric typewriters around just to keep up with the work.” With I-66 dead, she was hoping to reclaim some of the space.

Jim joked, “We couldn’t take it for two more years. We don’t have any more room to store our propaganda.” In a more serious tone, he added, “It was a very worthwhile effort. We obviously had results.” The accompanying photograph showed them in front of their home holding one of their large placards that read: ACT OR BE PAVED. I-66 NO!

The Govans met at Columbia University while pursuing graduate studies in political science. She was “the gregarious girl with the Brooklyn accent, he the Midwesterner with the flat voice from Harrisburg, Ill”:

He is a prematurely grey bespectacled man of 38, introspective and professorial. An official in the African bureau of the Agency for International Development, he is low key and soft spoken . . . .

Emilia Govan (37) attracts more attention. She is dark, engaging, volatile, quotable. A mother of two, she was working on her Ph. D. dissertation, a project she soon dropped when the I-66 fight arose. I-66 thrust her into the spotlight as it disrupted their peaceful suburban life.

They were unprepared for what they encountered during their successful battle against I-66:

“We’ve both taught political science in college (he at Williams College, she at Trinity College in Washington) but what we ran into is totally different from what we taught our students,” James Govan says.

“In the classroom, you teach what the laws are. But the fact that there is a law on the books doesn’t mean that’s the way things work. There’s no way to learn in a text book, for example, that the highway commissioner runs the state of Virginia. What we’ve dealt with are the innards of the system – the rules and regulations, the bureaucrats who run things on a day to day level.”

They found unresponsive bureaucrats, officials unwilling to take stands, and information hard to come by. At the start of the fight, Emilia said, “It was like citizens had never asked for this kind of information before [and] we were basically viewed as a public nuisance.”

As the *Post* recalled, they had been called “gooks,” “radicals,” and “misguided environmentalists” who “want to stop everything that moves.” Horace Mann of Citizens for I-66

described them as “no growth people, extreme environmentalists who think the automobile is outmoded . . . . They would have us plow up our existing highways and plant them in daisies.”

“Balding and bespectacled” Deputy Commissioner Harwood, 59 years old, had been with the State highway agency since 1935. Although he lived in Richmond, he had become so closely associated with the freeway, the *Post* said, that he was known as Mr. I-66. Harwood said:

I’ve spent a lot of time on it [I-66] and on studies and in the Washington area. We tried to cooperate with people but it was frustrating because we ran into so many roadblocks.

During public hearings, he chose his words carefully. “Despite heavy pressure from the highway’s opponents, Harwood never lost his temper. Instead, his face would grow dark as he carefully marshalled his words when replying to the sometimes heated attacks on the highway.”

A few days before the Coleman decision killed I-66, Harwood told the *Post* that I-66 was “almost a must if you are going to have any decent mobility in that area. All those communities are so committed to Metro that they can’t think rationally.”

In the end, he regretted that highway officials had “waited years for Metro to see if they wanted to go down the median. If we hadn’t waited we could have had this highway construction underway by now.” Thinking back, he said, “If we had it to do over again, we wouldn’t have been so cooperative.”

Still, the Govans had earned his grudging respect. On the one hand, they “represent a very small, but vocal minority. They seem to have an obsession with I-66. They think we’ve been unresponsive because we don’t hold the same view as they do.” On the other hand, he had to admit, “They’ve certainly put up a strong fight. I don’t think we’ve ever run up against anyone so persistent. They just don’t give up.”

As Harwood had said, the Govans had a different view. Emilia said, “This simply is not a good transportation facility to be building in the 1970s. We’ve reached a cross roads. This is the time when we have to say, ‘Stop building highways.’”

A reporter asked her what advice she would give to others trying to fight a planned highway:

The question catches her off guard. She mulls it over for a full minute, sitting in an old chrome and red leather chair in the living room. She glances at her husband across the room. Finally, she says:

“You have to tell people they have to be persistent.”

The important point was that I-66 inside the Capital Beltway was dead.

[Shaffer, Ron, and Nunes, Donnel, “5-Year Fights Ends in Victory for I-66 Foes,” *The Washington Post*, August 2, 1975; Peterson, Bill, “For the Govans, the Road To Victory Is Unpaved,” *The Washington Post*, August 21, 1975]

## **Upgrading the Baltimore-Washington Parkway**

When Maryland and the District of Columbia decided to withdraw I-95 from the Interstate System between the Capital Beltway and North-Central Freeway/Center Leg Freeway, they expected that I-95 traffic would access the city using the Baltimore-Washington Parkway. One way of making the connection was for traffic to link with the parkway via the Capital Beltway, which might have to be widened in Prince George's County to handle the traffic volumes. An alternative was that Maryland would build a connector between I-95 in the vicinity of Laurel and the parkway. Both options were based on plans to upgrade the Baltimore-Washington Parkway to Interstate standards while the District built the Industrial Parkway in the New York Avenue corridor to carry Interstate traffic between the parkway and the Center Leg Freeway. Through traffic on I-95 that did not need to go into the city would stay on the Capital Beltway between the Maryland and Virginia interchanges.

Section 146 of the Federal-Aid Highway Act of 1970 had authorized funds from the Highway Trust Fund, not to exceed \$65 million, "for reconstructing to six lanes the section of the Baltimore-Washington Parkway in the State of Maryland under the jurisdiction of the Secretary of the Interior to the geometric and construction standards for the National System of Interstate and Defense Highways." The funding was contingent on the Secretary of the Interior and the State highway department entering into an agreement that "upon completion or reconstruction the Secretary . . . will convey without monetary consideration" the parkway to the State. In addition, the State was to put the parkway on the Federal-aid primary system before expending the funds under Section 146. (The Interstate System is part of the primary system.)

As noted earlier, to reach agreement, Maryland and NPS officials, with FHWA's help, had to resolve issues such as: Which agency would provide police service and maintenance during construction when NPS would still own the highway that Maryland was reconstructing?

On June 9, 1972, NPS, Maryland, and FHWA completed an agreement under Section 146. The agreement provided for:

Maryland would place the parkway on the Federal-aid primary system and proceed with reconstruction in accordance with Federal-aid requirements;

Maryland and FHWA would agree on scheduling of work and other details;

All parties would pursue the project "expeditiously with the intention of completion of the entire Federal section within 48 months from the date of the award of the first construction contract";

FHWA would reimburse Maryland for all costs from the sums Congress authorized;

NPS would be responsible for maintenance of the parkway until construction and maintenance contracts were awarded, at which time "maintenance responsibility of the National Park Service for that segment of the Parkway shall terminate";

NPS would police the Federal section of the parkway “until such time as all or part of the Federal section is conveyed to the State of Maryland,” at which time the State would assume police jurisdiction;

Upon completion of reconstruction, NPS would convey the parkway to Maryland.

(The agreement also provided that NPS would transfer “all right, title and interest of the United States in the Suitland Parkway” to Maryland upon enactment of legislation authorizing the transfer, providing funds for reconstruction, and concurrence by the State on “the nature, extent, and standards” for reconstruction. This provision, not included in Section 146, was not carried out; the Suitland Parkway remains an NPS facility.)

The plan required comparable upgrading of the State section of the parkway in the vicinity of Baltimore to connect with I-95 in the city.

Maryland planned to engage a consultant to study two schemes for the Federal section of the parkway. Under one scheme, the parkway would be upgraded to full Interstate standards. Under the other, the parkway would be upgraded but only to the limits that the authorized \$65 million would allow. The contract would cover the environmental review and public hearings. However, the State did not award the consultant contract for 2 years.

On July 3, 1974, the Maryland Board of Public Works approved a \$1.2 million contract awarded to a team headed by Systems Design Concepts, Inc., which was headed by former Federal Highway Administrator Lowell K. Bridwell. The consultants would undertake preliminary engineering and other studies to determine how many lanes the reconstructed facility would have, including one option of six lanes with two reversible lanes in the middle.

Assistant State Transportation Secretary David H. Fisher, who had been involved in difficult negotiations about the parkway for 4 years, considered the contract a major step forward. Aside from the reconstruction to Interstate standards, he acknowledged that the project would address the main complaint about the parkway. The joints between concrete segments had sprung; the bumps and potholes turned the parkway into what Fisher called “one of the poorest roads” in the State from “an overall service point of view”:

The present concrete sections of roads are really in bad shape. The parkway needs major structural improvements. But we very much want to maintain the parklike nature of the road. The real problem is deciding how to do it.

He could not predict how long the consultants’ studies would take, but reconstruction would not begin until the late 1970s, at the earliest. [Rascovar, Barry C., “Baltimore-Washington Parkway Study Approved,” *The Baltimore Sun*, July 4, 1974; Barbash, Fred, “Widening of Parkway Is Projected,” *The Washington Post*, July 4, 1974; Rowland, James B., “Parkway Widening Pact Okayed,” *The Washington Star-News*, July 4, 1974]

On November 6, the MSHA held a “project initiation meeting” to allow the public to ask questions about plans for the parkway. M. Slade Cartrider, MSHA’s district engineer for the Washington suburbs, told the 100 or so people in the auditorium of Greenbelt Junior High

School, about the consultant's study of alternatives ranging from major widening to leaving things as they were.

As Jack Eisen put it, "A long-dormant proposal to widen the Baltimore-Washington Parkway . . . encountered a hostile reaction last night." Officials of towns along the parkway – Bladensburg, Cheverly, and Greenbelt – "conceded that some improvement to the 25-year-old parkway may be needed, but said the road should not be widened or opened to truck traffic." Mayor Susanna Cristofane of Bladensburg said "the parkway was a victim" of the decision to kill the extension of I-95 into Washington. Cheverly Councilman Joseph B. Jochum said the widening "would constitute a serious threat . . . because of the resulting air and noise pollution." Gil Weidenfeld, mayor pro tem of Greenbelt, said, "If . . . widening is necessitated by the proposal to use the parkway for I-95 traffic, such a use is opposed."

James Repace of the Prince Georges Environmental Coalition, called on MSHA to establish a citizen's advisory committee. MSHA should initiate "a rollback of the study to the beginnings" in July; that is, to start over.

Eisen characterized the comments as "subdued in their tone of delivery," but added, "not one of perhaps two dozen questioners indicated support for the project." [Eisen, Jack, "Parkway Widening Opposed at Meeting," *The Washington Post*, November 7, 1974]

The *Sun*'s James D. Dilts, who had reported extensively on the Baltimore freeway controversies, concluded after a similar project initiation meeting in Linthicum that another "highway battle is brewing" over the parkway proposal. He interviewed one of the opponents, Rhea L. Cohen of the Sierra Club and executive coordinator for the Regional Transportation Study Committee, who said the committee's purpose was "to force the local and state agencies to look at transportation planning on a regional level." She told Dilts that 32 highway lanes connect Baltimore and Washington – in Prince George's County alone. "We want the parkway to be improved – the on-off ramps and safety factors." She thought access into Washington was adequate, especially in view of the planned rail rapid transit for the area.

State Highway Administrator Bernard M. Evans did not agree with Cohen that adequate access was available for the Washington area. "There are more cars on [the parkway] than it wants to handle – furthermore, it is dangerous." The consultants were studying a range of options, adding that the last thing MSHA wanted to do was "turn [the parkway] into a Ritchie highway mess instead of the gorgeous parkway that it is."

(According to a 1987 two-part article in the *Sun*, Ritchie Highway, named after former Governor Albert Ritchie (1920-1935), was "envisioned as a pleasant, tree-shaded boulevard" between Baltimore and Annapolis. It opened on April 26, 1940, "with a grand parade of military bands, marching units and floats through the streets of Annapolis":

Barely six months after Ritchie Highway opened, a State legislative council report complained of "a conglomeration of structures," and "commercial and residential exploitation of the roadside" that was threatening "the state's newest road."

(In the absence of access control, every parcel fronting the highway had access to it. The result was that by 1987:

Ritchie Highway has become a nightmare of neon, fast food, malls and exhaust fumes. The traffic lanes are crammed with lines of cars and trucks that stretch out and squeeze together like the bellows of an accordion as they crawl from one light to the next . . . .

The State Highway Administration . . . ranks Ritchie Highway as one of the most dangerous roads in the State. [McCord, Joel, "Ritchie Highway: Showpiece Is Now a Nightmare" and "Creeping Commercialism Spelled Doom for Ritchie Highway's Boulevard Look," *The Baltimore Sun*, February 15, 1987])

Bridwell told Dilts the study would take about a year, after which public hearings would be held. If the parkway were widened by one lane in each direction, Bridwell pointed out, MSHA would not have to tear down the steel and reinforced concrete bridges faced with natural stone that contributed to the parkway design. [Dilts, James D., "Battle Brews on Widening of Baltimore-D.C. Road," *The Baltimore Sun*, December 9, 1974]

On April 6, 1975, Bridwell's team recommended that in addition to the plan simply to resurface the parkway without widening, MSHA should consider five proposals:

Reconstructing it into a triple roadway, with a six-lane arterial, plus a two-lane busway in the middle;

Widening the entire parkway to six lanes for all traffic, including automobiles, buses, and trucks (at present, only the section from Annapolis Road/Maryland Route 450 into the District had six lanes);

Widening the parkway to six lanes for automobiles and buses, but not trucks, with special bus lanes added south of Maryland Route 450;

Widening the parkway by two lanes and permitting trucks, without special bus lanes; and

Widening the parkway by two lanes, permitting all traffic, while adding special bus lanes to Maryland Route 450.

The MSHA planned to present the recommendations at two workshops to receive public comments. Eisen concluded that the proposals "seem sure to generate controversy." [Eisen, Jack, "5 Plans Offered for Parkway Widening," *The Washington Post*, April 7, 1975]

As Eisen predicted, the workshops were attended by what the *Sun* called "an audience of nonbelievers":

. . . citizens challenged the "credibility" of the road planners. They also disputed the need for two parallel interstate highways, Interstate 95 and the parkway . . . .

“We’ve been lied to all down the garden path before,” said a Linthicum man who refused to give his name . . . . Citing Prince Georges county residents’ successful battle against extending I-95 inside the Capital Beltway, several citizens said the widening plan represented an effort to turn the parkway into “the major north-south artery” between Baltimore and Washington as well as the route for “East Coast traffic.” [“Plan to Widen D.C. Parkway Stirs Protest,” *The Baltimore Sun*, April 19, 1975]

The *Star*’s editors joined the citizens in opposing the reconstruction project:

The Maryland highway people seem intent on transforming the Baltimore-Washington Parkway, one of the few roadways in this area that has aesthetic merit, into another barren concrete apron – like Interstate 95. That would be an abomination. At some point in our slavish accommodation of the automobile, we must begin to balance values, and very soon.

The editors favored simply resurfacing the parkway or improving the present four lanes to Interstate standards of interchange and safety design. “However, other proposals are grotesque.” They “would be nothing less than a despoilation, a bureaucratic vandalism.” NPS, which “has been anxious to shed jurisdiction over its 19 miles of the parkway for years,” would accept almost anything Maryland proposed. “But the federal government will be grossly negligent if it accepts a ravaging of the parkway’s splendid pastoral sweep as the price for ridding itself of an inconvenience.”

The editorial concluded:

By all means resurface the parkway; by all means upgrade safety features. But isn’t it clear by now that trying to solve traffic problems by adding more lanes to more roads is not the answer? We fear the end result may recall Tacitus’s comment about the rapacious surges of the Roman Empire on its frontiers: “Where they make a desert, they call it peace.” Substitute “Progress” for “peace” and worry for the future of the Baltimore-Washington Parkway. [“Threat to the Parkway,” *The Washington Star*, April 23, 1975]

While Maryland officials decided how to proceed, Congress agreed in December to a proposal by Representative Long to appropriate \$5.7 million to resurface the Federal parkway to accommodate Bicentennial traffic. The work, which began in April 1976, included paving repairs with a surface of asphalt over the existing concrete, all-weather shoulders, and some new guardrail. NPS planned to maintain two-way traffic throughout the construction period, but only one lane would be open in each direction for much of the day. The exceptions would be peak periods, Sunday afternoons, and holiday weekends. Repaving would be completed in October 1976.

In June 1976, MSHA decided to study three of the alternatives in greater detail:

- (1) Rehabilitate bridges and roads, plus safety improvements, without new lanes (\$46.3 million, but increased to \$104 million if new interchanges were included);
- (2) Retain four lanes for most of the parkway, but extend the six lanes section from

- Maryland Route 450 to the Capital Beltway (\$162 million); and
- (3) Widen the entire parkway by two lanes, with some of the added capacity restricted to buses and carpools (\$204.2 million).

In addition, MSHA had asked Congress to appropriate \$6.9 million of the authorized \$65 million to begin the reconstruction. The House Committee on Appropriations turned down the request. Its report on the Department of Transportation and Related Agencies Appropriation Act, 1977, stated, "Since work on . . . resurfacing is currently under way, the committee does not feel there is an urgent need to reconstruct the parkway." [Eisen, Jack, "Parkway Rebuilding: 1 Step Forward, 1 Back," *The Washington Post*, June 10, 1976]

MSHA announced in July 1976 that it had decided not to allow truck traffic on the parkway. Instead, MSHA officials had narrowed consideration to three plans that they said would cause the least damage to the parkway's wide scenic median: (1) a "no build" alternative that would upgrade the parkway to current design and safety standards; (2) widen to six lanes only the section of the parkway outside the Baltimore and Capital Beltways; and (3) widen the parkway to six lanes between Baltimore and the Capital Beltway, allow trucks between Baltimore and the Baltimore-Washington International Airport, and widen the parkway to eight lanes between the Capital Beltway and the District.

The *Sun* explained:

Extensive truck service on the 22-year-old road was rejected in the consultant study because of the congestion problems it would cause and also because trucks can now operate on the under-utilized section of Interstate 95, which parallels the parkway.

The consultants also discounted plans for widening the parkway to eight lanes because it would add further congestion to local Washington roads, would divert traffic from I-95 and would severely damage the parkland portions of the route.

Systems Design Concepts estimated that the draft EIS would be completed in April 1976, with the final EIS scheduled for September 1976. MSHA estimated that construction of the selected alternative could not begin before 1979 or 1980. [Rascovar, Barry C., "Parkway Plans Narrowed," *The Baltimore Sun*, July 5, 1976]

The MSHA was unable to resolve the conflicts involved in converting the parkway to Interstate standards. However, MSHA could not use the \$65 million authorized in 1970 for any other purpose. Accordingly, on August 18, 1978, while the Senate considered the pending Federal-Aid Highway Act of 1978, Senator Mathias introduced an amendment:

#### Baltimore-Washington Parkway

Sec. 146. Section 146(a) of the Federal-Aid Highway Act of 1970 is amended (1) by striking out "to six lanes" and (2) by striking out "for the National System of Interstate and Defense Highways" and inserting in lieu thereof a comma and "agreed upon by the Secretary of Transportation and the Secretary of Transportation of the State of Maryland, which preserve the Parkway characteristics."

Senator Mathias informed his colleagues that this amendment reflected an agreement FHWA had worked out with the Maryland Department of Transportation:

The 1970 legislation stated that the roadway was to be rebuilt to interstate standards, which meant a significant widening of the roadway and interchanges, additional lanes, and a high cost. This would mean a substantial change in the character of the Parkway.

Subsequent planning, environmental reviews, and citizens [sic] participation concerning the rebuilding of the Parkway led highway planners to conclude that the parkway-like setting should be retained. As many of my colleagues know, the Baltimore-Washington Parkway is one of the more pleasant roadways linking Baltimore and Washington with its green spaces, trees, and buffers from the adjacent urban areas.

His amendment “simply authorizes” FHWA and MSHA to decide on the appropriate standards to apply to reconstruction “in keeping with the parkway nature of the roadway.”

Two leaders of the Committee on Environment and Public Works endorsed the amendment. Senator Bentsen, manager of the Senate bill, called the amendment “an admirable thing to do” to protect “a beautiful parkway.” Chairman John H. Chafee (R-RI) said:

Mr. President, let me say this is not only an excellent amendment, but it makes one wonder why it is necessary, why we are so bogged down in bureaucracy that in order to maintain a beautiful highway like the Baltimore-Washington Parkway, we have to have a special act of Congress in order to retain its beauty and yet have it deemed an interstate road. It makes us wonder about some of the procedures around here.

I commend the Senator from Maryland for his amendment. I am delighted that the beauty of that road can be preserved.

The amendment was adopted without objection. [Federal-Aid Highway Act of 1978, *Congressional Record-Senate*, August 18, 1978, page 26943]

The provision survived as Section 130 of the Surface Transportation Assistance Act of 1978. President Carter signed the legislation on November 6, 1978 (P.L. 95-599).

In early January 1980, Caltrider, by then the State Highway Administrator, and FHWA were discussing the scope and costs of a proposal for parkway improvements. However, the most comprehensive proposal under consideration would cost about \$150 million, with MSHA then responsible for maintenance costs of as much as \$100,000 a year after NPS transferred the facility to the State. This option, favored by MSHA, involved widening and resurfacing the Federal segment, strengthening and paving shoulders, and rebuilding some interchanges for safety reasons. Caltrider emphasized that this option would retain the facility’s “parklike setting.” The additional lanes would be built in the median, which he said had been graded to accept additional lanes when the parkway had been built.

The no-build option was still under consideration, along with the minor improvement option (widening the Federal parkway to six lanes, resurfacing it, and making safety improvements such as lengthening merging areas for interchange access).

The *Sun* reported:

The state highway administrator said yesterday that he has told federal officials “unless we can get a full-scale rejuvenation, I’m not in favor of taking it over.”

He added that the maintenance costs would be “a drain on Maryland taxpayers” and that he considered “voiding the take-over agreement.” [Trammer, Monte I., “Option on Take-Over of Parkway Studied, *The Baltimore Sun*, January 31, 1980]

By then, the United States was experiencing its second energy crisis. It began in February 1979 following the revolution that replaced the Shah of Iran with Ayatollah Ruhollah Khomeini. He transformed the country into an Islamic Republic. The change disrupted the flow of oil from Iran, previously the second largest oil supplier to the world. The Iran-Iraq War, which began in September 1980 and lasted until 1988, also cut oil production in Iraq. With the oil shock of 1973-1974 in mind, oil companies bought oil to stockpile in excess of immediate need while motorists began forming long lines at gas stations as prices increased. As had happened in the previous oil crisis, conservation efforts reduced gas tax receipts at the Federal and State levels.

According to an internal 1982 FHWA briefing paper, Caltrider’s position in January 1980 was that the State would not accept ownership of the Federal parkway unless the reconstruction “was of sufficient scope to preclude the need for further capital improvements for at least twenty years,” as reflected in MSHA’s preferred option. “In May, 1980, Maryland revised their position, indicating they were no longer willing to accept ownership regardless of the scope of reconstruction.” [Underlining in original]

Caltrider reiterated MSHA’s position regarding ownership in February 1981, and stated it formally on July 29, 1981, in a letter to NPS Regional Director Manus J. Fish, Jr., and FHWA’s Maryland Division Administrator, Emil Elinsky. The letter began:

Over the past year, we have participated in a number of meetings and have exchanged correspondence concerning the future of the Federal section of the Baltimore/Washington Parkway. The purpose of this letter is to confirm the position of the State of Maryland that we will not assume jurisdiction over the Federal section of the Baltimore/Washington Parkway. Based upon our most recent discussions, it is my understanding that the National Park Service and the Federal Highway Administration understand and can accept the basis for our position.

He recalled the 1972 agreement and the legislative change in 1978 calling for retaining the parkway character of the facility. Studies thus far indicated the cost of rebuilding the Federal parkway to Maryland’s satisfaction would exceed the \$65 million authorized in 1970:

Depending on the specific alternate which may have been selected, such a project could range in cost somewhere between \$200 and \$300 million for the Federal section alone.

Many have expressed the opinion that such a cost would be excessive, especially in light of the close proximity of the major parallel facility of Interstate Route 95 north of the Capital Beltway.

As a result of severe financial constraints, the State can not assure that the level of maintenance effort required to preserve the aesthetic character of the Parkway on an ongoing basis is affordable within an extremely tight maintenance and operating budget situation, particularly when landscaping projects and mowing frequency are being severely reduced on other State Highway facilities.

Traffic was inevitably going to increase on I-95 and the parkway. Therefore, Caltrider recommended that NPS undertake "3R" improvements (resurfacing, restoring, and rehabilitating) to the Federal section to supplement the stop-gap measures undertaken in anticipation of the Bicentennial.

Caltrider concluded:

In sum, we look forward to continuing to work cooperatively with the Federal Highway Administration and the National Park Service toward actions which will (1) result in "3R" improvements on the Federal Section of the B/W Parkway; (2) amend the existing legislation and agreements in such a manner that the Federal Government will continue to maintain jurisdiction over their portion of the B/W Parkway; and (3) provide for long-term improvements to the B/W Parkway at key interchanges where connections to the State system warrant.

Former Secretary of Transportation Harry S. Hughes had become Governor of Maryland on January 17, 1979. When his Secretary of Transportation, James J. O'Donnell, retired in 1981, Governor Hughes appointed former Federal Highway Administrator Bridwell to the position of Secretary. He assumed the post on November 1, 1981. Bridwell, who lived in Columbia between Baltimore and Washington, had been part of the task force that created the Maryland Department of Transportation, while his firm, System Design Concepts, Inc., had performed consultant work on numerous State transportation projects, including the Baltimore-Washington Parkway study. [Linthicum, Tom, "Former Federal Official Named State Transportation Secretary," *The Baltimore Sun*, October 3, 1981]

The FHWA briefing concluded:

The NPS and FHWA initiated joint efforts to develop both the necessary legislation to assure adequate funding and continued NPS ownership and a preliminary plan for RRR improvements. However, this effort was suspended soon after Mr. Lowell K. Bridwell's [sic] was appointed as Maryland's Secretary of Transportation to provide him an opportunity, if interested, to review Maryland's position. To date, Mr. Bridwell has not indicated any position on the matter.

Section 156 (Release of Condition Relating to Conveyance of Certain Highway) of the Surface Transportation and Uniform Relocation Assistance Act of 1987, approved on April 2, 1987

(P.L. 100-17), stated that notwithstanding Section 146 of the 1970 Act and any agreement entered into under the provision, “no conveyance of any road or portion thereof shall be required to be made under such paragraph or agreement to the State of Maryland and the State of Maryland shall not be required to accept conveyance of any such road or portion. Funds authorized by such section may be obligated and expended without regard to any requirement of such paragraph or agreement that such conveyance be made.”

In April 1984, FHWA’s Eastern Federal Highway Division completed its study for NPS on improving the parkway. It then began administering design and construction activities in cooperation with NPS.

In Section 1069 (Miscellaneous Highway Project Authorizations) of the Intermodal Surface Transportation Efficiency Act of 1991, approved December 18, 1991 (P.L. 102-240), Congress authorized \$74 million to be appropriated for renovation and reconstruction of the Baltimore-Washington Parkway in Prince George’s County, with a Federal share of 100 percent.

Sections 1601 and 1602 of the Transportation Equity Act for the 21<sup>st</sup> Century, approved on

June 9, 1998 (P.L. 105-178), authorized the Secretary to allocate \$11.25 million to carry out an earmarked project, “Reconstruct Baltimore-Washington Parkway at Route 197, Prince Georges County,” again with a 100-percent Federal share. [Baltimore-Washington Parkway, *A Guide to Federal-Aid Programs And Federal Projects*, FHWA, Publication No. FHWA-IF-99-006, May 1999, pages 125-126]

On June 4, 1984, a ceremony took place near the parkway’s intersection with Maryland Route 450 in Cheverly to unveil a large wood and stone marker:

This Parkway Dedicated  
To  
Gladys Noon Spellman

On October 31, 1980, Representative Spellman was campaigning for reelection when she suffered a heart attack that left her in a coma. Speakers recalled Representative Spellman’s efforts on behalf of the parkway, which was the road she used to commute between her home in Cheverly and Capitol Hill.

A second marker was placed on the other end of the Federal parkway. Maryland had previously renamed its segment the Gladys Noon Spellman Parkway.

(Former Representative Spellman never awoke from her coma. She died on June 19, 1988.)

Subsequent efforts to widen the parkway met the same fate as the effort initiated by the Federal-Aid Highway Act of 1970. Each effort was confronted by strong opposition from citizens and local officials. The Federal portion of the Baltimore-Washington Parkway remains four lanes, except for the six-lane segment approaching the split terminus into Washington via New York Avenue or DC 295/I-295 to Virginia. The parkway is heavily congested during peak periods and many off-peak periods, but its parkway design and safety features have been enhanced over the

years. During the fall, motorists can enjoy a beautiful drive amidst the changing colors of the leaves.

### **Metro – Open At Last**

As 1975 ended and 1976 began, Metro's financial problems had become a major challenge as WMATA was forced to acknowledge an increased cost estimate, prompting local jurisdictions, confronting their own fiscal problems, to resist paying their increased share. Professor Schrag offered several reasons for the cost increases. First, the original estimate of \$2,494.6 million, including \$535.4 million in contingency costs, "was never terribly realistic." Its precision, down to the last hundred thousand dollars "should have shown that it was not meant as an accurate estimate," because no project of this size could be estimated to that degree so early in its development. "Jackson Graham's own assistant suspected that Graham had pulled the figure out of thin air."

Second, construction was harder than expected at the time of the original estimates:

Underground construction is always full of surprises – rock that is too hard, earth that is too soft, all those unmapped utilities. Strikes, storms, and lawsuits could delay construction and add to the cost . . . . When the Authority was able to offer contracts in 1969 and 1970, it was dismayed at low bids up to a third higher than its engineers had expected.

Third, changes needed to "mollify agencies, businesses, and citizens drove up costs." While changes were sometimes needed and may have benefited the region, "they destroyed engineers' projections."

Fourth, wrote Schrag, "and by far most significant, were the interlinked issues of inflation and delay." The original estimate in 1968 was based on possible inflation up to 5 percent, but increases would escalate due to factors well beyond WMATA's control, including the Vietnam War and the oil embargo of late 1973 and early 1974. Inflation hit 12 percent early in 1975, affecting the cost of materials and labor and the interest required for construction bonds. [Schrag, pages 171-174]

In theory, WMATA could have raised planned fares to address the cost increases. "Indeed," Professor Schrag wrote, "from the early 1960s through the early 1970s this was the official plan . . . . As late as January 1972, the Authority predicted that the fare box would pay all operating and some capital costs. If costs went up, fares would simply be raised by the same percentage, neutralizing inflation."

That was only in theory. "That idea died in 1973, with WMATA's takeover of the metropolitan area's buses." As noted, O. Roy Chalk had granted pay increases to his union employees, recent fare increases had been overturned in court, and the private sector bus managers and public sector Metro officials shared, as noted earlier, a "mutual dislike." With revenue from fares covering only half of bus costs by November 1974, WMATA realized that raising fares would be difficult

and that doing so could conflict with the public service the agency was created to provide.  
[Schrag, page 178]

As General Graham retired from WMATA at the end of 1975, WMATA had to address a new report by Damian Kulash of Jack Faucett Associates. Commissioned by the Congressional Research Service, the January 1976 report rejected WMATA's passenger projections, arguing that ridership would be only half the predicted level:

Given these concerns, the report suggested that the federal government deny funding to any segments beyond the forty-one miles then under construction until it had undertaken "a thorough alternatives analysis" that would consider cutting Metro down to sixty-eight or even forty-one miles.

Kulash felt that he had merely put into print what everyone familiar with the project had been whispering in the hallways, but even that action had consequences.

Representative Conte, the Massachusetts Congressman who had helped defeat Chairman Natcher's final effort to withhold District matching funds for Metro, cited the Faucett report "as evidence for truncation," a solution many local officials considered as an alternative to finding the additional revenue to complete the Metro system. Representative Gude, however, said, "If there are interests who wish to kill this system, we can't think of a better way to do it than to stop in mid-stream for a re-study." [Schrag, page 184]

In this context, the opening of Metro service was a looming bright spot. "At the time of the ground breaking, WMATA officials had still hoped to have the first segment of Metro in operation by July 1973 and the system complete by the end of 1979." Several factors rendered those dates obsolete:

Natcher's final round of blackmail in 1971 destroyed that hope. Interruptions in funding, indecision over Union Station, strikes, hurricanes, and court-ordered public hearings all had pushed back the opening date. Ironically, when WMATA finally had all the track and stations ready for the first 4.6-mile segment, it still had to wait for working rail cars. The Rohr company, an aerospace firm that was also building cars for BART in the San Francisco Bay Area, had found the rail business more difficult than it had anticipated and was soon in trouble on both coasts . . . . In Washington, the company delivered its first pair of cars in January 1975, half a year late and creaking with defects. The emergency brakes tended to go on unexpectedly, the air conditioning was noisy, and the cars swayed violently. For the next year, WMATA worked to coax forty working cars out of Rohr's Georgia factory and underneath Washington's streets, while Rohr coped with close to

\$50 million in losses on the contract. [Schrag, pages 184-185]

On Saturday, March 27, 1976, WMATA finally opened a 4.6-mile segment of Metro to front page articles in the *Post* and *Star*. The segment linked the Farragut North and Rhode Island Avenue stations – or as Chairman Eagleton of the Senate District Committee put it, a line from "nowhere to nowhere."

The opening “Metro Here and Now” dedication ceremony, staged in the parking lot of the Rhode Island Avenue station, included speeches from local dignitaries and figures from out of the past, including Darwin Stolzenbach, Walter McCarter, and General Graham.

Maryland Governor Mandel acknowledged the existence of “a lot of doubters and a lot of skeptics, and there still are today. This system is going to be completed – and we are going to make sure.” Governor Godwin declined an invitation to the event, but his representative, Secretary of Transportation Whitham, said, “We do have a strong feeling that it’s important for the Metro system to be completed, and we hope the economics make it possible.”

UMTA Administrator Patricelli assured the crowd of continued Federal support. “We want to see it completed. We have indicated that it can and should be completed . . . with prudent management of the resources that are available.”

Mayor Washington also acknowledged the “doubting Thomasas” who thought the subway would never open. “The Metro will bind us all in the metropolitan area closer, bring us all together at our jobs and in understanding each other’s cultures, to a point at which we know and understand each other better.” He added that this day “will be your last free ride – and that’s no stage joke.” Fares would be collected after Saturday.

City council and Metro Board Chairman Sterling Tucker told the 3,000 spectators that they should “doubt no more that Metro is here – 96 miles more is very much on the way.” He added, “it is time to stop talking and start riding.”

Joined by the other officials, Tucker cut a ribbon to open the first Metro line.

On Saturday, 51,260 people rode the 4.6-mile line on opening day, with many riders enduring waits of up to 4 hours to get on the train. So many people crammed into each car that many of them stalled because the doors could not shut properly. [Eisen, Jack, “Metro Opens; Crowds Stall Some Trains,” *The Washington Post*, March 28, 1976; Crosby, Thomas, and Axelrod, Susan, “Metro Era Begins: 51,260 Free Riders Swamp System,” *The Washington Star*, March 28, 1976]

The line was closed on Sunday, but reopened on Monday at 6 a.m. to carry about 10,000 fare-paying customers until closing time at 8 p.m. Peak period trains ran every 5 minutes, with passengers charged 55 cents. Off-peak trains were on a 10-minute cycle, with fares of 40 cents. Because the computerized fare collection system had not been delivered, Metro had to collect fares in the traditional fare boxes common on Metrobuses.

Carlton Sickles, who had been involved with Metro from the start, was one of the passengers. He told Eisen that while working on the project in the 1950s, it seemed to be an unfulfillable dream. Now, he said, “I’m enjoying every minute of it after years of waiting.” Eisen called Sickles among “the most delighted passengers yesterday.”

Although the Monday ridership was higher than expected, the trains operated smoothly, with only a few exceptions, as Eisen reported:

Metro operated 188 of a scheduled 224 round trips during the day according to Cody Pfanstiehl, community relations director. Most of the 36 lost trips resulted from disruptions shortly after noon and in the early evening shortly before service was ended for the day, Pfanstiehl said . . . .

Service began at 6 a.m. from the Rhode Island Avenue station at the outer end of the line, and ran almost like clockwork until the noon hour. A balky switch at a track junction delayed the start of outbound service from Farragut North by 15 minutes, and the first train departed at 6:20 instead of 6:05.

The day's longest delay – 53 minutes – came about 12:30 p.m., when a train developed brake problems while switching to reverse direction on track north of the Rhode Island Avenue Station, Pfanstiehl said. No passengers were aboard, but other trains backed up behind the stalled one. [Eisen, Jack, "Metro Use Surpasses Estimate," *The Washington Post*, March 30, 1976]

During the first week of paid service, Metro carried more than 100,000 passengers. Because that number was more than expected, officials wondered if it was accurate. Metro spokeswoman Marilyn McGinty said, "The fare attendants have been taking the count by hand." She thought they might be clicking the hand-held clickers too many times. "The only way to really tell how well we did is after we count the money." [Crosby, Thomas, "Metro Can't Believe Its Own Body Count," *The Washington Star*, April 2, 1976]

Nevertheless, encouraged by the results, Acting General Manager Quenstedt said that officials were considering running Metro on weekends for tourists and shoppers. [Eisen, Jack, "Metro Riders Top 100,000 in Week," *The Washington Post*, April 3, 1976]

Professor Schrag summarized what the results meant:

On Monday, 29 March, the Authority began actually charging money for rides, yet it still attracted 25,000 riders a day to the tiny stub of a rail line. The subway was a hit.

The elation did little to distract WMATA officials from the gun pointed at their heads. Despite the crowds each day WMATA spent \$75,000 more to run the system than could be collected from fares. On Independence Day, the long-awaited Bicentennial, WMATA was humiliated by its failure to marshal enough buses to serve the crowds of fireworks spectators on the Mall. A few days later, it released a new cost estimate of \$5.512 billion, including \$487 million in contingency funds.

Meanwhile, within the administration, officials from the Department of Transportation and OMB had agreed on a \$4.65 billion ceiling for the project. If the entire system could be built for that amount, fine. If not, OMB indicated "shrinking the system to stay within that commitment." Secretary of Transportation William Coleman, warmer toward Metro than OMB budget hawks, moderated that position only slightly, announcing that any federal assistance for a system costing more than the ceiling would only come after WMATA demonstrated "extraordinary efforts to contain costs."

In short, Metro was at least \$800 million in the hole. [Schrag, page 186]

Secretary Coleman, in his autobiography, discussed his efforts to address the funding shortfall:

The Washington Metropolitan Area Transit Authority, or Metro, plan had been carefully designed to serve the District of Columbia and the Maryland and Virginia suburbs in a way that would ensure community and financial support from each jurisdiction. Two federal dollars would be provided for every local dollar contributed. Construction of the first lines was under way. In 1969 the initial projected cost was grossly underestimated at about \$3 billion. By the time I took office, the projection was up to almost \$5 billion . . . . The Nixon administration had guaranteed about a billion dollars in bond financing to build the subway, but as the cost projections escalated, this proved to be woefully inadequate.

With the skillful assistance of my budget director Ted Lutz, my deputy John Barnum, and my general counsel's office, and with the wise advice and cooperation of Walter Washington, mayor of the District of Columbia . . . we proposed to use newly authorized congressional authority to transfer interstate highway funding to the transit authority for subway construction. This meant that portions of the interstate system planned for the District of Columbia would never be built and that Metro would be an essential method of commuting from the suburbs to government jobs in the city.

Secretary Coleman and his team expected the transfers would raise almost a billion dollars, but that would not be enough:

We had made a proposal to the Office of Management and Budget for an additional \$1.26 billion, which Jim Lynn, director of the agency, thought was overly extravagant. In fact, he viewed the transit authority's ninety-eight-mile subway plan as far too expansive and expensive. It would be the largest public works project since the interstate highway system. Conservatives had criticized Metro as an exorbitant display of big government in Washington using the taxpayers' money to be a monument to itself. They referred to the proposal as the biggest boondoggle in the history of mankind. Instead, Lynn proposed a truncated forty-one- or sixty-eight-mile system.

As explained in Secretary Coleman's autobiography, he continued working with local jurisdictions to find ways to "serve the entire metropolitan area fairly, facilitate the commute for the many government employees who lived in distant suburbs, and provide a first-class transportation system for tourists and visitors to the nation's capital from all over the world, comparable to the grand systems in London, Paris, or Moscow." In short, "I was not about to give up on the ninety-eight-mile plan."

He scheduled a meeting with President Ford, who had recently called on Lynn to find ways to cut the Federal deficit:

The atmosphere was tense as Ted Lutz, Don Bliss, and I entered the Oval Office on a Monday morning. Director Lynn argued eloquently for the scaled-back plan, making a

number of points that resonated with the fiscally conservative president. I explained the importance of sticking with the original plan to which all the local jurisdictions had committed. I didn't appear to be making much headway with the president, so I ratcheted up the argument.

Cities, he pointed out, were in crisis because they were "facing financial distress, racial unrest, high unemployment, rising crime rates, and the scourge of drug addiction." Instead of "citadels of our civilization," cities were "becoming increasingly isolated, segregated urban ghettos, as the middle class flees to the suburbs":

Having worked in the Washington area for many years, the president perked up a bit. He was all too familiar with the deterioration of many parts of Washington, the urban dead spots between the Capitol and the White House. I argued that the Metro system would knit together the entire metropolitan area as the interstate highway system had knit together the entire country. With hubs and spokes reaching out to distant suburbs, the city center would once more flourish as a magnet for entertainment, sports, and culture.

The president asked some direct questions of each of us. He then paused, puffed on his pipe, and said, "Bill is correct. We should build the ninety-eight-mile systems. Let's find the money, Jim."

Secretary Coleman knew it was "not an easy decision" for the President:

But it was the right decision. We continued to place stringent conditions on federal funding and imposed a \$4.7 billion cap because we were concerned about questionable design features and cost overruns that had plagued construction. Studies to consider more efficient alternatives continued. [Coleman, pages 224-226]

Reality did not cooperate with the cap.

On May 28, 1976, Secretary Coleman wrote what Jack Eisen called "an unusually stern letter" to WMATA Chairman Tucker. The letter was in response to a secret estimate that Metro would cost more than \$5 billion. Eisen reported that the secret estimate was "contained in the newest periodic updating of cost estimates made by Metro's office of program control, but not officially presented yet to the Metro board":

Such periodic revisions were required by the General Accounting Office, an arm of Congress, starting in 1974, as a response to Metro's now-discredited policy of officially maintaining cost estimates for completing the system long after they were outstripped by rising prices.

The old practice had given ammunition to critics such as Chairman Natcher, who "repeatedly estimated, despite Metro's denials, that the project's cost would run between \$5 billion and \$6 billion. The latest figure confirms Natcher's lower projection."

Acting General Manager Quenstedt told reporters that “the new estimates reflect more realistic schedules for completing the system.” He added, “there are no unjustified features or frills” in the secret estimate.

Secretary Coleman’s letter was addressed in friendly terms to “Dear Sterling” and signed “Bill.” In addition, Secretary Coleman referred to “my strong support for the completion of the entire 100-mile system.” Friendly gestures out of the way, he continued:

I am concerned that [Metro officials] may not have taken extraordinary measures to achieve design changes necessary to build the system at the \$4.7 billion figure . . . .

You should know that the department’s willingness to participate in funding proposals . . . in excess of \$4.7 billion will depend upon your showing of truly extraordinary efforts made, and substantial success achieved, to keep construction costs to a minimum consistent with safety and operational requirements.

Secretary Coleman directed UMTA Administrator Patricelli to assist Metro in finding ways to reduce costs and “to oversee cost controls consistent with this letter.”

Eisen added:

A Department of Transportation source, explaining Coleman’s decision to send the letter at this time, said the department repeatedly told Metro in soft tones – sometimes in public statements – that significant cost escalation could not be tolerated. The new cost estimate above \$5 billion seemed to defy that policy, the source said. [Eisen, Jack, “Metro Cost Of \$5 billion Alarms U.S.,” *The Washington Post*, May 30, 1976]

On September 24, 1976, Patricelli addressed a special WMATA/COG/TPB meeting at the Mayflower Hotel intended to seek solutions to Metro’s financial problems. He said that the Department of Transportation was demanding cuts of more than \$300 million to the Metro cost estimate. According to the *Post*:

In arguing for more than \$300 million in cost cutbacks, Patricelli said that a study of some Metro projects by his agency showed that costs could be reduced by about 15 per cent. The study recommended as cost-trimming measures a series of changes in construction techniques, almost certain to prompt objections from Metro officials.

These included elimination of concrete walls and ceilings in some subway tunnels, construction of some underground stations closer to ground level, reductions in the size of retaining walls and bridge abutment walls, and use of other steel alloys in the electrified third rails.

He also reconsideration of about 24 miles of three subway lines that he thought could, potentially, be abandoned or served by express buses: The section between Huntington Avenue south of Alexandria to the currently planned terminus at Springfield-Franconia; the Silver Spring to Glenmont section of the line in Montgomery County; and the line between Anacostia and Branch Avenue in Prince George’s County. Patricelli said ridership on those segments may be

less than on other lines and could be served by alternative to rapid rail. He indicated that UMTA would pay for the studies, which were to be performed outside WMATA, possibly by COG's transportation planners.

The *Post* reported:

Patricelli also raised the prospect of further re-evaluation in the future of a proposed subway route from Arlington County's Glebe Road station to Vienna, in Fairfax County. The route is already in doubt because of continuing controversy over proposals for building I-66 from the Capital Beltway to the Potomac River. The planned subway line would run along the highway's median.

Patricelli said that future Federal funds would depend on local officials finding a way to fund subway and bus operating losses as well as repayment of revenue bonds totaling about \$2.5 billion in principal and interest. Metro always had claimed the bonds could be repaid from the fare box, but no one now believed that would be the case. "Patricelli left uncertain whether the federal government will agree – as officials indicated it would almost a year ago – to underwrite 80 per cent, or \$2 billion, of the bond payments."

As the *Star* put it, "UMTA apparently has started to require Metro to meet the same criteria as other U.S. transit systems because of congressional pressure for more review of UMTA grant proposals."

Patricelli called on WMATA to draft a financial plan by November 1977 that covered completing the system, subsidizing operations, and possible truncation of the system. The region "will have to come to grips [by then] with the questions of new financing mechanisms for operating costs, including regional taxes."

Professor Schrag summarized Patricelli's message:

After expressing general support for Metro, Patricelli reiterated the administration's insistence that the system's capital cost be capped at \$4.677 billion, the March 1976 estimate, including inflation. "We must pick a figure and stay with it," he argued. "No financing plan can be constructed around a moving target." Most important, he invoked the "alternatives analysis" policy, which since 1975 had applied to every other new transit system in the nation. Standing before the assembled representatives of the region, he ordered just such an analysis – including "a full range of rail and non-rail alternatives" – of the forty miles of Metro not yet under construction. Everyone understood such a study meant that the administration was considering truncation. [Schrag, page 187]

The reaction to Patricelli's speech was that he had "thrown into turmoil" the longstanding plans for Metro. The *Post* reported:

Patricelli's insistence on a \$4.67 billion ceiling came as a jolt to Metro officials partly because Secretary Coleman himself had taken an apparently more flexible stand last May. In a letter to Tucker, Coleman had urged that costs be held to \$4.7 billion – slightly more than Patricelli's ceiling – and qualified this by saying any increase above that limit would

be contingent on a “showing of truly extraordinary efforts” by Metro officials to keep costs “to a minimum.”

Chairman Tucker called the new demands “a very bitter pill that we’re going to have to swallow.” Quenstedt said, “I am quite pessimistic.” William Boleyn, Metro’s executive officer and comptroller, said, “My off-hand view is that it can’t be done”:

Montgomery County Executive James P. Gleason replied, “It’s a bad deal, Mr. Patricelli,” and described the DOT announcement as “a dagger right into the heart of this (Metro) system – because it just won’t be built.” [Lynton, Stephen J., “Cut in Metro Cost Ordered,” *The Washington Post*, September 25, 1976; Crosby, Thomas, “U.S. Orders Analysis of Need For 3 Metrorail Suburb Lines,” *The Washington Star*, September 24, 1976]

A few days after the speech, Jack Eisen interviewed Patricelli. The article about the interview began:

Robert E. Patricelli, the federal transit official who touched off a controversy by demanding cost reductions and possible cutbacks in Washington’s Metrorail system, said this week that his first goal – of finally being taken seriously by Metro officials – already has been met.

Metro officials had ignored “several pointed and well-publicized warnings” to keep costs down. “I did a little bit of shouting to be heard,” he said. He told Eisen that UMTA would not be rigid about the November 1977 deadline if WMATA was making significant progress by then.

He knew that WMATA and local officials were not pleased with his message. “As I saw it, it was a question of who would take the first step. I don’t know, frankly, if we were right on this, but I think we were.”

The Ford Administration fully supported the use of Interstate withdrawal-substitution funds for Metro. During his speech, he had announced that the Department of Transportation would soon release \$112.5 million in transfer funds.

In releasing the funds to the District and WMATA on October 4, Secretary Coleman had said that “making good use of this additional source of funding is a significant indication of their dedication to the completion of the METRO system.” The funds were based on withdrawal of portions of I-95 and I-270 in the District. Withdrawal of these segments had resulted in the transfer of \$286.6 million to Metro in October 1975. Administrator Patricelli said:

UMTA will continue to process Interstate transfer grants for METRO construction through Federal [sic] Year 1977. Approximately \$475 million more has been budgeted and appropriated through the course of Fiscal Year 1977, an amount that will permit critical construction to continue without delay.

In the interview, Patricelli wanted to clear up a misunderstanding:

Patricelli, in the interview, said many people feel the federal government should continue transferring highway funds to Metro as long as they are still available.

This is wrong, the officials said. Just because the interstate highway program is being conducted without any final cost figure being set “doesn’t mean that such a wrong policy should be carried over to mass transit projects,” Patricelli declared.

He contended that Metro partisans have overlooked the likelihood that the system’s biggest problem will be getting local, rather than federal funding.

He insisted that keeping costs below \$4.7 billion was attainable:

I do believe – I didn’t for a while, but I do now – that over \$300 million can be saved in the construction of the system. It’s not my intention to require [Metro] to accept our engineering judgment. But we do want to board to have the best possible information.

Although he understood the rivalries among local jurisdictions, he hoped to establish a joint steering committee to oversee the studies. [Eisen, Jack, “Patricelli’s ‘Bit of Shouting.’” *The Washington Post*, October 9, 1976]

The WMATA board of directors met with COG and local political leaders to discuss Patricelli’s challenge. Early in the meeting, Jerome M. Alper, Metro’s general counsel, described a proposed regionwide tax on wages. At 1 percent of earnings, it would bring in at least \$175 million a year, far more than Metro’s projected deficit of \$100 million by 1978. When that idea was tabled, Montgomery County’s James Gleason suggested consideration of a “dedicated local tax” that each jurisdiction could impose to support operations within its borders. Debate of the proposal was heated and included a brief shouting match between Gleason and Chairman John F. Herrity of the Fairfax County Board of Supervisors. In the end, COG adopted the suggestions.

The District had been leading the push for a regional tax, but District officials denied the change in plans was a setback. Chairman Tucker said he was “very satisfied with the result of that vote,” and suggested he may propose a tax on wages earned in the city. Congress had always rejected such taxation of District and suburban residents who worked in the city, but Tucker suggested the outcome might differ this time because the tax revenue would support Metro, unlike previous proposals aimed at supporting the District government.

The leaders rejected a regionwide tax to pay for rail and bus deficits, although political officials agreed to consider imposing local taxes that would be earmarked for the same purpose. At the same time, they decided to ask the Federal Government to drop the demand for shortening the Metro system.

District planning director Gilbert suggested that local taxes might work if the revenue were put into a common fund for systemwide subsidies. That possibility had not been raised during discussion. But Herrity, described as “an acid-tongued critic of Metro policies,” said there was no possibility that local jurisdictions would give up control of their tax revenue to Metro. As Eisen pointed out:

Northern Virginia came closest in the region to achieving a transit tax this year. The General Assembly approved a 4 per cent regional sales tax on gasoline. It was not imposed because Fairfax City refused to join in what, by law, needed to be a unanimous action by the affected three cities and two counties.

Delegate Robert E. Harris (R-Fairfax) had opposed the legislation in the General Assembly and predicted that the chances were slim for further consideration of the idea in 1977, an election year for State and local offices in Virginia.

In a separate action, Prince George's County Executive Winfield M. Kelly, Jr., introduced a proposal to ask the White House to drop study of alternatives involving truncation. His proposal suggested that the study should proceed pending a White House decision. He explained the contradiction by saying, "We are going to take a very strong stance, with our feet firmly planted on both sides of the fence." The proposal was adopted. [Eisen, Jack, "Regional Metro Tax Rejected," *The Washington Post*, October 16, 1976]

In November, COG and the Metro board established a 12-member committee of elected and public officials to study alternatives to several Metro extensions as demanded by Administrator Patricelli. Based on his list of lines to be studied, the committee agreed to study several options as summarized by Eisen:

Construction of the line as now planned from National Airport through Alexandria to Huntington station in southeastern Fairfax County, but eliminating a branch from the proposed Metro car storage yard and shop in Alexandria, to Springfield-Franconia. However, a partial construction of the latter line, as far as Van Dorn Street, Alexandria, also will be considered.

Termination of the Branch Avenue (Suitland) line at the Anacostia station, or at some station beyond, possibly Naylor Road.

Inclusion of the Vienna line, westward from the Glebe Road station in Arlington, regarding of whether Secretary of Transportation William T. Coleman Jr. decides to approve Virginia's construction of Interstate Rte. 66. Metro would occupy the I-66 median. Consideration will be given to termination the line at Glebe Road or at West Fall Church.

He added:

The regional committee endorsed a request by the Montgomery County government that the subway from Silver Spring to Glenmont, which was on Patricelli's list, be exempted from the study. The line from downtown to Silver Spring station is scheduled to open next November.

If the exemption request is turned down, the study will consider terminating the line at Silver Spring or extending it as far as Wheaton. The idea of ending it at Forest Glen will not be considered.

As technical coordinator, the steering committee appointed George V. Wickstrom, COG's director of technical services. [Eisen, Jack, "Metro Sets Cutback Study," *The Washington Post*, November 20, 1976]

### **I-66 – Back From the Dead**

As Leland White pointed out in his history of the I-66 dispute, the anti-highway forces, in the elation at their seeming victory, had overlooked Secretary Coleman's statement that, "This decision is without prejudice to any further consideration on the part of the VDHT of the need for a non-Interstate commuter highway in the I-66 corridor." In short, Secretary Coleman had not ruled out the possibility that a road of some sort could be built in the corridor. [White, pages 62-63]

The distinction was not lost on Commissioner Fugate or Governor Godwin. Although Fugate considered the Coleman decision "a grievous mistake for the commonwealth," he saw the Coleman caveat as inviting some type of road in the corridor, if not an Interstate highway. In an interview, Fugate said, "I haven't given up the idea of building a highway in that corridor no matter what kind of highway you call it":

I refuse to believe that the secretary didn't mean what he said and wouldn't go a long way to ameliorate the situation [because of] what he sees is the need for a highway in the corridor. Now he must be prepared to tell us that will be done. We don't have the money.

Secretary Coleman's executive assistant, Don Bliss, told the *Post* that the Secretary "does not want to prejudge anything; he has to decide the issues when the facts are presented." He had rejected I-66 as presented to him, but "was not trying to establish priorities in the corridor for all time." However, by turning down I-66, Secretary Coleman had rejected the use of Interstate construction funds in the corridor.

Arlington County Board member Munsey, informed of Fugate's statements, said, "I regret that the state authorities are still pursuing a lost cause. I would hope they would come around to the point of view of [what] the governments and people of Northern Virginia want." [Shaffer, Ron, "Va. Insists On Some I-66 Road," *The Washington Post*, August 22, 1975]

To clarify Secretary Coleman's intent, Governor Godwin and Fugate met with him on September 11, 1975, for an hour and 15 minutes. The *Post* reported that they asked the Secretary to reconsider his rejection of I-66:

Virginia Highway Commissioner Douglas B. Fugate . . . said from home in Richmond last night that Coleman "agreed he would reconsider his decision if the governor submits a petition for reconsideration. Fugate said Coleman was "not specific about what any new plan should include . . . ."

Gov. Godwin said after the meeting that "I can't conceive of anything but a chaotic situation unless I-66 or some alternate road is put in that corridor."

Governor Godwin added that Fugate and his staff would consider ways of modifying the highway proposal “that might be feasible . . . and see how that ties into Metro rail.” As for whether Secretary Coleman encouraged the prospects for reviving I-66 or a modified highway, Governor Godwin said, “Well, he didn’t tell us we couldn’t write him.” [Shaffer, Ron, “Gov. Godwin Asks Coleman to Review Funding for I-66,” *The Washington Post*, September 12, 1975]

Governor Godwin’s letter to Secretary Coleman was released on September 18. The letter informed Secretary Coleman that reversal of his decision on I-66 was “warranted, among other reasons, because of changed conditions occurring subsequent to submission of the environmental impact statement, as well as the increasing likelihood that the Metro line will not be constructed in the commonwealth as presently planned” in view of WMATA’s financial troubles. I-66 was the “only feasible” way to relieve the area’s “critical transportation problem.” [Edwards, Paul G., and Ritchie, Joe, “Godwin Says Full Subway Is Unlikely,” *The Washington Post*, September 19, 1975; “Va. Urban Mass Transit Pressed,” *Metro*, *The Washington Star*, September 19, 1975]

Beginning in early October 1975, as noted earlier, Governor Godwin, Fugate, and northern Virginia officials were in a dispute involving the \$15.2 million in gasoline tax revenue the General Assembly had voted for use on Metro. In a meeting with northern Virginia officials in Richmond on October 23, Governor Godwin and Fugate appeared to ease opposition to the use of Interstate substitution funds for Metro. The governor was willing to spend the funds, if they materialized, in northern Virginia, but he cautioned that he opposed “putting it all” or “just flopping it over” to “bail out” Metro. The State had other problems, too.

Fugate suggested that the Northern Virginia Transportation Commission work on proposals for mixed use of the I-66 funds for Governor Godwin to present to Secretary Coleman at their next meeting, scheduled for November 5. Governor Godwin, who said he did not believe Metro alone would solve the area’s traffic problems, suggested the commission consider low-density, commuter-road uses for the I-66 corridor, including exclusive bus lanes and local road access to the Metro line in the right-of-way.

Rail rapid transit advocates were relieved by Governor Godwin’s apparent commitment to diverting I-66 funds to other northern Virginia projects, including some Metro construction work.

That same day, October 23, northern Virginia officials, including I-66 opponents, established a committee to consider new highway designs, such as a four-lane expressway for buses and carpools, as a way of freeing Federal funds for Metro. Covering the decision, the *Post* reported that the decision was the “first public movement” since Secretary Coleman rejected I-66 and Governor Godwin refused to use the Interstate withdrawal/substitution to shift funds to Metro rail construction in the corridor:

The rapid agreement by the northern Virginians to explore a compromise indicated that the plan to reopen consideration of a highway in the corridor might have been agreed upon informally before today’s meeting. [Kelly, Brian, “Godwin Appears To Ease Stand On Metro Funds,” *The Washington Star*, October 24, 1975; Edwards, Paul G., “Panel to Study I-66 Alternate,” *The Washington Post*, October 24, 1975]

The ad hoc committee quickly agreed to an Arlington County proposal to build a two-lane highway for buses and carpools between the Glebe Road Metro station in Arlington County (scheduled to open in July 1978) and planned Vienna station (to open after 1980) near the Capital Beltway. Arlington County Board's Munsey explained the plan: "We want to get people to get in the habit of riding the rail system."

The committee did not address the use of the expressway during non-peak periods. The goal was to free I-66 money not needed for the expressway to be shifted to Metro. The facility was considered temporary because the busway would be removed as Metro opened in the right-of-way.

The committee wanted three-fourths of the substitution funds reserved for Metro construction. Arlington County Board's Munsey said, the road would "be torn up as Metro advances westward." Delegate Harris of Fairfax doubted Governor Godwin would accept the proposal, but added:

We can't ignore the needs of the people on the west side of Fairfax County where growth has saturated existing roadways. There must be a compromise between Fairfax's needs and the impact on Arlington. [Yaeger, Deborah Sue, "2 Lanes Urged for I-66 Route," *The Washington Post*, October 30, 1975; "A New I-66 Alternative," Metro, *The Washington Star*, October 30, 1975]

In a meeting with the commission on October 31, Fugate made clear that he and Governor Godwin preferred the six-lane I-66 that they still hoped Secretary Coleman would approve – to the busway. Governor Godwin, Fugate said, was "very reluctant to put even \$1 of highway funds into Metro . . . . He considers Metro a bottomless pit as far as costs, and he was appalled by the estimate of operating costs deficits the people of Northern Virginia will have to pay."

Fugate also doubted a two-lane busway, or even a four-lane busway, would be adequate "considering the traffic need has been set at eight lanes." A four-lane busway might suffice if residents were "willing to continue with a great deal of congestion" on parallel roads.

The *Star* account of the meeting concluded:

As the 90-minute conference ended, State Sen. Omer L. Hirst, D-Fairfax, was politely insisting that any compromise should be based on Metro, and Fugate was quietly answering that a compromise should begin with the I-66 design and move on from there.

Their courtly exchange gave no hint of the demand of Virginia House Majority Leader James M. Thomson, D-Alexandria, that Fugate should resign. Thomson made his irate demand in a letter to Fugate earlier this month, after charging that Fugate had reneged on a promise to allot \$15 million in highway funds for Metro construction this year.

Yesterday, Thomson accused Fugate of misleading the General Assembly on mass transit funding, adding, "His usefulness as a commissioner has ceased." [Kast, Sheila, "Godwin Cool to Busway in I-66 Corridor," *The Washington Star*, November 1, 1975]

Fugate said that Thomson's charges had "no substance whatsoever," adding that, "I certainly made no commitment to any continuing program of aid to the Metro system and I was in no position to make such a commitment" in view of State law governing the highway trust fund. As for Thomson's demand, Fugate said "there's no question about my ever resigning." Fugate, 69 years old, acknowledged that he had talked with Governor Godwin about the possibility of retiring before his four-year term ended. [Associated Press, "Va. Highway Chief Rejects Demand That He Resign," *The Washington Star*, November 9, 1975]

On November 4, residents of northern Virginia went to the polls. Arlington County voters rejected several bond issues, including a \$25 million bond to pay the county's immediate share of Metro construction. It was the first time a local jurisdiction had rejected a bond issue for Metro construction. Board Member Munsey, who did not seek reelection, called the defeat "tragic" because it endangered the tenuous funding agreement. "Everyone is waiting for everyone else to make a firm commitment to the system. One would have thought that Arlington County, which has 10 of 11 Metro stations under consideration, would have been at the forefront, affirming that the subway is essential and that we have to pay for it." Arlington County, he said, would consider other options. "Paying for Metro out of current taxation would mean a startling tax increase."

A Metro spokesman downplayed the defeat. It would not "endanger the completion of the system. Arlington has contracted to pay for [its share] of Metro construction, and it will just have to find another way to raise the money." General Manager Graham saw the rejection of the revenue bonds as "reflective of the economy," not a rejection of Metro.

In Fairfax County, I-66 backer John Herrity was elected chairman of the board of supervisors. He saw the vote as one of the first "mandates of the people" for construction of I-66. In January 1974, the board had voted, 5 to 4, to oppose the Interstate, but the majority included two members who had been defeated, including Chairman Packard. Herrity pointed out that one factor in Secretary Coleman's rejection of I-66 was local government opposition. He predicted that Fairfax County would reverse its position once the new board took office.

*Post* editors agreed that Arlington County remained committed to paying its \$25 million by some means. "But the question now is how the result will be interpreted by other governments of the region as they continue to try to meet their shares of the Metrorail costs in the future." The vote was in contrast with 1968 when "Arlington's voters backed it overwhelmingly." While the Federal Government was seeking ways to pay its share, "the local jurisdictions – including Arlington County – must find ways to meet their obligations to support a comprehensive, regional Metrorail system." [Yeager, Deborah Sue, "Arlington Voters Reject Metro, Six Other Issues," *The Washington Post*, November 5, 1975; Seaberry, Jane, "Herrity Sees Reversal on

I-66," *The Washington Post*, November 6, 1975; "The Defeat of the Metro Bond Issue," *The Washington Post*, November 6, 1975]

Secretary Coleman ventured to Richmond for an hour-long November 5 meeting with Governor Godwin and Fugate. After the meeting, Secretary Coleman told reporters that his rejection of I-66 was not irrevocable, but he would need concessions from the State that he did not disclose.

At the same time, General Graham was on Capitol Hill where he revealed that the cost of completing Metro had increased by \$200 million, largely because of inflation, and could rise as high as \$5 billion. He stated that WMATA would not seek Federal-aid beyond the estimated \$4.65 billion. He added that due to problems securing subway cars, Metro would have to postpone the opening of the first segment to January 1976.

Secretary Coleman assured Governor Godwin that the Federal Government would not let the cost of Metro exceed \$4.6 billion. [“Stymied I-66 May Have New Chance,” *The Washington Star*, November 6, 1975; Lynton, Stephen J., “Metro Subway Cost Estimate Raised Again,” *The Washington Post*, November 6, 1975]

During an interview with *Post* reporters in early December 1975, Secretary Coleman suggested a compromise highway-subway combination in the I-66 corridor as part of a financial package for Metro. He said:

I know this is going to make my environmentalist friends unhappy, but in Northern Virginia there’s a great need for some method of moving traffic and cutting down the traffic jams on U.S. 50 and the George Washington Parkway. Secondly, we’ve got to build a highway to move traffic swiftly from Washington to Dulles Airport.

He did not think Metro rapid rail transit was the sole answer:

“Maybe we should build Metro first and see what happens,” he said. But then,” he added, “No. I at least think Metro and a highway should go forward together.”

He used the phrase “high-speed” to describe the type of highway he had in mind.

In the meantime, he was holding up his report to President Ford on Metro financing until he resolved the status of Interstate highways and possible substitution of funds towards completion of the full Metro system. He had talked with Virginia and District officials and planned to talk with Governor Mandel:

Coleman seemed to be saying that he would need guarantees that such transfers would be made before he would go forward with the rest of his plan. According to informed sources, Coleman also favors legislation that would provide 80 per cent federal funds to retire the revenue bonds.

Coleman also said that he expected some kind of audited guarantee that the construction cost [of Metro] would not exceed \$4.6 billion. “We have to put a lid on it somewhere,” he said, adding he felt that was enough money for any contingency . . . .

Referring to local officials, he added, “It’s their move”:

If area jurisdictions do not provide guarantees of maximum cost and transfers of highway funds, Coleman said, “These municipalities are on the hook. They’re going to be paying for bonds, and not have a Metro . . . .”

Coleman also said he was convinced that Metro could substantially ease the movement of traffic and people in the area “if they build Metro right and provide the right kind of parking lots” at outlying Beltway stations. Then, he said, the subway can be successful “if we have elected officials who have the guts to tell people they can’t drive into the city.”

A spokesman for VDHT said its staff was working with FHWA and UMTA on options for the I-66 corridor. “It’s important to recognize that any highway plan will have to rely on federal interstate system funds because that’s the only money there is.” [Feaver, Douglas B., and Lynton, Stephen J., “Highway, Metrorail Suggested in I-66 Corridor,” *The Washington Post*, December 12, 1975]

On December 18, Chairman-elect Herryty met with Governor Godwin and Fugate to discuss a highway-subway compromise. Under the proposal, VDHT would shift \$50 million in I-66 substitution funds to Metro while providing a four-lane commuter highway in the I-66 corridor. Herryty had discussed the idea with Chairman-elect Ellen Bozman of the Arlington County board. Although she was willing to discuss the idea, she saw little difference between a four-lane and eight-lane highway. “With a four-lane highway, there is no guarantee it will not become a six or eight-lane highway.” She thought her county might be more receptive if the road ended at the Glebe Road Metro station, but State officials opposed that option.

The *Post* reported:

Fugate said yesterday that although Richmond still wants a completed eight-lane Interstate 66, he has told Northern Virginia representatives that “if they come up with a compromise that sounded reasonable, we could discuss it with” Secretary Coleman. [Feaver, Douglas B., “Accord Sought On I-66,” *The Washington Post*, December 18, 1975]

A few days later, on December 20, the Arlington County Board voted unanimously to reject a compromise highway-subway facility as suggested by Secretary Coleman. The board also rejected paying for Metro construction or operation if its construction was predicated on construction of I-66. The resolution expressed the board’s “willingness to seek a genuine compromise” involving the upgrading of roads near the I-66 corridor. [Yaeger, Deborah Sue, “Arlington Voters Reject Metro, Six Other Issues,” *The Washington Post*, November 5, 1975]

The four-lane compromise appealed to some officials in Arlington and Fairfax Counties. Outgoing Arlington County Board Chairman John W. Purdy said that compromise was still possible, despite the board’s recent rejection of Secretary Coleman’s suggestion. “I think it’s time for the state highway department to come forward with a new proposal,” such as Herryty’s four-lane proposal. It would, Purdy said, establish “two new extremes between which there is a possibility for negotiation.” [Yaeger, Deborah Sue, “Arlington Board May Shift on I-66,” *The Washington Post*, December 24, 1975]

Herryty, in his inaugural address as chairman on December 31, acknowledged the county’s fiscal difficulties. The county would have to cut back, impose a stricter hiring freeze, and revise its

commitment to Metro. “I want to see a balanced transportation system of highways and rails in this area . . . but I have not seen any plan for building it that does not rely on the tooth fairy to bring us a half billion dollars.” He promised to ask the board “very soon” to approve a “compromise” I-66 proposal – a four-lane highway with Metro in the median. [Rosenfeld, Megan, “Herrity Urges I-66 Compromise,” *The Washington Post*, January 1, 1976]

As he had predicted, the Fairfax County Board of Supervisors endorsed, by a 6-to-3 vote on January 5, a four-lane highway in the I-66 corridor for peak-period buses and carpools. Supervisor Audrey Moore of Annandale, who voted against I-66 on the previous board, voted for the compromise, saying:

I still oppose the concept. However, I see a tremendous need for express bus lanes, particularly as we may not be able to complete the Metro bus [sic] system because of its costs. I don't see any other alternative except to support it.

Supervisor Alan H. Magazine of Mason voted against the busway compromise. He warned that “if a four-lane highway is built, pressure will be there from the day the ribbon is cut to open it up to commuter traffic.”

Herrity planned to meet with other northern Virginia jurisdictions, Virginia highway officials, and the U.S. Department of Transportation to advance the plan.

Fugate said of the January 5 vote that he was “gratified that the board has recognized the need for an interstate-type highway in the corridor,” adding that the board’s support “would certainly help to influence the Secretary.” [Seaberry, Jane, “Fairfax Shifts, Votes 4-Lane I-66,” *The Washington Post*, January 6, 1976; Green, Mary Margaret, “Fairfax’s Flip-Flop Puts I-66 Back in the Picture,” *The Washington Star*, January 6, 1976]

(On January 10, Chairman Herrity, 43 years old, suffered the first of two heart attacks and was admitted to Fairfax Hospital. They would keep him away from board activities for 2 months. Vice Chairman Martha Pennino assumed Herrity’s responsibilities as chairman of the Fairfax County Board of Supervisors.

(When Chairman Herrity returned to work on the board on March 29, he was welcomed back with what the *Post* described as “flowery speeches and flowers” (the flowers and a corsage were for Pennino), after which he quickly angered board members by attempting to convince them to withhold the county’s \$1.7 million payment to Metro, due in January 1977. The \$1.7 million was in the county’s proposed FY 1977 budget, but was not funded; a bond referendum would be required to secure the funds.

(After a lengthy presentation by WMATA, Herrity argued that the authority should do a complete reevaluation of the county’s rapid transit needs and the location of Metro stations based on current population and projections, instead of the 1968 data used to develop the present alignment. WMATA officials said such a review, which might result in changing station locations, would take a year to complete.

(Supervisor Alexander was infuriated, saying, “I am ticked off! I am really ticked off! His timing is really atrocious.” Alexander was to meet with Governor Godwin on March 31 to encourage him to support General Assembly bills giving northern Virginia \$10 million for Metro and authorizing area jurisdictions to impose a 4-percent “piggy-back” gas tax on top of the State gas tax to pay for Metrobus deficits. “I will cancel our meeting with the governor on Wednesday if this passes. I’ve had it.” He explained, “I don’t see any point in going down. If you’re not willing to pay for this thing [Godwin is going to say], obviously, you don’t need the money. I’m serious!”

(Supervisor Magazine was angry, too. “If this passes it is an obvious decision not to continue Metrorail.” The *Post* continued, “a raft of Metro executives had beaten a hasty retreat after watching the Board come close to voting to withhold the county’s share of Metrorail construction costs.”

(After the meeting, Herrity told reporters in the lobby, “This has nothing to do with the meeting with the governor.” Moreover, he said, “I think he’d be more impressed with a conservative attitude toward Metro.” The *Star* reported he said “cautious” instead of “conservative.” The *Post* observed, “In another corner of the lobby, Alexander fumed.” [Seaberry, Jane, “Herrity’s Condition Is Called Serious,” *The Washington Post*, January 12, 1976; Rosenfeld, Megan, “Herrity Is Welcomed Back, Then the Fighting Begins,” *The Washington Post*, March 30, 1976; Green, Mary Margaret, “Herrity: First Flowers, Then Brickbats,” *The Washington Star*, March 30, 1976])

Internal pressure on the Arlington County Board of Supervisors came from the county’s director of highways, H. S. Hulme, Jr. He warned board members not to gamble on winning their fight against I-66. “You can’t say whether the dice are going to roll box cars or sevens,” he said. The county would win if I-66 were not built, but if it is built without county input, county officials will miss an opportunity to shape the facility. He cited the reversal in Fairfax County:

Hulme said that Arlington should do the same thing. He added that although there never will be a firm guarantee that the road will stay four lanes – critics of I-66 say it will grow to an eight-lane monster – skilled planning maneuvers by Arlington could virtually assure a four-lane wide commuter highway. [Axelrod, Susan, “Arlington Board Warned: Endorse I-66 Compromise,” *The Evening Star*, January 15, 1976]

A *Post* editorial summarized Secretary Coleman’s original decision, then said, “Nothing has happened since to change the validity or wisdom of this argument. Yes, there is suddenly talk of a ‘compromise’ in a situation that cannot logically be compromised”:

The construction of a highway in the I-66 corridor is either prudent or not prudent, whether we are talking about an eight-lane, six-lane or four-lane freeway . . . .

Mr. Coleman himself has encouraged this “compromise” talk, first in a hedged reference to the legality of a state-financed “commuter highway” in his original statement last August, and secondly in an off-hand remark to the same effect to a Washington Post reporter a few days ago . . . .

The reason that the I-66 controversy has flared up again (and that both Mr. Coleman and some Fairfax supervisors seem to have changed their minds) is not that there was anything wrong with the original decision, but that the Virginia Department of Highways and Gov. Mills E. Godwin still want their freeway and can wield a powerful club to get it. The state has the legal right to refuse to transfer all or part of the \$190 million earmarked for I-66 to help provide Metro rail transportation.

Metro was “in dire need of money and is draining the budgets of all counties in the region.” The *Post* agreed with former Arlington County Board Chairman Purdy “that the Virginia counties should seriously negotiate with the Virginia State Highway Department for all or a good portion of the money they hold in ransom.” At the same time, the Fairfax County board’s “opening acceptance of a vague and dangerously bad bargain is a poor way to start serious talks.” [“The Revival of I-66,” *The Washington Post*, January 9, 1976]

Governor Godwin addressed the opening session of the General Assembly on January 14, 1976. Stressing the State’s dire fiscal situation, he said his budget proposal would not call for new taxes, general bond issues, or money for Metro rail. The *Post* reported:

Godwin spoke with skepticism of rail transit as a solution to urban transportation, citing the high cost of Metro and other systems.

While denying direct aid to Metro, however, he gave the clearest indication yet that he would support transfer of some money earmarked for completing Interstate Rte. 66 through Arlington to Metro if local officials agree to a reduced version of the expressway.

The *Post* added that the denial of Metro funding bills “brought forth immediate vows from area legislators to get the money into the appropriations act on their own.” [Edward, Paul G., Godwin: No Money For Metro,” *The Washington Post*, January 15, 1976]

*Star* editors speculated that “Virginia state officials, ensconced in their Richmond offices, apparently think Northern Virginia is run by dumbos.” The editors could understand if the reason for Governor Godwin’s refusal to fund Metro was based on the State’s very real fiscal problems. “But it appears that a major reason is that the governor and state transportation officials simply aren’t sold on the idea of building subways in Northern Virginia.” They were, as a result, second guessing local officials on local needs:

If Gov. Godwin and state transportation officials have a better idea on how to move commuters in the Washington area more efficiently, it’s about time they imparted that wisdom to Arlington, Alexandria, Fairfax and Falls Church.

So far, all state officials seem to be interested in is getting a highway built in the I-66 corridor, a project that has been stymied for years by protests from citizens and local governing bodies.

The editors thought that some sort of highway, possibly the four-lane compromise commuter road, would be built, but the problems in the area should not be “viewed in a single dimension.” The planned Metro line was “essential, in our opinion, if the metropolitan area is to have a

balanced transportation system.” Metro’s escalating cost was threatening the line’s viability but “the foot-dragging of Virginia officials has added to the problem.”

They urged northern Virginia’s delegates to the General Assembly to fight for Metro funds, if allowing only local jurisdictions to add a 4 percent tax on gasoline sales for the purpose:

We hope that Gov. Godwin and Mr. Fugate will support the local tax proposal, although we’re not too encouraged that they will. It also would be helpful if they would reconsider and include some Metrorail construction funds in the new budget. [“Virginia Reneges on Metro,” *The Washington Star*, January 15, 1976]

Governor Godwin made his views clear during a press conference on January 20. He opposed the use of State funds for Metro, which he called “an apparent financial disaster.” He also opposed giving local governments piggy-back taxing authority to pay for Metro or bus service (both were “obviously hopelessly deficit operations”). He said, “There is not a rail transit system in the country that is making money.”

However, his budget, released on January 19, included the \$15 million in highway funds for transit-related highway improvements, such as bus express lanes and fringe parking lots. This was the funding the General Assembly had approved in 1974 for northern Virginia. [McAllister, Bill, “Godwin Still Against Aid For Metro,” *The Washington Post*, January 21, 1976; “Money Hopes Dashed,” Metro, *The Washington Star*, January 21, 1976]

After meeting with Secretary Coleman on February 25, 1976, Governor Godwin said the Secretary asked the State to submit an I-66 plan “on a scale of lesser dimensions than the original proposal . . . that would not harm the environment.” Fugate said the State’s proposal would follow Herrity’s compromise of a four-lane I-66 limited to buses and carpools during peak periods. During peak periods, the restrictions would apply only in the direction of the flow of rush-hour traffic. An exception would be made for traffic going to and from the Dulles International Airport Access Road. I-66 would be open to all traffic at non-peak times, although Governor Godwin suggested that “heavy equipment” traffic might be curtailed. Fugate expected to submit the plan “in about 10 days.”

According to Deputy Commissioner Harwood, the new plan was tailored to meet Secretary Coleman’s principal objections to the earlier I-66 proposal. Opponents complained that the new concept of a four-lane highway could be widened as originally designed to six or eight lanes. The State’s proposal would not include a prohibition against widening, but Harwood said that the roadway would be so narrow in some locations that adding another lane would require additional right-of-way. He expected opponents to file a lawsuit to block the compromise roadway.

The proposal also did not say what would happen to the funds saved by constructing four instead of eight lanes. Northern Virginia officials wanted that funding to be made available to Metro and Metrobus needs.

The *Post* reported:

Coleman said in an interview last night that “Obviously any state has the right to propose a new highway,” and said he promised Godwin a quick decision if a new proposal for

I-66 were made. Coleman said several times that nothing in the conversation could be interpreted as indicating that he would “favorably prejudge” a new application . . . .

Coleman said he told Godwin that “In my judgment there would have to be better access to Dulles” at some point in the future. “He kept saying I-66; I never used the word.”

Godwin said he believes Coleman “has the necessary authority to act on an alternate plan” without the drafting of a new environmental impact statement. But Coleman said that any new road project would require a new statement.

Godwin also said that both he and Coleman would like to have the concurrence of all local governments in the new plan, but the governor added, “I did not get the impression he feels that is absolutely necessary.”

During the press conference, Governor Godwin indicated he might accept a regional gas tax hike along the lines of a bill the House of Delegates had approved on February 20. He explained that the gas tax revenue went into a special highway trust fund, and was not available for other purposes. “But if that’s the way they [northern Virginia] wish to help fund some of the problems they have, then we have to consider whether it ought to be permitted or not, and I’ve not ruled that out.”

The *Star* reported that northern Virginia legislators thought they had worked out a deal. If area officials supported Governor Godwin’s four-lane proposal, he would make \$20 million available for Metro for the next two fiscal years. The funds would come from the savings resulting from building a four-lane, instead of an eight-lane, highway. Governor Godwin did not mention such a deal, but “Northern Virginia legislative sources claim a tri-cornered deal involving I-66, metro, and the Godwin administration has been agreed upon.” [Edwards, Paul G., and Feaver, Douglas B., “Godwin Sees Hope for Modified I-66,” *The Washington Post*, February 26, 1976; Kelly, Brian, “A Deal in Virginia: State Aid for Metro In Return for I-66,” *The Washington Star*, February 26, 1976]

(Governor Godwin appears to have been promising to secure withdrawal of I-266, including the Virginia approaches to the Three Sister Bridge, from the Interstate System to secure substitution funds for other purposes. Local officials apparently thought that the savings from building a four-lane I-66, instead of a six- or eight-lane facility would become available, but that was not the case. Contrary to a common misunderstanding by highway opponents, the reduction in the number of I-66 lanes did not result in the use of leftover Interstate Construction funds – or an equivalent amount of general Treasury transfer funds – for Metro.

(The Interstate System was built on a cost-to-complete basis. BPR and later FHWA provided 90 percent of the cost of completing each segment to full Interstate standards. If the final cost was less than the amount shown in the most recent ICE, the leftover funds remained in the Interstate Construction account for use on other Interstate highways. The balance could not be shifted to

transit or other highway projects. The transfer funds from the Interstate withdrawal and substitution program existed only when, instead of building the Interstate route, the Governor and local officials decided to withdraw it from the Interstate System instead of building it.)

On March 8, Virginia formally submitted the compromise four-lane proposal to Secretary Coleman. At an estimated cost of \$140 million, I-66 would be restricted during peak periods in the primary direction to four-person carpools, buses, and Dulles International Airport traffic. Heavy trucks would be banned at all times to create what State highway officials called “a parkway-like facility.” This cost was \$47.3 million less than the estimated cost of the earlier eight-lane I-66 proposal.

The plan replaced the double-deck roadway in the Spout Run Parkway area with a four-lane roadway in a 25-foot deep trench-like structure south of Spout Run Parkway. The new highway included bicycle trails, park development, and other environmental features. It would not encroach on Westover playground and would “reduce by more than one-half the encroachment on Bon Air Park.” It also included a 4.6-acre neighborhood park with a pond in Arlington near Quincy Street. “The four-lane proposal will reduce the number of additional families to be displaced from 161 to 105.”

Metro would run in the median for about 6 miles from the Beltway to Harrison Street in Arlington. The project would be designed so that the highway project would cover all Metro costs except placing ballast, rails, and Metro stations in the median. In VDHT’s view, the depressing of the four-lane highway and elimination of trucks meant that Metro operations would generate most of the noise resulting from the facility.

Deputy Commissioner Harwood expected Arlington County to continue to oppose any highway in the corridor. The State still favored its earlier version, but he added, “Four lanes is better than nothing.” [McAllister, Bill, “Va. Asks Approval of Four-Lane I-66,” *The Washington Post*, March 9, 1976; Kelly, Brian, “Virginia’s Trying Hard to Reduce the Noise Over I-66,” *The Washington Star*, March 9, 1976]

When the Virginia Assembly completed its 1976 session, Governor Godwin criticized it as “not one of the more praiseworthy sessions of our legislature.” In answer to questions from reporters, he expressed doubts about two northern Virginia mass transit aid bills. The bills appropriated \$10 million in State gasoline tax revenue for Metrorail and provided authorization for northern Virginia jurisdictions to impose a 4-percent sales tax on gasoline purchases. The estimated \$11 million annual revenue would be used to help pay for rail and bus operating deficits.

Governor Godwin said that both bills had been “flagged for mature consideration.” The *Post* reported:

[He] said that he will not be able to sign two Northern Virginia mass transit aid provisions that he did not propose until he makes a basic policy decision about the direction the state government should take in supporting county and city transit programs.

“We have to bear in mind how much of this money is going for Metrorail construction,” he said, “and we have to see how much of a precedent we are setting. If we approve this, the city of Richmond might come in next year and ask for funding of its downtown toll roads.” [Edwards, Paul G., “Godwin Attacks Assembly Record,” *The Washington Post*, March 18, 1976]

(This was an apparent reference to the Richmond-Petersburg Turnpike, which carried I-95 through the two cities.)

On May 12, Governor Godwin vetoed the bill appropriating \$10 million in State aid for Metro construction. His veto message stated:

Until there is a firm and reliable estimate of ultimate costs of Metrorail and a clearer delineation of the funding responsibilities of the federal and local governments, I do not believe the state should become further involved in this threatened financial debacle.

He approved the bill allowing local jurisdictions in northern Virginia to piggy-back a 4-percent gas tax on the State gas tax. The bill required all five jurisdictions to approve the added tax before it could take effect.

In one of those jurisdictions, the seven members of the Fairfax City Council said they would oppose the 4-percent gas tax unless some of the revenue were returned to the city for uses on other purposes. [Rosenfeld, Megan, “Godwin Vetoes Subway Aid,” *The Washington Post*, April 13, 1976; Nunes, Donnel, “Fairfax City Will Oppose New Gas Tax,” *The Washington Post*, April 14, 1976]

On April 14, Governor Godwin accepted Commissioner Fugate’s resignation. Fugate had joined the Virginia highway agency in 1927 as a surveyor after graduating from Virginia Military Institute. The agency had been his only employer. He had been appointed Commissioner by Governor Albert S. Harrison in 1964. Eisen said of Fugate:

Fugate achieved a reputation as a sternly honest administrator with a sense of mission toward road projects. Despite a 1973 law that permits the shift of road funds to transit projects, Fugate told an interviewer last year that he took the “absolute” view that “interstate highway money should be used for interstate construction . . . .

A wiry man whose voice retains the twang of his native hill country (he was born in Pulaski County in southwestern Virginia), Fugate is both outgoing and modest, and possessed of a strong sense of humor . . . .

He has insisted that he is not opposed to mass transit, but rather to spending road money on transit when so many road needs remain unmet. This position has brought him strong support from rural areas and small towns.

“I make decisions quickly and on the spur of the moment,” Fugate once said of himself. “Sometimes I don’t look at the background enough, but a lot of them turn out all right anyway.”

Governor Godwin selected Deputy Commissioner Harwood to become Commissioner when Fugate retired on July 1; Harwood would fill Fugate's remaining 4-year term, which was to end in 1978. In a telephone interview, Harwood said, "I'm not too far away from the philosophy of Mr. Fugate and the governor" on Metro. He thought Metro would "be a good thing for the city of Washington," but failure to follow through with plans for intensive development around Metro lines in northern Virginia made the line impractical. [Eisen, Jack, "Fugate to Retire As Va. Roads Chief," *The Washington Post*, April 15, 1976; Edwards, Paul G., "Fugate Deputy to Get Va. Roads Job," *The Washington Post*, April 23, 1976]

(In retirement, Fugate worked as a consultant in Richmond. He died of cancer at the age of 82 on December 11, 1988.)

While Virginia was trying to decide what to do about I-66, Congress was working on a 2-year, \$17.5 billion highway reauthorization bill. The Federal-Aid Highway Act of 1976, which President Ford signed on May 5, provided the relief that Virginia highway officials, and officials elsewhere, had been seeking. Section 110 amended the Interstate withdrawal/substitution mechanism to allow funding of highway projects on the Federal-aid primary, secondary, or urban systems in lieu of a nonessential Interstate link.

With Mayor Washington having asked the city council to approve withdrawal of I-266/Three Sisters Bridge and the K Street expressway from the Interstate System on May 1, Harwood said on May 19 that Governor Godwin was prepared to transfer \$30 million from Virginia's portion of I-266 to Metro construction. This amount would be in addition to the estimated savings of \$45 million if Secretary Coleman approved the compromise I-66 plan. According to Jack Eisen, Harwood's statement "was apparently the first time the prospect of a direct interstate fund transfer by Virginia to Metro had been mentioned publicly." He added that Secretary Coleman had said he was willing to "approve enough interstate funds to complete Metro only if Maryland and Virginia both followed the District's lead with similar transfers." [Eisen, Jack, "Va. Bridge Funds May Go to Metro," *The Washington Post*, May 20, 1976]

Virginia officials were preparing a draft EIS for the compromise I-66, which the statement indicated would reduce the loss of parkland, displace fewer residents, and decrease air pollution. It would increase noise levels, but impacts would be reduced because the plan prohibited heavy trucks and, during peak periods, single-occupant vehicles. Only 67 households would be displaced compared with 166 residences in the original plan. The estimated cost was \$160 million, resulting in savings of \$45 million for Metro. [Kiernan, Laura A., "4-Lane I-66 Plan Impact Weighed," *The Washington Post*, June 7, 1976]

Virginia highway officials held a 7-hour public hearing on the proposal at the Marriott Key Bridge Hotel in Arlington on July 10-11, 1976. About 50 witnesses spoke, with the *Post* estimating that "a slim majority" opposed construction. Arlington County Board Chairman Bozman said, "The road would disrupt neighborhoods in a very small, fully developed community, both during and after construction using large amounts of land from a very small community." In addition to damaging homes, schools, parks, and neighborhoods, the scaled-down I-66 "would generate noise that would exceed federal standards and increase concentrations of pollutants in the air, especially carbon monoxide."

Herrity commented on the familiar arguments:

This is a rerun of the hearing last time. You should play a tape recording from the last hearing and save a lot of money that could be put in Metro or I-66.

As reflected in Bozman's comments, opponents opposed any version of I-66, preferring that the funds be used for Metro. Proponents mainly came from Fairfax County and cited shorter commuting time that would reduce energy consumption by taking slower moving cars off the stop-and-go streets of Arlington.

During the second day of hearings, the *Post* estimated, "The number of proponents of the four-lane \$160 million highway who spoke during the second day of hearings . . . held a slight edge over the road's opponents." Opponent Ellen Pickering of Alexandria asked, "If we're going to have more roads, how in Sam Hill are we ever going to maintain air quality standards?" She called the proposal a "road that is without a cause" and urged talk of it to end. "It's just like feeding a baby. The more you feed the baby, the more he keeps spitting up. After a while, the more you keep feeding us I-66, we're going to keep spitting it up."

James Govan of ACT told highway officials, "You have come back with a retread of the same old plan." The *Star* reported that, "Govan, a longtime active opponent of I-66 in any form, was joined by the large majority of speakers at the all-day hearing in criticizing the plan."

Marian K. Agnew of Fairfax told Secretary Coleman, "You have already heard what we're going to say on both sides of the issue. The real issue now is whether I-66 has become an anachronism," referring to problems such as energy conservation and air pollution that were not a concern when I-66 was put on the Interstate map.

Supporter Peter Halpin, also of Alexandria, said, "It's very clear from the nature of the opposition that their arguments against I-66 are no better than before." He said he wanted to apologize for them. "How many of them said they were going to ride mass transit?" He asked, then made a zero sign with his left hand.

Michael M. Burns, representing the Greenbriar Civic Association, supported the proposal. Opponents, he said, "are looking for a perfect solution to all our transportation problems." As for the I-66 proposal, "We view it as a practical solution to a very real problem." [Brown, Doug, "Testimony Begins on Scaled-Down I-66 Plan," *The Washington Post*, July 11, 1978; Seaberry, Jane, "7-Hour Hearing Held on New Rte. 66 Proposal," *The Washington Post*, July 12, 1976; Middleton, Lorenzo, "The War of I-66 Resumes in Hearing," *The Washington Star*, July 11, 1976]

The District of Columbia City Council voted 13 to 0 on July 27 for a resolution introduced by Councilwoman Shackleton opposing the I-66 compromise plan. The resolution restated the city's opposition to more freeways and said "it is precisely this position" that had prompted the city to transfer millions of dollars to Metro construction. The city wanted Virginia to transfer all the I-66 funds to Metro. The vote ensured that the four District votes at a July 30 TPB meeting would oppose I-66; with 12 members on the board, the outcome was uncertain. [Eisen, Jack,

“I-66 Future Opposed, May Hurt Metro Plans,” *The Washington Post*, July 29, 1976]

The Virginia Highway and Transportation Commission unanimously approved the modified I-66 proposal on July 29. [Edwards, Paul G., and Eisen, Jack, “Va. Highway Agency Approves I-66 Plan,” *The Washington Post*, July 30, 1976]

The District’s solid opposition did not prevent the TPB from restoring I-66 to the regional transportation plan. In the fractional voting system in effect, the TPB approved the action by “the razor-thin tally of 6.112 to 5.749 votes,” as Jack Eisen explained to *Post* readers:

Joseph S. Worley, vice chairman of the Arlington County Board, led opposition to the road. It would be, he asserted, “a waste of public funds, a waste of tax money” and would disrupt neighborhoods while increasing air pollution.

D.C. City Councilman Jerry A. Moore Jr., supporting Wholey, called the city’s position one of “voting in favor of Metro and against I-66.”

Fairfax County Supervisor Marie B. Travesky, who made the motion to approve the I-66 restoration, disputed that interpretation. “If the bell tolls here for I-66, it also tolls for Metro in Virginia,” she said.

The COG’s legal counsel, John J. Bosley, warned that not restoring I-66 to the official map “could make the project vulnerable to successful legal attack.”

Eisen continued:

The decision yesterday of Alexandria City Councilman Robert C. Calhoun to cast his 0.329 vote to support I-66 was probably decisive. Before doing so, he won approval for a provision that the transportation planning board would keep some control over the future use and possible expansion of I-66 facility.

Opponents of I-66 vowed to oppose restoration when the issue “comes before the COG board of directors in a different procedural form next Wednesday.” [Eisen, Jack, “I-66 is Restored to Regional Road Plan,” *The Washington Post*, July 31, 1976]

The opponents, however, were unsuccessful before the COG board on August 4. By a weighted vote of 66½ to 54½, the board endorsed the scaled-back I-66 after what Eisen called “a sometimes bitter debate.” This vote was the final local action needed before Secretary Coleman’s decision.

City Councilman Douglas E. Moore, chairman of the District’s Budget Committee, threatened to withhold the city’s Interstate substitution funds from Metro construction in the suburbs. “The money is all the leverage we have,” he said, to avoid an influx of Virginia traffic that would be “an infringement on the rights of our people.” As for how serious a threat this was, Councilman and COG board member Jerry A. Moore, Jr., said “Doug Moore spoke only for himself.”

Eisen pointed out the paradox of the weighted voting:

The vote on the key motion yesterday was conducted under a voting system reflecting the relative populations of 15 local governments that hold COG membership. Actually, 21 persons cast the 121 votes.

If both supporters and opponents had not called for the weighted voting, which is optional, the outcome of the key motion apparently would have been reversed – 11 against the road, 10 favoring it.

Supporters were chiefly Maryland jurisdictions and those in Virginia outside the Capital Beltway, except for Loudoun County, which opposed the plan. Opponents were Arlington County, Falls Church, Alexandria, the District of Columbia, and Gaithersburg.

Montgomery County split its votes, with County Executive James P. Gleason's 10½ votes cast for I-66 and the County Council's 10½ votes opposed.

While voting to support the I-66 plan, COG members were concerned about its impact on air quality and Metro ridership. They called for additional documentation on how I-66 would affect the region's compliance with EPA's air quality standards.

The District's planning director, Ben Gilbert, "insisted that I-66 and Metro would be competitive, and that building the road would doom the success of the rail line." Herrity disagreed. "I'm not telling you the Metro line will be built, but . . . I can assure you that under existing circumstances it will not be built" if I-66 is not built. He added that Governor Godwin supported the Metro line only if I-66 is built.

Eisen summarized the issue by saying the "two hours of debate clouded rather than illuminated the effect that building I-66 might have on completing the Metrorail route that is proposed to occupy the highway median from Glebe Road in Arlington to Vienna." [Eisen, Jack, "Small-Scale I-66 Wins COG Backing," *The Washington Post*, August 5, 1976]

Secretary Coleman announced on August 30 that he would hold a public hearing on the scaled-down I-66 in the Departmental Auditorium on October 2, 1976. The press release included his explanation for the hearing:

In light of the considerable interest and controversy which has surrounded the issue of construction of I-66 and the fact that I personally conducted a public hearing on the matter when it was previously presented to me and issued a decision on it, I shall now conduct a public hearing on the new proposal.

This hearing was organized to hear from public officials in the morning and civic groups in the afternoon.

Overall, he listened to about 80 presentations from officials and civic representatives who were "evenly divided for and against the highway," by the *Post*'s count. Governor Godwin was one of the witnesses. He said, "I have had more information available to me and more advice and more opinions expressed to me about this problem than perhaps any other in either of my

administrations.” (He was the rare Virginia Governor, in a State that prohibited its governors from succeeding themselves, to serve two non-consecutive terms (1966-1970 and 1974-1978).):

Gov. Mills E. Godwin . . . testified that construction of the metro line down the median strip of I-66 would save Metro about \$45 million in construction costs, since grading, preparation and overpasses needed for the roadway could also be used by the rail line. In addition, Godwin said that building I-66 would “open the way” for the transfer of over \$30 million in interstate highway funds [from I-266] to the financially troubled rail system.

However, in an interview, Godwin said he would “feel no obligation to transfer” road money to Metro if I-66 is not built. “That money was allocated to a highway,” Godwin said, “and we’ve got other projects in Virginia that need to be built” if Coleman decides against I-66.

Secretary Coleman made clear that he had some concerns about the EIS:

He questioned them about certain statements he found “troubling” in the environmental impact statement accompanying the proposal as well as about Metro.

“It would be easier for me if I knew that if I-66 were built Virginia would commit itself to doing everything it can to build Metro to Vienna,” Coleman told John H. Harrison, a representative of For I-66. “I’d be interested in that. Unless there is a guarantee that Metro is going to be built, you may have the situation that I-66 will be built without Metro in the median strip and then in four or five years it will be overcrowded and there will be pressure for more lanes.”

Coleman also directed a great many of his questions to assertions in the environmental impact statement that I-66 would only divert about 100 riders from Metro to the highway and that the highway would reduce the amount of in-bound traffic crossing the Theodore Roosevelt Bridge rather than increase it. Coleman asked those appearing in opposition to the highways to address themselves to these assertions and to submit comments to him in writing.

In addition, Coleman asked the speakers “what am I to do with the statement that Metro could only carry 20 per cent of the ridership” into the District and that there was another 25 per cent of commuters who were “in need of some kind of road.”

“Who’s going to put information on the record that deals with the information in the environmental impact statement?” Coleman asked Arlington County Board member John W. Purdy who, with the majority of the Arlington Board, opposes I-66. “Has anyone been to the Virginia Highway Department and asked them for the back-up material? I take it that’s something I’m supposed to do.

He also was concerned that guarantees about ridership could be obtained to ensure the road would be used as proposed, as well as what would happen to the right-of-way if I-66 were not built.

When Chairman Herrity testified, Coleman observed that new highways were soon clogged with traffic. Herrity replied, “I don’t believe in the Oedipus highway complex that highways procreate cars and traffic. Other decisions do that.”

District Director Schneider, while testifying on behalf of Mayor Washington, addressed one of Secretary Coleman’s concerns. “I simply do not believe,” he said, that fewer cars would enter the city if I-66 were built. He considered it a “folly” to build Metrorail in the median of I-66 while operating Metrobuses on the highway, “with both systems losing money.”

After hearing from both sides, Secretary Coleman said the testimony helped him understand “the concern of the people that the proposed highway will not be changed once it is built, the extreme feelings of the people in Arlington who don’t want it and the reasons why people want Metro completed.” [Darling, Lynn, “Coleman Explores I-66, Metrorail Relation,” *The Washington Post*, October 3, 1976; Crosby, Thomas, “I-66 Dispute Drones On At Hearing Before Coleman,” *The Washington Star*, October 3, 1976]

While Secretary Coleman decided what to do, the WMATA board learned from a staff report on July 8 that the cost of building Metro had increased by \$227 million to \$5 billion. Eisen explained:

Metro comptroller, William E. Boleyn, said one of the largest items in Metro’s rising cost can be traced to “a lack of timely decisions” by citizens, planners and politicians.

Because stretching out construction inevitably resulted in increased costs, the lack of a decision on I-66 was an example.

The increase meant that local jurisdictions would have to find revenue to make up the difference. The District would have to find an additional \$65.9 million. In Maryland, Montgomery County would need \$32.7 million more while Prince George’s County’s additional share would be \$30.5 million. The additional cost would be shared in northern Virginia by multiple jurisdictions:

Alexandria: \$15.9 million  
Arlington: \$42.2 million  
Fairfax County: \$40.5 million  
Falls Church: \$300,000

[Eisen, Jack, “Metro to Cost Area Jurisdictions \$227 Million More, Staff Says,” *The Washington Post*, July 12, 1976]

Secretary Coleman asked the WMATA board for its views on I-66. The board, which included members from multiple jurisdictions, was internally divided on the freeway, as the jurisdictions were. Eisen summarized the response:

The board refused to say “yes” or “no” to the road, but did spell out the potential cost of its rejection. Its letter, signed by Sterling Tucker, chairman of both the Metro board and

the D.C. City Council, was couched in such neutral terms that it did not even say the increase was harmful or troublesome.

“. . . it would appear,” Tucker’s letter said, “that the current I-66 proposal would result in a reduction in Metro construction cost, excluding real estate, of \$34 million” from the earlier proposed version of the road with unrestricted traffic . . . .

A “no I-66” situation would result in considerable redesign effort with a resulting delay of 18 months during which time we would be subjected to additional escalation cost.”

He did not specify an amount, but a table attached to the letter indicated that a 1-year delay would cost \$14 million. Thus, an 18-month delay would appear to cost at least \$20 million.

Actually, as Eisen explained, the actual difference between building or not building I-66 added up to \$70 million:

The \$70 million actually is composed of two separate elements. Metro has said it would cost at least an extra \$34 million to build the rail line if I-66 is not built. And unless the highway is approved, Virginia Gov. Mills E. Godwin has said he will refuse to release more than \$30 million of interstate highway funds to Metro.

This \$70 million gap between costs and resources is one factor that U.S. Secretary of Transportation William T. Coleman Jr. must weigh in deciding whether to approve the state’s latest proposal for the road . . . .

Given the choice between building I-66 to the District line or losing \$70 million for a Metro line in the corridor, District officials were willing to lose the money rather than have I-66 traffic flowing across the Potomac River onto already congested city streets:

District officials testified against the road and Godwin testified for it at a recent hearing conducted by Coleman . . . . Douglas N. Schneider Jr., director of the District’s transportation department, told interviewers over the weekend that the Virginia funding problem is political and has nothing to do with transportation matters.

If Virginians were as serious as District officials about completing the 100-mile Metro system, he declared, the problem would evaporate. He described himself as unconcerned over the funding problem, a position similar to that taken by other District officials. [Eisen, Jack, “I-66 vs. \$70 Million for Metro,” *The Washington Post*, October 28, 1976]

## **Rebirth of I-66**

On November 2, 1976, former Governor Jimmy Carter of Georgia defeated President Ford in the presidential election. The President-elect chose Representative Brock Adams to succeed Secretary Coleman as Secretary of Transportation.

In Washington area races, 43-year old Representative Paul S. Sarbanes, who in 1970 had defeated the powerful chairman of the Committee on Public Works, Representative Fallon,

defeated Senator Beall in a landslide with 57 percent of the vote. In Virginia, Senator Byrd won his race. The three Representatives elected in 1968 won reelection – Representative Spellman of Maryland and Representatives Fisher and Harris of Virginia. Representative Gude retired after 10 years in the House, succeeded by Republican Newton I. Steers, Jr., a 59-year old State Senator.

In the District of Columbia, Delegate Fauntroy won reelection to his nonvoting position in the House with 78 percent of the vote. Most city council members running for reelection were successful. Winners were Marion Barry (at-large), The Reverend Jerry Moore, John Wilson, Arrington Dixon, and Willie Hardy. Councilman James E. Coates was the exception; he lost to Wilhelmina J. Rolark.

One of the many repercussions of Governor Carter’s election was that Secretary Coleman was a lame duck. His predecessors, in their lame-duck weeks, had tried, with mixed results, to resolve remaining controversies in their final weeks. Now it was his turn.

In an interview with the *Post* on December 29, Secretary Coleman said he expected to decide on I-66 before leaving office “in such a way that the full Metro is going to be built”:

I think that if the Washington community and the [national] administration doesn’t support Metro, in 15 years we all will regret it.

He knew that Secretary-designate Brock Adams had been a consistent Metro supporter in the House of Representatives.

In view of Governor Godwin’s oft-stated concerns, Secretary Coleman added that, “The only way Metro is going to be built is to get the Commonwealth of Virginia back of it.”

As for I-66, he said, “it’s a really tough call . . . everybody outside the Beltway wants it very much, but inside it [the opinion] is mixed.” He cited one problem with restricting the road to carpools was that it might take passengers away from Metro, while sorting out traffic to and from Dulles International Airport would be difficult.

Eisen wrote:

Reminded that he has sharply criticized aspects of Metro, Coleman maintained that the managers of the program failed to keep costs under control.

Despite the increase of cost projections from the original \$2 billion to \$4.7 billion and a potential \$5.5 billion, Coleman said, “nobody gets upset . . . nobody does a damn thing [about it]. We ought to finally recognize there is a limited amount of public money, and we have got to insist that public servants spend it more wisely.” [Eisen, Jack, “Coleman Links Route 66 to Full Metro,” *The Washington Post*, December 29, 1976]

On January 5, 1977, Secretary Coleman announced:

I have decided to approve the multi-modal transportation concept including the four-lane Interstate Highway 66, as proposed to me by the Virginia Department of Highways and Transportation. This interstate segment will provide direct east-west access between the Nation's Capital and Interstate 81 and will thus benefit the entire northern portion of Virginia. In addition, the highway as proposed – with peak hour restrictions to buses, carpools and traffic to and from Dulles in the peak direction – will benefit the immediate metropolitan area by providing an efficient commuter facility to supplement the capacity of the existing network of commuter roads. The proposal will also provide the right-of-way, significant cost savings, and other financial support for construction of the “K” line [to Vienna] of the Metro rail transit system in the median of the highway for part of its length.

He was aware of the divided views on the proposal, a reality that made it a difficult decision:

On balance, however, I have concluded that the multi-modal solution proposed by VDHT will best meet the transportation needs of northern Virginia while fulfilling the environmental, social and economic objectives of the local communities and the Federal Government.

He had a concern related to the Metro line:

I realize that it is impossible to obtain, at this time, a legal commitment by the Governor of Virginia or the Washington Metropolitan Area Transit Authority (WMATA) to complete the Metro “K” line. Nevertheless, in view of this decision to approve I-66, I will expect the Governor, the agencies of the Commonwealth, and the Virginia legislature to honor the moral obligation to advance the completion of Metro. Such a moral obligation is, in my judgment, eminently fair . . . .

To this end, I ask that the Governor commit both the manpower and financial assistance necessary to the planning and construction of the Metro “K” line. Such assistance must include the financial commitments contained in the I-66 submission and the transfer of

I-266 funds to Metro, in accordance with the stated intention of the Governor [during the October 2 public hearing], but should not be limited to these actions. I expect that the full range of financial resources available to the Commonwealth, including taxation powers, bonding, or any other suitable revenue mechanisms, will be considered to fulfill this commitment. [*Secretary's Decision on Interstate Highway 66, Fairfax and Arlington Counties, Virginia*, U.S. Department of Transportation, January 5, 1977, pages 7-8]

Secretary Coleman, to be absolutely clear, specified the conditions of his approval:

Specifically, I approve the request for Federal aid for I-66 subject to agreement by the Commonwealth of Virginia that it will:

- Provide right-of-way in the median for Metro without cost, and “assist the Metro system through complete construction of the median to the point that rails could be placed by the Washington Metropolitan Area Transit Authority with minimal construction expense”,

and provide other assistance to Metro construction, all as set forth in the Final Four Lane Supplemental EIS;

- In accordance with Governor Godwin’s announced intention, transfer the funds previously allocated to I-266 in Virginia to Metro, under the “interstate transfer” provisions of Federal statute;
- Restrict the use of the highway lanes in the peak direction, during the peak hours, to buses, carpools of four or more persons, emergency vehicles, and vehicles bound to or from Dulles International Airport. These restrictions can be removed by VDHT or the Commonwealth of Virginia, only with the concurrence of the U.S. Secretary of Transportation, the authorized transportation planning body for the metropolitan Washington area, and WMATA. In addition, the restrictions can be removed by the U.S. Secretary of Transportation after consultation with these same parties. In either case, all environmental requirements would have to be met before the restrictions could be removed;
- Exclude heavy duty trucks (two-axles, six-tired or larger) from the facility at all times;
- Submit a plan within the next 60 days for DOT review and acceptance, detailing the enforcement approaches and resources which will be committed to assure compliance with the traffic limitations set forth above, including a plan for identifying automobiles bound to and from Dulles;
- Not construct any highway lanes in the I-66 right-of-way beyond the four which I am now approving;
- Include the design elements and other features intended to minimize and compensate for adverse social and environmental impacts of the highway as set forth in the Final Four Lane Supplemental EIS, and this document, including specifically those set forth in Section V of this document (in other words, so far as possible, construction should be similar to the George Washington Parkway); and
- Provide assurances that all construction will be carried out in a way that provides apprenticeship opportunities, skilled training and jobs for substantial numbers of minorities, and significant opportunities for the participation of minority-owned enterprises. [pages 8-9]

In a section on design, Secretary Coleman described the approved I-66 as “a four-lane divided, limited access highway with provision over part of its distance for Metro rail in the median.” It would have two 12-foot wide lanes in each direction, plus acceleration/deceleration lanes at interchanges. The highway would be depressed below grade extensively to minimize right-of-way and community impacts. The design speed would be 60 miles per hour, with a posted speed of 55 miles per hour, reduced to 50 miles per hour between Glebe Road and the approach to the Theodore Roosevelt Bridge. In addition:

Overpass and underpass structures would be designed for the four highway lanes and Metro (where the latter is in the median). Where the highway passes under structures, there would be 8-foot shoulders on the inside lanes and 30-foot “clear zones” beyond the outside lanes.

Other design features included continuation of bicycle and pedestrian trails from the Rosslyn/Spout Run area along I-66 to North Roosevelt Street near the planned East Falls Church Metro Station:

Also of particular importance is the commitment of VDHT to heavy landscaping, multiple use of space, and noise abatement structures to assure compatibility with the surrounding neighborhood. Approximately 60,000 linear feet of noise abatement walls would be constructed along the highway, approximately 60 percent of the two sides of the total alignment of I-66 inside the Beltway. [pages 24-25, 58]

In a conclusion, Secretary Coleman stated:

The proposal, as approved, with conditions, will result in improved mobility; an incentive and a great opportunity for increased carpooling, particularly over the longer run, as a basic tool of urban transportation policy in this metropolitan area; substantial support for the construction of an improved mass transportation system in this corridor, another basic element of a sound urban transportation policy; and improved access to Dulles Airport. These benefits will be achieved at some costs, but the “costs” have been reduced considerably and compensating features will be provided by major design improvements which the proposal includes and which are conditions of my approval.

The decision has also been particularly troubling because I know how deeply felt is the opposition to this project, how informed and reasoned much of the opposition has been, and how much sincere effort has gone into it. Many will be tempted to believe that their views were not considered. I want to emphasize that the views of the opponents, as well as the proponents, were carefully considered, and I hope that consideration is reflected, at least in part, in this document. But after considering the views of both sides, I can only choose one, and I have made that choice as objectively as I can, based on the record and information before me. [pages 70-71]

In his autobiography, Secretary Coleman recalled the decision:

Less than a year [after his initial rejection], Virginia proposed a new, redesigned highway. My staff worked closely with the commonwealth, the Federal Highway Administration, and the Metropolitan Planning Organization . . . to come up with a design that was compatible with regional transportation planning, a proposal that I approved. [Coleman, page 260]

ACT members, who had played a key role in securing the court order that blocked I-66 construction in 1972, felt “deeply disappointed” by the Coleman decision, according to James Govan. “Six years of effort have finally been proven a waste of time.” Secretary Coleman, Govan said, “has approved a project that simply doesn’t stand on its merits. The argument for it hasn’t been made.” The decision “forces a highway down the throats of Arlingtonians in the name of Metro for a pittance of \$30 million.”

He added that ACT would decide in the next day or two whether to file another suit:

It's certainly subject to legal challenge, but it would mean raising funds. Hopefully we don't have to do that. I hope that when Brock Adams gets into office, he will be willing to review the decision and deal with the project.

Attorney Latto said, "On the face of it, Coleman's opinion looks very thoughtful," but it had a "legal Achilles Heel." In Latto's view, Virginia had overestimated the number of carpools that would use I-66 during peak hours (3,525 carpools in one year), while ACT believed the number would be closer to 1,300. Coleman had noted in the decision that some of the State's estimates appeared valid, but others "may be optimistic." In other words, Latto said, Coleman was basing his decision on a "guess. It may not be simple to persuade a court of that, but it's possible." He was reviewing the decision before advising ACT on whether to return to court.

As usually is the case with nominated Cabinet members, Representative Brock Adams did not want to express a view on I-66. A spokesman told reporters that counsel for Representative Adams would study Secretary Coleman's recent decisions "to see which ones are reviewable or not." It was too early to say whether Adams would be taking another look at I-66.

Chairman Tucker of the District City Council stressed that in the wake of the decision, "the District remains firm in its conviction that even in its modified version, I-66 is unnecessary." Like Govan, he was optimistic that Secretary Adams, after he takes the oath of office, would review the decision. "My guess is that with opposition so strong here and in parts of Northern Virginia, the I-66 issue will be subject to review by the new administration."

Representative Fisher was "disappointed" because "building more highways is a dead end, not a solution to transportation problems." The conditions Secretary Coleman placed on the new highway were not "stringent enough" and were "nothing more than what proponents of the highway had already agreed to."

Governor Godwin said he was "of course, pleased" with the Coleman decision. VDHT Commissioner Harwood was hopeful that construction could begin in about 10 weeks. The State, he said, was thinking of going back to the U.S. District Court in Alexandria to argue that VDHT had met the conditions of the 1972 decision:

I would hope that after all the work that has gone into this thing, court suits, the gathering of voluminous information, the very difficult decision by Coleman, the assistance to Metro, the minimizing of environmental impacts, I just hope everything will wind down and people will let us get on with it.

Chairman Herrity, who had suggested the model for revived I-66, called the Coleman decision "a great victory for a lot of people in Fairfax County." He was convinced that without the reversal he had engineered in the position of the Fairfax County Board of Supervisors, "this would have never happened."

The *Post's* report on the decision concluded with this anecdote reflecting Secretary Coleman's challenge in making the decision:

DOT officials originally announced that Coleman would release his decision on I-66 in December, but at the last minute, a press conference was canceled. Coleman said later that he had two decisions ready to go on Dec. 19, one in favor of the highway, one opposed. A half hour before the printers were to arrive with the decision, Coleman said he decided to postpone announcing it. "I just wasn't happy with the one I had."

[Crosby, Thomas, "I-66 Ruling Has Foes in Quandary," *The Washington Star*, January 7, 1977; Darling, Lynn, "4-Lane I-66 is Approved in Arlington," *The Washington Post*, January 6, 1977; Edwards, Paul, "Godwin Says He's 'Pleased' By I-66 Ruling," *The Washington Post*, January 6, 1977]

The *Post* editorial on the decision began:

With almost as many reservations as Washington's hotels have on Inauguration Day, Secretary of Transportation William T. Coleman Jr. has approved construction of I-66 . . . .

The deal reflected in Secretary Coleman's decision came about because Governor Godwin "had all the cards" and "had him over a barrel." Secretary Coleman faced a dilemma: "Either approve I-66 – or watch the Metro rail system suffer," he said in essence:

Thus it is a case of a governor forcing a federal decision, which is then written with "conditions" that attempt to cushion the damaging effects, including a stipulation that the governor must agree to do what he threatened not to do unless he got his way: help Metro with the median and transfer those other highway funds.

The editors were skeptical about the merits of the scaled-back I-66. Secretary Coleman, they pointed out, had stated that "the transportation benefits which I-66 would provide in conjunction with Metro, combined with the extensive efforts to be undertaken to minimize the adverse impacts, outweigh the net adverse social and environmental effects of the proposal":

So, after more than 20 years on the drawing boards, the I-66 corridor may not be on its concrete way to becoming what surely ought to be named the Mills Godwin Highway. ["The I-66 Deal," *The Washington Post*, January 7, 1977]

*Star* editors also noted the key role of Governor Godwin's obstinacy, but were hesitant to predict what would happen next because "the project has had so many ups and downs that it's hard to say whether construction will now go forward." Still, a decision had been made:

We hope that citizens who have fought the highway project will not continue their resistance . . . . We also hope that incoming Transportation Secretary Brock Adams will not upset Mr. Coleman's decision. Mr. Coleman has studied the matter for many months and has concluded, correctly in our opinion, that construction of the highway is needed in a balanced transportation system. ["Green Light for Route 66," *The Washington Star*, January 10, 1977]

In Secretary Coleman's autobiography, he looked back on his decision:

In recent years there have been proposals to widen certain parts of I-66 to facilitate the ever-increasing congestion of commuter traffic. Members of Congress have asked me whether my initial decision would preclude any changes to the highway design, and I have told them of course not. Congress or the secretary of transportation can always adjust the decisions of their predecessors to accommodate changing circumstances. Nevertheless, I believe the approach I took to the I-66 decision remains valid today. We cannot simply build highways willy-nilly. We need coordinated regional transportation plans that preserve the quality of urban life, conserve energy, and reduce air pollution, including that from the new threat of greenhouse gas emissions. [Coleman, page 261]

### **Confirming I-66**

Brockman “Brock” Adams had graduated from the University of Washington at Seattle and Harvard Law School. After several years in private practice, he served under President Kennedy as U.S. Attorney for the Western District of Washington (1961-1964). In 1964, he was elected to the House of Representatives, part of the Democratic wave that swelled the 88<sup>th</sup> Congress with supporters of the Johnson agenda. In 1975, he became chairman of the Committee on the Budget. He resigned from the House on January 22, 1977. He lived with his family in a home at 3002 Albemarle Street, NW., in the District’s Forest Hills neighborhood not far from Connecticut Avenue.

On January 7, 1977, the Senate Committee on Commerce held a confirmation hearing for Secretary-designate Adams. Senator Wendell H. Ford (D-Ky.) asked whether Adams would reconsider Secretary Coleman’s approval of I-66. Adams replied that he would review agreements and promises on transportation made by the Ford Administration. He would not make firm recommendations before taking office, but said he would “review all we’re entitled to review.” He added, “That particular one is a question of whether the time runs out on the 30-day period before we are entitled to review it.” [Nominations – Secretaries – Departments of Transportation and Commerce, Hearings before the Committee on Commerce, United States Senate, 95<sup>th</sup> Congress, 1<sup>st</sup> Session, Serial No. 95-1, pages 41-42; the hearing for Secretary of Commerce-designate Juanita Kreps took place on January 10.]

The committee submitted questions to Secretary-designate Adams for replies in writing. One of them about I-66 was mainly a question about similar controversies around the country: What priority should be given to developing Interstate highways systems in urban areas and should State and local governments be given a greater voice in the design and development of urban transportation systems? The segments, Adams replied, involved tough decisions, but the Interstate withdrawal-substitution process helped with the decisionmaking process because it “allows state and local officials to make a new decision on plans for interstate highways which perhaps date back to the mid-1950’s.” They can develop transportation networks that are “better tailored to present day needs.” As for I-66, he said:

In the case of I-66, present status of the matter in the District of Columbia is that the highway will not be built as originally designated in the District. The State of Virginia is now reviewing its options for development of the I-66 segment lying within its jurisdiction. The plan now under review at the Council on Environmental Quality calls

for a highway of substantially reduced size and for active measures to match highway demand and capacity. I agree with these steps in concept. If a final decision on I-66 is mine to make, I will review the proposal closely and assure myself that all environmental and community impact factors have been taken into the fullest account in whatever plan the State of Virginia puts forward, and that the transportation considerations provide for a reasonable balancing of highway and mass transit capacity in the corridors affected.  
[page 16]

Secretary-designate Adams was not, at this time, fully committed to the rapid rail transit system in the Washington area or elsewhere. He supported a 100-mile network, as he had in the House of Representatives, “but not necessarily 100 miles of rail.” He felt that bus service might be an acceptable, less costly substitute for some parts of the rail network. He said that with a price tag now pegged at \$5.5 billion, only about 64 miles were currently funded – and less expensive options might be worth considering for the additional miles.

Secretary Coleman, asked by reporters if he thought Secretary-designate Adams would promote the full, 100-mile Metro system, replied, “I feel intelligent people, when they review all the facts, tend to reach the same conclusion. Brock’s an intelligent person.” He added that when New York, Philadelphia, and Chicago each built its system, many people thought they were making a mistake. Those cities, however, “would be in bad shape” without their subways. Referring to Metro, he said, “Anyone who views history 15 or 20 years from now will say we made a mistake” if the full network is not completed. [Crosby, Thomas, and Aug, Stephen M., “Adams Hedges On Metro; Plans To Review I-66,” *The Washington Star*, January 8, 1977]

In a letter to the editor, ACT’s James Govan said that the *Post* editorial “hit the issue squarely,” particularly in citing the role of Governor Godwin. “Clearly, Mr. Coleman had a hard time making up his mind, and that suggests Gov. Godwin’s intransigent position was even more decisive in tipping the scales.” Unfortunately, the decision had not “settled the basic issues”:

Rather, his decision left open the critical issues of I-66 competition with Metro and the adequacy of the carpool usage projections upon which the entire analysis of I-66 are based. In view of such issues, he could have just as easily decided that Metro can be completed in the corridor alone, and the need for a highway assessed after Metro’s impact can be seen. Such a decision might, in the long run, save us far more in public funds than the \$45 million Virginia promises to save Metro in construction costs.

The only “silver lining in the cloud of I-66” was the possibly that Secretary-designate Adams might reverse the decision. Govan knew that many Washington insiders would advise Secretary-designate Adams to avoid extending the issue. “What a comment on the new administration if it appears that significant issues such as this one are to be avoided rather than faced.” True, the new Secretary would be unpopular with pro-I-66 interests if he reversed the Coleman decision, but “that is not the important consideration”:

What is important is that Mr. Adams will make a nationwide impact by reconsidering I-66 and approving a solid mass-transit alternative. He will make abundantly clear the Carter administration’s commitment to urban mass transit . . . .

There is more at stake in the national impact of this decision than is at stake in upsetting Gov. Godwin who cares little for the area's transit problems and who has less than a year to serve as governor. ["I-66: Peace and Quiet Now, or More War?" Letters, *The Washington Post*, January 17, 1977]

(Governor Godwin, once again term limited, would leave office on January 14, 1978.)

On January 13, Governor Godwin wrote to Secretary Coleman to reaffirm his acceptance of the eight conditions the Coleman decision had imposed on approval of the scaled-down I-66 design proposal. Governor Godwin confirmed that Virginia would:

- Provide the right-of-way to Metro, without cost, for construction of the Vienna line;
- Use the Interstate withdrawal-substitution mechanism to withdraw I-266 and substitute general Treasury funds for Metro;
- Restrict the highway during peak periods as stated in the Coleman decision;
- Exclude heavy-duty trucks;
- Submit a plan within 60 days of January 5, 1977, for the Department of Transportation's review and acceptance on enforcement approaches to ensure compliance with the restrictions, including a plan for identifying Dulles International Airport traffic;
- Not construct highway lanes in the I-66 right-of-way beyond the four Secretary Coleman approved;
- Incorporate design elements to minimize and compensate for adverse social and environment impacts, including construction, insofar as possible, to be similar to that of the George Washington Memorial Parkway; and
- Ensure that all construction will be carried out in ways that provide apprenticeship opportunities, skilled training and jobs for the participation of minority-owned enterprises.

Within 2 weeks of Secretary Adams' anticipated compliance, State and Federal officials planned to go to court to ask relief from the earlier injunction against I-66. Construction could begin as early as April, according to Harwood.

Vice Chairman Pennino of Fairfax County also was ready for I-66 to be built. She warned Arlington County residents and officials that if they tried to block I-66 again, she would go to court. "I would like the citizens of Arlington to know Martha Pennino has talked to some very able lawyers." Several citizens had volunteered to participate in the suit as the damaged parties. Arlingtonians, she said, "who have held this project up for a decade," should know the time had come "to get on with it." ["Gov. Godwin Agrees to I-66 Conditions," *The Washington Post*, January 19, 1977; "Any Delay in Extension of I-66 Will Draw Lawsuit," Says Pennino," *The Washington Star*, January 19, 1977]

The Senate confirmed Secretary Adams on January 20 on the same day that President Carter took office. On January 23, President Carter took part in the ceremony in the East Room of the White House as 12 members of his Cabinet, including Secretary Adams, took their oaths of office. Chief Justice Burger administered the oaths. Introducing each Cabinet member, President Carter referred to Secretary Adams as "the best congressman I've ever known."

Opponents of I-66 saw the change in Secretary as another opportunity to block the freeway. By a 3 to 1 vote, the Arlington County Board approved a resolution urging Secretary Adams to review and reverse Secretary Coleman's decision. The member who voted against the resolution, Walter L. Frankland, said, "The claims that only the Metrorail system . . . can solve the area's transportation needs is no longer a valid premise on which to attempt to block all further highway development." Board Chairman Joseph S. Wholey indicated he would try to arrange a meeting with Secretary Adams, Mayor Washington, and Representative Fisher.

About 60 opponents of I-66 watched the board's discussion. One of them, Raymond L. McGovern of ACT said, "I place most of my hope in Adams' known support for mass transit." [Hamilton, Martha, "Arlington County Board Urges I-66 Review," *The Washington Post*, January 27, 1977]

According to White's history of the I-66 struggle, ACT did everything it could to secure a reversal of the Coleman decision:

After the change in administration in January 1977, ACT picketed the White House twice and pressed President Jimmy Carter's new Secretary of Transportation, Brock Adams, to review and reverse Coleman's decision. [White, page 64]

However, on February 2, Secretary Adams "gave final approval" to the Coleman decision. He had, according to the announcement, "instructed federal attorneys to file a petition with the United State District Court for Northern Virginia seeking the dissolution of a federal injunction that poses the final block to construction of the highway."

He said a key factor in his decision was the desire to complete the regional Metro system and for the need to make final decisions on longstanding transportation issues. I-66 had been unresolved for 15 years:

It was clear to me from a review of the facts and the arrangements arrived at between my predecessor and Governor Godwin only last month that failure to give the go-ahead would result in grave damage to the future of the Metro system.

If we are to make any progress at all in solving the transportation problems of this area we have got to stop this endless wrangling over the Gordian knot that Metro/I-66 has become. The whole issue was too important to the overall transportation needs of the region. It had to be solved.

Referring to Governor Godwin's January 13 letter to Secretary Coleman, Secretary Adams said, "the Governor has reaffirmed to me his acceptance of the eight conditions originally imposed, and he has indicated to me his full support and continuing cooperation in completing the Metro rail system in Virginia."

In talking with reporters, Secretary Adams said the decision was a "very difficult" one, adding that if he had been responsible for the decision "from the beginning, I might have decided it differently." At this point, he thought "it's been a very long process, it's gone on too long, and I think that's what's wrong in government decision-making."

He knew of the groups on both sides of the issue, but had not consulted with groups on either side. Doing so, he thought, “would taint the decision,” and result in another round of public hearings. As it was, he said he would not be surprised if the Coleman decision ended up in court.

Secretary Adams said, “My commitment is to the Metro system. If [I-66] produces a Virginia commitment to Metro, then we should demonstrate our willingness to meet them halfway.” Funding was available for 64 miles of Metro, but the funding for the remaining 36 miles was uncertain. At UMTA’s request, a study was underway to determine if some of Metro’s suburban lines could be changed to another less costly form of transportation, such as express bus lanes. If the study supported the 34 miles and local governments came up with an additional \$200 million, Secretary Adams committed to providing the Federal share:

I can’t tell you the amount of money because I have to get that from . . . the Metro people . . . [but] our recommendations are going to be towards getting the system completed. I am an advocate in this process with the Office of Management and Budget, the President, and Congress . . . .

With Metro in mind, Secretary Adams had telephoned Governor Godwin, who had “indicated to me his full support and continuing cooperation in completing the Metrorail system in Virginia” and that I-66 would never be wider than four lanes.

Reaction to the decision was predictable. James Govan had not expected such a quick decision:

Mr. Adams has approved a bad project that will cost the taxpayers more than just the Metro system would. It’s very unfair to the citizens. They voted for Metro, they voted to pay for it, but they didn’t vote for this highway.

Chairman Herry praised Secretary Adams. “It’s an absolutely fantastic victory for the people of Fairfax and Northern Virginia.

Governor Godwin refused to confirm his full support for Metro, as claimed by Secretary Adams. The governor’s press secretary summarized the call with the secretary:

John H. Wessells, the governor’s press secretary, conferred with Godwin and then said the governor’s position on Metro is set forth in a letter to Adams’ predecessor, William T. Coleman.

That letter, dated Jan. 13, emphasizes Godwin’s inability to make any future commitment for the state and promised no support for Metro beyond a recent agreement to use about \$75 million in aid in order to win U.S. approval of construction of Interstate Rte. 66 from the Capital Beltway through Arlington to Washington.

An aide to Secretary Adams recalled the telephone call differently:

[David] Jewell said Adams understands Godwin to promise that he “would do everything in his power to complete the entire Metro system in Northern Virginia. Wessells said

Godwin would not comment on his conversation with Adams except to say that he is “grateful that he approves of the I-66 project and hopes construction can soon begin.”

[Darling, Lynn, “I-66 Extension Reaffirmed by Brock Adams,” *The Washington Post*, February 2, 1977; Crosby, Thomas, “DOT Secretary Adams Reaffirms Decision on I-66,” *The Washington Star*, February 2, 1977; Edwards, Paul G., “Godwin’s Stance on Metro Unchanged,” *The Washington Post*, February 3, 1977]

The *Star* accepted Secretary Adams at his word that the future of Metro was his primary motivation in reaffirming the Coleman decision:

Mr. Adams’s decision may not mean the end of the controversy, however. Opponents of the highway are threatening to go to court again to block the project.

The opponents have had their day in court, in fact several days. The project has been delayed while costs skyrocketed. If the opponents proceed with further litigation, the courts ought to require them to post bond to cover increased costs if the highway finally gets built. [“I-66 and Metro,” *The Washington Star*, February 7, 1977]

The District of Columbia was among those considering going to court to block what they expected would be a flood of cars into a city that could not accommodate them. Chairman Jerry Moore of the city council’s transportation committee wrote to Mayor Washington urging him to seek court action. The city, Moore wrote, “does not have the present capacity to accommodate any new influx of private automobiles.” Parking was simply not available for all those I-66 cars.

Chairman Moore, with support from Council Chairman Tucker, suggested the city consider a municipal parking authority. As discussed earlier, Congress had considered, but rejected, proposals a decade earlier to create a municipal parking authority that would expand parking spaces. The idea had long been controversial. The public authority would compete with private interests that presently provided parking, but in the city’s view, more cars meant more congestion and pollution.

In fact, the city had been looking for a way to reduce the number of cars, in part by reducing parking spaces and urging Federal agencies to eliminate free or subsidized employee parking. Director Schneider said, “I’m afraid it might add to the problem by making more parking available. I think we’re better off concentrating on Metro, and on making parking unnecessary.” [Shandler, Phillip, “D.C. Fears I-66 Traffic Jam, Looks to Parking Authority,” *The Evening Star*, February 7, 1977]

Judge Lewis dissolved the 1972 injunction on February 14. During the 1-hour hearing, he said, “We are not here to retry I66. It seems to me if they have done A, B, C, D they can proceed to build it.” Shortly after Judge Lewis signed the order dissolving the injunction, Virginia highway officials asked FHWA for approval to advertise for construction bids. [Seaberry, Jane, “Judge Removes Obstacle Barring Building of I-66,” *The Washington Post*, February 15, 1977]

ACT, which had been a party to the lawsuit from the start, did not contest Judge Lewis's action. However, ACT attorney Latto informed reporters that he was preparing a new lawsuit targeting the U.S. Department of Transportation.

On March 11, ACT and other groups filed suit to block construction of I-66 in U.S. District Court before Judge Sirica, known for his work on freeway lawsuits in the District of Columbia but by then one of the most famous judges in the country because of his work on Watergate-related cases. In an echo of the earlier claim that Secretary Volpe's approval of the Three Sisters Bridge had resulted from Chairman Natcher's pressure on Metro funding, the suit claimed the Coleman decision was partly a "political deal" in return for Governor Godwin's support of Metro construction. They also claimed the decision violated NEPA, Section 4(f), and the National Historic Preservation Act.

James Govan told reporters, "we've come a long way since 1971," when officials were planning an eight-lane superhighway through Arlington. However, "the road they are pushing now will still be an environmental disaster for the District of Columbia, a blight on the neighborhoods through which it will run and a foot in the door for future highway expansion." [United Press International, "Area Groups Sue to Block I-66 Aid," *The Washington Post*, March 12, 1977]

Judge Sirica ruled on April 14 that the case was virtually the same as the one heard by Judge Lewis and directed that the case be sent to the District Court in Virginia. "Because of his greater familiarity with the background of this particular program, he likely could render a quicker and more certain decision than could be obtained here," Judge Sirica said. He added that another reason for the transfer was that I-66 would have a "far greater effect" on northern Virginia residents than those in the city. ["I-66 Suit Transferred to Alexandria," *The Washington Post*, April 15, 1977]

ACT and its co-litigants asked the U.S. Court of Appeals to order Judge Sirica, not Judge Lewis, to hear arguments in the case.

While the case worked its way through the courts, VDHT awarded a contract to James Julian, Inc., of Wilmington, Delaware, on June 21 for the first construction contract – for a 1.4-mile segment from the Capital Beltway to State Route 7/Leesburg Pike in East Falls Church. The company had submitted a bid of \$9.6 million. [Edwards, Paul G., "Low Bid on I-66 is \$9.6 million," *The Washington Post*, June 22, 1977]

Judge Sirica's ruling stood and the ACT lawsuit ended up before Judge Lewis. On July 15, he ruled that VDHT's contractor could move equipment into place but could not begin construction until he issued a ruling. During the hearing, Judge Lewis said, "you're not going to delay this road forever. There comes a time when the good citizens of Northern Virginia and the good citizens of the District – I'll put them all together – have a right to know the finality of [I-66]."

He heard arguments in the case on July 26. A *Post* article about Judge Lewis, 75, indicated he "Enjoys the Grouchy Side of Justice," summarized some of the dialogue:

At a recent hearing in a suit seeking to block the controversial Interstate Rte. 66 construction, attorneys for a District civic association wanted the Virginia Highway Department to answer a number of questions, a process estimated to take about two weeks, the lawyers said.

But Lewis asked for the questions, and asked them himself in open court.

The lawyers also said they wanted to spend several days reviewing state and federal documents concerning their case. Lewis told them to go to Richmond early Saturday morning and spend the weekend researching. "Enjoy Richmond. It's a beautiful city," he said.

The lawyers then said there were certain state highway officials they would need to interview. Lewis told them to talk to anybody they wanted. "I don't even object to [interviewing] the governor, if knows anything." Lewis laughed. ["Judge to Decide On Building I-66 Inside Beltway," *The Washington Post*, July 27, 1977; Seaberry, Jane, "'They Get a Trial With a Personality'" *The Washington Post*, August 8, 1977]

On Friday, August 5, Judge Lewis denied an injunction blocking construction of I-66. He found that, "The secretary's 71-page decision is quite exhaustive . . . . The court finds that the Secretary made a good faith judgment after considering all relevant factors . . . . The plaintiffs' charge of unlawful political pressure is too nebulous to warrant discussion." Secretary Coleman, in short, had "acted within the scope of his authority" to make a decision that "was neither arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law."

Latto said the ruling was "hardly a surprise. Judge Lewis fairly well indicated at the trial two weeks ago what he expected to decide. I am certain he'll be reversed on appeal again." He explained:

I have a déjà vu feeling about this. When we brought our earlier case [in 1971] Judge Lewis denied our suit. We sought an injunction pending our appeal, and he denied it. Then the court of appeals granted our injunction. We seem to be following the same procedure . . . .

ACT's James Govan agreed the decision was not a surprise. "Judge Lewis ruled against us in 1971, so in Round 2 this is not a surprise, to say the least. We'll take the next steps that are necessary to seek court action to prevent any construction activity pending our case being at the appeal level." In addition to seeking to reverse the ruling on appeal, opponents planned to try to convince the White House to oppose I-66. "I think there may be people who think Coleman's was a bad decision and the question is when are they going to rectify the bad decision." He explained that, "It wouldn't be the first time a decision on I-66 was changed."

Latto explained his plans:

We'll go before him bright and early Monday morning. If the earlier script is followed, he'll turn us down, and we'll go immediately to the Court of Appeals in Richmond. I

continue to feel rather optimistic. I think we have rather sound arguments and I hope we'll get a favorable decision.

[Boodman, Sandra G., "Judge Gives Virginia Go-Ahead to Build Rte. I-66," *The Washington Post*, August 6, 1977; Holt, Brad, "Judge Gives I-66 a New Go-Ahead," *The Washington Star*, August 6, 1977]

On Monday, August 8, the attorneys approached Judge Lewis seeking an injunction. He said he would grant the injunction if the groups opposing I-66 posted a \$500,000 bond to cover cost increases due to the delay. Latta told reporters, "I think Judge Lewis recognized we were incapable of raising \$500,000." Instead, papers requesting an injunction were "being hand-carried to Richmond right now." He hoped for a decision later that day but admitted it "might well be several days."

Moments later, "a four-man crew started chain saws and toppled trees just outside the Beltway where the superhighway now abruptly ends." A VDHT spokesman said, "We hope to be in full swing later this week. Maybe by then the contractor will begin moving in heavy equipment." Harwood told reporters, "I don't intend to stop unless ordered by the courts. This is the farthest we have ever got." [Boodman, Sandra G., McAllister, "Virginia Crew Starts Clearing Path for

I-66," *The Washington Post*, August 9, 1977; "Workers Clear I-66 Pathway as Protests Fail," *The Washington Star*, August 9, 1977]

The appeal to the Fourth U.S. Circuit Court of Appeals stated that the plaintiffs could not raise the \$500,000 bond required by Judge Lewis and argued that "contrary to Judge Lewis' ruling . . . [plaintiffs] began to suffer irreparable injury as soon as construction commenced." The appeal also argued that Secretary Coleman and Secretary Adams had exceeded their powers in approving I-66, as the *Post* summarized:

Coleman was accused of "horse trading" in the brief by conditioning his endorsement of the plan on Virginia Gov. Mills E. Godwin's promise to transfer \$30 million of unused interstate highway money to the Metro subway system in Washington. "Here . . . it is evident that Interstate 66 was the price extracted by Gov. Mills E. Godwin for completion of the Metro subway system in Virginia," the brief said.

With unusual speed, the appeals court scheduled the hearing on the injunction in Richmond for the following day. [McAllister, Bill, "Appeals Court Will Consider Rte. 66 Plea," *The Washington Post*, August 10, 1977]

According to the *Post* coverage, the plaintiffs left the hastily assembled three-judge appeals panel "baffled and incredulous today at suggestions that they should, for a second time, block construction of Rte. I-66." Judge Donald S. Russell, "who seemed to be puzzled by the dispute," asked, "You think they ought to close off all entrances to the city? Why do you not want more people to have easier access to your city?"

The *Post* continued:

He wasn't alone. "Something's wrong here," snapped Judge H. Emory Widener, Jr., the only Virginian on the three-judge panel. What was wrong, Widener made clear, was not the state's proposal to build the four-lane, limited access road . . . . What was wrong, he said, was the suggestion by the road's opponents that Virginia not build the road and turn over the highway construction costs, about \$200 million, to the Washington Metro subway system. "They don't build Metro with highway funds, you know that," he told Gary D. Williams, lawyer for the four civic groups fighting the highway.

(The Post pointed out that under the Interstate withdrawal-substitution mechanism, that was essentially what happened, with equivalent funds coming from the general Treasury.)

Overall, "Wilson's argument found little, if any sympathy from the three judges who had been hurriedly assigned to the case late yesterday." The three-judge panel did not issue a ruling initially, but "their comments and critical questions left little doubt that the state will be free to continue building the road until at least October" when the appeal of Judge Lewis's full ruling would be heard. By then, VDHT was expected to have advertised for bids on the second 1.75-mile section of I-66.

Nevertheless, Wilson tried to remain optimistic. "I hope on reflection they will change their opinion."

On August 12, the three-judge panel found that VDHT could continue construction pending a ruling on the appeal. Having denied the injunction, the U.S. Circuit Court of Appeals put the case on an expedited schedule for a hearing in October. [McAllister, Bill, "I-66 Dispute Seems to Baffle Appeals Judges," *The Washington Post*, August 11, 1977; "Court Gives Go-Ahead for I-66," *The Washington Post*, August 13, 1977]

By then, as Leland White put it, "ACT was running out of ammunition." Nevertheless, the *Star's* Thomas Crosby stated in an August 1977 retrospective, "Neither side is willing to say 'uncle.'" [White, page 64; Crosby, Thomas, "I-66 – Anatomy of an Embattled Highway: 19 Years Later the Fight Rages On," *The Washington Star*, August 16, 1977]

On March 15, 1978, the 4<sup>th</sup> U.S. Circuit Court of Appeals in Richmond unanimously upheld the decision by Judge Lewis. The court's ruling noted that construction of I-66 had been halted in 1972 because of failure to comply with environmental laws. Now, the court found that, "The secretary of transportation has complied with all of the applicable environmental protection statutes in approving the final I-66 proposal." The court also rejected the argument that in view of UMTA Administrator Patricelli's directive for reconsidering rail lines in Virginia, Secretary Coleman had not considered that Metro might not extend past Glebe Road. The court said that FHWA "properly concluded" that the truncation was not likely enough to merit detailed discussion in the EIS. The court also found no merit in the argument that the EIS had not sufficiently discussed four options the plaintiffs identified as reasonable alternative to I-66.

Hank Levine, an attorney for ACT and its co-plaintiffs, said, "We think the decision is legally weak in several respects." ACT's Sue Bachtel said, "I think it is a disastrous decision." The group was considering whether to pursue its only remaining judicial recourse: an appeal to the

U.S. Supreme Court. [“I-66: Another Court Victory,” *The Washington Post*, March 16, 1978; Knight, Athelia, “Civic Groups to Decide On I-66 Appeal Soon,” *The Washington Post*, March 23, 1978]

Meanwhile, construction companies on I-66 were experiencing vandalism, as reported in the *Post*:

Paint-filled balloons have been thrown on machinery, tar has been spread on tractor seats and windshields, door handles have been removed and trash has been stuffed in exhaust pipes and air intakes, according to Charles Scott, project management for Expressway Constructors, Inc. Once, Scott said, the chains and binders holding down a load of logs on a flatbed truck were removed and taken.

James Govan rejected such tactics:

Our organization has never, ever advocated any irresponsible behavior. We have consistently acted within the system . . . . But it wouldn't surprise me that some of this vandalism would go on. Emotions in the community are running very high. [Grubisich, Thomas, “Vandals Harass Contractor Doing Work on Rte. I-66,” *The Washington Post*, March 31, 1978]

ACT decided against an appeal to the Supreme Court, but on April 18, the District of Columbia's city council voted unanimously to pursue one more appeal: to President Carter. The council's resolution asked him to block continued construction because I-66 would generate excessive traffic on the city's congested streets. [“D.C. Council Opposes Extension of I-66,” *The Washington Post*, April 20, 1978]

By this point, *Post* editors concluded that, “Though some opponents are still fighting, I-66 is being bulldozed through Arlington and is not likely to be stopped.” The real question was “what President Carter and Transportation Secretary Adams should do to relieve commuter congestion in the I-66 corridor and the region as a whole.” Construction of the Metro rail line to Vienna was a “strong point of the I-66 compromise,” but was undermined by Secretary Adams' demand for reconsideration of the rail line as part of a new financial plan for the system.

The Federal Government also should do more as the area's largest employer to promote mass transit. The commuter-oriented I-66 was likely to have only a marginal effect on congestion:

According to a formidable heap of studies, if the Virginia suburbs grow as planned, the morning auto traffic will keep getting worse – even with Metro and I-66. Before long, the Potomac bridges will be unable to handle the crush.

The editors hastened to add, “this is not an argument for more bridges and roads”:

For as most area governments now see, long-term relief can be gained only by getting more commuters out of their cars and modifying working hours to ease the crush on buses and trains as well as roads. Mr. Carter should set such goals for the federal establishment

– and start toward them by raising federal offices’ parking fees and making wider use of flexible working hours, four-day work weeks and the like.

These types of changes would be tough. “But if Mr. Carter really wants to curb air pollution and urban traffic snarls, there is no better place for strong federal leadership than here.” [“I-66 and Beyond,” *The Washington Post*, March 25, 1978]

On June 9, 1978, Federal District Judge George L. Hart, Jr., dismissed a suit by a coalition of environmental groups known as Continued Action on Transportation and Environment, Inc., arguing that I-66 would violate the Clean Air Act. [“I-66 Challenge Fails In U.S. District Court,” *The Washington Post*, June 10, 1978]

Although the courts would not again block construction of I-66, protests would continue. During a June 3 meeting of the Arlington County Board, an opposition group called Contact charged that VDHT was clearing enough land for an eight-lane highway. Contact members arrived in the hearing room wearing t-shirts that proclaimed: “Stop I-66: We’ve Just Begun to Fight.” Although the Arlington County Board agreed to investigate, Director of Public Works Hulme was dismissive. “People see a lot of clearing and associate that with eight lanes, but utility lines have to be put in and the retaining walls take up a lot space.” State Delegate Elise B. Heinz, a Contact coordinator, was not so sure:

The right of way was condemned years ago when the plans called for eight lanes and today they are clearing that whole space. The most charitable thing you can say is that they’re building a four-lane highway with a very big median. [Washington, Adrienne, “An Eight-Lane I-66 in the Making?” *The Washington Star*, June 4, 1978]

Representative Fisher requested a meeting with President Carter to appeal the decision to proceed, as well as Contact’s claim. The *Post* reported on President Carter’s preparation for the June 28 meeting:

Carter called Adams yesterday morning and asked him if the project was being closely monitored by the Federal Highway Administration and was being built within the terms of the agreement.

“I assured the President that it was,” Adams said. He said that his department has been carefully studying the I-66 design and construction practices and that “we have no reason to suspect it isn’t being done precisely by the numbers.”

Carter told Fisher that I-66 had been a “close call” along with a number of other national highway projects, the Fisher spokesman said.

However, he would not reopen the decision. [Feaver, Douglas B., “Carter Declines to Reopen I-66 Case, Fisher Says,” *The Washington Post*, June 29, 1978]

By then, the controversy had become almost tiresome to observers such as reporters and editors who, because of their job description, could not look away. A *Star* editorial on February 2 had been headlined: “The I-66 Bitter-Enders”:

Is there no end to what Secretary of Transportation Brock Adams once called the “aimless wrangling” over construction of Interstate 66 through Arlington?

This project has been fought for more than 15 years through the courts, the county boards and other local government agencies, the state legislature, the federal Department of Transportation, from soap boxes and sound trucks. Finally, the legal debris was cleared away, proper clearances were obtained from federal transportation officials, and work was begun last year.

But the opponents won't concede defeat . . . . State and federal officials have determined that I-66 is needed as part of a balanced transportation system. Surely the courts and state officials must be getting tired of the bitter-enders' efforts to kill the project. [“The I-66 Bitter-Enders,” *The Washington Star*, February 2, 1978]

The weariness also was reflected in a *Post* editorial on July 1 that began:

In our dog-eared copy of *The Greater Washington Anthology of Seemingly Endless Planning Controversies* – near the fat chapter called “The Tale of Three Sisters, and How They Grew” – there's an action-packed yarn under the title “I-66.” It's the story of a Northern Virginia highway corridor . . . and the nip-and-tuck, 20-year effort either to build or to block the freeway strip.

The argument that the right-of-way was wider than necessary was the “last gasp from the road's opponents.” After recounting Secretary Adams's comments and the President's response to Representative Fisher, the editorial concluded:

For the benefit of anyone who may still be clinging to some hope of killing I-66, the word is . . . Give up . . . .

We trust that the monitoring will go on until the work is done. But the fight is over. A deal's a deal: Name it the Mills Godwin Highway, in honor of the former governor who drove the I-66-for-Metro bargain that let the road be built and let officials get on with the business of financing and promoting mass transit – and doing whatever else it can to ease the daily traffic in this corridor. [“No More Kicks on I-66,” *The Washington Post*, July 1, 1978]

On January 30, 1978, Governor John N. Dalton submitted the request to the U.S. Department of Transportation to withdraw all of the 0.4-mile route of I-266 in Virginia. FHWA Administrator Karl S. Bowers and UMTA Administrator Richard S. Page approved the withdrawal on August 16, 1978. They indicated:

The current amount of Federal funds authorized by this withdrawal for substitute projects serving the Washington urbanized area is \$38.3 million. This amount is based on the 1977 cost estimate of \$35.6 million (Federal funds) adjusted for changes in construction costs through the first quarter of 1978. The amount of \$38.3 million is subject to further adjustment in accordance with the provisions of Section 103(e)(4) and any required refinements in the 1977 cost estimate base amount.

Governor Dalton's letter had indicated that WMATA would submit the substitute projects to be implemented and asked that FHWA and UMTA approve the projects at the same time as the withdrawal. The two Administrators advised him that, "We note that the Urban Mass Transportation Administration has received a draft application from WMATA for the substitute transit projects to be approved under this withdrawal." However, approval at the same time as the withdrawal was not necessary. Action on the substitute projects "will be taken when the projects are ready for approval."

On July 1, 1982, Governor Charles S. Robb requested withdrawal of the remaining 0.84-mile segment of I-595. FHWA had approved the route as part of the Interstate System on January 18, 1971. The official description was:

In Arlington, from a junction with Interstate Route 95 at its intersection with the Jefferson Davis Highway [U.S. 1], southerly to the Washington National Airport Viaduct Connector.

The idea was to provide an Interstate alternative to the George Washington Memorial Parkway for motorists driving between Shirley Highway (then I-95) and Washington National Airport. The *Post* described the idea:

Most National Airport traffic to and from Washington currently uses six-lane George Washington Memorial Parkway. State highway officials said they expect much of it to be diverted to I-595 when the project is completed.

Under the [Virginia State Highway] commission's plans, Rte. 1 will be expanded from four to six lanes along a one-mile stretch from the existing overpass leading from National Airport to the point where Rte. 1 connects with I-95 at the Pentagon.

Thus, traffic would flow from the airport, along the overpass, through the Crystal City complex on the improved Rte. 1, into the Shirley Highway-Pentagon network and across the 14<sup>th</sup> Street Bridge.

The highway is to be made limited-access by cutting off most existing streets and driveways. Service roads would be provided, along with interchanges at 15<sup>th</sup> and 23d Street.

Construction was to begin in mid-1972, take about 2 and a half years, and cost over \$20 million. [Dewar, Helen, "Airport Access Seen Aided By Widening of Va. Rte. 1," *The Washington Post*, April 20, 1971]

(The official description was changed on June 28, 1976, to reflect the change in designation of the Shirley Highway from I-95 to I-395.)

As often was the case, the proposed Interstate highway was delayed by criticism from local officials, area residents, and businesses that would be blocked from access they enjoyed along U.S. 1. The Arlington County Board suggested that VDHT consider alternatives to the proposed Interstate highway. Residents with homes near U.S. 1 formed the Jefferson Davis Corridor

Transportation Coalition and threatened to go to court if VDHT did not consider alternatives such as:

The Jefferson Davis group, during a county board hearing last month on I-595 [March 1972], proposed an alternative to the eight-lane elevated road, making the existing highway one way south and widening Ball Street (parallel to Route 1) to four lanes for north-bound traffic. [Brockett, Diane, "With I-66 at Standstill, Arlington Eying I-595," *The Sunday Star*, April 16, 1972]

VDHT issued an EIS for the project in June 1973. According to the EIS, the elevated, six-lane Interstate highway was needed to relieve congestion between I-95 and the airport, but would raise noise levels above government standards, displace 15 businesses, and increase air pollution – at least until the Federal Government required emission control devices on all vehicles. The EIS discussed four alternatives – (1) widening U.S. 1, create a one-way pair with U.S. 1 and either (2) Ball Street or (3) Eads Street, and (4) do nothing.

Donna Jensen of the Aurora Highlands Civic Association criticized the EIS because it did not consider a mass transit alternative and for requiring a waiver of Federal noise requirements for the preferred alternative. Emilia Govan called the EIS a "piecemeal fragmented approach" to transportation planning and recommended that VDHT consider the entire U.S. 1 corridor in Alexandria and Fairfax County. [Crosby, Thomas, "Wide Rt. 1 Battle," *The Washington Star-News*, June 8, 1973]

Although VDHT approved the design for an elevated six-lane highway, construction had still not begun in 1975. A VDHT spokesman said, "All systems are not go, and we are not ready to construct. It still has to have federal review, and it still has to have some money. The whole thing is still several years off." The Arlington County Board had tentatively approved the project in 1972, but in 1975, member Everard Munsey said, "I personally view the thing as far from a settled issue." Given changes in the economy and the price of gasoline, "I think we ought to look at the whole matter again." [Kast, Sheilah, "The Design's O.K., But I-595 Still is Way Down the Road," *The Washington Star-News*, July 20, 1975]

In August 1976, VDHT awarded a contract to Slattery Associates, Inc., of Maspeth, New York, for construction of the controversial six-lane elevated highway. Construction, which was to begin in a month, would be completed by October 1, 1978. Within days, however, three citizen associations and two hotels filed suit in U.S. District Court in Alexandria, to halt the project. The general manager of Hospitality House at 2000 Jefferson Davis Highway explained that building the elevated roadway would "be like putting up the great China Wall," making the hotel inaccessible to the Crystal City area.

Judge Albert V. Bryan, Jr., granted an injunction on November 24. The EIS, he found, "was too limited" in scope. "It's arbitrary and capricious not to extend the area under consideration beyond the south end of the project at least as far as the Monroe Avenue Bridge." He also questioned public involvement during the environmental review. "Public notice was wanting," he said. Two hearings should have been held, not just one. "Solicitation of views leaves much to be desired and the report following the hearing was inadequate."

Judge Bryan cautioned plaintiffs that while he approved the injunction they sought, “all you may have accomplished is a delay.” If VDHT prepared a revised EIS and held a second public hearing, “I have a feeling the project may be approved.” [Crosby, Thomas, “Elevated Route 1 Gets Green Light,” *The Washington Star*, August 21, 1976; Crosby, Thomas, “Neighbors Try to Block 6-Lane Road,” *The Washington Star*, August 25, 1976; Holt, Brad, “I-595 Construction Stopped by Judge, At Least for Now,” *The Washington Star*, November 25, 1976]

VDHT kept the I-595 project alive until February 1979, when officials finally scrapped plans for the six-lane elevated highway linking I-395/Shirley Highway and Washington National Airport. Harold King, FHWA’s former Virginia Division Administrator who was now VDHT commissioner, said, “There was no way we could change the plan without tearing out half of Crystal City for alternative interchanges.” Instead, VDHT would pursue upgrades to existing U.S. 1. [Boodman, Sandra G., “Va. Changes Design for Interstate,” *The Washington Post*, February 22, 1979]

The northerly 0.29-mile segment of I-595 connecting U.S. 1 to I-395 was built and opened to traffic.

On August 27, 1982, FHWA Administrator Ray A. Barnhart and UMTA Administrator Arthur E. Teele approved withdrawal of the remaining section of I-595. The estimated cost shown in the 1981 ICE was \$22.6 million. The previously opened 0.29-mile segment was removed from the Interstate System.

As finally calculated, the full value of Virginia’s only two Interstate withdrawals was \$78.2 million. The State directed \$51.7 million to transit projects.

(On August 7, 1981, *The Washington Star* ceased publication.)

## **Completing Metro**

When General Jackson Graham retired at the end of January 1976, the Metro rapid rail system was 2 months from opening its first segment—but its schedule and financing were, effectively, beyond the control of WMATA.

The success of the five-station short line could not hide Metro’s financial problems; the line cost \$75,000 more to operate each day than WMATA received in fares. [Schrag, page 186] Area officials were trying to find a way to address deficits and multimillion dollar losses for combined Metrobus and Metrorail construction, operation, and maintenance. The *Post* reported:

Key District of Columbia and suburban officials, troubled by Washington’s deficit-ridden transit system, are moving toward a major revamping of Metrobus management and possible curtailment of the planned 98-mile subway network . . . .

Prince George’s County Councilman Francis B. Francois, who became chairman yesterday of the Metropolitan Washington Council of Governments, used his opening statement to launch a new study of possible, major cutbacks in the planned subway

system because of “staggering” Metro costs that, he said, could bankrupt local governments.

Coming from a transit advocate, his call for reconsideration was significant:

I hope that this proposal of mine will bring into the public arena many of the off-the-record comments of concern we have all heard from our fellow elected officials over the past months.

All officials hoped for relief from the Federal Government to avoid retrenchment, but the Ford Administration had been less supportive than the Nixon Administration. On January 27, Secretary Coleman had joined General Graham for speeches before the Federal City Council:

Graham, speaking first, criticized Ford for failing to reaffirm the federal government’s commitment to building the entire system.

While there is \$875 million in interstate highway funds that can be transferred for Metro construction, Graham said, unless Ford takes a leadership role, local governments will not approve matching shares so the money can be used for Metro.

The situation is such that “everyone in town can say no, only one guy can say yes,” Graham said.

Graham’s criticism “seemed to strike a responsive chord in Coleman.” He said he would “violate the rule that as a public servant you do not commit yourself.” His prepared remarks had not mentioned completion of the entire system. However, he abandoned those remarks to say, for the first time, that the Federal Government should help the Washington area complete the network. He said that failing to do so would “be a breach of faith to the people in this district.” He added that he needed to get together with officials in Maryland and Virginia to secure the necessary Interstate transfers. [Crosby, Thomas, “Coleman Says U.S. is Obligated to Help Finish Metro System,” *The Washington Star*, January 28, 1976]

On the day he left his position, General Graham was blunter. He said his resignation stemmed from President Ford’s abandonment of the 100.6-mile rail network:

“It’s a personal objection on my part,” said Graham, adding that he has been worrying about presidential support ever since Watergate “distracted” Metro’s supporters “at both ends of Pennsylvania Avenue.”

. . . “The contrast is just dramatic” between President Nixon’s pre-Watergate efforts on Metro’s behalf and Ford’s “fence-straddling,” Graham said.

He pointed out that President Ford, while in the House, had never supported mass transit. Minority Leader Ford had suffered a “bitter defeat” in December 1971 when the House voted to overturn Chairman Natcher’s withholding of the District matching funds for Metrorail construction:

“I don’t think the President has ever quite forgotten it,” said Graham, who predicted the President eventually would take a public stand in support of Metro.

Thus far, the Ford Administration and Secretary Coleman had favored using the Interstate withdrawal-substitution program to pay WMATA’s \$1.6 billion overrun:

“There’s been no scandal or corruption . . . after the obligation of some \$2.2 billion, in the most scandal-sensitive place and era in all history,” Graham said.

“It’s another question of whether the U.S. can keep its promises. In France and other European countries they say they will build something and then go ahead and do it. Washington is a symbol not only for this country, but the world and we’re bogged down over a subway,” Graham said.

In a presidential election year, with former Governor Ronald Reagan of California challenging President Ford in the primaries from the right, Graham did not expect a solution in 1976:

Without Ford’s support Graham said he could not endure “another 10 to 12 years with all the bureaucratic crap Metro will be in with the Urban Mass Transportation

Administration and the U.S. Department of Transportation.” [Crosby, Thomas, “Why Metro Chief Quit: Ford ‘Fence-Straddling,’” *The Washington Star*, February 1, 1976]

Secretary Coleman, in abandoning his prepared remarks, had made a commitment that the Administration in which he served was not prepared to keep.

By mid-year, WMATA had a new cost estimate for the entire system of \$5.512 billion, including a contingency of \$487 million. As noted earlier, the Ford Administration had agreed internally on a ceiling of \$4.65 billion. If WMATA could not build the full planned rail network for that amount, it would have to finance the difference in some way or shrink the system. Secretary Coleman moderated that position somewhat by suggesting that if WMATA used “extraordinary efforts” to contain cost, he might accept a higher cost. [Schrag, page 186]

WMATA chose 31-year old Deputy Under Secretary of Transportation Theodore Lutz to be the new general manager. Professor Schrag described his qualifications:

After getting a master’s degree in management from Syracuse University’s prestigious Maxwell School in 1968, he had found a job at the Bureau of the Budget (later, OMB). Among his other duties, he was given the task of reviewing the District’s budget, so he found himself working with Mayor Washington and other local officials. Lutz’s work also impressed Nixon staffer Egil Krogh, responsible for D.C. affairs at the White House. When, after the 1972 election, Krogh moved to the Department of Transportation, he brought Lutz – still only twenty-seven – with him as deputy under secretary of

transportation for budget and program review. In this capacity, Lutz had chaired a committee on Metro financing, in effect becoming a federal representative on the WMATA board, despite the compact negotiators' early decision not to have one. In 1975 he had compiled the department's report on Metro funding.

Lutz was no Jack Graham. He was not an engineer, he had never managed more than a dozen people, and he was a generation younger than the many veterans of World War II who had done most of the work bringing Metro from idea to reality. But the board understood that Metro no longer needed a builder as much as it needed a bean counter. Board members had found him to be skilled, well connected, and, as a Minnesota native, neutral among the jurisdictions. His skills as diplomat and financier would soon be put to the test. [Schrag, page 186]

A *Star* profile reported:

When Metro's selection committee asked Lutz to be a general manager candidate, he cleared it first with Coleman.

He left little doubt that he would take the up-to-\$60,000-a-year job saying, "I am heavily driven to perform public service. My father thinks I'm crazy . . . (but) I'm driven by that psyche."

Since coming to Washington in 1968, Lutz and his wife [Willa] have lived in a two-bedroom townhouse in Southwest Washington [at 743 Third Street, SW]. For the last three years Lutz has walked to work at DOT where he puts in 10 to 12 hours a day and often takes work home on weeknights and weekends.

"The one vice that gets me out of work early once a week in the summer is playing softball," Lutz said. "I'm a softball freak."

A deacon in Trinity Presbyterian Church in Arlington, Lutz plays on the church team. Both he and his wife teach a Sunday school class for fourth and fifth graders.

Willa and Ted Lutz soon moved to 2647 North Powhatan Street in Arlington. In looking for a home, the couple had two goals. It be near their church and near a bus stop. He commuted to work by bus, trying to keep his work to 5 days a week. The couple had only one car, a new Ford Fairmont they bought to replace their aging Ford Pinto.

(Krogh, caught up in the White House plumbers aspect of the Watergate scandal, left the Department of Transportation in May 1973.)

Even as WMATA announced his appointment on September 24, 1976, UMTA Administrator Patricelli was addressing the joint meeting of WMATA, COG, and TPB to reiterate the \$4.6 billion cap, as discussed earlier.

Lutz, vacationing in California before assuming his new position, told reporters, he would like to build the entire system "if at all possible," but did not think Metro officials should be "oblivious" to concerns about the rising cost. "I don't think Metro can just stick its head in the sand and say, 'Bet lost.'" He added, "Everything's not immutable."

He would face the funding challenges realistically. The Metro financial plan “should convince the public it’s not business as usual and that Metro is not gold-plating the system right out the window.” He added, “I feel the key to making Metro work is that local governments must take action in regard to automobile usage so as to make their tremendous investments productive.” [Lynton, Stephen J., “Cut in Metro Cost Ordered,” *The Washington Post*, September 25, 1976; Crosby, Thomas, “New Metro Boss Lutz Vows Completion of Area Rail System,” *The Washington Star*, September 25, 1976; Feaver, Douglas B., “Lutz: Stint at Metro,” *The Washington Post*, November 8, 1978]

Two months later, former Georgia Governor Jimmy Carter (1971-1975) defeated President Ford and took the inaugural oath on January 20, 1977. The new President was a seemingly easygoing former Navy officer who had served under Admiral Hyman G. Rickover in his fledgling nuclear submarine program. A Christian, peanut farmer, State legislator, and Governor, Carter’s image of honesty, decency, and intelligence was a welcome contrast to “Tricky Dick” Nixon, corrupt Spiro Agnew, and the amiable Gerald Ford whose highest aspiration had been to be Speaker of the House. Former Senator Walter F. “Fritz” Mondale of Minnesota was the Vice President.

When it came to rail rapid transit in general and Metro in particular, new Secretary Adams took an even harder line than Patricelli, based on the new President’s views. He took his views from President Carter, who sent a hand-written memorandum to the White House on March 21, 1977:

I suspect that many of the rapid transit systems are grossly oversized. We should insist on (a) off-street parking, (b) one-way streets, (c) special bus lanes, (d) surface rail-bus, as alternatives to subways. In some urban areas, no construction at all would be needed if a, b and c are required. J. Carter [Mollison, Andrew, “Adams in Search of New Transportation Policy,” *Atlanta Constitution*, July 24, 1977; Schrag, page 187. Underlining in original]

In September 2018 e-mail, Mortimer L. Downey III, who at the time was Assistant Secretary for Budget and Programs, U.S. Department of Transportation, recalled the arrival of Carter’s handwritten note:

Exec Sec Linda Smith brought it into the morning staff meeting with copies for everyone around the table, and by the end of the day it was in the hands of Congress and the media. This gave a real push to alternatives analysis” for proposed rapid rail systems. [Downey, Mortimer L. III, e-mail to Richard F. Weingroff, September 19, 2018]

Asked about President Carter’s message, General Manager Lutz said, “I hope this isn’t taken solely in light of budget cuts but is taken in the light that [people in mass transit] should find out how to do the best job possible.” [Behr, Peter, “Carter Faults Mass Transit,” *The Washington Star*, March 29, 1977]

In May 1978, the joint committee of WMATA, COG, and TPB that former Administrator Patricelli had addressed completed its alternatives analysis. It had considered each of the remaining lines, took public comments, and studied variations, with a result that Professor Schrag summarized:

With the reports in hand, on 11 May 1978, the joint committee met and recommended some changes. The biggest was to reroute the Green Line's "F" branch in southern Prince George's County [Maryland], from the original terminus at Branch Avenue to a more westerly route to the Rosecroft racetrack. (Ironically, this, the largest change of the alternatives analysis, was later reversed by a court decision.) The committee also slightly modified alignments on two other branches, and increased parking at a few stations. Other than that, the 1968 system was intact.

In short, the report reflected the idea that "while Metro was indeed very expensive, it was not necessarily a bad value." [Schrag, page 189]

(As Professor Schrag noted, the terminus of the Green Line in Maryland was reversed in court. The controversy on this line delayed completion of the Green Line, leading to complaints that white communities in Maryland, Virginia, and the District were receiving service before the predominantly African-American population along the projected Green Line in the District and county. The final link to the terminus at Branch Avenue opened on January 13, 2001, completing the 103-mile, 83-station Metrorail system, as planned to that point.)

The alternatives analysis and similar reviews had little impact because, first, local officials were committed to the full system. Despite all the political winds, they were convinced that in the end, the Federal Government would pay two-thirds of the cost of construction. "Even Frank Francois, who in early 1976 had called for a reevaluation of Metro, believed that that task had already been completed by the time of Patricelli's mandate in September of that year."

According to Professor Schrag, "The second reason the studies had so little impact was that Metro had been planned as a whole, both physically and financially." If a community on a rail line suddenly became the terminus of a truncated route, the impacts could be significant:

[It] was not easy to turn a more central station into a terminus. As Lutz explained, "several communities have never envisioned themselves as being a terminal point, and all of a sudden if that was the decision, the idea of a big parking structure . . . will be over their dead bodies and they will use every tool they have to stop it."

As for finances, Metro's red, orange, yellow, green, and blue lines were like colored wires on a B-movie time bomb: clip one and the whole thing explodes. Deleting any route would provoke the affected jurisdiction to demand tens of millions of dollars back from the Authority, with interest. It was easier for WMATA to keep borrowing, especially since each cut would only save a small percentage of the system cost.

He added a third reason that vindicated all who had promoted Metro over the decades:

The third reason that the studies failed to harm Metro was that by 1978 Metro was enormously popular. Even in the dark days of 1975, polls showed that local residents still supported completing the 100-mile system, even if it required more local funds. With real trains running, that popularity grew. In July 1977 Phase II had opened from RFK

Stadium to National Airport. Congressmen could now get from the Capitol to the airport in less than half an hour, regardless of congestion on the streets above.

Fourth, alternative transportation modes could not compete with a dedicated rail line:

Fourth, and most important, the studies compared a completed Metro with possible alternatives, and no study could offer a serious alternative to heavy rail as a mode of transit. Buses, light rail, and even cars could provide better numbers in the right economic models, but not in the real world.

Finally, the Nation was in the midst of its second energy crisis, giving renewed emphasis to the value of transit. The public remembered the first crisis that began in October 1973, but had adjusted to the resulting increased oil prices. When President Carter announced an energy initiative on April 18, 1977, calling for the “moral equivalent of war,” he seemed out of touch with public attitudes, congressional concerns, and the conventional wisdom in Washington and elsewhere.

The second energy shock began in January 1979 with the Iranian revolution under Ayatollah Khomeini in January 1979:

Oil companies and motorists around the world panicked, driving oil prices from \$13 to \$34 a barrel, while American refineries tuned to Iranian crude struggled to adjust to oils from other sources. By spring, drivers around the country found themselves on hour-long lines when they sought to fill their gas tanks. In Washington, tens of thousands of frustrated drivers tried mass transit (bus as well as rail) for the first time. By June 1979 four out of ten Virginia commuters to Washington used transit, up from three out of ten in 1977, and average weekday ridership surged from 250,000 to more than 275,000 per day. In this context, a rapid transit system whose electricity could be generated from good old domestic coal began to look increasingly attractive.

For all these reasons, the alternatives analysis proved to be a dud . . . . Local politicians crowed that the study had affirmed the region’s wish for a 100-mile system in the most emphatic terms possible. [Schrag, pages 189-193]

The cost continued spiraling upwards in the face of high inflation, delays, and increased oil costs:

By the spring of 1979, the cost estimate was up to \$6.8 billion, \$7 billion if the federal government dribbled out its contribution slowly, or \$7.4 billion if interest costs, system add-ons, and handicapped facilities were thrown in.

Use of the Interstate withdrawal-substitution mechanism that Secretary Coleman had seen as a fallback for construction cost increases had reached its end, with about \$2 billion in transfer funds from the general Treasury going to WMATA for Metro construction. [Schrag, page 193]

As of mid-1979, however, Secretary Adams was withholding about \$1.2 billion of the substitution funds from WMATA. The delay had begun a few years earlier while UMTA Administrator Patricelli awaited the alternatives analysis. The Carter Administration held the

funds while WMATA decided which routes would be advanced with the funds. Administration officials wanted WMATA to speed up construction of the Green Line through Anacostia, southeast, one of the lower income parts of the city.

On July 11, Secretary Adams announced that he would release the transfer funds based on Metro's new construction schedule for completing about 40 miles of the rail line in early 1990. The Green Line from the L'Enfant Plaza hub station to Anacostia was scheduled to open in mid-1985; to Southern Avenue later that year; and to Rosecroft Raceway, then the terminus of the line, in late 1986.

In a letter to Metro Board Chairman Jerry A. Moore, Secretary Adams said, "we are prepared to use your schedule as the basis for approval of the transfer funds," but with three conditions that the *Post* described:

Metro must sell \$76.5 million in real estate that it purchased with federal assistance and that the federal government considers excess.

Metro must pursue cost-cutting construction methods, including the elimination of vaulted arch stations underground. Additionally, Metro must review its plan to put the Yellow-Green Line through Fort Totten Park in a tunnel. That is a potentially explosive issue in the Fort Totten neighborhood of Northeast Washington, where Metro's original plans called for a cheaper elevated line.

Metro and the federal government must reach a final agreement on how to retire the interest and principal on \$1 billion in revenue bonds sold to raise construction funds. An agreement in principle on a draft already exists.

Secretary Adams added that, "We recognize that a new congressional authorization will be necessary to fund completion of the system."

Metro's general manager, Richard S. Page, said of the Adams letter, "This is the best news from the federal executive branch for Metro in three years." [Feaver, Douglas B., "U.S. Will Release Millions in Metro Building Funds," *The Washington Post*, July 12, 1979; Washington, Adrienne, "Metro Funds Release Pledged by Adams," *The Washington Star*, July 12, 1979]

(Theodore Lutz had resigned as general manager in April 1979, saying he was "burned out." Page, former executive director of the Municipality of Metropolitan Seattle (METRO, a transit and water pollution control and planning agency), had served as UMTA Administrator under President Carter (1977-79) before becoming general manager of Metro. On September 25, 1979, President Carter nominated Lutz to be the new UMTA Administrator, a post he held through the end of the Carter Administration in January 1981.)

Based on the latest estimates, Secretary Adams's release of \$1.2 billion in transfer funds meant that Metro would need about \$1.7 billion more funds for completion. Congress was already at work on providing that funding.

On July 15, President Carter returned from a secretive stay at Camp David to deliver his “crisis of confidence” speech, often called the “malaise speech” although he had not used that word. Many factors had undermined the Nation’s confidence in its government, he said. One problem was the energy crisis. To fight it, he proposed several plans. Among other items, he called for mandatory conservation and authority to ration gasoline if needed. He also proposed an extra \$10 billion to strengthen public transportation systems over the next decade:

I’m asking you for your good and for your Nation’s security to strengthen our public transportation systems. And I’m asking you for your good and your Nation’s security to take no unnecessary trips, to use carpools or public transportation whenever you can, to park your car one extra day per week, to obey the speed limit, and to set your thermostats to save fuel. Every act of energy conservation like this is more than just common sense – I tell you it is an act of patriotism.

To revitalize his presidency, Carter fired several Cabinet members, including Secretary Adams, who left office on July 20. His successor would be Mayor Neil E. Goldschmidt of Portland, Oregon, who would take office on August 15 and serve until January 20, 1981.

At the start of the 96<sup>th</sup> Congress in 1979, Representative Harris of Virginia had introduced a bill, cosponsored by Representative Fortney H. (Pete) Stark, Jr. (D-Ca.), authorizing \$1.7 billion for Metro, \$197.7 million in operating subsidies, and adoption of WMATA’s outstanding debt. Professor Schrag explained:

Rather than even trying to change minds at the White House, he instead planned to outflank the administration. He compiled a list of the hundred or so remaining members of Congress who had voted against Natcher in 1971, and wrote each a letter addressed, “Dear Father of Metro.” One recipient was Robert Giaimo himself, now powerfully positioned as the chairman of the budget committee. When Carter’s representative approached Giaimo to ask him to oppose Harris on grounds of economy, Giaimo responded, “Good Lord. I’m the father of Metro. How can I fight it?”

Representative Harris gained additional support by convincing Representatives in transit-heavy areas that his bill meant that Metro would no longer compete with their jurisdictions for scarce Federal-aid transit funds.

The House prepared to consider the bill on July 16, the day after the Crisis of Confidence speech, despite what the *Post* called “an unexpected last-minute effort by the Carter administration to defeat it.” An unnamed spokesman said the White House “wants to pull back and reassess” how the Metro bill fit in with President Carter’s \$10 billion plan announced the day before. The *Post* added, “The White House opposed the bill on the grounds that it gives too much money to a single city.”

Secretary Adams’s view of the bill was unclear even as he clung to his job. A Department spokesman had said Secretary Adams “favors the Metro funding bill,” but White House lobbyist Bill Cable said the Secretary’s letter to Chairman Moore about release of \$1.2 billion “indicated that some legislation is need,” not necessarily the current bill.

Nevertheless, the House passed the bill, 261 to 125. Chairman Natcher voted against the bill but did not address his colleagues on the subject. Chairman Ronald V. Dellums (D-Ca.) of the House District Committee said, "I feel the president will be embarrassed tomorrow morning" when he sees the lopsided vote.

Before the vote, the *Post* pointed out that the renewed energy crisis could not have come at a better time for Metro:

In the last few months, a sophisticated lobbying campaign has transferred what some have criticized as a pork barrel project for the Washington area into something hailed as significant energy legislation that could serve as a model for the nation. [Baker, Donald P., "Congress to Vote on Biggest Metro Bill Since 1971," *The Washington Post*, July 16, 1979]

A *Post* editorial called the margin of victory "stunning." It "gave Metro a boost it desperately needed," speculating that the margin of victory reflected "common sense and a feeling of responsibility toward a mass-transit system it has nurtured from the beginning." As for the White House, the editorial concluded:

The opposition of the Carter administration to this arrangement, which came to light only yesterday morning, must have come from the anti-Washington strain in President Carter's Sunday night speech, not his pro-mass-transit strain. Otherwise, it is inconceivable that the administration could have opposed this bill. ["A Stunning Win for Metro," *The Washington Post*, July 17, 1979]

On August 22, the Carter Administration clarified the \$10 billion program the President had called for in his "Crisis of Confidence" speech on July 15. Vice President Mondale announced details of the plan during a speech in a historic train depot in Hoboken, New Jersey. The President's mass transit proposal had increased to \$13 billion based on congressional approval of a requested windfall profits tax for crude oil. Without the added revenue, the Vice President said, "there will be no dough," adding, "Without the windfall profits tax, all this is just rhetoric." *Better Roads* summarized the proposal outlined by the Vice President:

The administration initiative proposes to add \$13 billion over a 10-year period to UMTA's normal projected appropriations of \$27.5 billion and a projected \$9.5 billion of state/local match to provide a \$50 [b]illion 10-year capital funding program for transportation . . . . The intended goal is to increase public transportation capacity by up to 50% and accommodate up to 15 million more passengers per day by increasing local bus purchases, stepping up the pace of rail modernization, and expediting completion of new rail starts which already have been approved. [Nickel, William J., "Transportation Energy Program Needs \$16.5 Billion 'Initiative,'" *Better Roads*, October 1979, page 14]

Speaking to the American Public Transit Association on September 25, President Carter called for a "quantum jump" in public transit investment to \$50 billion and said, "We will reclaim and revitalize America's transit systems." However, as *The New York Times* put it, the proposal "has less to it than meets the eye and is predicated on several conditions, one of which seems questionable at the moment":

[The] only new Federal money in the plan is the \$13 billion a year that Vice President Mondale mentioned last month in Hoboken, and even that amount is dependent on passage of the “windfall” profit tax on crude oil. It has become increasingly doubtful in recent days that Congress will approve a tax that would raise as much revenue as the Carter Administration wants.

The bulk of the transit plan would be old money, such as the \$27.5 billion, with an anticipated 5 to 7 percent yearly increase, that the government was going to spend anyway. And an estimated \$10 billion would not be Federal money at all, but would come from state and local governments.” [Holsendolph, Ernest, “Mass Transit: Carter’s Plan,” *The New York Times*, September 27, 1979]

The Carter Administration announced on September 26 that it would now support the Harris-Stark bill. The reversal was important because supporters feared that White House opposition might sway votes in the Senate. The energy crisis and the lopsided vote in the House were reportedly factors in the White House decision to support the measure. [Baker, Donald P., “Carter Drops Opposition to Metro Funding Bill,” *The Washington Post*, September 27, 1979; Shelton, Isabelle, “Policy Shift on Metro is Hailed,” *The Washington Star*, September 27, 1979]

Assistant Secretary Downey confirmed the reversal in his testimony on September 28 to the Subcommittee on Governmental Efficiency and the District of Columbia, United States Senate. After discussing the President’s recent announcement and former Secretary Adams’s release of Interstate withdrawal funds, Downey said, “The administration supports the authorization of additional funds for Metrorail in the form of a separate authorization.” He had a caution that qualified the support:

[We] wish to make it clear that appropriations under this authorization must be considered within the context of our Nation’s total transportation needs. By this I mean that the administration will integrate WMATA’s needs for capital funding with the total transportation needs of the other areas of the country and the total resources available to meet those needs . . . .

[We] recommend that the authorization be in a lump sum of \$1.7 billion as opposed to an annual schedule. The lump-sum authorization will provide the flexibility for annual appropriations actions at levels consistent with actual construction needs, the needs of other areas of the country, and the total resources available to meet those needs.

[National Capital Transportation Amendments Act of 1979, Hearings before the Subcommittee on Governmental Efficiency and the District of Columbia, Committee on Governmental Affairs, United States Senate, 96<sup>th</sup> Congress, 1<sup>st</sup> Session, page 55; the entire testimony, including questions, is on pages 54-65]

Downey also advised that the White House opposed operating subsidies.

Congress completed work on the bill on December 20, 1979, with the Senate voting 66 to 23 after eliminating funding for operating subsidies that the Carter Administration opposed. The House then approved the revised bill, 190 to 144, again with Chairman Natcher voting nay.

During House debate, Representative Delbert L. Latta (R-Oh.) reserved the right to object to the bill, commenting:

Mr. Speaker . . . I can remember some time back that the gentleman from Kentucky [Mr. Natcher] made the statement that the Metro was going to cost the taxpayers something like \$6 billion, and there were a lot of people in this House at that time who said, "Oh, no, it couldn't happen." I would like to ask . . . how close is the gentleman's estimate of a \$6 billion taxpayer contribution for the Metro System?

Representative Harris avoided saying a specific number, observing that the only figure that mattered was the amount in the bill, \$1.7 billion. He added that the financial reanalysis of Metro construction cost conducted in 1978 "was as close and as tight a figure I think as the human mind can come up with. I think it is right on the button myself and I think we can come in under it."

Representative Latta persisted, pointing out that he had seen figures of \$6 billion and \$7 billion. He added, "Whatever it is, it is too high and I am glad I did not support it."

Finally, Representative Harris said:

Let me say if, in fact, all past and previous contributions to the Metro System are added together you will come to a total system cost of approximately \$7.2 billion.

Having secured an answer, Representative Latta withdrew his reservation of objection and the House soon approved the bill. [National Capital Transportation Amendments of 1979, *Congressional Record-House*, December 20, 1979, pages 37298-37299; Schrag, pages 193-194]

President Carter signed the National Capital Transportation Amendments of 1979 on January 3, 1980 (P.L. 96-184), in the Cabinet Room of the White House. As the ceremony began, President Carter noted that Mayor Marion Barry, as usual, was late, delaying the start of the ceremony by 15 minutes. The President asked, "Mr. Barry, you didn't come on the Metro, did you? [Laughter]." Representative Spellman told him the Maryland representatives had used Metro.

Representative Harris handed the President a Metro farecard and suggested he use it when he delivers the State of the Union Address. The President thanked him but said he would give the card to Mayor Barry "so he'll be here on . . . [laughter]."

President Carter began:

This is a very good day, I believe, in the lives of the people who live in this entire Washington, D.C., region and also of those who work in the Federal Government, and I'm doubly grateful, as President, to be able to participate in this ceremony.

The bill, he said, "will complete the financial commitment of the Federal Government to the completion of the Metrorail system."

He talked about Metro's origins:

The prospect of urban decay, the adverse impact on the quality of the air that we breathe, the excessive compacting of traffic during rush hours on our highways, the need to conserve energy, all were factors many years ago in the making of a final decision about

the construction of this rapid transit rail system. This is a good result of close cooperation between government at various levels and the private sector of the American economy.

The system was, he pointed out, carrying 300,000 passengers. Metro was now open on weekends, likely leading to increased numbers. “These are 300,000 people who would ordinarily have been using their automobiles, with a very heavy drain on the energy reserves of our country and with an adverse impact on the quality of our life.”

With the signing of the bill, State and local officials would be responsible for providing the additional funds to complete, operate, and maintain the Metrorail system. The Federal Government would continue efforts, such as encouraging carpooling and increased parking fees, that would support use of Metrorail:

My belief is, my conviction is that in the future every changing factor will make more valuable the Metrorail system that is in the process of being built. It would have been tragic to interrupt the completion of this system because of inadequate financing or inadequate commitment from the Federal, State, or local government agencies or governments. This is an important step forward.

While using multiple pens for the signing, President Carter handed the first pen to Representative Harris.

President Carter then asked several officials if they wanted to comment.

REPRESENTATIVE SPELLMAN: I frankly think that Herb should [group agreement].

THE PRESIDENT: Everybody—there seems to be an acclamation.

REPRESENTATIVE HARRIS: I did give you the fare card, Mr. President.

THE PRESIDENT: It’s the first bribe I’ve had this year. [Laughter] Thank you, Herb. Will you say a word?

Representative Harris said:

I speak for so many people that have worked for so many years to accomplish this. And so many of them know who they are – this obviously goes back for 20 years of effort, of community effort – those that broke the bottleneck in ’71 and those that helped us move it along this year to share the completion of a system that can mean so much in transportation and in environment, but also in community, Mr. President.

And I think Metro has brought us together, sometimes to get along and sometimes to fuss, but it’s brought us together. And it has meant a great deal, I think, to all of us, to community, and means a great deal to the future.

I want to just make a special word. We wanted this bill passed this year. I do not think this bill would have been passed this year if it had not been for the work and the effort of this administration and this President. They did it; they did it in a very real way

I’d like for all of us that have just a special thing with regard to Metro, with what it will bring to our community, to say in unison. “Thank you, Mr. President.”

THE GROUP: Thank you, Mr. President.

Senator Mathias pointed out that this was a tough time to allocate \$1.7 billion for a project affecting only one urban area. “But we felt that it did affect more than one city, one community, that this is a symbol of what this Nation is doing to improve life in urban America, to meet the crisis in energy, and that we have wrapped up in the act, which you have completed today, a piece of legislation which is important to all Americans everywhere.

Senator Sarbanes was grateful for the bill and the President’s support, but thought “it ought not to stop here.” He thought comparable systems should be built in other metropolitan areas. “So we see this as not the end of something, but the beginning of bringing mass transit across the country.”

Representative Spellman said, “today is really a dream come true.” People “who go into the stations see just beautiful, beautiful stations representing Metro, but those of us who worked on it from its very inception see it in all of its components, every little thing that had to go into place.” The most remarkable thing, however, was the multi-jurisdictional support for Metro. “We were able to sublimate our own little special pet projects in order to work together, in order to make the whole system jell.” She added:

And to have a President come in at this point who understands all that went on before and understands the need for making this project whole at a time when there was talk of truncating the system is, I think, the culminating aspect of it all. It’s just a dream come true, and you’ve made that dream come true. We thank you.

President Carter replied, “Knowing everything that had gone on before, it was not one of the most delightful experiences.” The White House transcript added: “[Laughter]”

After several other Members of Congress provided similar comments, President Carter asked Mayor Barry to say a few words. Calling this “a great day for all of us,” Mayor Barry said, “the District is totally committed,” as reflected in the Interstate substitution funds the city had transferred to Metro. “And this is really an example of what we can do, working with the Federal sector, the private sector, the local governments to make this region a better place for all of us to live.” Referring to the farecard, Mayor Barry added, “And I occasionally ride Metro myself, so that fare card was not new to me.” [Feaver, Douglas B., “Carter Approves \$1.7 billion for Metro Completion,” *The Washington Post*, January 4, 1980; Crosby, Thomas, “Metro Aid Bill Signed by Carter,” *The Washington Star*, January 4, 1980]

In return for Federal funds, the bill required local jurisdictions to establish a “stable and reliable” revenue source to provide matching funds to complete construction. The eight WMATA jurisdictions, including the States of Maryland and Virginia and the District, had been unable to agree on a single source, such as a regional sales tax, leaving each jurisdiction to patch together its own payments to WMATA, as Professor Schrag explained:

In 1977 both Transportation Secretary Adams and General Manager Lutz endorsed either a regional sales or payroll tax, in large part to end the yearly uncertainty over whether each of the eight jurisdictions in WMATA would actually pony up. But the jurisdictions

could not agree on a uniform tax, in part because their financial structures were so distinct.

Under the mandate of the new bill, the jurisdictions could not agree on a single source, instead responding to the “demand for ‘stable and reliable’ revenues with a hodgepodge of measures, including gasoline and other excise taxes at various amounts depending on the jurisdiction.” [Schrag, page 194]

In later years, WMATA faced many funding challenges, as Presidents changed, Members of Congress came and went, and the economy and other factors affected the availability of the funds authorized by the National Capital Transportation Amendments of 1979. Nevertheless, Professor Schrag considered it “an important transition.” Instead of looking at Metrorail as a “deficit-creating monster,” as a member of the Arlington County Board called it, the bill reflected the fact that “federal and local leaders decided that the monster was worth nurturing.” Any questions about “the system’s basic legitimacy” had been answered. [Schrag, page 195]

In the e-mail cited earlier, Downey commented on the Stark-Harris bill:

On the issue of Metro and the Stark-Harris bill, there is some back-story. Carter, having lost some fights about the design and cost of the MARTA system, was generally negative on rail projects – as evident from the handwritten note he sent to Brock early in the Administration. Secretary Adams, who had served on the House DC Committee and was a Metro supporter, had to take on the President and his staff to get support for the full system. WMATA was a hard sell, and it was my job to make it happen. I finally closed the deal at the White House with a strategy to assure that our exposure was only for capital expenditures. This led to my testimony in which I said we would support the Stark-Harris construction funding if the locals had a source of “stable and reliable funding” to assure operation and maintenance over the long haul. We got that promise, but were later sold out by the Reagan Administration which actually entered into the first contract under Stark-Harris. Under pressure from the locals, DOT issued an opinion that the existing funding arrangements were “stable and reliable,” in that they required the compact parties to make up any budget deficits. Of course, since the WMATA Board was essentially the same local officials, there was really no protection against underfunding. What we had in mind was some form of dedicated tax that was controlled by WMATA, but that has eluded the transit system even up to today . . . .

By January 13, 2001, when regional and Federal officials gathered to open the final Green Line stations in the District and Prince George’s County, Maryland, they congratulated and thanked each other:

Perhaps the most striking aspect of the ceremonies was their focus on the completion of the five-station stretch of line. For WMATA had finished not only the Branch Avenue line, not only the Green Line, but the 103-mile regional system, a system not terribly different from the 98-mile system authorized more than thirty-one years earlier. Yet to dwell on the completion of the 103-mile system would be to suggest that Metro was finished, its form forever settled. That was not the case. [Schrag, page 273]

The focus had been on honoring existing commitments by completing the 103-mile rail network, but officials were already thinking of new lines, such as the Silver Line through heavily congested Tyson's Corner, Virginia, to Dulles International Airport. The Silver Line, the first to open since the Green Line, opened its first five stations on July 26, 2014.

Professor Schrag looked back on what Metro meant for the region:

Metro is a public thing. It is public transportation, public works, public policy, public investment, and, since its opening, public space. It is a monument to confidence in the public realm . . . .

As a symbol of urbanity, a preserver of neighborhoods, a work of beauty, a political unifier, a shaper of space, and a meeting ground for all Washingtonians, Metro makes Washington that much more the great city dreamed of by visionaries from . . . L'Enfant forward, and it makes America that much more the Great Society envisioned by Lyndon Johnson and the liberals of the 1960s. The visionaries have not and never will achieve perfection, but Metro shows that even in pragmatic matters of planning, idealism has a place. [Schrag, page 283]

### **The Georgetown Metro Station**

Considering Georgetown's role in fighting Interstate freeways and bridges, it was a logical location for a Metro station. But that station does not exist. Instead, Georgetown is between the Foggy Bottom-GWU Station in the District of Columbia and the Rosslyn Station across the Potomac River in Virginia. The Metro line between the two stations crosses the river north of Roosevelt Island in a tunnel between the two stations, without crossing under Georgetown.

Professor Schrag discussed the situation:

Now, as in the 1970s, there is a legend about Metro among the people of Washington. Many believe that WMATA planned a station for Georgetown, then withdrew its plans in response to opposition from politically influential residents who feared that the subway would bring undesirables – the poor, the criminal, the nonwhite, and the tacky – to their exclusive neighborhood. In fact, although Georgetown residents did oppose a transit station, their attitude was essentially irrelevant, for a Georgetown station was never seriously considered.

From an engineering standpoint, a subway line under Georgetown “would have been difficult.” The proximity of the Potomac River to Georgetown's commercial center at the intersection of Wisconsin Avenue and M Street was the problem:

Any tunnel under the Potomac (such as the one that today connects Foggy Bottom and Rosslyn) would have been so deep at the river's edge as to render a station there impractical.

NCTA planner John Insko Williams sketched a Georgetown station in 1963 that depended on a highway-transit bridge across the river. In an interview with Professor Schrag, Williams explained why the idea never went beyond his sketch:

According to Williams, highway planners, not Georgetown residents, vetoed this option. Moreover, Williams's map shows that the curve up to Georgetown could not have followed the street grid, but would have to be bored under private property. And "if you get under buildings," planner Thomas Deen recalled, "you get into all kinds of problems, digging under foundations, and settlement, and liability, and lawsuits."

Of course, engineering challenges could be overcome, but for WMATA, a Georgetown station was not a priority. Metro was designed with commuters in mind, "which meant connecting suburban parking lots, bus nodes, and clusters of apartment buildings with dense collections of office buildings in downtown Washington and Arlington":

Georgetown lacked apartments or office buildings or parking, and much of the area within walking distance of Wisconsin and M is under water. "We were building the system for the commuters," planner William Herman recalled, "and there were not many people commuting to Georgetown. So why spend money on something that didn't meet our goals?"

In comparison with the freeways that Georgetown residents opposed, Metro's early maps "seemed to be an entirely benign alternative . . . . Few would object to a thin line and small dot on a map, one that promised easy access to the rest of the metropolitan area." Even so, Professor Schrag found "a kernel of truth" to the rumors about why Georgetown did not end up with a Metro station:

Still, there were whispers of conflict even at that point. As planning progressed, and condemnation notes caught the attention of previously placid neighborhoods, complaints spread. A 1971 study reported that "everyone [wants] feeder buses to be nearby, but to stop in front of somebody else's house." The same could be said of rapid transit; everyone wanted a station close, but not too close.

Residents feared the disruption of construction. These concerns did not reflect class or racial divisions, "for the protests were common to black neighborhoods and white, to poor neighborhoods as well as to rich ones":

A rapid transit system that had promised to spare neighborhoods by obviating freeways now found itself fighting many of the same people who had protested those roads.

For example, Professor Schrag cited Representative Giaimo, who had led the fight against Chairman Natcher in 1971 – the pivotal moment for Metro. For his Washington home near the Capitol, "WMATA rewarded him with an eight-foot ditch two feet from the front of his house, but he took it in stride."

Another fear was the access that Metro stations would provide for lower-income people who might have crime on their minds, "and in suburban Washington that means blacks":

Idamae Garrott, a Montgomery County representative, told a reporter, "A lot of people here are scared to go into the District. Now they think that rapers and muggers will be able to get on the subway for very little money, rape and mug me, and get on the subway

and go back. I can't guarantee it won't happen, although it's puzzled me why more criminals don't come out here now in cars." [Schrag, pages 155-156]

In 1977, *Post* columnist Bob Levey went to Georgetown to see how residents felt about never getting a Metro station:

So the land of begonias and bistros and brick becomes Metro's first orphan community. If that seems puzzling, it seems more puzzling that Georgetown's orphanhood was brought about by Georgetown residents. It would be hard to fault their motives.

They did not want years of construction, the noise or dust it would bring, the "space-age entryway built beside an 18<sup>th</sup> century town house," or "the exploding shopping centers and apartment houses that Metro will surely bring elsewhere."

During his visit, he found that "tears are hard to find among the great old oaks" of Georgetown in the absence of a Metro station:

The Georgetown community leaders who took part in the 1962 decision to bend aside the Metro line crossings from Rosslyn to Foggy Bottom do not regret their decision.

A position paper at the time by the Citizens Association of Georgetown said, "A line through Georgetown would lead to nowhere but deficits." Eva Hinton, the association's long-time vice president, recalled those words for Levey. "What it means," she told him, "is leave us the hell alone":

The chief concern in 1962, Mrs. Hinton recalled, was the extra-hard rock on which Georgetown sits. To burrow a subway into it would have required extensive blasting. The foundations of many gingerbread Georgetown homes might not have survived.

Mrs. Hinton and her association also wanted to avoid packing Georgetown's commercial strips more than they are packed now. "If you think we need another single soul here at lunch hour or on Saturday, you are mistaken."

In addition, many residents considered Metro to be a redundant commuting tool. For those who work downtown or on Capitol Hill, "Georgetown is honeycombed with bus routes that go crosstown, and has been for years. They are popular, and they wouldn't be popular if they weren't at least somewhat efficient."

Like Professor Schrag, Levey found that community concerns aside, WMATA had only briefly considered a Georgetown station:

It wasn't just Georgetowners who couldn't see the wisdom of Metro in the early sixties. According to Charles H. Conrad, executive director of the National Capital Planning Commission, only one staff study ever included a Georgetown stop, and it bit the dust early.

“A subway would have wrecked Georgetown,” said Conrad. “It was not so much a transit decision as a historic and land use decision.”

Veteran Metro staffers report that a Georgetown stop was rejected by them equally early. Not only were the buildings frail, but tunneling would have been staggeringly expensive, and the River Road corridor would not have fed as many suburban customers into a key Northwest Washington line as the Rockville Pike corridor that was chosen.

The congressionally designated historic status of Georgetown was another factor. “There was also considerable doubt about whether a subway would have been legal” because it would not blend architecturally with those already there.”

It was good, Levey thought, that WMATA listened to community concerns in Georgetown and other locations:

Actually, a tip of the cap is due Metro for paying such careful attention to community will. It would be offensive to have a subway – and subway construction – shoved down the throat of a community. At least, for a change, the boys with the money and the power listened.

But what has Georgetown done to itself? Have business and citizen groups perhaps been penny wise and pound foolish?

The long and the short of it is that no Metro in Georgetown will mean more cars in Georgetown. That may, in turn, cause economic and environmental damage. And nobody at either Metro Center or Wisconsin and M ever intended that. [Levey, Bob, “Metro’s Not Coming to Georgetown – and Nobody’s Crying,” Bob Levey’s Potomac Journal, *The Washington Post*, June 30, 1977]

## **Completing I-66**

When the last 10-mile segment of I-66 opened on December 22, 1982, the *Post* interviewed Emilia Govan. She recalled 1970 when she and her neighbors learned about plans to build I-66 over the nearby intersection of Glebe Road and Washington Boulevard:

“You couldn’t even see [the intersection] from our driveway,” said Emilia Govan recently . . . . “And it would not have done anything to our home. But we felt it would have an impact on our neighborhood and the community.”

They and their neighbors found themselves “running a bureaucratic obstacle course,” as the *Post*’s Nancy Scannell put it. Scannell explained that Arlington was “a largely affluent and sophisticated community filled with middle- and upper-level employes [sic] of the federal government.” Their “sophistication and inside-the-bureaucracy experience” gave ACT a “decided advantage” in fighting the highway.

Nevertheless, I-66 became a reality. Govan, “who abandoned work on her doctoral dissertation to fight the highway and is today a lawyer,” saw some benefits from the battle. Govan said:

It enhanced Arlington's sense of community. It brought together many, many talented, concerned citizens and, through their efforts, showed them and government officials that it is possible to have meaningful citizen involvement in decisions which in the past were made behind closed doors.

The fact that I-66 was completed did not mean the Govans, ACT, and other opponents had not had a major impact. Without their efforts, "we would have had a highway twice as big, much uglier and much more intrusive in the community." Saving Spout Run Park was a "significant accomplishment," as was "changing the governmental decision-making process":

Govan said she still views the road as a "concrete gash through a residential community . . . . It was never built for Arlington, but to get people through Arlington."

But "we pointed out some of the problems years ago," she said, "and now we'll just have to wait and see what happens." [Scannel, Nancy, "Finding Victories in Defeat," *The Washington Post*, December 22, 1982]

Leland White, in his history of the fight against I-66, wondered if ACT would have been more successful in blocking I-66 construction if they had adopted the non-violent tactics of the Civil Rights Movement or the aggressive actions of the anti-war groups of the 1960s or ECTC and the District freeway fighters. He cited an article from the March 1972 issue of *Smithsonian* magazine about freeway battles:

According to journalist Rice Odell, they "reasoned that since all segments of the area's highway network were to be connected, construction of any one segment would increase pressure to build the others . . . it led to a situation in which residents of white affluent Georgetown worked against the North Central freeway and blacks from the other side of the city [were] in the forefront against the Three Sisters Bridge." Their motto, "White Men's Roads Through Black Men's Homes," was a visceral and effective rallying cry.

Sammie Abbott thought so, as White reported:

Washington anti-highway activist Sammie Abbott thought that ACT did not go far enough. Shortly after the battle over I-66 was lost, Abbott told a Post reporter that "Virginia people didn't put up the type of fight we did in the city. It's that suburban mentality, that sense of decorum. Once you are committed to a sense of decorum, you're screwed." Emilia Govan said that ACT considered but rejected more militant tactics. At the time they believed that such an approach would likely have backfired in Virginia. She contended that civil disobedience ultimately might have alienated the white, middle-class professionals that formed the backbone of their effort and would have scared off a number of their political allies. [White pages 66-67; Odell, Rice, "To Stop Highways Some Citizens Take to the Streets," *Smithsonian Magazine*, March 1972, page 27; Feaver, Douglas B., "No New Freeways for District," *The Washington Post*, October 30, 1978]

According to Keith A. Argow, VDHT's environmental consultant, the project had changed from an eight-lane superhighway to "an elongated park" that he hoped would be "a prototype for a lot of highways in the future." Although it was too late to change the project, opponents became more aggressive:

Despite the major changes made in the I-66 plan to accommodate opponents, when construction of the last stretch began, crews encountered an "enormous amount" of local resistance, according to one contractor. Residents sprayed anti-I-66 graffiti on equipment and trailers. In some cases, they poured sand into machines' fuel tanks. As a result, several contractors hired security guards, and at least one says he has filed a claim with the Virginia Department of Highways and Transportation (VDH&T) for the cost.

Children climbed into trees to prevent workers from cutting them down to clear the right-of-way. Such incidents and vandalism are to be expected in this day and age, according to one contractor, who spoke of "a normal kind of vandalism." ["Community-Group Clout Influences Design," *Engineering News-Record*, December 10, 1981, page 33]

White argued that the battle should not be judged by the fact that I-66 was built, although in a scaled-down version. Emilia Govan told him in 1997, "We were not just fighting the highway. For us, increasing public participation in the process was just as important." She and her husband Jim also were fighting the monolithic State highway machine. Jim Govan told White, "VDH had no culture on how to deal with the public."

The Govans, White found, "felt somewhat vindicated when the road failed to alleviate the area's crushing traffic." He added that, "More important, though, was their belief that they had helped to raise environmental consciousness and increase the level of citizen participation in the city they continued to call home." [White, page 67]

### **The Barney Circle Connector**

The Sammie Abbott quote about ACT's tactics was from a three-part 1978 series by the *Post's* Douglas B. Feaver on the difficulties of completing the Interstate System around the country. In the second part, about the District freeway revolt, Feaver wrote:

By the time District of Columbia and Maryland highway officials are through with their erasers, they will have wiped out a larger percentage of urban freeways than any other metropolitan area in the United States. Only 10.7 miles of a planned 36.4 actually will be built.

Only in Virginia are most of the once-planned interstate freeway miles completed or under construction and even in that state there has been some regression from the once-extensive dreams of the roadbuilders.

In referring to 36.4 miles, Feaver was double-counting alternatives such as those for the North Leg – the K Street tunnel and the Florida Avenue alignment. An accompanying map included the New York Avenue industrial highway, which was never a designated part of the Interstate

System. Based on tables in the ICE over the years, the official total of Interstate mileage in the District of Columbia reached 30 miles (1970-1975) but by the final ICE in 1991 had declined to 14 miles. Today, the official total is 12.27 miles.

Based on his calculation, Feaver called the District statistics “mind-boggling”:

By not building 17.2 miles of Interstate freeways, D.C. has:

- Saved from destruction between 1,000 and 1,200 homes and apartments.
- Saved from displacement about 3,000 jobs that might well have left the city.
- Made available for Metro construction more than \$1 billion that would otherwise have been spent on highways.

He quoted Abbott.

“There will be no more freeways,” said Sammie Abbott. “It’s over. It’s over because from the very beginning we refused to concede defeat.”

Feaver gave Abbott considerable credit for blocking the North-Central and Northeast Freeways and the Three Sisters Bridge:

It was Sammie Abbott who coined the campaign slogan, “White men’s roads through black men’s bedrooms,” and his slogan was absolutely accurate. For while the final routing of the North-Central Freeway was through Northeast Washington along the B&O Railroad tracks, it had been moved there from the original route through Glover-Archbold Park and out Wisconsin Avenue, where influential white people live.

It was Sammie Abbott who led his coalition in 1970 to stand in front of the bulldozers at the construction site of the Three Sisters Bridge – the planned Potomac crossing above Key Bridge. After several days of media events, some shoving, hollering and a few arrests, the construction project was shut down by court order. It never started again.

Feaver pointed out that Abbott’s tactics were not appreciated by highway officials:

Abbott’s tactics were disliked, if not respected, by Frank Turner, then the administrator of the Federal Highway Administration. At the height of the freeway wars, Turner recalled recently:

“Abbott and Reginald Booker (another activist) came in and laid down the law to (Secretary) Volpe. They were rude. They chewed him out. They talked about how blood would flow, maybe even in the Department of Transportation building, if the highway was built. Some of the groups with Sammie even tried to shut him up . . . .”

“Criticism and emotion have swung the pendulum to the extreme,” Turner said.

“Sometimes the District of Columbia is going to have to have that north-central, northeast freeway, and the money isn’t going to be there.”

Such criticism did not concern Abbott, who told Feaver that fighting highways was “basically social warfare. There’s no definitive victory or defeat. Momentum picks up . . . .”

Feaver summarized:

Whatever the causes, the highway building program in the District of Columbia was slowed and finally stopped, despite directions from Congress that it be continued and despite the fact that appropriations to build Metro were held hostage by Congress to force highway construction.

The last project to survive Sammie Abbott’s attack is nearing completion in the center of the city. It is a quarter-mile of what once was to be Interstate 95 through the heart of Washington. It is known, inelegantly, as the Center Leg of the Inner Loop and will complete the existing 3<sup>rd</sup> Street tunnel west of the Capitol between the Southwest Freeway and New York Avenue NW.

The quarter-mile construction project would cost \$35 million, and the “entire Center Leg, all 1.4 miles of it, will cost \$164 million.” In all, “340 homes and apartments were razed to make way for the Center Leg and 150 businesses were displaced and relocated.” [Feaver, Douglas B., “No New Freeways Slated for District,” *The Washington Post*, October 30, 1978]

Abbott was wrong about one thing. The city was not completely done with freeways.

As mentioned earlier, Mayor Washington’s letter of August 7, 1978, to Secretary Adams seeking withdrawal of the North Leg and East Leg segments of the Inner Loop (from East Capitol Street to the junction of I-395), had mentioned that the city was considering how “to provide a permanent terminus of I-295.” The official definition of I-295 was:

From the District of Columbia-Maryland line in the vicinity of Oxon Creek northerly via an intersection with FAI Route 695 to a junction with FAI 395.

He speculated that a connection between I-295 and Kenilworth Avenue Freeway (District 295, the non-Interstate portion of the I-295 Anacostia Freeway) “would close a gap in our existing expressway network and provide for a logical terminus of I-295.”

This speculation was an early reference to what became the proposed Barney Circle Freeway.

Barney Circle was located at the intersection of Pennsylvania and Kentucky Avenues and 17<sup>th</sup> Street in the southeast quadrant of Washington in a residential area on the west bank of the Anacostia River. The neighborhood had grown as a result of a trolley-line extension along Pennsylvania Avenue, SE., in 1901 to a terminus and turnaround point. The *Post* explained:

By the 1930s, Barney Circle was populated by employees of the nearby Navy Yard and a smattering of white-collar workers. The rowhouses built to serve them were correspondingly modest; most have two stories, two or three bedrooms and a couple of bathrooms, small yards, and low porches . . . .

When Eleanor Hill and her husband, Theodore, moved to Barney Circle in the late 1950s, the neighborhood was largely white and working-class. “We were the first African Americans on our block,” said Hill, now in her late 70s.

That changed after the 1968 riots. Barney Circle turned over completely and became almost 100 percent African American. But it remained a cohesive community. “We looked out for one another,” remembered Hill. [Abrams, Amanda, “A Historic Battlefield, of Sorts,” *The Washington Post*, March 3, 2012]

(The circle was named after Commodore Joshua Barney, who commanded the Chesapeake Bay flotilla in the War of 1812.)

When Administrators Bowers and Page approved the withdrawals on September 8, 1978, they commented:

We note that you propose to investigate several options to provide a permanent terminus of I-295 and to finalize a suitable I-395 terminus at New York Avenue. We urge the early implementation of the necessary studies in order to provide logical termini for the remaining portions of these spurs.

Although FHWA records identified the I-295 terminus as East Capitol Street, the goal was to cross the Anacostia River parallel to the Pennsylvania Avenue railroad bridge to connect with the Kenilworth Avenue Freeway (the link between the I-295 Anacostia Freeway and the Baltimore-Washington Parkway) and end the route at the East Capitol Street Bridge. The crossing would have solved a longstanding problem that was known even before the Anacostia Freeway opened in August 1964, as the *Star* pointed out at the time:

The new Anacostia freeway, which is to be opened to traffic Friday [August 7], is going to have several built-in booby traps for commuters. . . . [Any] motorists from Prince Georges County will find that several commuting routes they have grown accustomed to will vanish.

If they are used to coming down the [Kenilworth] freeway to Pennsylvania avenue or Eleventh street S.E. to turn west to reach downtown, they are going to discover their last turnoff now will be at East Capitol street. If they miss this turnoff, they will become “freeway captives” and will have to go on, across the Woodrow Wilson bridge to Virginia.

Or they will have to turn east, get off the freeway, hunt around for a detour turnaround on the Anacostia street system, and then head back west to reach downtown.

Joseph Rice, a division chief with the District’s Traffic Engineering and Operations Bureau, said a strategic guard rail would be restored to the median strip of the freeway near Pennsylvania avenue this week. This will knock out a detour that has permitted motorists to get off the freeway there and go west to downtown. [“New Anacostia Route Closes Popular Cutoffs,” *The Sunday Star*, August 2, 1964]

NPS had been unwilling to yield property in Anacostia Park for the ramps needed to provide the direct connections into and out of the city.

In the absence of a direct connection, most motorists took the ramp onto eastbound Pennsylvania Avenue, rode away from their destination until they could make an illegal U-turn, then headed west into the city. Similarly, outbound traffic could not reach the northbound route without a detour onto local streets.

As the District Department of Public Works planned hearings on the Barney Circle link in May 1988, the *Post* described the plan adopted in the final environmental impact statement in September 1983 and approved by FHWA in the Record of Decision on April 4, 1984, concluding the NEPA administrative review:

As proposed, the freeway extension would begin at Barney Circle SE, run along the west bank of the Anacostia River in Anacostia Park, and cross the river on a new four-lane bridge alongside a Conrail span, between the East Capitol Street (Whitney Young) and Pennsylvania Avenue (Sousa) bridges. The road would then lead through the eastern portion of Anacostia Park and feed into the Anacostia Freeway.

In addition, a two-lane parkway would be built from Barney Circle on the western side of the East Capitol Street Bridge.

The purpose is to end the flow of commuter traffic through residential neighborhoods in far Southeast and Capitol Hill, where motorists often clog side streets . . . .

In exchange for ceding land for the freeway, the National Park Service would receive

\$15 million worth of improvements for Anacostia Park. New playing fields, restrooms, tennis courts, a canoe launch, and a fishing pier would be built, and the waterfronts on both sides of the river would be widened by moving access roads inward.

The new bridge would provide access to a large part of the park that currently is unreachable because it is bound by railroad tracks, the river, and the Anacostia Freeway . . . .

Bicycle and pedestrian trails would be built on the East Capitol Street and Pennsylvania Avenue bridges, as well as the proposed bridge. On both ends of those bridges, spiral ramps would be added to allow bicycles and pedestrians to reach the parkland below . . . .

If the roadway plan is adopted, the city also would move the Southeast Freeway's Third Street SE entry ramp to Seventh Street SE, and make road improvements to Kenilworth Avenue NE . . . .

The plan, which was adopted in 1983, has required extensive city negotiations with the federal Departments of Transportation and the Interior. It would cost \$130 million to \$150 million, require no demolition of buildings and at this point include no limits on

truck use of the proposed road and bridge. [Simpson, Anne, "Hearings Planned SE Freeway Link," *The Washington Post*, May 5, 1988]

A group called Stop It Again formed to oppose the plan. Co-chairs Christopher C. Herman of the Congressional Cemetery Association and Janet Wintermute had written a column opposing the plan the previous December. The plan was "bad news for almost everyone." It would carry almost 20,000 vehicles per lane daily, meaning "it would instantly become the District's most congested freeway."

They wrote, "The inescapable fact is that there's no more room during either rush hour." The city, instead of trying to divert motorists from local streets onto a new freeway "might well 'divert' [them] to the Green Line if the District could find money to finish it." They concluded, "There are better ways to help commuters and communities deal with their problems than by repackaging the failed panaceas of the past." [Herman, Christopher C., and Wintermute, Janet, "You Thought the 'East Leg' Was Dead? Welcome to Barney Circle," *The Washington Post*, December 20, 1987]

In May 1990, the *Post*'s popular Dr. Gridlock column by Ron Shaffer, a reporter who had covered the later stages of the freeway battles, included a question from a Washington resident about the missing link:

Is there EVER going to be a connecting road between Interstate 295 and Interstate 395 (Southeast-Southwest Freeway) in the District? I would be willing to become politically active for the first time in my life if you would direct me to the proper action group.

Dr. Gridlock's reply began:

No need to join an action group, apparently. After many years of study, the District is planning to begin construction next year of the so-called Barney Circle Freeway, an interstate segment that will connect these two roads via a new bridge to be built north of the Sousa Bridge. The project is scheduled to take three years and cost \$180 million. Afterward, it will no longer be necessary to make gymnastic loops and use side streets to go north from I-395 to I-295, or south from I-295 to I-395. ["Shaffer, Ron, "Interstate Connector," Dr. Gridlock, *The Washington Post*, May 11, 1990]

In 1990, FHWA approved the plan for inclusion of the Barney Circle Freeway in the 1991 ICE, the final one prepared. Inclusion meant that the Barney Circle Freeway was eligible for Interstate construction funds on a cost-to-complete basis at the usual 90-10 Federal-District matching ratio.

By then, the eastern terminus had changed because of concerns that ending the freeway extension at Kenilworth Avenue would provide neither a safe flow of traffic nor adequate capacity. On June 1, 1990, FHWA's Division Administrator in the District, Arthur J. Hill, described the needed design changes:

Three lanes of through traffic are necessary for southbound Kenilworth from East Capitol Street to the Barney Circle – Anacostia Freeway. The traffic entering northbound Kenilworth at East Capitol St. and Benning Rd. should also be provided with a collector

road on the left side and brought on to the freeway as a free flow lane. In addition, northbound traffic from the Anacostia Freeway and Barney Circle must have three lanes of capacity from the Barney Circle branch to the exit at Nannie Helen Burrough[s] in order to provide for a free flow entrance. However, this particular design change will entail the relocation of an existing railroad bridge north of the Benning Road.

We believe that the above mentioned design changes will provide for a safer transition as the Interstate facility diverges and merges with the urban arterial. Therefore, we are requesting that the Interstate construction limits for southbound Kenilworth be moved from the north abutment of the railroad bridge to north of the East Capitol Street exit. Northbound, the Interstate construction limits should be established just south of the Nannie Helen Burrough[s] exit.

Hill estimated that these design changes would add \$15-\$20 million to the cost of the Barney Circle Freeway. The 1991 ICE reflected his recommendations.

In June 1992, the Department of Public Works was nearing construction of the freeway, as the *Post* reported:

Red surveyors ribbons now blaze a trail along the Anacostia River, and the blunt stub of a new highway ramp alerts passersby that the long-awaited and disputed Barney Circle Freeway is moving toward reality.

The department hoped to begin construction in 1992, “even as a spokeswoman for

Mayor Sharon Pratt Kelly said she has staffers looking into concerns about the plan.”

Planners believed that providing the “missing link” in the traffic network was important to end the maneuvering through nearby neighborhoods:

But many residents have fought the freeway line for years. And as city officials prepare to put the project out to bid and environmental issues take the forefront worldwide, opponents of the freeway have turned up the volume and found some sympathetic ears.

The Barney Circle Freeway is a nightmare they say: an interstate that not only will cut through the heart of the city, but also pave over prized national parkland along a fragile riverbed.

Brent Blackwelder of Friends of the Earth said, “This is something that should never happen, an environmental horror story.” It was, he said, “a vestige of the old mentality: jam freeways in wherever you can”:

Opponents said they thought the Barney Circle issue had been settled in the 1960s when an interracial coalition stopped most of the “Inner Beltway” that was planned for the city, including an east leg that would have sliced from Takoma Park along some of the same Anacostia route, said Chris Herman, of the Citizens Committee to Stop It Again, which is

spearheading the latest Barney fight. “Now we’re condemned to repeat history,” Herman said.

Charles Gorley of the D.C. Sierra Club recalled the earlier freeway battles, including those involving the East Leg Freeway:

He said opponents of the Barney Circle Freeway today are mostly from Anacostia and the less-affluent eastern fringe of Capitol Hill, and they seem to have less voice and clout.

Gorley said that unlike other roads in the failed freeway plan, which would have taken houses and businesses, “all this does is swallow up parkland. Parks don’t vote. Squirrels don’t vote.”

City officials “bristle at the criticism.” Project manager Tom Burke “denied that the department is ‘freeway mad.’” He pointed out that former Mayor Barry had helped defeat the Inner Loop but had supported the Barney Circle Freeway. The Public Works Department planned information meetings during the summer to counter what Burke called “untruths”:

In the meantime, he said, construction bids will be sought in three to six months. And officials are so sure of getting the freeway link built that they ordered that one ramp leading to the Barney Circle Freeway be started during renovation work on an I-295 overpass.

“In any project, once approved, you only hear from the opponents. But it’ll take a lawsuit to stop it now,” Burke said.

Several members of the city council had expressed concerns about the freeway. One of them was Councilman Harold Brazil:

But Brazil said that though he would like a reassessment, “there is nothing I can do about it . . . . This is a train that has already left the station.”

The council must “pick its fights,” a council aide said, and it’s unlikely to throw down the gauntlet over “a project that has received so little publicity.”

Herman was not about to give up. “We will win,” he said. As for the city’s plan to advertise for bids, he said, “Like the process of getting hanged, it concentrates the mind.” [Weiner, Elizabeth, “Freeway Moves Along,” *The Washington Post*, June 4, 1992]

At the time, Jack Kent Cooke, owner of Washington’s National Football League team, was planning a new stadium on the site of Robert F. Kennedy Memorial Stadium, the team’s home field. The Barney Circle Freeway would improve access to the stadium site. City Council Chairman John A. Wilson claimed the freeway was part of the deal Cooke had negotiated with the city before committing to pay for the 78,600-seat stadium. However, Corporation Counsel John Payton, one of the negotiators, said the freeway “was not involved in the memorandum of understanding we reached with Jack Kent Cooke; it is not mentioned in the document.”

Chairman Wilson had introduced a resolution in February 1993 granting necessary approvals for the freeway. “Without it,” he said, “we would not be where we are today and the stadium might not have been built” on the old stadium grounds.

He was convinced that Mayor Kelly would approve the freeway, but she had not announced a position. Public Works spokesman Richard Hebert said, “The mayor is going back to the community. She is not going to force this issue down the throats of the community.” [Harris, Hamil R., “Barney Circle Project Would Aid Cooke, Anger Residents,” District Weekly, *The Washington Post*, March 18, 1993]

(In the face of neighborhood opposition, criticism from environmental groups, and difficulty concluding a deal with the city, Cooke built his new stadium in Prince George’s County, Maryland. Jack Kent Cooke Stadium opened in 1997, named in honor of the owner who had passed away on April 6, 1997. The current owner of the team sold the naming rights in 1999, renaming it FedEx Field.)

On July 22, 1993, FHWA Executive Director E. Dean Carlson wrote to Director of Public Works Betty Hager Francis regarding the delay in advancing the project:

From September 1990 through September 1992, we approved plans, specifications, and estimates and authorized the taking of bids on three projects totaling \$104 million in Interstate Construction (IC) funds [i.e., not counting the District match]. However, none of the projects has been advertised for bids.

The contracts were for:

**Section 2-** New Anacostia River Bridge, contract authorized on September 12, 1992 (estimated Federal-District cost: \$38.5 million). This section extended from the west abutment, where it tied into section 1, to the east abutment across the Anacostia River where it tied into section 3.

**Section 3** – Construction of the Freeway Bridge to Kenilworth Avenue, construction authorized on September 29, 1993 (estimated Federal-District cost: \$35.3 million). This section tied the new freeway bridge to I-295 at Kenilworth Avenue.

**Section 4** – Parkway, construction authorized on September 17, 1990 (estimated Federal-District cost: \$28 million). This section tied section 1 to the East Capitol Street Bridge via a two-lane parkway section.

The obligation authority reserved for the District could have been provided to States with projects ready to go. As a result, Carlson said he would direct Division Administrator Hill to withdraw authorization for bids on the three projects and de-obligate the IC funds. He also would not obligate IC funds for the project at Barney Circle that had been scheduled for authorization before the end of this fiscal year:

**Section 1** – West End Tunnel, contract authorized on September 26, 1991 (estimated Federal-District cost: \$43 million). This project extended from Barney Circle and the John Philip Sousa Bridge to the edge of Congressional Cemetery.

He added:

I want to stress that the District would not lose the funds if we take these actions. Instead, the de-obligated IC funds would be added to the District's unobligated balance of IC funds.

He pointed out, as he had during a recent meeting with Director Francis, that the Surface Transportation Assistance Act of 1978 prohibited the withdrawal and substitution of additional Interstate routes:

Although other Interstate segments have been withdrawn in the District under this provision, the option to withdraw and substitute under Section 103(e)(4) was limited to requests submitted prior to September 30, 1983 . . . . The withdrawal-substitution provision has not been extended to other Interstate segments except when special legislation initiated by a State has been enacted.

As I also indicated, if the I-295 projects at Barney Circle are not constructed, Federal funds previously expended for them are subject to repayment provisions of the State-Federal project agreements for the projects under which the Federal funds were expended.

In July, Mayor Kelly told 200 people attending a public forum that the project was "worthy of consideration," but she insisted it was not a *fait accompli*. Director Francis told the crowd:

"The good of this project far outweighs the bad. I'm tired of trying to get from Kenilworth Avenue to Pennsylvania Avenue and doing the Minnesota Avenue Dance," she said in describing the most popular commuter route from far Northeast Washington to downtown via Pennsylvania Avenue SE, which is to exit Minnesota Avenue.

Funding was an issue, with the city having invested \$25 million in developing the plans. A top city official said, "financially this thing has to keep going." If not, the city would have to return the Federal-aid funds already spent and lose access to the remaining funds because of the prohibition against new Interstate withdrawal-substitution actions. Mayor Kelly also pointed out that the "most compelling reason" for the project was the 8,000 jobs it would bring to the city at a time when the jobless rate was 10 percent. [Harris, Hamil R., "Kelly Favors Freeway," *The Washington Post*, July 29, 1993]

On August 12, Ms. Francis replied to Carlson. She acknowledged the need for a timely advertisement date:

As you know, Mayor Sharon Pratt Kelly wanted our citizens to have one more opportunity to express their support for or concerns with the project. We therefore held community meetings in late July, and are pleased with the expressions of support for the project that were articulated. We are now prepared to move forward with the construction phase of the projects.

She listed the city's advertisement schedule:

Section 2 on September 15, 1993;  
Section 4 on October 18, 1993; and  
Section 1 on October 18, 1993.

Section 3 would be advertised in early 1994.

Director Francis added that Mayor Kelly wanted to ensure that at least 51 percent of all jobs on the project would go to District of Columbia residents.

In reply on August 27, Carlson indicated that in view of the city's commitments, he would not direct Hill to de-obligate IC funds for the Barney Circle project. He added that "following through with these commitments is essential to ensure that the funds will not be jeopardized."

Carlson mentioned that Mayor Kelly had written to Secretary of Transportation Federico Peña on July 20 regarding the employment of District residents on the project. The letter was under review, but Carlson said the answer would be dictated by Federal law and regulations. He did not say so, since the Secretary had not signed a reply, but those requirements called for competitive bidding, with award to the lowest responsive bid. They did not allow restrictions for local hiring.

On September 15, Mayor Kelly announced her approval of the Barney Circle Freeway. She acknowledged the opponents, but pointed out that more than half of those who spoke at two special hearings in July supported the project. She also cited the construction jobs the project would bring to the city. The project would cost about \$200 million, with Federal-aid highway funds covering \$190 million of that total.

Mayor Kelly's decision allowed the project to move forward but did not end the debate, as the *Post* pointed out:

City officials said the freeway connection, under consideration for almost two decades, will draw motorists off clogged streets east of Capitol Hill.

Opponents, including civic and environmental groups, argue that it would simply funnel more traffic and pollution to the heart of the city while gobbling up parkland. The project calls for ramps to cut through Anacostia Park.

The Committee of 100, an influential group of lawyers, architects and planners that previously had backed the Barney Circle project, withdrew its support last week, citing traffic and environmental concerns. [Castaneda, Ruben, "Construction to begin in '94 on Anacostia-SR Freeway Link," *The Washington Post*, September 16, 1993]

The District met its schedule for advertising sections 2 and 4, but section 1 was delayed due to a hazardous waste issue that had not yet been resolved. Hazardous wastes had been found in the north parking lot for the planned Cooke Stadium as the city continued negotiations on how to split infrastructure costs for the new facility, including mitigation for the loss of 612 parking spaces.

On May 12, 1994, a coalition of civic activists and environmental groups went to court to block the project. The Sierra Club Legal Defense Fund took the lead for the groups in filing the lawsuit, which accused government officials of covering up the presence of hazardous wastes along the route. The suit also questioned the “environmental justice” of the project, claiming it would mainly benefit Maryland commuters and affluent Capitol Hill residents, but would hurt the African-American neighborhoods in southeast Washington.

According to the plaintiffs, the city had conducted tests in 1992 to confirm the lead-contaminated soil, but had not divulged it. The suit called for the city to take a second look through an additional environmental review. Eleanor Hill of Barney Circle Neighborhood Watch asked reporters, “Would you want hazardous waste in your front yard?” She added, “We are angry because there was no intention to tell the neighbors.”

The city denied trying to hide anything. Officials said they heard about the problem 2 years earlier and wanted a full report on the contamination and the best way to get rid of it:

The pollution, which probably came from an incinerator ash in an old landfill, may require excavation of up to 59,000 tons of dirt, enough to cover a football field 24 feet deep, according to city studies . . . . City officials said 59,000 tons is a worst-case figure and contended the waste poses more hazards now, seeping into the groundwater, than if excavated and removed.

Attorney Roberts B. Owen indicated that a second group might sue as well if they conclude the city did not consider all alternatives to the freeway. They had in mind such alternatives as expanded highway ramps or traffic management measures such as changing pairs of area streets to one-way operation. [Cohn, D’Vera, “Suite Seeks to Stop D.C. Plans to Build Connector Highway,” *The Washington Post*, May 13, 1994]

This second group filed suit on May 18 based on the claim that the city did not consider all reasonable alternatives as required by NEPA. [“Second Suit Seeks to Block Barney Circle Connector,” *The Washington Post*, May 21, 1994]

District officials had hoped to begin construction in a few weeks, but on June 8, FHWA delayed the start until at least October 1 to allow time for Judge Harold Greene to review the first lawsuit. Ted Zukoski, an attorney representing the Sierra Club Legal Defense Fund, told reporters the environmental coalition hoped FHWA and the District would “use that time to do the right thing, which is a supplemental environmental impact statement” to assess the hazardous waste issue. [Neufeld, Matt, “Barney Circle Project Stalled by Federal Suit,” *The Washington Times*, June 9, 1994.

During a District Court hearing on August 17, FHWA indicated that it would perform an environmental assessment on the issue of hazardous materials. Such an assessment is an interim document that would allow FHWA to determine whether a more detailed EIS was needed or the issue could be settled with a Finding of No Significant Impact. Plaintiffs considered the decision a “partial victory.” Defense Fund attorney Howard Fox said, “We are delighted that they are

proceeding with this first step.” [Neufeld, Matt, “Barney Circle Plan Up in Air,” *The Washington Times*, August 18, 1994]

Later that year, a column by Bill Rice in *The Hill* newspaper discussed Owen:

Roberts Owen has been fighting highways in Washington for a generation. As a young lawyer in the 1960s, he successfully represented opponents of the Three Sisters Bridge over the Potomac just north of Key Bridge. It was part of a grand scheme that would have built freeways through Capitol Hill, Brookland, Dupont Circle, up Glover Archbold Park and Wisconsin Avenue to Maryland and elsewhere, destroying the commercial and residential fabric of the city.

Now . . . Owen represents some of the same citizen groups, using some of the same legal arguments to stop the Barney Circle Freeway, a vestige of the same old highway plans.

Rice discussed the two sides of the argument, but said that ultimately, “Barney Circle will be a political decision.” In conclusion, he asked and answered a question about the project:

Where is the momentum? The Three Sisters battle was a defining issue for land use in the city. There were arrests, it was a key stop to District home rule and a new law was created. The Barney Circle is almost invisible in comparison, but opponents seem to be slowly gaining, building on the previous freeway battles. As Capitol Hill resident and statehood activist John Capozzi puts it, Barney Circle backers “think that they’re going to reduce traffic by building more highways. This mentality is dead.” [Rice, Bill, “Barney Circle Freeway: A Dead Mentality,” *Inside Ward Six, The Hill*, November 10, 1994]

By August 1995, the environmental review was ready for public comment. The *Post* described it:

During the last 20 years, the project has been reviewed and debated at more than 130 public hearings and in at least two lawsuits and two environmental reports. The latest report, released last week, is as thick as a telephone book and contains 17 colorful maps . . . .

The report essentially ratifies the findings of a 1983 environmental assessment and concludes that there are no significant new factors that would require more . . . study or alter the earlier decision to build the bridge and highway-linking project.

Opponents, of course, disagreed:

Opponents of the project still maintain that a series of less-expensive ramps that would cut through Anacostia Park would resolve the same problems the Barney Circle Freeway is meant to address, destroy less parkland and avoid problems that a commuter highway would bring to the residential neighborhood it would traverse.

Capozzi, a resident of the Barney Circle neighborhood and the District's "shadow" representative to Congress, said that he was as determined to stop the project as city and Federal officials are determined to build it. He told a reporter:

"This is a political battle with no end," he said. "We outlasted Barry and then Kelly. In D.C., the strategy is to outlast people. The road was a bad idea since the beginning. I have been working on this constantly for six years. I can't believe, in the end, people will allow it to be built." [Wheeler, Linda, "D.C. Freeway in Limbo," *The Washington Post*, August 21, 1995.]

(Unlike the District's nonvoting Delegate, a "shadow" representative is not a Member of Congress. Instead, the city elects the "shadow" representative to advocate District statehood in the House of Representatives, as in the days when territories sought statehood.)

In November 1996, with the project still held up in court, the Department of Public Works decided to bring the first phase of the project before the city council – a \$15 million contract to improve access to the stadium. City Engineer Gary Burch explained that he hoped the city council's support would "encourage the judge to reach some kind of decision."

He recognized, however, that compromise was not likely. "Some people have realized that it is a positive project, and others have maintained the position that it is not. If the courts rule in our favor, we could start construction in a couple of months. But if the courts rule in favor of the opponents, we have to do some rethinking about the project."

Opponents were not fooled by the focus on one small element of the project. Jim Dougherty of the local Sierra Club said, "this is a referendum on the entire project. The government always wants to piecemeal these projects, but we are focusing on the big picture. We are going to file an injunction if we have to stop the bulldozers." [Harris, Hamil R., "Barney Circle Freeway Controversy Flares Anew," District Politics, *The Washington Post*, November 8, 1996]

On December 3, 1996, the city council voted to reject the \$15 million contract, despite the warning that the city would have to repay the \$30 million in design costs for the Barney Circle Connector project. Councilman Harry Thomas, Sr., chairman of the public works committee, explained, "We are going to wait for the courts to settle this issue." Following the vote, Dougherty recommended that the Federal funds be used for Metro construction. "The real sin of this project is that it would have worsened traffic in the city, and for 15 years it was held out as a panacea." [Harris, Hamil R., "Their Last Hurrah?" District Politics, *The Washington Post*, December 5, 1996]

That action effectively killed the Barney Circle Freeway project.

On March 4, 1997, Delegate Eleanor Holmes Norton (D), who had succeeded Delegate Fauntroy as the District's nonvoting member of the House of Representatives on January 3, 1991, declared the Barney Circle Freeway dead at a meeting in Anacostia with community representatives and EPA officials. Her comments stemmed from the city council's rejection of the contract the previous December, according to the *Post*:

That action spurred Norton to pursue alternatives with D.C. Mayor Marion Barry (D), council members and federal highway officials.

“The Barney Circle opposition, after 15 years, has been successful,” Norton said yesterday in an interview. “The \$200 million is still ours. I am looking at—and talking with the District about—the best use to be made of the money.”

Delegate Norton made clear that she would pursue transfer of the Interstate construction funds to other purposes despite termination of the Interstate withdrawal-substitution process. She knew that Congress had approved exceptions, including two in the Surface Transportation and Uniform Relocation Assistance Act of 1987 (to allow a substitute fixed guideway system in lieu of additional general lanes on I-110 in the Los Angeles area and substitution of a light rail transit system for added lanes on I-205 in Portland). The Intermodal Surface Transportation Efficiency Act of 1991 contained a third exception to allow substitute transit projects instead of added lanes on I-94/East-West Transitway in Milwaukee and Waukesha Counties, Wisconsin. With these precedents in mind, Delegate Norton said, “It’s my job to go for it, although the city would have to determine the substitute projects.”

As an alternative, Mayor Barry directed the Department of Public Works to study whether adding two ramps to connect the Sousa Bridge with I-295 in either direction would be feasible.

Capozzi released a letter he had received from FHWA Acting Administrator Jane F. Garvey listing the congressional exceptions to the end of the Interstate withdrawal-substitution provision. She also informed him that FHWA would not seek return of the funds used for preliminary engineering if the city scrapped the project for “valid issues and concerns.”

He was not, however, ready to declare victory. “We don’t give up until we see the money spent somewhere else.” He added that he supported the ramp concept offered by project opponents. “I love the ramps. I’ve always felt the ramps are the solution.” As for the legislation needed to use the Interstate for substitute projects, he said, “It’s just, like, one sentence in a bill . . . . It’s our money anyway.”

Other project opponents were divided on whether to celebrate. City Councilman Kevin P. Chavous declared that the Barney Circle Freeway “is absolutely dead, and it’s a victory – a major victory.” Councilman Thomas also welcomed Delegate Norton’s initiative. “We’ve got some potholes and some streets within the city that federal money now doesn’t take care of,” he told a reporter. He added that he had a long list of alternative projects for Mayor Barry to consider.

Fern L. Shepherd, an attorney for the Sierra Club Legal Defense Fund, said:

I’m leery to say that the project is dead. It seems to have more lives than an alley cat. But if the money is taken away, then that really is the death knell for this project. I think it’s a really wonderful development that [Norton] has taken this step.

The Sierra Club’s Daughterty also was skeptical. “It’ll be dead when the mayor says it’s dead. The heart is still beating.” [Loeb, Vernon, “Norton Declares Barney Circle Freeway a Dead

End,” *The Washington Post*, March 5, 1997; Spellman, Karyn, “Barry Controls Fate of Barney Circle,” *Traffic Stops, The Washington Times*, March 10, 1997]

In June 1998, Congress completed work on legislation reauthorizing the Federal-aid highway, transit and safety programs. President Bill Clinton signed the Transportation Equity Act for the 21<sup>st</sup> Century (TEA-21) on June 9, 1998 (P.L. 105-1780). Delegate Norton, a member of the Committee on Transportation and Infrastructure, had secured agreement to include a provision making the Barney Circle Freeway eligible for Interstate withdrawal-substitution. Delegate Norton called the pending provision a “tremendous windfall” for the city, about \$173 million that she said could be used to improve major thoroughfares or transit. However, the conference committee to resolve differences between the House and Senate versions of TEA-21 left the provision out by mistake. (Delegate Norton, who could vote in committee, but not on the House floor, was not included in the conference committee.)

Chairman John H. Chafee (R-RI) of the Senate Committee on Environment and Public Works was committed to correct the oversight. [“City Could Reap Millions for Roads,” *The Washington Times*, June 3, 1998]

Congress corrected the error and other technical glitches by including the Norton amendment in the TEA-21 Restoration Act as Section 9001 of the Internal Revenue Service Restructuring and Reform Act of 1998, approved by President Clinton on July 22 (P.L. 105-206). Among other corrections to TEA-21, the provision restored the Barney Circle Freeway provision as Section 1225 of TEA-21. It began:

APPROVAL OF PROJECT.—Notwithstanding any other provision of law, upon the request of the Mayor of the District of Columbia, the Secretary may approve substitute highway and transit projects under section 103(e)(4) of title 23, United States Code (as in effect on the day before the date of enactment of this Act), in lieu of construction of the Barney Circle Freeway project in the District of Columbia, as identified in the 1991 Interstate Cost Estimate.

Capozzi told a reporter for *The Washington Times*, “This proves that boondoggle projects can be stopped in this area. I think that anything besides the freeway will be good.” He was still promoting the idea of using the substitution funds for ramps on the 11<sup>th</sup> Street and Sousa bridges to provide the missing link. He planned to remain vigilant to see how the funds would be used.

Dougherty also was happy. “We finally get to dance on the grave of Barney Circle.”

Not everybody was happy. Bob Grow of the Greater Washington Board of Trade said:

It’s a shame that it’s not being built. It would have provided much better access for the District of Columbia to the suburbs, particularly Prince George’s and Montgomery counties. It would have meant better job offers, more job opportunities. It’s . . . access that’s sorely need now. [Siew, Walden, “Freeway Funds Get Freed Up,” *The Washington Times*, July 7, 1998]

The District of Columbia used the substitution funds for a major project to resurface city streets and improve the Anacostia Freeway. The resurfacing project began on June 6, 2002, when Delegate Norton and Mayor Anthony A. Williams (D) helped a crew pour concrete on Congress Place, SE. [Metro: In Brief, *The Washington Post*, June 7, 2002]

As of May 21, 2002, the city new District Department of Transportation began operations.

### **Closing the Missing Link**

By 2005, the situation had changed. The Montreal Expos baseball team moved to Washington to become the Nationals. From 2005 through 2007, the team played at refurbished Robert F. Kennedy Memorial Stadium, which was served by Metro Stadium-Armory Station. However, Mayor Williams, who had fought hard to secure the baseball team, encouraged the city to build a stadium for the team along South Capitol Street in Southeast, an area on the verge of recovery from decades of decline.

Nationals Park opened in time for the 2008 baseball season. By then, the area was bustling with activity. The U.S. Department of Transportation moved its headquarters from Seventh Street, SW., to two buildings along M Street, SE., in the spring of 2007 (the address is 1200 New Jersey Avenue, SE.). New apartment towers and commercial enterprises were open or planned. (Many commercial projects were delayed by the difficulty of securing loans after the fall 2008 economic collapse, but moved forward when the situation eased.)

By 2005, Mayor Williams and the city council supported a plan to replace the 11<sup>th</sup> Street Bridge, built as part of I-295 in the 1960s. The city would build three freeway bridges to separate local and freeway traffic at an estimated cost of \$390 million. According to a District Department of Transportation brochure:

The new freeway bridges also provide the missing Interstate connections between I-695 (also known as the Southeast-Southwest Freeway) and DC-295, fixing a long-standing deficiency that forced motorists to use local streets to connect to and from both freeways.

The brochure stated:

The \$295 million first phase provides three new bridges; a new 14-foot-wide pedestrian and bicycle sidewalk on the local bridge that connects to the Anacostia Riverwalk Trail; drainage and other environmental investments to treat all storm water within the project area; an additional evacuation route; and design accommodations for the future streetcar system.

Construction began in December 2009. On September 7, 2013, the District opened the 11<sup>th</sup> Street Bridge along with direct connections between the Anacostia Freeway and the Southeast-Southwest Freeway, finally accomplishing one of the goals of the Barney Circle Freeway project by diverting traffic from local roads.

Mayor Vincent C. Gray (D) said, "This bridge is a great way of connecting east and west. We need to do more of that in this city."

The brochure continued:

Because of the success of Phase I, FHWA authorized DDOT to proceed with the remaining 20 percent (Phase II) of the project at an additional, estimated budget of \$95 million. Phase II of the 11<sup>th</sup> Street Bridge Project will further improve connections along the I-695 (aka SE/SW Freeway) and lay the groundwork for its reconstruction to a level Boulevard between 8<sup>th</sup> Street, SE and Barney Circle (Pennsylvania Avenue). Phase II construction started in **July 2012** and is scheduled to be completed in **mid-2015**. [Bold in original]

Phase II includes:

- Replace the dilapidated, two-lane I-695 outbound flyover bridge (over M Street) with a new, three-lane bridge.
- Provide better access to Capitol Hill and Historic Anacostia via new ramps on 11<sup>th</sup> Street from the I-695 (aka SE/SW Freeway) and Boulevard.
- Raise the SE/SW freeway approximately 20 feet between 8<sup>th</sup> and 13<sup>th</sup> Streets to re-designate it as a Boulevard.

Perhaps to the surprise of some observers, the new bridge was part of I-695, a long-dormant designation that had survived the Interstate withdrawal-substitution purge of District freeways, but had never been used on street signs. As discussed earlier, the official description of I-695 had varied over the years:

1960

695 – Portion of south leg of inner belt from FAI Route 95 to FAI Route 295.

1961

695. South leg of Inner Belt from FAI Route 66 at the east end of the Theodore Roosevelt Bridge to FAI Route 295 in the vicinity of 11<sup>th</sup> Street, S.E., excluding the coincident section of FAI Route 95.

1964

695 – South leg of Inner Belt from FAI Route 66 at the east end of the Theodore Roosevelt Bridge, to FAI Route 295 in the vicinity of 11<sup>th</sup> Street, SE., excluding the portion coincident with FAI Route 95.

1966

695. From FAI Route 66 at the east end of the Theodore Roosevelt Bridge eastward to a junction with FAI Route 295, excluding the portion coincident with FAI Route 95.

1969

From a junction with FAI Route 95 southwest of the U.S. Capitol eastward to a junction with FAI Route 295 in the vicinity of 11<sup>th</sup> Street, Southeast.

In 1984, the District had secured approval of several changes in Interstate numbering:

Redesignation of I-395 as I-195

Redesignate as I-195 presently designated I-395 between the intersection of present I-695 in Washington D.C. and the present terminus at the intersection of New York Avenue.

Redesignation of I-695 and I-295 as I-395

Redesignate as I-395 presently designated I-695 from the intersection with present I-395 to the intersection of I-295. Also, redesignate as I-395 presently designated I-295 from the intersection with I-695 to East Capitol Street.

The changes to I-695 were in anticipation of the Barney Circle Freeway project.

Now, with work underway on the 11<sup>th</sup> Street Bridge project, the District Department of Transportation pursued changes in numbering of affected Interstate routes in 2008. The proposals were in two stages submitted at the same time, the first involving I-295:

I-295 begins at I-95 in Maryland near the Woodrow Wilson Bridge. It runs north into DC where it turns west at an interchange with DC 295 to cross the Anacostia River via the 11<sup>th</sup> Street Bridges. On the west side of the river, I-295 turns north at an interchange with I-695 and extends to its terminus at Pennsylvania Avenue at the Barney Circle. The planned route for I-295 continues north from Barney Circle to East Capitol Street near RFK Stadium, and then northwest through the city to an interchange with other unbuilt freeways near New York Avenue. The segment of I-295 north of East Capitol Street was withdrawn in 1978. The unbuilt portion between Barney Circle and East Capitol Street was never officially withdrawn. Because I-295 was not completed, the system ramps that provide route continuity from the 11<sup>th</sup> Street Bridges to Barney Circle are operationally obsolete and have been closed to traffic for several years. The District is requesting de-designation of 2.05 miles of I-295 from the interchange with DC 295 to East Capitol Street. This includes 1.24 miles of existing I-295 and 0.81 miles of unbuilt I-295. After de-designation, I-295 will become a continuous freeway with DC 295, which will serve to rationalize the interstate system in the District. The portion of I-295 between I-695 and Pennsylvania Avenue will be converted to an urban boulevard with connections into the neighborhood street system. The future disposition of additional right-of-way no longer needed for highway purposes will be determined by the District and FHWA. The portion of I-295 between DC 295 and I-695 will be redesignated as I-695 under a separate request.

The second request concerned I-695:

The purpose of this request is to redesignate the 0.61 mile portion of I-295 crossing the Anacostia River to I-695 to maintain system continuity. I-695 (Southeast Freeway) begins where I-395 turns north into the 3rd Street tunnel in Southwest Washington, and continues for 1.39 miles to the interchange with I-295 at 11th Street in Southeast Washington. In 1984, the District received approval from AASHTO [American Association of State Highway and Transportation Officials, successor to AASHO] to redesignate I-695 to I-395, and to redesignate the portion of I-395 through the 3rd Street tunnel as I-195. However, this approval was contingent on extending I-695 across the Anacostia River and connecting to DC 295 north of Pennsylvania Avenue. Since this connection was never completed, I-695 was never redesignated. This original application will be abandoned with approval of the current request. With the pending de-designation of a portion of I-295, I-695 will no longer connect to an interstate highway at its eastern terminus. Because of this, the District is requesting to extend I-695 across the Anacostia River on the de-designated I-295 alignment to a new terminus at the end of I-295. This change will serve to rationalize the freeway system in the District and provide for interstate connections at both ends of I-695.

By regulation, FHWA retained approval of Interstate numbers, but by protocol, awaits action by AASHTO. Therefore, the District submitted the two requests to AASHTO, which forwarded them to FHWA on April 6, 2009. AASHTO Executive Director John Horsley summarized:

Enclosed for your review and approval are two applications from the District of Columbia Department of Transportation to eliminate a portion of I-295 in Southeast Washington, DC and extend I-695 to maintain system continuity between I-395 and I-295/DC 295. The facility is currently open to the public.

He requested a reply in time for the May 15 meeting of AASHTO's Special Committee on U.S. Route Numbering. On May 12, FHWA Associate Administrator for Planning, Environment and Realty Gloria M. Shepherd replied that action would be deferred to allow time for the District to consider right-of-way implications and review other issues:

Eliminate I-295 from I-695 to Barney Circle (Pennsylvania Avenue)

The FHWA is currently reviewing the District of Columbia's request and therefore does not concur with the request for route number elimination at this time

Renumber a portion of an existing Interstate highway from I-295 to I-695.

As noted above, the FHWA is currently reviewing the District of Columbia's request to eliminate a portion of I-295 which will have a direct impact on rationalizing the need for this renumbering request. Therefore the FHWA does not concur with the renumbering request at this time.

AASHTO's numbering committee approved the change on May 15, 2008, subject to FHWA approval.

The issue delaying FHWA approval involved the possibility that the District would have to repay FHWA for right-of-way acquired for I-295. The request was suspended while the city considered the potential costs. FHWA held periodic discussions with District officials before learning that

the city was finally ready to proceed in 2012. On August 23, 2012, Federal Highway Administrator Victor M. Mendez wrote to Director Terry Bellamy of the District Department of Transportation to approve the two actions. The approvals formally relinquished the right-of-way to the District, with the understanding that if any properties were disposed of to developers or private parties, the city would use the proceeds on eligible Federal-aid highway projects.

### **Unresolved Battles, Unanswered Questions**

As discussed earlier, the revolt against freeways in the Washington area was similar to battles in other cities. In the District, as elsewhere, the story began in the 1940s with confident officials working with a renowned city planner to develop an expressway, freeway, or thoroughfare plan to address transportation problems for years to come. BPR worked with State highway officials, the planners, and local officials to study traffic patterns and conduct surveys of residents in each city to lay out the Interstate masterplan for the metropolitan area.

The planners and BPR assumed that transit would be provided by private companies, as in the past, and that the decline in patronage that begun after the surge in ridership during World War II would continue (the surge itself was a war-driven aberration in declining patronage since the 1920s). That was not their concern as they drew inner, outer, third, and even fourth circumferentials and arterial connectors on their maps following the *Interregional Highways* model.

The planners depicted lines of service in heavy traffic areas, sometimes in the form of elevated, double-decked freeways through congested downtowns or along decaying waterfront warehouses. At times, the freeways were routed through parks to minimize the taking of homes and businesses. Officials and planners believed these new freeways would not only relieve congestion but reverse suburbanization, restore city tax bases, and revitalize cities, especially in the decaying areas around downtown where inner loops would be built.

Cities that began construction in the 1940s and early 1950s opened freeways with relatively little controversy. But by the late 1950s, as State highway agencies began building urban Interstate freeways under the program launched by the Federal-Aid Highway of 1956, citizens in many cities began to revolt against the freeways. In San Francisco, Boston, and elsewhere, the protests often began with citizens whose homes or businesses would be displaced, whose neighborhood communities would be divided by what became known as “Chinese walls,” or whose parks would be taken. This first generation of citizen opponents wrote letters to editors, appeared at city council meetings, and ensured their loud voice was heard. Critics formed citizen groups to focus efforts on fighting city hall. The groups communicated with their counterparts in other cities to find out what had worked elsewhere that could be adapted for local use.

In these early years, the officials planning the highways were often dismissive of citizen objections. The officials believed that the public did not understand the master plan for urban revitalization that the freeways represented. Because opponents, in short, missed the point, officials launched public relations campaigns such as National Highway Week to recognize “the vital role of highway transportation in our way of life,” as President Kennedy proclaimed in declaring the first such week (May 21-27, 1961). It was an opportunity for ribbon cutting,

reaching out to local media, and addressing myths such as the oft-stated claim that road builders wanted to “pave over America.” Road officials urged critics to wait until the complete urban freeway network was in place; then these critics would not only see how effective it would be, but would forget they opposed it!

The lack of interest in the objections spurred greater citizen anger, intransigence in demands to kill the freeways, and support for transit or traffic operations alternatives such as paired one-way streets and synchronized traffic lights.

The battle against urban freeways shifted in the 1960s. As the new freeways failed to deliver the promised benefits and air pollution worsened, protests increased. The opponents saw new models in contemporary protest movements for civil rights, against the Vietnam War, and other causes.

In addition, the environmental movement took hold in the country, usually dated to publication of Rachel Carson’s 1962 bestseller, *Silent Spring*. Her book had nothing to do with highways, but was an examination of how chemicals such as DDT that were used to solve problems often had unintended consequences on nature. *Silent Spring* helped people understand how human actions such as highway construction, however well intentioned, sometimes affected the environment adversely.

Congress responded with a series of environmental laws, culminating in the National Environmental Policy Act of 1969. It provided for environmental impact reviews of major Federal actions, including Federal-aid highway projects, with public involvement to ensure citizens could not be ignored, brushed off, or bulldozed out of the way.

Highway officials and engineers were slow to embrace environmental awareness. Initially, they doubted that NEPA applied to highways. Moreover, opponents were already delaying highway projects and now these new laws, officials complained, were adding further needless delays in securing the promised benefits in traffic relief, safety, and economic opportunity. The early NEPA reviews typically were brief, used the same canned language as other reviews around the country, and dismissed any adverse impacts by citing the traffic and safety benefits of the project. When complaints continued, officials tried to satisfy critics by offering to build the freeways in tunnels, use air rights above the freeways to replace the housing and businesses acquired for the projects, or provide room under elevated freeways for other public purposes.

Gradually, highway officials realized they could not stop critics through boilerplate arguments, through release of “facts” or rebuttals of “myths,” or by patronizing or ignoring them. Officials discovered, instead, that they now had an accepted framework in the NEPA review for addressing citizen concerns and adverse impacts that could be mitigated or eliminated as part of the construction project. They learned that the fastest way to begin construction was to take time to address concerns about it.

The nature of the opposition also changed. The legislation encouraged established environmental groups to get more involved in the battles against freeways because failure to meet the new requirements could be contested in court under the Administrative Procedure Act of 1946. Citizens would continue to protest, but as happened in the battle against the Barney Circle Freeway, the established groups increasingly provided the formal opposition, especially in court.

Cities around the country faced the same problems as the District of Columbia by the early 1970s. The Federal Government was willing to pay 90 percent of the cost of building the Interstate freeways the cities could not build on their own and, increasingly, did not want to build. At the same time, cities did not want to lose the money that could be used only for what they did not want to do.

If NEPA was the first great shift in the freeway wars, the Federal-Aid Highway Act of 1973 was the second. It contained the mechanism to break the “Gordian knot” facing local officials who wanted the freeway money but not the freeways. The Interstate withdrawal-substitution mechanism, inspired initially by protests against Interstate freeways in Boston, proved to be the relief valve that gave local officials a way to avoid building controversial urban freeways while retaining access to equivalent funds for more popular transit and eventually highway alternatives.

While the program was in effect through September 30, 1983, FHWA and the Department of Transportation processed 50 actions involving the withdrawal of 343 miles of Interstate highways with an initial base cost of \$9.771 billion. These actions took place in 32 withdrawal areas in 21 States. (The totals do not include actions, such as withdrawal of the Barney Circle Freeway, authorized by special legislation after the September 1983 conclusion of the program.)

[Interstate Substitution-Withdrawal Program Legislative History and Related Information, Part V, *Engineering Data: The Dwight D. Eisenhower System of Interstate and Defense Highways*, FHWA, July 1998, page 3,

<https://www.fhwa.dot.gov/highwayhistory/data/page05.cfm>]

The D.C. freeway revolt followed the standard model in many ways. It was, however, unique in other respects.

The District of Columbia is different from all other cities because it is not part of a State. This difference meant that as District officials increasingly turned against freeways, they did not have to answer to a State highway agency determined to build them. In the absence of a State highway agency, District highway officials routinely dealt directly with BPR/FHWA officials on Federal-aid highway issues and had established good relationships with them over the years.

At the same time, the District had a unique status under the Constitution that left it subject to Congress in ways that other cities were not. Before the launch of the Interstate construction program in 1956, Congress, which had to authorize and appropriate funds for major road and bridge construction projects in the city, often was swayed by objections from Federal agencies such as NPS that city officials rejected. The Theodore Roosevelt Bridge was an example. After 1956, the city could proceed with construction of designated Interstate freeways if it could overcome objections, but Congress had to authorize and appropriate the 10-percent matching funds. As a result, Congress through its Committees on the District, Appropriations, and Public Works, intervened extensively on freeway and transportation issues as on every other aspect of the city’s budget.

In other cities, Members of Congress did not have a constitutional basis for intervening in local freeway battles. As happened with the freeway fight in San Antonio, they sometimes cooperated with local officials in seeking special legislation. In the District, controversial projects often involved detailed negotiations with Members of Congress before projects could advance. Even

after local officials turned against freeways, congressional leaders such as Chairman Natcher felt they had not only the authority but the responsibility to assert their own judgment of what was best for the city. No other city faced similar, repeated intrusions.

Further, the city was handicapped in fighting such intrusions in a way faced by no other city, all of which had voting Representatives and two Senators to protect their State's interests. Even after the District received a delegate in the House of Representatives, he or she could not vote on the House floor; the city was not represented in the Senate. The Leveys, in their *Washington Post Magazine* article about the freeway battles, said of Chairman Natcher that his attitude was: "When it came to the District of Columbia, the will of Congress would be done." [Levey, page 17]

That sentiment, embodied by the phrase "the will of Congress," was cited repeatedly on Capitol Hill during the D.C. freeway revolt. This view was shared by leaders of the House Committee on Public Works and, to some extent, their Senate counterparts. Chairman Fallon, for example, had dedicated his congressional career from its earliest days in 1945 to highways; he worked closely with the Federal highway leaders, respected them, and agreed with them on the importance of highways generally, the Interstate System specifically, and the District's freeway network in particular.

When District officials agreed with the citizen protestors, Chairman Fallon, Chairman Kluczynski, and their colleagues thought Congress should act in their stead. These views of a city that must do what Congress wanted resulted in the provisions of the Federal-Aid Highway Acts of 1968 and 1970 requiring construction of District freeways. No other city faced such frequent, intrusive, and comprehensive action, contrary to the views of city leaders, during the years of freeway battles nationwide.

The fact that the District of Columbia housed the Congress was another unique factor. For much of the year, Senators and Representatives lived in the District, Maryland, or Virginia, often with their families. They traveled in the city, their children went to local schools, they formed local friendships, and built relationships with local chambers of commerce, boards of trade, universities, and other similar local institutions. For example, except for those from Texas, they might not have ever been to San Antonio while that city's freeway battle was under debate in Congress. However, Members of Congress knew the Washington area in ways they did not understand other cities, even in their own State, where similar battles were taking place.

This knowledge was another reason why Members of Congress felt entitled to assert their will over the wishes of local officials and citizens, as in the case of plans for routing a highway through Glover-Archbold Park. The disadvantage of this familiarity was that some Members of Congress did everything they could to get those freeways built, while others tried to block them and many Members of Congress fought hard to create the Metro rapid rail system while others such as Chairman Natcher tried to block those efforts. This battle of District overseers came to a head in December 1971 when the House of Representatives finally overturned Chairman Natcher's efforts to hold Metro hostage to freeway construction.

The road builders and their supporters also had to face a bureaucratic opposition that was unique to the area. NPS and NCPC had been fighting the road builders long before President Eisenhower signed the Federal-Aid Highway Act of 1956. As freeway activities accelerated, NPS, NCPC, and other organizations and associations unique to the Washington area exerted greater efforts to protect their interests.

The citizen revolt led by ECTC in the District (and by the Govans and ACT in the I-66 battle) followed a common pattern of highway opposition seen in other cities. In many cases, one or more strong personalities stood out. For example, one of the anti-highway crusaders in Baltimore was a social worker named Barbara A. Mikulski, whose notoriety during the freeway battles led to her becoming a member of the city council, the U.S. House of Representatives, and the Senate where she became the longest serving woman in the Congress before retiring in January 2017.

ECTC, of course, had Sammie Abbott, whom the Leveys correctly characterized as “a firebrand of the old school.” [Levey, page 14] No one who came in contact with or observed Sammie Abbott during the District freeway revolt, or any of his other crusades, was likely to forget him. Informed about the preparation of this article for FHWA’s Highway History Web site, a retired FHWA urban planner, Kevin E. Heanue, immediately stated, “Sammie Abbott,” the name he most closely associated with the freeway battles and the challenges they posed for highway officials in the area.

Abbott could not be intimidated, embarrassed, silenced, or convinced to back down; going to jail was a part of his action plan, and being unreasonable was a valuable tactic that he would never yield in the anti-freeway fight or any other battle. Members of Congress who tried to put him in his place during testimony found that he would do the same to them. He had many allies, black and white, but he stood out as the loudest and usually most outrageous voice in any crowd.

Abbott was elected mayor of Takoma Park three times (1980-1985), during which time he brought the community into the national political arena by denouncing U.S. war policy and opposing nuclear weapons; at his instigation, Takoma Park declared itself a nuclear-free zone. At the same time, he “leveraged the creative energy of activists, musicians, and artists to create traditions like the Takoma Park Folk and Street Festivals, reinvigorating the community and its sense of identity.” [Takoma Park, pages 105-106]

After he died on December 15, 1990, at the age of 83, the *Post* obituary described him as “a colorful man of controversy as well as conscience . . . . Strident, confrontational, acerbic, cantankerous, even abusive – all were words used to describe him.” He claimed to have been arrested 40 times. His ECTC colleague, Reginald H. Booker, said of him:

Most of us don’t have that kind of dedication. Most of us are seeking the comfort of a job, a title or a position. Sam was not seeking that. He didn’t have a hidden agenda like so many other politicians.

People, Booker said, “always asked me if Sam was a communist. I wasn’t interested in his political philosophy. I was interested in stopping the freeway.” Abbott, he said, “had tremendous political insight and instinct. He could build a superior organization, and he

understood human nature.” At the same time, “He didn’t want people to feel that he was a white man manipulating a black man. He would always defer to me.” In short, as the Leveys put it, Abbott was “the spark plug, the strategist, and one who supplied and piled passion on demand”:

When Abbott died, in 1990, at the age of 82, he had never received any formal recognition for his role in blocking freeways. But his former colleagues on ECTC know that he was essential. “When people fly into Washington, they marvel at how pretty it is,” says Angela Rooney, who helped found ECTC. “Well, it wouldn’t look that way if not for Sammie Abbott.” [Leveys, page 17]

He was survived by his wife Ruth, a son, two daughters, and four grandchildren. [Leveys, pages 13, 15, 17; Armao, Jo-Ann, “Legendary Takoma Park Mayor Dies,” *The Washington Post*, December 18, 1990; Hill, Retha, “Takoma Park’s ‘Angry’ Mayor Remembered,” *The Washington Post*, January 6, 1991]

As with the Govans, freeway battles sometimes were limited to one urban freeway rather than an entire network. In the District, Abbott and others opposed the entire network and focused on all mileage not yet built – and were remarkable in blocking much of what they opposed. City officials, as they gained increased authority under President Johnson’s reforms and home rule under President Nixon, embraced the anti-freeway philosophy, and at least part of the reason was that they had learned from the freeway critics.

One of the earliest freeway fighters was attorney Peter Craig, an insider who knew how to use his powerful connections. When the Leveys interviewed Craig, he still lived in the Macomb Street house he had purchased in 1957 in Cleveland Park. All he had wanted to do was fix up his new house:

One day, late in the summer of 1959, someone knocked on his door. She was carrying a petition urging residents of Macomb Street to oppose a cross-park freeway.

I said to her, “What in hell is the cross-park freeway?” Craig recalls. The woman explained that highway planners intended to drive a superhighway from the Georgetown waterfront up the spine of Glover-Archbold Park and out Wisconsin into Bethesda, where it would join what is now Interstate 270.

“It sounded pretty awful, so I signed the petition,” says Craig.

The more he learned of the freeway plans, the more determined to oppose them he became. Craig and two other lawyers became the legal wheels behind the Northwest Committee for Transportation Planning, eventually a key support group for ECTC.

His analyses impressed Congress and the courts, with highway officials struggling to counter them. That was because, as Heanue point out, Craig’s data analysis was correct:

My take, BPR was during this period engrossed in the system nationally and was looking on the District to specify their system and the District was relying on [consultant] Wilbur Smith. This was all before FHWA became much more sensitive to residential and environmental impacts and responsive designs to mitigate the impacts.

Enter two citizens who without any portfolios became in one case the voice and in another the analytical rationale for the freeway revolt. Sammie Abbott was a classical citizen activist who coined the phrase "white men's highway through black man's bedrooms" and Peter Craig, a lawyer, with no engineering background did a simple calculation that showed that every currently registered vehicle in the area which traveled about 10,000 miles per year and when adjusted for growth would have to travel 20,000 miles per year to generate the travel on which the plan was based. Wilbur had been caught at a time when he could only assign survey traffic to the system and if a link was overloaded, the speed was reduced and the traffic rerouted. This moved the traffic further out and increased vehicle miles of travel. His application of capacity constraint, without feedback, resulted in absurd travel per vehicle. Several years later trip distribution models like the gravity model were developed and provided feedback so that congestion resulted in shorter trips.

I had a chance a number of years later to meet Peter Craig and commend him on the fact that, he a lawyer, identified a key metric of the transportation analysis that the planning community had missed. He told me that he only became interested in the topic because his home was potentially impacted by the Connecticut Avenue freeway corridor.

Craig retired in 1989 after 37 years as a lawyer, many of those years as general counsel to the Southern Railway and Amtrak. "I got tired of moving money from one deep pocket to another," he told the Leveys:

I wasn't a tie-myself-to-a-tree kind of person. Still, I feel that, while I've done a lot of things in my life, this has made the most difference. [Leveys, pages 17 and 26]

Former Delegate Walter Fauntroy, who represented the city in Congress through the later stages of the freeway revolt, but could not vote on the House floor, told the Leveys how he became involved. "They were just going to pave the District of Columbia over. We couldn't allow it. We just couldn't":

The vindication of the effort was that today, we have a rational subway system that is complete. When I get on that subway, with all those people, I wonder, "What would it have been like if we had *not* had that subway?" That's my reward. We have made it a little better for both races. [Leveys, page 26]

The Leveys also interviewed ECTC's Booker, who died at the age of 72 on July 19, 2015. As ECTC chairman, he had adopted the look and language of the Black Power movement that was just then transforming the nonviolent Civil Rights Movement:

To a large degree, protesters were victorious because they planned carefully, says Reginald H. Booker, 59, who chaired the anti-freeway coalition, the Emergency Committee on the Transportation Crisis. "And race was a major part of it," he says.

Booker was always quick to use the slogan for which ECTC became known: "White Men's Road Through Black Men's Homes." However, he is just as quick to point out

that the anti-freeway forces would probably have been defeated if whites had not rallied to the cause.

“The whole theory was to appeal to homeowners, no matter what race they were,” Booker says. “Our movement was unique. It was blacks and whites in a common effort, an integrated group, working in their own interests. That was the significant thing. It was an issue that united people.” [Leveys, page 13]

Booker was working for the General Services Administration (GSA) as a clerk. He was often on television and quoted in the newspapers. “A lot of my coworkers were scared of me”:

So were his bosses. One day, after he referred to the D.C. Council on television as “President Johnson’s ranch hands,” Booker was called into the office of the GSA administrator. He was told that his picture would henceforth be posted in the GSA security office so guards would know who he was. He was criticized for “embarrassing the president.” The administrator, Lawson B. Knott Jr., suggested that Booker might be “happier elsewhere.”

So Booker resigned. Since then, he worked for a law firm and as a foster care administrator for a social services agency. He ran twice for the D.C. school board and lost both times. He says that a caution he received in the 1960s has proved to be accurate.

“Julius Hobson [a well-known activist of the day] said to me, ‘Reginald, you will never win the Man of the Year Award for what you’re doing.’”

The Leveys added that when the U Street-Cardozo subway station opened in 1991, City Councilwoman Hilda Mason, who had invited Booker, introduced him to the small crowd as a leader in securing the subway:

There was brief applause, but nothing more.

It was the only public recognition Reginal Booker has ever received.

When Angela Rooney died at the age of 96 on August 20, 2016, the *Post* included her brief obituary in a collection of “Notable Deaths in the Washington Area.” Born in Leighton, Pennsylvania, she had moved to the Washington area in 1955 where she became “a civic activist in the 1960s and 1970s.” The obituary stated that she was a founder of ECTC “that waged a years-long protest against the North Central Freeway, arguing that it would destroy D.C. neighborhoods and amounted to ‘white men’s roads through black men’s homes.’ The freeway was canceled in 1977.” The obituary added, “In the 1980s, Mrs. Rooney was a manager for the Kennedy Center’s Theater Chamber Players.” [“Notable Deaths in the Washington Area,” *The Washington Post*, September 13, 2016]

In 1997, she had given an interview to Chris Niles for *Intersect! A Weekly Fax News Bulletin for the Washington Metropolitan Region* (May 5, 1997). The printed interview began with a discussion of how she, a white woman, became involved in the fight against the planned freeways:

I think the first thing that struck me was the social inequality of ramming a huge freeway through a largely black section of the city which would have just ripped up neighborhood after neighborhood, community after community. It was just a massive attempt to destroy half of Washington DC. Better connected whites in Northwest simply said no way are you going to ram a freeway down Wisconsin or Connecticut Ave or anywhere else in Northwest. So the highway department went back and redrew it and said, “wow, we can go through Northeast, they don’t have any clout.” But the idea that this was going to be imposed on the city without any real opportunity to be heard from was to me an outrage.

Rooney attended a public hearing in Takoma Park where “I found the people I wanted to work with.” They “were immensely advantaged by having a guy named Sam Abbott who was at heart and soul a great union organizer to focus and understand what was really going on.”

The Federal-Aid Highway Act of 1956 had created “an enormous lobby” of people supporting freeway construction:

They had little respect for anyone who got in their way and they were astonished that anybody like me, a white woman living in a largely black neighborhood would get up and testify strongly, mincing no words.

She emphasized that ECTC members were careful to stay within their constitution rights to protest:

Everything that we did was within the law. Still, what came down was the heavy, heavy boot of the FBI and our newspaper (the Washington Post). The Post called us everything from communists to pinkos to “that little band of discontented people . . . .”

She also formed a low opinion of BPR/FHWA, although her recollection attributed to BPR/FHWA activities that were the city’s responsibilities:

The Federal Highway Administration was in fact breaking its own laws left and right. They would not hold the proper hearings, they would not publish advance notice of meetings. We had to force the government to obey its own laws and regulations. The more you saw of how criminally they behaved, the more you learned the importance of learning what they were up to all the time. You tracked the organizations that supported the highways, that greased the wheels. You also learned another important thing: Always know where the money is coming from and where it is going.

We eventually succeeded in networking a large area that included the suburban areas of Maryland and Virginia and the whole of the District of Columbia. The idea was to create a political climate of understanding of what was being done so that the lawsuits that were brought and the lawyers who had joined us – there were not many but there were some brilliant ones – would be judged in a political climate that understood the social injustice and the terror that was being visited upon this city and the suburbs.

She spoke of ECTC’s most famous slogan:

Our first rallying cry was: “No White Men’s Roads Through Black Men’s Homes!” We had to do that as offensive as it was to some people because it was absolutely the truth. It was indeed Black men’s homes and businesses that were being confiscated.

It was a personal insult to find out “your home could be gone just like that”:

The highway proponents felt no compunction about this. I don’t remember whether it was the highway lobby men or the representatives from FHA [sic] but they would say, “yeah, we built this road and we didn’t even have to give them the moving money. They didn’t know they were supposed to get it . . . .”

The other rallying cry was “Freeways No! Metro Yes!” That was, she recalled, the focus of everything ECTC did:

If they built I-95, the inner loop, the outer beltways and all the other roads, there was no hope for a Metro being built because there would be no money. So we fought long, long and hard for years to break open the trust fund for other kinds of transportation . . . .

The key was the Interstate withdrawal-substitution program. “I truly believe that the money was shifted because the freeway people realized that they were operating in a city that made it impossible for anybody to be elected unless they were against the freeways – including Barry.”

Members of ECTC were used to being watched. Rooney described the “agent provocateurs” they had to deal with:

We expected them to be at mass meetings. We learned to look at the shoes to see if they were shined. We learned not to be deceived by anyone who wore fake dashikis – there were lots of those. We learned to study the people who brought unnamed camera crews.

The provocateurs usually tried “to force the crowd into some kind of action that would force the police to interfere”:

We knew our phones were tapped, all the time. We received a lot of phone calls from so-called innocent people just asking how many people did you expect to turn out, or offering to provide coffee and donuts. They would also say that they were writing books and wanted to know if we thought this country was really worth saving. We knew people who worked at the FBI and they saw our files.

She received calls from white people who wanted to protect her. They would ask, “why do you associate with those people? They don’t even use good grammar?” They warned her that the people she was associating with were “pinkos”:

I would say “why don’t you stop worrying about the style of their speech and listen to the content.” Ten years later, we won a lawsuit against the FBI for harassment.

Rooney summarized the lessons she had learned from her experience:

I think one of the most important lessons that came out of our efforts is that there is no compromise unless there are equal advantages on both sides. Otherwise it’s not compromise. What are activists giving up when they compromise? Nothing. What are

the highway people getting? Everything they wanted. It's really important to understand this because people are always being asked to be reasonable. There is no such thing as being reasonable when somebody is putting your head on a chopping block. People are deceived all the time: "Let's get a few of you together and talk it over, we're all reasonable people." You are dead in the water if you buy that. Never go in small groups. Take everybody. Let everybody hear what the highway proponents are up to.

When former NCTC Chairman Elizabeth Rowe died on March 11, 1991, at the age of 79, the *Post* obituary highlighted her efforts to block freeways. When President Kennedy appointed her to NCPC, she "came to the appointment already outspoken in her opposition of ambitious highway plans, then threatening to carve up the city." She warned, "If we build the inner loop, we are not going to have any central city left":

As a proponent of mass transit and of neighborhood preservation, Mrs. Rowe was one of those in officialdom who was outspoken as an increasingly broad coalition campaigned to kill the highway projects. [Levy, Claudia, "Elizabeth Ulman Rowe Dies; Former Chairman of NCPC, *The Washington Post*, March 12, 1991]

Emilia Govan, 62, died of cancer on June 29, 2000. Her obituary highlighted her work with ACT opposing I-66, but added that she had resumed her education when that effort ended. "She was a 1980 cum laude graduate of Georgetown University law school, where she also had been a law review editor."

Her post-I-66 career involved public service and private sector work:

She worked for the Congressional Office of Technology Assessment from 1975 to 1978, then spent two years in the Department of Energy, where she was a senior environmental adviser and became acting director of the environmental, health and safety division in the office of the assistant secretary for fossil energy.

In the 1980s, she was a Washington telecommunications lawyer with the law firm of Pepper, Hamilton & Sheetz. In 1989, she returned to the OTA, where she worked until 1995, becoming director of the energy transportation and infrastructure program. She then did consulting work for the Energy Department and was a vice president of JK Research Associates in Arlington until 1999.

She was survived by her husband James and their two sons. Emilia and James had become well known for their hobby of collecting creches. ["Emilia L. Govan; Lawyer, Educator," *The Washington Post*, July 2, 2000]

The success of ECTC and its counterparts can be observed by travelers as I-395 (formerly I-95) ends in an awkward ground-level connection with New York Avenue, still congested despite several remakes. It also can be seen in the Maryland and Virginia interchanges that carry I-95 motorists along their ramps onto and off the portion of the Capital Beltway that is designated I-95/495.

And it can be seen in the Metro rail system. Construction of the initial 103-mile network cost \$10 billion, of which about \$2 billion came from trading in Interstate freeways, mainly in the District, for the rapid rail network.

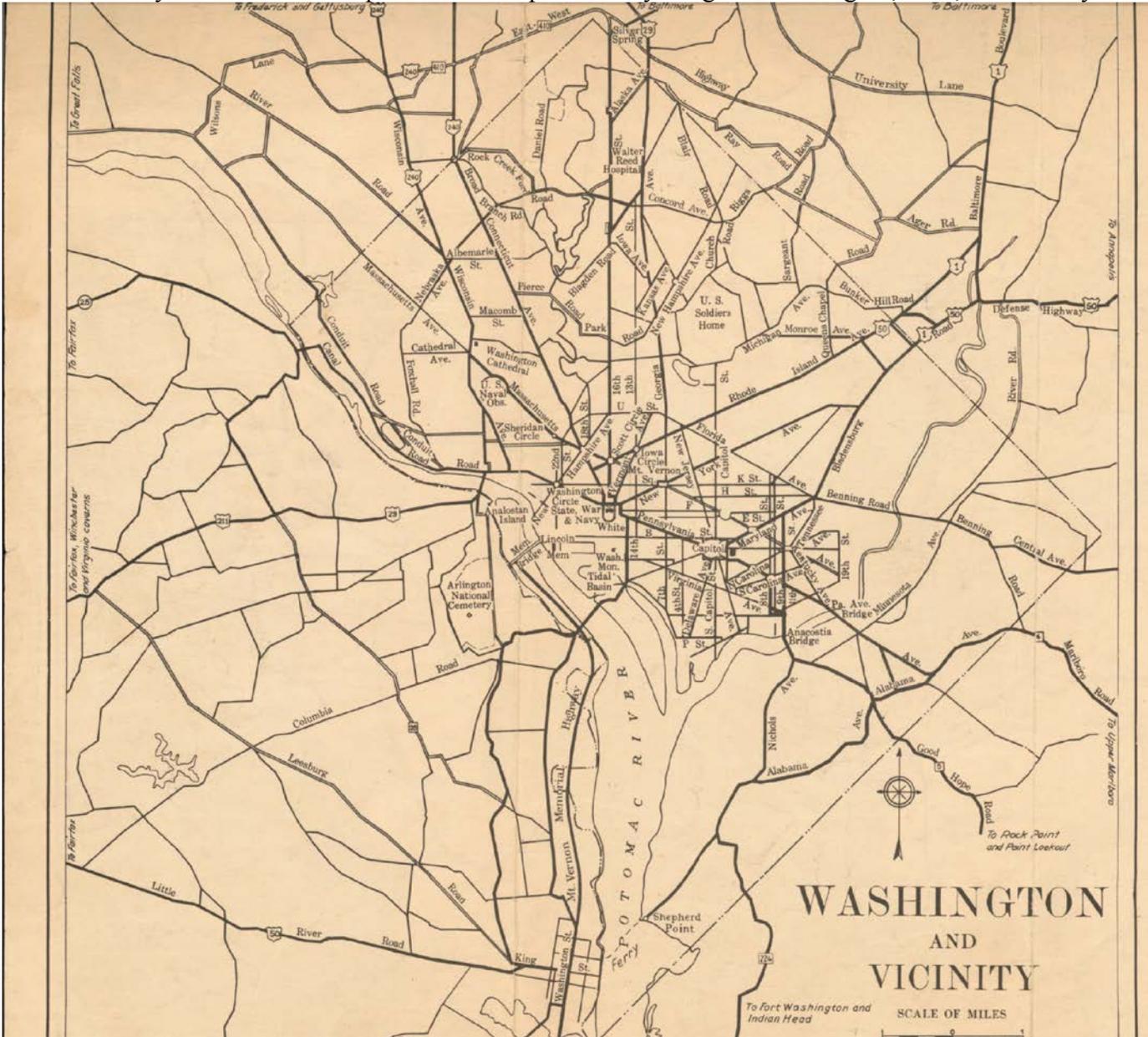
The Leveys found a 33-year old woman living near the Brookland Metro Station who had never heard of the freeway revolt:

The visitor asks if she knows that a 10-lane freeway called the North Central was once close to being built right where she's sitting. Does she know that her house was boarded up in the early 1970s, in anticipation of being torn down? Does she know that protestors, led by Reginald Booker, were arrested when they ripped the boards off?

"A freeway here?" [she asks] "Not here! Not possible!" [Levey, page 26]

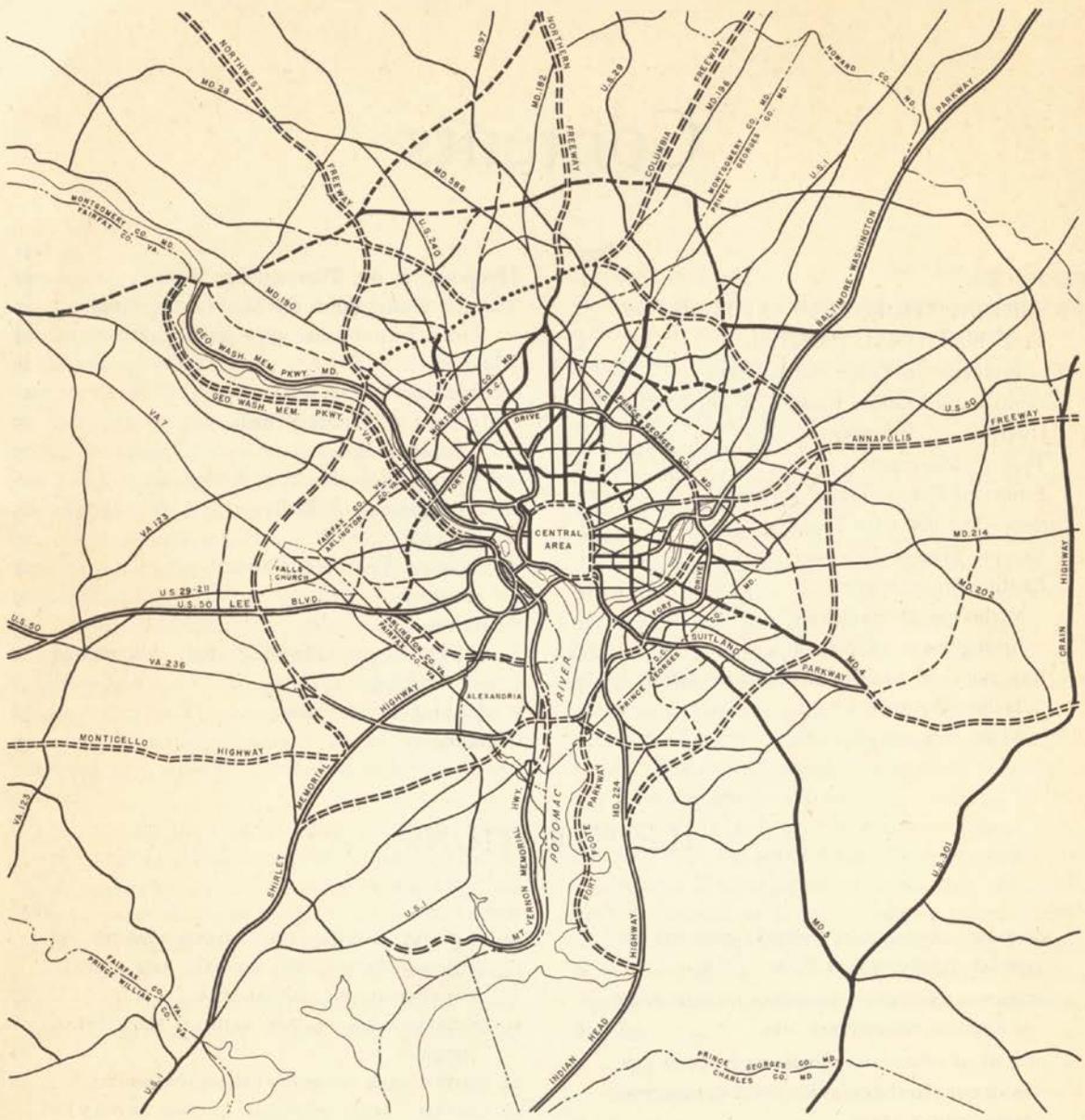
## The D.C. Freeway Revolt and the Coming of Metro Map Gallery

The 1932 Maryland State road map included this pre-freeway image of Washington, D.C., and vicinity.



Source: Maryland State Roads Commission

The National Capital Park and Planning Commission published this map in 1950 showing the commission's proposed Regional Thoroughfare Plan. It featured an inner loop around the central area, a middle loop called Fort Drive just within the city limits, and an outer circumferential in the general location of today's Capital Beltway.



## NATIONAL CAPITAL REGION PROPOSED REGIONAL THOROUGHFARE PLAN



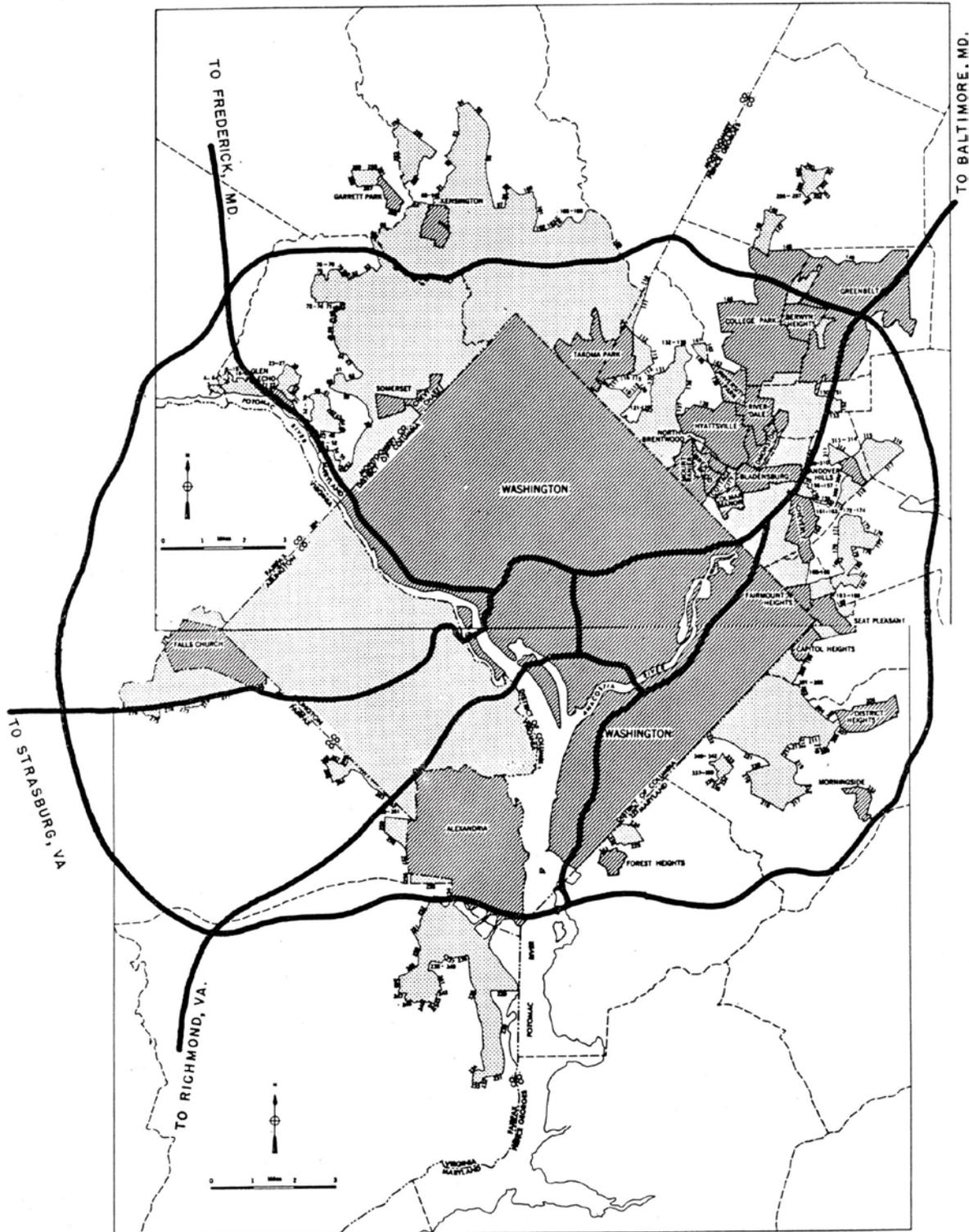
EXPRESS HIGHWAYS AND PARKWAYS   
 DOMINANT THOROUGHFARES   
 MAJOR HIGHWAYS   
 CROSS SECTION UNDETERMINED   
 NOTE: DASH LINES INDICATE NEW RIGHT-OF-WAY TO BE ACQUIRED



SCALE OF MILES   
 NATIONAL CAPITAL PARK AND PLANNING COMMISSION

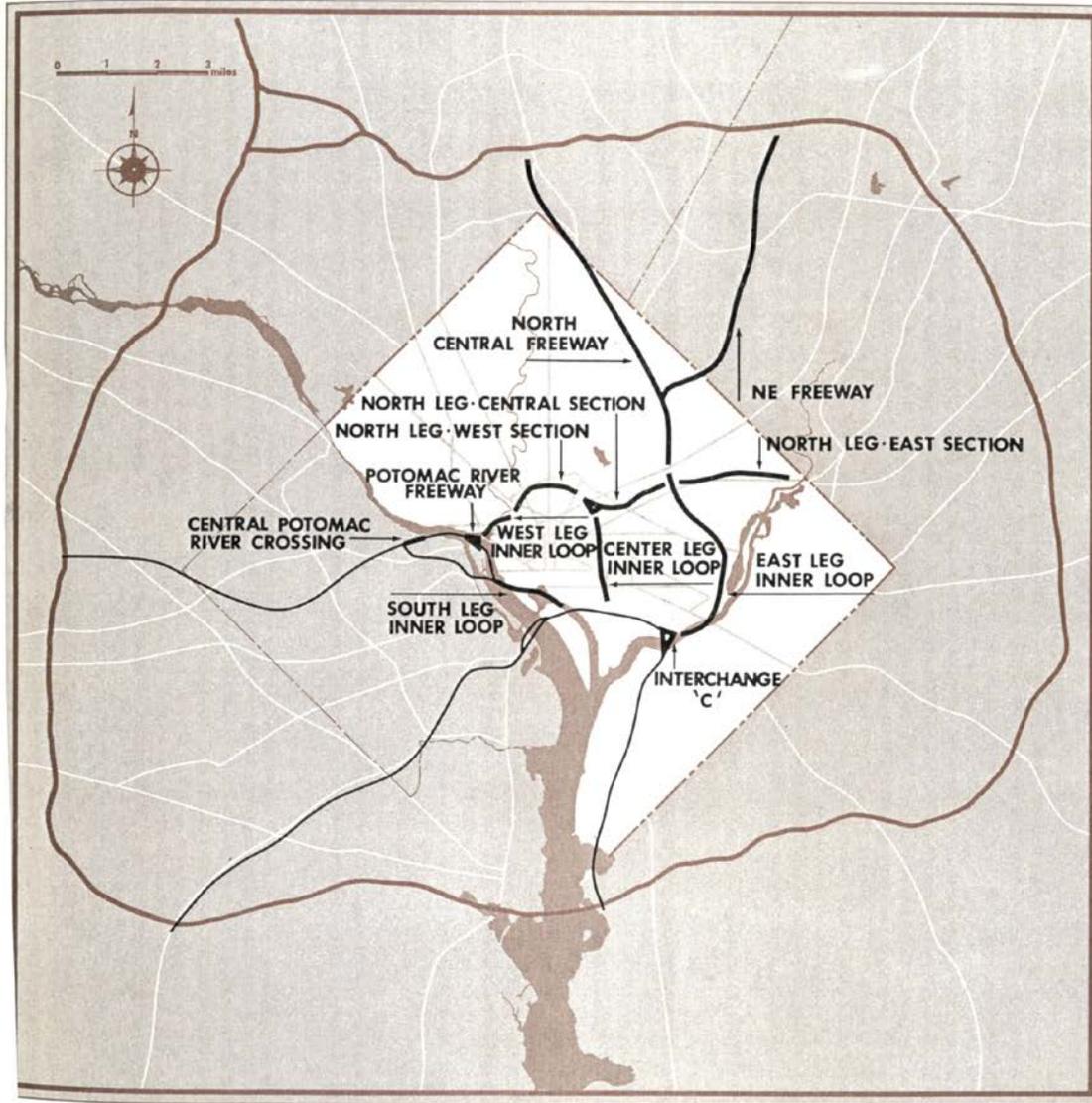
MAP 1

After designating the rural segments of the Interstate System in August 1947, Federal highway officials worked with State highway agencies and local officials to establish the outline of urban freeways around the country. The routes designated in September 1955 were shown in maps published in *General Location of National System of Interstate Highways* (nicknamed The Yellow Book because of the color of its cover). The map of Washington, D.C., showed inner and outer loops as well as arterials in the suburban communities of Maryland and Virginia. With the exception of a freeway along the Potomac River into Maryland, the city's northeast and northwest quadrants were free of Interstate highways, as would be the end result after two decades of controversy.



The District of Columbia hired consultant Arthur D. Little, Inc., to review of the city's transportation planning. The consultant's highly critical March 1966 report, *Transportation Planning in the District of Columbia 1955 to 1965: A Review and Critique*, included this map showing the proposed highway system.

*Transportation Planning in the District of Columbia 1955 to 1965:  
A Review and Critique*  
Arthur D. Little, Inc., March 22, 1966

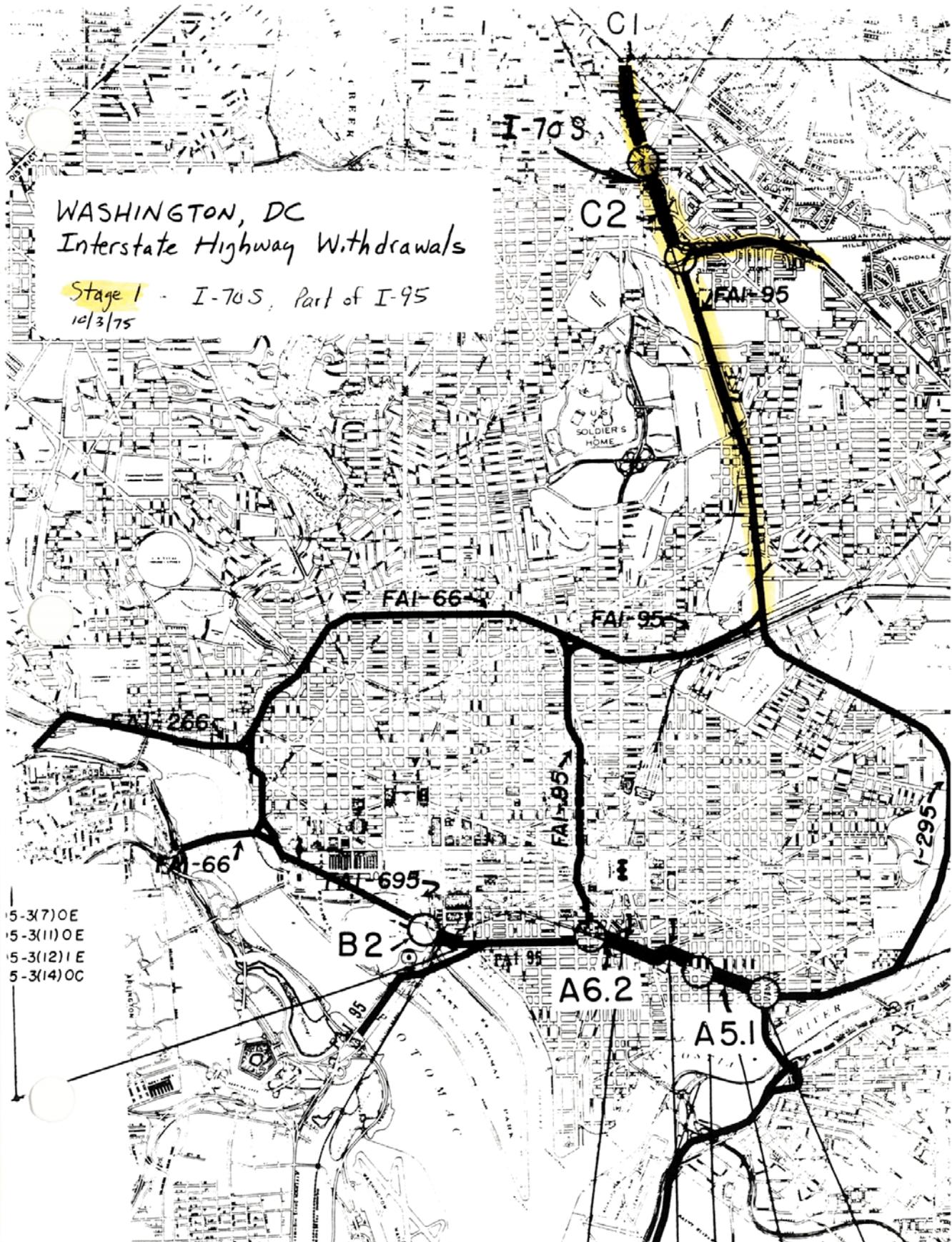


COMPONENTS —  
PROPOSED HIGHWAY SYSTEM —

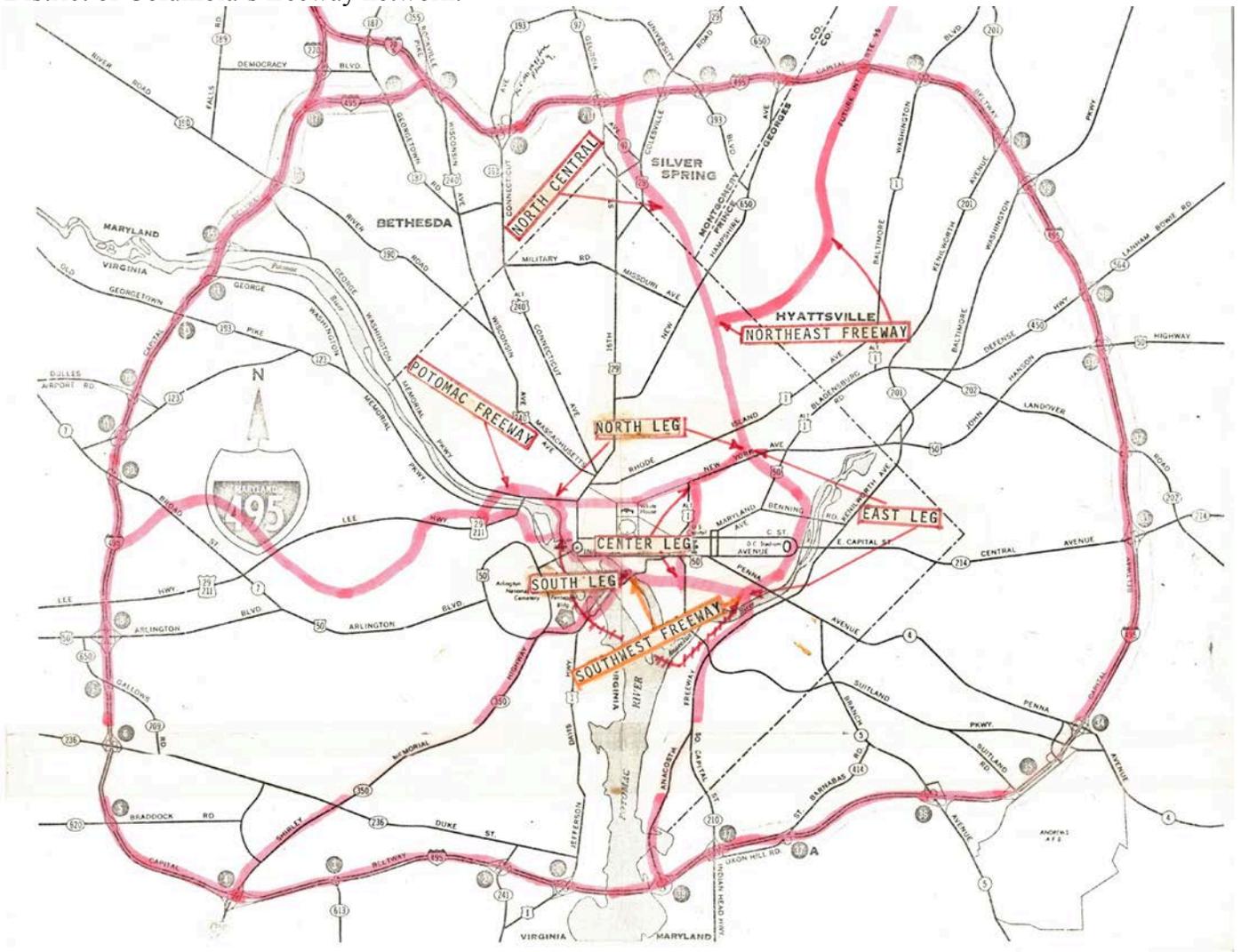
Source: District Department of Highways and Traffic



From 1975 to 1983, the District of Columbia requested withdrawal of nearly 16 miles of Interstate freeways under the Interstate withdrawal-substitution provision of the Federal-Aid Highway Act of 1973. This series of maps shows the mileage withdrawn in each of six stages.

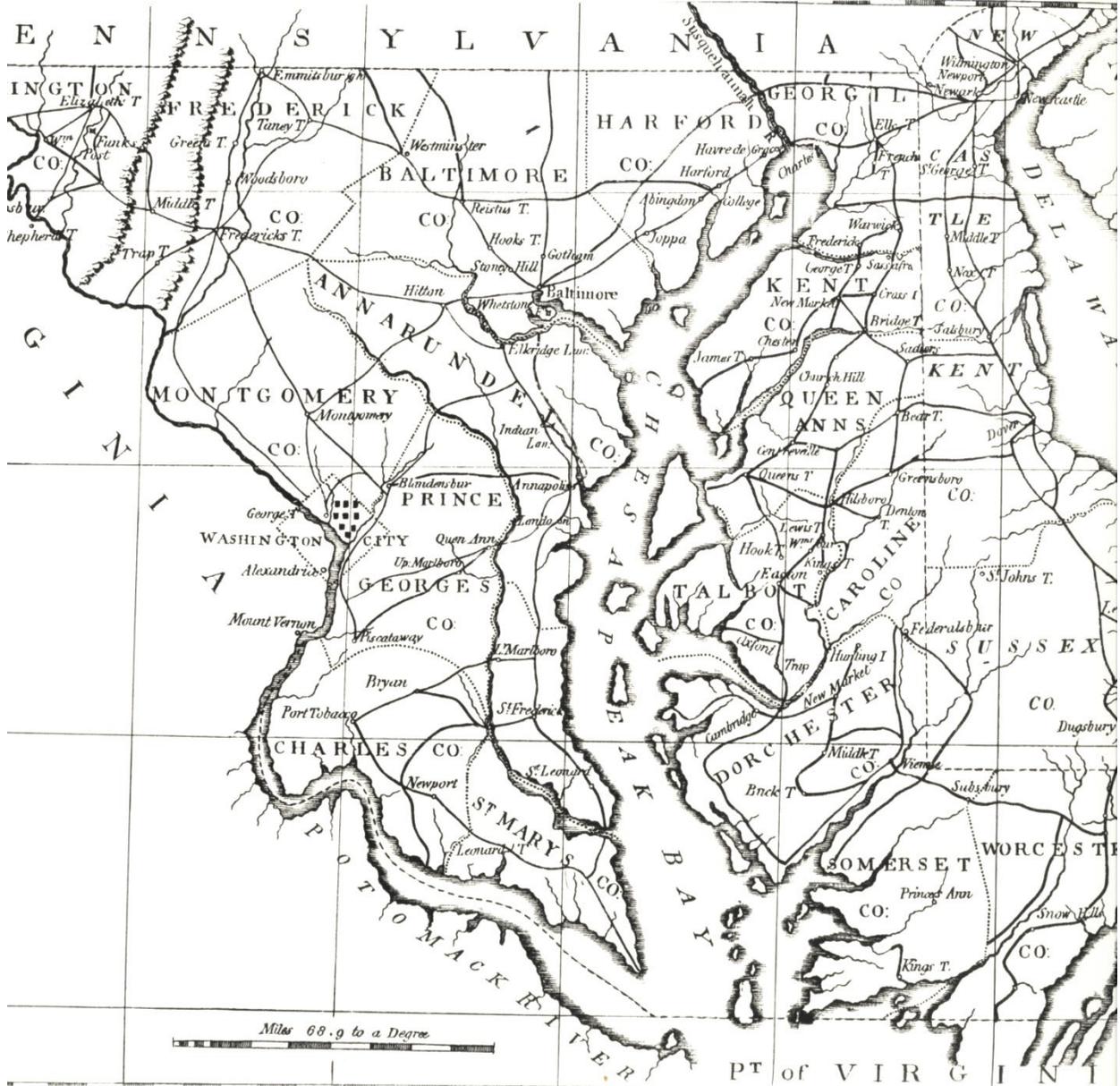


The Federal Highway Administration prepared this undated map for internal use. It showed the local names of the District of Columbia's freeway network.



## The D.C. Freeway Revolt and the Coming of Metro Map Gallery 2

Detail from J. Denison's 1796 Map of the States of Maryland and Delaware shows the links between Annapolis, capital of Maryland, and the future Nation's capital between the established towns of Bladensburg and Georgetown.



(Source: State Roads Commission of Maryland, 1958).



This detail from the Maryland State Roads Commission's official highway map of 1965 shows the roads between the District of Columbia and Annapolis, Maryland, including U.S. 50 and MD 450/Defense Highway.



(Source: Maryland State Roads Commission)

**The D.C. Freeway Revolt and the Coming of Metro Sidebar  
U.S. 50: The Roads Between  
Annapolis, MD, and Washington, DC**

**Table of Contents**

From the Early Days .....	2
The Old Stage Road .....	2
Central Avenue .....	5
Maryland’s Good Roads Movement .....	6
Promoting the National Defense Highway .....	11
Battle of the Letters .....	15
The Legislature Moves On.....	19
Lost in the Lowlands .....	21
Getting to Construction.....	24
Moving Forward .....	30
Completed.....	32
The Peace Cross .....	36
The Future of the Defense Highway .....	39

## **U.S. 50: The Roads Between Annapolis, MD, and Washington, DC**

By  
Richard F. Weingroff

### **From the Early Days**

Even before the District of Columbia opened as the Nation's capital in June 1800, travel had begun between Annapolis, the capital of Maryland since 1694, and the area.

Alexandria, established in the 1690s, was an important tobacco warehouse area and landing along the Potomac River. Georgetown, also a tobacco landing, became an officially platted village in 1751. Bladensburg, Maryland, just outside the future District's line, was a commercial center for the area's farmers as well as the location where six roads converged, including the "Main Post Road" between Baltimore, Georgetown, and Alexandria.

As early as 1751, George Washington was an occasional visitor to Annapolis, crossing Maryland to watch the horse races there and for other more practical purposes. For example, after the Revolutionary War, he traveled from New York to Annapolis, the temporary seat of Congress, to resign as Commander in Chief of the Army on December 23, 1783. An account of the trip reports that he was eager to return to his wife Martha and his cherished life at Mount Vernon in time for Christmas. On one urgent occasion, he had covered the distance between Annapolis and Mount Vernon in a single day, but that was not possible on December 23 after the formalities ended around 1 p.m. As soon as they were over, he walked outside and began the ride home, racing across the State on horse and arriving at Mount Vernon on December 24. [Tebbel, John, *George Washington's America*, E. P. Dutton and Company, 1954, pages 32, 429-430]

The map of Maryland's roads before 1776, printed in the Maryland Geological Survey's 1899 report, showed a "Main Post Route Between North and South, 18<sup>th</sup> Century" running from Annapolis to Alexandria. [*Report on the Highways of Maryland*, Maryland Geological Survey, volume III, plate XIV, following page 156]

By 1796, a map of Maryland showed a road from Annapolis to Bladensburg, more or less on a straight line, just outside the outline of "Washington City." [*A History of Road Building in Maryland*, following page 16]

### **The Old Stage Road**

With the new capital city under construction, Maryland considered improved communication between Annapolis and the new capital to be important. In 1796, the Maryland General Assembly approved a resolution establishing a commission "to lay out a direct route between the two points." The commissioners selected what became known as the "Old Stage Road" from Annapolis to Washington via Camp Parole, Collington, and Bladensburg.

In a 1916 article, *The Evening Star* reported that having selected the route, the commissioners were authorized to “open, clear and grub” the road, with “grub” referring to clearing and removing tree stumps and other vegetation. From year to year, they failed to complete the work:

The fatality of incompleteness thus fixed upon it in the early days has followed this old road to the present time, so that it is among the last to feel the finishing touch of modern road improvement . . . .

The “Old Stage road” at the present time is in a deplorable condition, so much so that there is very little travel between the National Capital and Annapolis over it. As a result that section adjacent to it has not developed to the extent that it should have. There are several roads from the National Capital, but they are longer and over varied road conditions.

Meanwhile, the State had improved the road to Solomons Island south of Annapolis:

By connecting this road with the road from Washington via Upper Marlboro in Prince Georges County, it completed the link that joined the two capitals. As this answered the purpose of joining the two cities, no further improvements were considered. There is, however, at the present time about eight miles of roadway badly in need of improvement between Hill’s bridge across the Patuxent river, and Lothian, where the state road turns in the direction of Solomons island. The road at this time between the National Capital and Hill’s bridge, a distance of about twenty miles, is an excellent macadam and concrete highway, ideal in every respect. It is the only hard surfaced section between Washington and Edgewater. At Edgewater a concrete road extends the remainder of the distance into Annapolis. The distance over this route from Washington is 42.7 miles. [“‘Old Stage’ Road Is Favored Route,” *The Evening Star*, March 1, 1916]

Through much of the 18<sup>th</sup> century, mail would have been carried by horse and rider; no coaches ran south of Annapolis until after the Revolution. The first stagecoach line between the two capitals began in April 1800. Valentine Snyder, who operated the stage from Annapolis to Baltimore, and Henry Cook, were the lowest of four bidders for the Washington-Annapolis mail contract. The winning bid was \$350 a year.

Oliver W. Holmes described the operation of this initial stage line for the Columbia Historical Society. It ran on looping southern route:

The line ran through Upper Marlboro, and at first went but once a week, leaving Caton’s Tavern in Annapolis Tuesday mornings at 7:00 and McLaughlin’s City Tavern in Georgetown at the same hour Thursdays. The fare was \$3.00. In September, 1802, this line commenced running twice a week. This increase of service may have been hastened by the establishment in March, 1802, of a rival line by John Smith to run from Annapolis to Washington by the northern route, passing through Bladensburg. Smith’s line also left Caton’s Tavern in Annapolis. It went at first to the Union Tavern in Georgetown, but later advertisements showed that it had shifted to the Indian King, kept by Joseph Semmes, who had become a partner with Smith in the undertaking. This line began with

service only once a week also, but it, too, advertised that on the first of September, 1802, it would increase its trips to two a week. A month later an announcement was made of service three times a week. No notice, however, of this northern line is discovered after 1803. Henry Cook continued through the first decade of the century to hold the mail contract, and his stage continued to run through Upper Marlboro . . . . [Holmes, Oliver W., "Stagecoach Days in the District of Columbia," *Records of the Columbia Historical Society of Washington, D.C.*, 1948-1950, volume 50, Columbia Historical Society, 1952, pages 16-17]

The coming of the railroad to Maryland reduced the need for stagecoach service:

The stage line to Annapolis three times a week was continued to 1841, when, Annapolis being provided [sic] by railroad, the stages henceforth went only to Upper Marlboro. In 1853 the service to Upper Marlboro was increased to six times a week. This route was continued at that frequency until after the Civil War. [Holmes, page 31]

Traffic to or from Alexandria crossed the Potomac River on the ferry at Georgetown until 1809 when the toll Long Bridge opened in the vicinity of today's 14<sup>th</sup> Street Bridge complex. Stagecoaches immediately switched to the new bridge, bypassing Georgetown entirely and confirming the fears of Georgetown businessmen about the new structure:

The lines to Annapolis and Leonardtown continued for many years to start from Georgetown, it is true, but they picked up their main mails in Washington and also many of their passengers. [Holmes, pages 23-24]

Mary Bagot, wife of the first British diplomat posted to the United States after the War of 1812, traveled the road on March 18, 1816, between Annapolis and Washington via Bladensburg. Her day had begun before daybreak, although her party did not leave Annapolis until 9 a.m. in a variety of vehicles. She described the trip in her journal:

Each carriage was driven four in hand by a black driver & the horses were sent from Washington. The day was so intensely cold that I never in my life before had felt any at all to be compared with it. The roads were actually worse than ploughed fields & we went down such precipices & up others & into such holes that we expected every moment to be overturned. However, our drivers brought us safely to our journeys end without accident – stopping only once at a log house about half way between Anapolis & Washington for half an hour to bait the horses. The country struck me as wild, dismal & dreary & our road was thro' a sussion of never ending forests of pine, cedar, oak & c. –

the only cultivation we saw being occasional spots cleared for the sowing [of] maize . . . .

Aside from a few African-American field hands "crawling across a barren tract," she did not see any signs of population until her carriage reached Bladensburg. Along the way, however, she admired the scenery as her party crossed South River:

We crossed a ferry across the south river about five miles from Annapolis which struck me as very beautiful from the beautiful sweep of the river & the craggy cliffs that arise perpendicularly from its borders covered with cedars & pines.

They arrived at Crawfords hotel in Washington at about 6:30, having traveled a distance she estimated at 36 miles. [Hosford, David, "Exile in Yankeeland: The Journal of Mary Bagot, 1816-1819," *Records of the Columbia Historical Society of Washington, D.C.*, Volume 51, 1984, pages 33-34]

## **Central Avenue**

The two stagecoach routes – the northern route to Bladensburg and the southern route via Upper Marlboro – remained the two options for the trip between the cities. By 1900, the southern road to Annapolis followed East Capitol Street/Central Avenue (roughly MD 214 today). The Maryland Geological Survey's 1899 report commented on the road in Prince George's County:

One of the best improvements made by the county was the extension of Central Avenue, necessitating the building of 2 miles of new road, thereby forming a direct route from Halls' Station to Washington. This is also the direct road between Annapolis and Washington. A dirt road has been made in which a special feature is the extensive amount of grading on the westerly portion where embankments 10 to 12 feet high have been built.

The larger portion of the road, however, still requires much grading to put it in good shape. The heavy grading necessary on the western portion took most of the funds, leaving only enough to clear and shape the easterly portion. This piece of work cost in the neighborhood of \$5000.00, about one-half of which was paid for land damages. [Maryland Geological Surface, Volume 3, 1899, pages 244-245]

The county was still working on the road when the Maryland Geological Survey issued its report in 1902:

This is the direct road from Washington to Annapolis and is one of the most important roads leading from the District of Columbia into Prince George's county. Near the District it is hilly and the surface is in bad condition. In places on the hills the road has been washed [sic] and in the hollows it is sandy. The survey of the Highway Division extended a little more than two miles. The plans call for the reduction of the grades and surfacing with the best gravel obtainable in the vicinity. One hill to be graded crosses the District line, and it is hoped the District Commissioners will cooperate with the County Road Commissioners in doing this part of the work, which has therefore been postponed for the present. The Road Commissioners advertised for bids . . . but only one was received, namely 30 cents per cubic yard for excavation and 50 cents per cubic yard for gravel spread on the road. The Commissioners considered these prices too high and have undertaken the work by day-labor. [Maryland Geological Survey, Volume 4, 1902, page 158]

By the third report, the Maryland Geological Survey reported that the county's work resulted in a reduction of the grade from 7 and 8 percent to 4 percent at a cost of \$588.10, "which includes graveling about 1000 feet of road." This work to reduce the grade led the District of Columbia "to improve the continuation of the road within the District so that now there is a continuous stretch of good road from the county into the City of Washington." [Maryland Geological Survey, Volume 5, 1905, pages 183-184]

### **Maryland's Good Roads Movement**

In the late 19<sup>th</sup> century and early 20<sup>th</sup> centuries, the country experienced the Good Roads Movement, spurred initially by the popularity of the bicycle and then the automobile. The growing interest in improving the Nation's rural roads prompted State and Federal officials to consider their role in the effort.

In 1896, Maryland created the Maryland Geological and Economy Survey Commission to investigate natural resources. It also was to furnish, when requested, free expert advice and technical assistance to the State's towns and counties on road matters. As noted earlier, the commission published periodic summaries of road conditions throughout the State.

Maryland's counties began seeking ways to improve their roads. Beginning in 1901, Baltimore County was the first county in the State to employ a trained road engineer.

On April 2, 1904, Maryland enacted the State Aid Road Law (chapter 225 of the Acts of 1904, approved April 2, 1904) to help the counties improve their roads. With an annual appropriation of \$200,000, the State provided 50 percent of eligible costs. The Maryland Geological Survey was the State's road builder, with Walter Wilson Crosby, former road engineer of Baltimore County, as chief engineer. This legislation was commonly referred to as the Shoemaker Law, after Samuel M. Shoemaker of Baltimore County – a prominent figure in dairying and agriculture who drafted and promoted the bill.

The State-aid program was to go into effect on January 1, 1905, but was delayed by a court challenge to the program's constitutionality under Maryland's constitution. A provision in Maryland's constitution of 1851 addressed internal improvements. Like many States, Maryland had borrowed funds during the prosperous 1830s to invest in internal improvements such as the Chesapeake and Ohio Canal and the Baltimore and Ohio Railroad that were expected to drive economic development by connecting the State to the west. However, after the onset of the devastating economic Panic of 1837, the State could not afford the interest on the debt despite raising taxes.

To address the issue, Section 22 of Article III ("Legislative Department") of the constitution of 1851 prohibited the legislature from approving any debt in the absence of approval of an annual tax or taxes sufficient to retire the interest and principal. It continued:

The credit of the State shall not, in any manner, be given or loaned to or in aid of any individual, association or corporation, nor shall the General Assembly have the power, in any mode, to involve the State in the construction of works of internal improvement, or in

any enterprize [sic] which shall involve the faith or credit of the State, or make any appropriations therefor. And they shall not use or appropriate the proceeds of the internal improvement companies, or of the State Tax now levied, or which may hereafter be levied, to pay off the public debt, to any other purpose, until the interest and debt are fully paid, or the sinking fund shall be equal to the amount of the outstanding debt . . . .

While the State Aid Road Law was under consideration in the General Assembly, legislators had drafted an amendment to the constitution to exempt the new program, but they had not pursued it. The question raised by a taxpayer in Baltimore County, Frank A. Bonsal, was whether a public road was an internal improvement within the meaning of the Maryland constitution.

The *Sun* reported:

The constitutionality of the Road Law was sustained by Judge N. Charles Burke, at Towson, Baltimore county, December 16, 1904. He decided that the ordinary public roads belong to the State, and it was its business to maintain them, that duty being delegated to the counties from motives of convenience in the administration of road affairs, and that the section of the Constitution relating to works of internal improvement was intended to apply solely to State appropriations for railroads, canals and similar undertakings of a quasi-public nature, which were conducted for profit.

On February 9, 1905, the Maryland Court of Appeals at Annapolis upheld Judge Burke's ruling, allowing the State Aid Road Law to begin operations. ["The Road Law And the Amendment," *The Baltimore Sun*, February 8, 1905; "State Aid To Roads," *The Baltimore Sun*, February 10, 1905; Rees, Charles A., "Remarkable Evolution: The Early Constitutional History of Maryland," *University of Baltimore Law Review*, Winter 2007, page 263]

An Act of 1906, known as the Hill Law (chapter 312, Acts of 1906), authorized the State to acquire the Baltimore-Washington Turnpike. The law authorized \$30,000 for each of fiscal years 1906 through 1908 to improve the road, while providing for the use of convict labor on the project. By 1908, about 12 miles out of 30 had been widened, straightened, and provided with a macadam surface, with additional funds needed – estimated at \$150,000 if the road, known as State Road No. 1, was to avoid grade crossings of the steam railroads in the corridor. The General Assembly authorized \$120,000 in 1910 and continued to fund the improvement.

The gradual progress was occasionally marred by incidents such as one described in the combined annual reports for 1908 through 1911. One serious problem was caused by "the entrance by various parties within the limits of your roads for physical work of their own." The report illustrated the problem with an incident disturbing the section between the District of Columbia line and Bladensburg that would eventually be shared with the roads to Annapolis and Baltimore:

For instance, a section of the Baltimore-Washington Road, between the District of Columbia line and Bladensburg, has been practically ruined in spite of all this Department could do, by the construction of a railway track along the section in defiance

of the plans, rulings and orders of your Commission, and with wanton disregard for the rights of the users of the public highway . . . .

The Washington Spa Spring and Greta Electric Railway Company desired to extend their tracks from the District of Columbia line northeasterly along the Baltimore-Washington Road to Bladensburg, a distance of a little over a mile. Their charter permitted such construction, but under the various acts your [Board's] prescription of certain details of construction was necessary. This section of the Baltimore-Washington Road had been improved under the State Aid Law in 1905-6, and was in good condition.

The application of the Railway Company was referred to your Chief Engineer for a report. He recommended that granting of the permit be based on certain conditions as to location, grades, etc. Your Board approved his recommendations and granted a permit with such conditions as a part of it.

The Railway Company thereupon performed their construction ignoring in almost every detail the conditions of the permit. Their action was reported to your Board by your Chief Engineer and your Board personally at different times has inspected the results. As yet, however, no action resulting in a remedying of the obnoxious conditions so caused has been taken by your Board. The existing condition of this section of an important road is a nuisance, if not a danger, to the traveling public and must occasion, if nothing worse, severe criticism of the road authorities responsible for this road. It is the judgment of your Chief Engineer that the existing condition should be remedied at once even if the expense now of so doing is large. [First, Second, Third, and Fourth Annual Reports of the State Roads Commission for the years 1908, 1909, 1910 and 1911 to the General Assembly of Maryland, May 1912, pages 75 and 104]

Governor Austin L. Crothers (January 8, 1908 – January 10, 1912) won election on a good roads platform. He introduced good roads legislation that passed the General Assembly after considerable debate and controversy. He signed the legislation on March 25. A contemporary summary described it:

In its general features this law provides for an issue of 3½ per cent. State bonds to the amount of \$5,000,000 for highway improvement; a State Highway Commission to consist of six members – the Governor, two members of the State Geological Survey, and three other members to be appointed by the Governor – together with a secretary and the necessary force of engineers and office contingent; all records are to be made public; the roads to be improved must be designated by May 1, 1909; and the work on them is to be completed by July 1, 1915; the work is to be prosecuted either under the direction of the Geological Survey or under competitive bidders; trees are to be planted and guide posts erected along the highways by the commission, and the roads improved are to be permanently maintained by the State. [“State Highway Legislation for 1908,” *Good Roads Magazine*, April 1908, page 140]

Governor Crothers announced his gratification at passage of the legislation:

I sincerely believe that it carries with it, if honestly and efficiently administered, more benefit to more people than any other legislation that could be passed. It will do more to advance the interests of the whole State than anything else; it will increase the value of property; it will attract the tide of immigration, a greater percentage of which has heretofore passed through Maryland; it carries lasting benefits to every taxpayer in the State, who for years have out of their hard earnings paid their tax bills, and have not been able to see in such a tangible way the benefits that flow to them . . . .

He was going to take his time to pick the best men for the new Maryland State Roads Commission (SRC):

This is a work that the public is interested in and wants to see carried out most efficiently and economically, and I think that the old rule of the place seeking the man, and not the man the place, should be applied rigidly in the selection of the commissioners for the administration of this act. [“Will Sign It Today,” *The Baltimore Sun*, March 25, 1908]

The SRC, based in Baltimore, began operations on April 30, 1908, with the swearing in of the members:

Chairman John M. Tucker of Cecil County, former State Fire Marshall;  
Samuel M. Shoemaker of Baltimore County, author of the 1904 good roads law;  
Francis C. Hutton of Montgomery County, a civil engineer;  
Dr. Ira Remsen, president of Johns Hopkins University;  
Dr. William Bullock Clark of the State Geological Survey.

Governor Crothers served ex officio on the commission.

The members elected W. W. Crosby, chief engineer of the Maryland Geological Survey, to be the SRC’s chief engineer, in a joint arrangement that avoided duplication of effort. The survey paid two-fifths of Crosby’s salary.

Much of the SRC’s early work involved designating a system of main, connected roads, as described in its annual report collection:

To aid the Commission in reaching its decision hearings were held in every county of the State and in Baltimore City at which the citizens were requested to appear and present to the Commission their views as to the best roads to be adopted for improvement. Large and enthusiastic gatherings were held and in this way the Commission obtained a good idea as to what the people desired. The Chief Engineer was instructed to locate on the detailed road maps of the Geological Survey the roads suggested for improvement at the hearings and when these were finally computed they were found to aggregate more than 2,500 miles, much more than the Commission was justified in selecting under the Act. The mileage of the roads was therefore cut down materially by the Commission until finally a total of about 1,200 miles was determined on. This represented a connected, main-artery system by means of which the county towns were connected as well as other leading shipping points. After the system had thus been tentatively selected, hearings

were held at the office of the Commission in Baltimore, at which many delegations appeared. A few changes were ordered but the system remained substantially the same as that already adopted. In this system were incorporated 38.19 miles of State Aid roads already built by the Geological Survey so that the main-artery system began with these roads to its credit. [First, Second, Third, and Fourth Annual Reports of the State Roads Commission for the years 1908, 1909, 1910 and 1911, page 12]

On July 23, 1908, the SRC tentatively approved State roads for Prince George's County:

Beginning at the Charles county line, near Mattawoman, and running to Clinton, to Camp Springs, to Silver Hill, to the District of Columbia.

Camp Springs to Upper Marlboro, to the Anne Arundel county line at Harden.

Beginning at the District of Columbia line, near Benning, and running to Brightseat, to Largo, to Hills, to Harden. ["Routes for State Roads," *The Baltimore Sun*, July 24, 1908]

The choices in Anne Arundel County were debated until November 30, when the SRC agreed on the county's State roads, as reported in the *Sun*:

Main road – Starting at the Calvert county line, near Owings, by way of Birdsville, South river bridge and Parole to Annapolis; from Annapolis and Parole, going west over the same route to a road three miles west of Parole and then northerly by way of Crownsville, Gate, Waterbury, Severn, Benfield, to Glenburnie, to Brooklyn, and entering the city [Baltimore] by the Light street route.

One of the cross-county routes decided upon is as follows: Annapolis to Parole, to Chesterfield, to Priest Bridge, at the Prince George's county line, there connecting with the Washington road.

Another cross-county route which will be built is as follows: From a point on the road to Annapolis two miles north of Birdsville, to Davidsonville, to Hardesty, which is on the Prince George's county line.

The SRC adopted the State road system on April 1, 1909, in Anne Arundel, Prince George's, and other smaller counties. Controversies continued in the larger counties – Baltimore, Carroll, Frederick, Harford, Washington, and Montgomery – where the selection task was made more difficult by the presence of turnpikes in main lines of travel and disputes among residents, businesses, and politicians over competing routes. ["State Roads Up Today," *The Baltimore Sun*, April 1, 1909]

Final actions took place on April 17, when the SRC made a few additions to the State road networks in Baltimore and Carroll Counties. Governor Crothers, who had been involved throughout the selection process, said:

Now that the roads in the counties are settled, it is extremely gratifying to the commission at the manner in which these selections have generally been received.

It is also gratifying that the real work is about to commence. I, as well as the other members of the commission, am anxious that the residents of the State should co-operate and help us in this work, and they can do it if they will.

It is really the people's work, and is not a matter of profit. Those who are fortunate enough to have the State roads come by or through their property can help if they will by not interfering with the proper drainage of the roads. They can aid by being willing to straighten their fences or change them without objection. The willing removal of a pile of stones and small things like this will help a great deal. It is in these and other little ways that the people can co-operate, and they owe it to themselves to do so. ["More To Be State Roads," *The Baltimore Sun*, April 18, 1909]

On June 1, 1910, the SRC took over constructing and maintaining State roads from the State Geological and Economic Survey.

### **Promoting the National Defense Highway**

In 1915 and 1916, the State legislature began considering construction of a National Defense Highway between Washington and Annapolis, home of the U.S. Naval Academy established in 1845. With Europe at war, road advocates around the country conceived many military or defense highways, on the theory that the national purpose of defense would encourage the Federal Government to pay for them – a view that Congress did not share.

In Maryland, bills were introduced in both houses of the General Assembly to advance a National Defense Highway. Senator Frank Duvall of Anne Arundel County introduced a joint resolution on January 25 directing the delegations of Anne Arundel and Prince George's Counties to draft a bill providing for improving the Old Stage Road. The resolution limited the cost to \$160,000. The *Post* reported that, "There is already a State road from Annapolis to Baltimore and one from Baltimore to the National Capital and this line, if built, would complete the triangle of the three cities." Quick action was asked because of the need for "a military road with a view to the defense of Baltimore, Annapolis and Washington." ["Federal Road to Annapolis," *The Washington Post*, January 25, 1916]

Representative Sydney E. Mudd (R-Md.) introduced a similar bill, H.R. 11959, in the U.S. House of Representatives on February 21, calling for the Federal and State governments to contribute \$250,000 each. The funds were "to be expended by and under the direction and supervision of the Secretary of Agriculture," home of the U.S. Office of Public Roads and Rural Engineering (OPRRE). Further, "no part of said sum shall be expended until the Secretary of Agriculture is satisfied that the State of Maryland has made provision and authority for the expenditure of an amount equal thereto toward the construction of said highway." The Federal Government would not be responsible for maintenance "except to the extent of a proportionate amount of any appropriation that may hereafter be made by Congress in aid of the States for a general system of highways." No toll would be charged for use of the road.

The SRC would be responsible for construction of the highway in Maryland, "but the Secretary of Agriculture may make or cause to be made, such inspection and examinations of said highway

as he shall deem necessary, and prescribe what reports shall be made to him in relation therefore, when they shall be made, and the subject matter thereof.”

The *Post* reported on Representative Mudd’s discussion of the bill:

I am introducing this bill because I am convinced that the time has come when the Federal government should take a definite step in the direction of anticipating the future by building strategic highways wherever necessary for use by the armed forces of the country in defending it against a foreign enemy in case of invasion or threatened invasion.

First of all, the National Capital, the heart of the nation, should be provided with every adequate means of proper defense, and to prevent a repetition of what occurred during the war of 1812, when British forces landed on the shores of the Chesapeake Bay and marched overland to Washington, where they burned the Capitol building and the White House.

State roads have been built from Baltimore to Annapolis and from Baltimore to Washington. There should be a road, equally as good, linking up Washington with Annapolis. In case of a threatened attack on Annapolis[,] troops could be rushed with heavy guns over the State road from Baltimore to Annapolis, and at the same time troops could be sent out from the National Capital to form a juncture with them in defending Annapolis, and at the same time protecting the National Capital.

The war in Europe has provided some most valuable object lessons. One of the most important of these is the value of strategic highways, which have been used in supplementing strategic railways, as facilities for the movement of troops, supplies and heavy guns.

Military experts have testified that in strengthening the army for the national defense we should have a mobile army. The strategic highway contemplated in the measure will contribute wonderfully to the mobility of the forces that may be called upon to defend Washington. [“For Defense Highway,” *The Washington Post*, February 21, 1916]

For several years, Congress had been considering Federal assistance for road building. In 1916, Congress was about to take up the legislation to create a national Federal-aid highway program involving a 50-50 financial partnership with State highway agencies; in February 1916, as before, Congress was not going to consider bills for individual roads. Like all such bills introduced in the House of Representatives, Representative Mudd’s bill was referred to the Committee on Roads where it died. President Woodrow Wilson approved the Federal Aid Road Act on July 11, 1916 (see *Creation of a Landmark: The Federal Aid Road Act of 1916* on this Web site at <https://www.fhwa.dot.gov/highwayhistory/landmark.pdf>.)

In the General Assembly, the State bill came up for consideration in February. The *Star* described the bill:

The bill as drafted authorizes and directs the state roads commission to construct an improved modern road from the state road at Camp Parole, Anne Arundel county, Md., to

the state road at Bladensburg, Prince Georges county, Md., along the lines of the old stage road from Annapolis to Washington, which road was laid out in 1796, so as to connect the two capitals by a direct improved road, and provide for a bond issue to pay for the construction of the road by the state of Maryland, providing for the repair and upkeep of the road after its construction, and to be known as the National Defense highway.

The route from Annapolis is from the present state road at Camp Parole, in Anne Arundel county, thence following the line of the old stage road by the Annapolis water works to Chesterfield, to the Patuxent river, dividing the two counties, thence via Bel Air, Buena Vista, Lanhams station, to Bladensburg, the continued line of the old stage road where it meets the boulevard from Baltimore, the entire distance being about twenty miles. The estimated cost of the road was \$250,000. ["Legislature to Vote on Defense Highway," *The Evening Star*, February 14, 1916]

Senator Duvall introduced the bill on February 22 as a companion to the Mudd bill in the U.S. House of Representatives, as reported in the *Post*:

Senator Duvall has introduced a bill appropriating \$250,000 for the construction of a State road from Camp Parole along the line of the old stage road to Chesterfield, thence to the Patuxent River, dividing the two counties, and across the same and thence via the Belair, Buena Vista, Lanhams station in Prince Georges county to Bladensburg, where it meet the State road from Baltimore to Washington . . . .

The chief object of the road would be its military value for the defense of Annapolis, Baltimore and Washington in case of a naval attack from the Chesapeake Bay, which is practically without fortification.

The bill directed the SRC to complete the road by June 1, 1916, with the State's share of the work to be financed with revenue from a bond issue. ["Bill for Annapolis Road," *The Washington Post*, February 23, 1916]

On February 29, the Committees on Finance and Ways and Means held a joint hearing on the bill in the Senate chamber. The meeting had been scheduled to take place in the committee room, but so many people wanted to attend that, according to the *Star* account, "it was impossible for the members to get inside the door." The committee shifted the meeting to the Senate chamber.

The first speaker was Caleb C. Magruder, clerk of the Court of Appeals, in support of the Bladensburg route instead of the Central Avenue route via Upper Marlboro. He discussed the history of the route back to 1796 "and dwelt on the fact that it had not been improved." He said no bridges would have to be built and the route was shorter than the southern road. "The route which he urged, via Collington, and connecting with the boulevard at Bladensburg, he said, would bring Annapolis nearer to Washington, and he appealed to the committee as a taxpayer and in justice to the people of that section of the state."

He was interrupted several times by a resident along the central road "who evidently intended entering objections to the selection of the old stage route." Chairman Cooper insisted that he

remain quiet and show respect to the committees holding the hearing. The crowd greeting his remarks with shouts of "Put him out, put him out." Order was finally restored.

Other speakers were supportive of the project as well, favoring the Collington-Bladensburg route.

Thomas Fell, president St. John's College, spoke in support:

He said that the government was in favor of increasing the army and navy, and doubted if any one present would object to building the road . . . . Army and navy experts, he said, informed him that if these two branches of the service were increased good roads were necessary to move them about. He alluded to the lessons already taught by the European war.

We have high-powered automobiles, rapid motor cycles and motor trucks, and we should have some ready means of access between the two capitals. He told of the interest being taken by residents of the two counties and also spoke from an economic standpoint, notwithstanding the fact that taxes would have to be slightly increased if the roadway is built.

One speaker, City Councilman Ridgely P. Melvin of Annapolis, indicated that with the introduction of Representative Mudd's bill providing for an appropriation of \$250,000 and the appropriation of a similar amount by the General Assembly, the State would be getting the highway at half price. ["Defense Highway Topic At Hearing," *The Evening Star*, February 29, 1916]

The *Star* summarized the two alternatives:

One of the routes from the National Capital is via Benning, Central avenue, Capitol Heights, Largo, Halls, Davidsonville, crossing the South river at Edgewater; thence to Camp Parole, and terminating at the state capital. The other route, which is being favorably indorsed in various quarters, is via Bladensburg, Lanham, Buena Vista, Collington, Chesterfield, Camp Parole and Annapolis.

The latter route is urged because it is the old Washington-Annapolis stage road, and, besides being an all-dirt route, is the most direct from the National Capital. The route has been repeatedly recognized by the state and its legislature since 1796, and it is claimed it would be the most economic road to construct. This route, it is said, would serve at least ninety square miles, which are absolutely dependent upon it as the only means of travel.

The Benning-Capitol Heights route, it is said, is not quite so direct and, besides, would require the construction of a drawbridge across the South river at Edgewater, which would cost in the vicinity of \$220,000. The bridge would be constructed, with the consent and would be under the supervision of the War Department at Washington, and this one expense alone would be nearly enough to construct the entire road over the Collington route. The bridge across the Patuxent river, which is not more than forty feet in width at White Marsh, on the Collington route, would not cost more than \$12,000.

It is also claimed that it would be necessary to condemn about four miles before the road could be opened and that it would only serve less than thirty square miles and would parallel an existing state road about five miles distant. [“‘Old Stage’ Road Is Favored Road,” *The Evening Star*, March 1, 1916]

### **Battle of the Letters**

The Mudd bill did not specify the route of the National Defense Highway. The Duvall bill in the State Senate had specified the Old Stage Road.

On March 14, the *Sun* published a letter from “Taxpayer,” based in Baltimore, who wanted to let legislators considering the Duvall bill know that “a road has already been built by the State from Washington to Hill’s Bridge, on the Patuxent river, and all that is necessary is the building of about six miles of road from Hill’s Bridge to the Mount Zion Crossroads, which would connect at that point with the state road leading from Solomons Island to Annapolis, and on to Baltimore”:

Could there be anything more preposterous than the building of two State roads between two noncommercial cities, and could there be a more reckless waste of the taxpayers’ money, and would the Legislature consider for a minute a proposition to build another road between Baltimore and Washington?

He thought the answer was no. Taxpayers from the two counties “would protest against any such useless waste of the State’s money”:

The people who are asking for this appropriation are the same, I imagine, who were beaten by the Roads Commission, and later by the courts, in their efforts to build by a former appropriation this same old stage road. The road would be used entirely by pleasure seekers, and, is, therefore, not a necessity. The other road, nearly completed, is only a matter of a few minutes farther, and pleasure seekers have plenty of time. [“Says The Proposed Road Is In The Interest of Pleasure Seekers,” *The Baltimore Sun*, March 14, 1916]

Taxpayer’s comment about the courts referred to what was called the “Old Stage Road Case.” The case, initiated in 1914, turned on the fact that the SRC had identified several roads in Prince George’s County for inclusion in the State highway system: (1) from Charles County to Washington; (2) a road from Upper Marlboro to Washington, (3) the Central Avenue road from the District of Columbia to Queen Anne or Hardesty; and (4) the Old Stage Road from Bladensburg to Annapolis. After improving or letting contracts for the first three, SRC had let \$63,000 in contracts for a 3-mile road from Meadows to Camp Spring and the road from Upper Marlboro to Hills Bridge. The plaintiffs from Anne Arundel and Prince George’s Counties, including Judge Magruder, sought an injunction to require the SRC to improve the roads in the original order, with the Old Stage Road being next. Plaintiffs contended that the two roads the SRC was planning to improve were secondary in importance to the Old Stage Road.

Judge Joseph R. Brashears of the Anne Arundel Circuit Court denied the injunction on December 18, 1914, finding that the SRC had the discretion under State law to decide the order of road improvements. Plaintiffs appealed the ruling to the State Court of Appeals, which ruled on April 7, 1915, that Judge Brashears had ruled properly. [“Roads Commission Upheld,” *The Baltimore Sun*, December 19, 1914; “Right To Make Decision,” *The Evening Star*, December 18, 1914; “Wait on A Decision In Road Work Suit,” *The Sunday Star*, December 7, 1915; “Road Commission Upheld,” *The Baltimore Sun*, April 8, 1915]

In the Letters to the Editor column, the *Sun* carried a letter on March 18 from “Another Taxpayer,” this one from Fort Howard in Baltimore County along the lower Patapsco River on Chesapeake Bay. In Another Taxpayer’s view, the road Senator Duval proposed “is a most urgent necessity and those advocating it are not prompted by pleasure-seeking motives”:

Pleasure seekers can more easily spare the “few minutes” required to travel the additional 11 miles via Hill’s Bridge than the people along the Stage road, who need a highway that will serve their sections of the counties concerned, and need it badly.

As for the Old Stage Road Case, Another Taxpayer agreed that advocates for the road were “beaten” by the SRC and later in the courts:

In the first instance the term “beaten” may be construed literally, and in the second the court ruled adversely because the law gave such discretionary powers to the commission that it could and did ignore the natural route for a road connecting the cities of Annapolis and Washington, and constructed the one mentioned via Hill’s Bridge, which increased the distance to be traveled by about 11 miles. [“Contends The Road From Bladensburg To Annapolis Is Badly Needed,” *The Baltimore Sun*, March 18, 1916]

“G.S.M.” of Lanham also objected to Taxpayer’s views. If Taxpayer had been in Annapolis in late February, “he would have seen the greatest number of horny-handed, red-necked sons of the soil that ever came together in advocacy of a single agricultural question.” Over 500 farmers from Anne Arundel and Prince George’s Counties had come to the State capitol representing “a vast tract of Maryland’s fertile soil, comprising more than 90 square miles, protesting that present conditions made their only road to their markets closed for four months of every year.”

In G.S.M.’s view, Taxpayer had lost sight of a simple fact. Improving the route via Hill’s Bridge would open it to so much traffic that the SRC would be compelled to reconstruct the South River bridge, “which alone the State Roads Commission has already estimated will cost the State more than the construction of the old stage road in its entirety.” G.S.M. concluded:

I, too, am a taxpayer and have been one for nearly 40 years, and I live on the most damnable road in all Maryland, and I am also one of those horny-handed, red-necks who had outlived his patience and now demands justice: something for my taxes besides permission to exist. [“Not For Pleasure-Seekers, But For Horny-Handed Sons Of Toil,” *The Baltimore Sun*, March 20, 1916]

The original Taxpayer from Baltimore replied by letter published on March 21. It began by noting that Another Taxpayer thought the improved Old Stage Road was “badly needed,” but gave no reasons why:

If it is so badly needed now as a State road, why was it abandoned years ago (as I have been informed it has been) as a county road. The first State road built in Prince George’s county was from the county seat, Marlboro, to Washington, and all that is needed now to complete the road to Annapolis is the link from Hills Bridge to the State road in Anne Arundel county, a distance of about six miles, and which has already been surveyed.

Why, then, go back to Bladensburg, a distance of 16 miles, to build a road across Prince George’s county almost parallel with the one already built, and only at an average distance of about eight miles apart.

Another Taxpayer misunderstood Taxpayer’s meaning in saying that those advocating the Old Stage Road were doing so for pleasure-seeking motives. As far as Taxpayer was concerned, “the road would be used almost exclusively by pleasure-seekers. The road could be of no public benefit.”

He added that “those behind the scheme are asking this enormous appropriation for no other purpose than to build a road that will enhance land values along the promised road.” He concluded, “If the Legislature is so unwise as to make the appropriation asked for, the Governor should promptly eliminate the item from the appropriation bill.” [“Says The Road Is Not Needed,” Letters to the Editor, *The Baltimore Sun*, March 21, 1916]

C. C. Magruder, who had spoken in support of the Old Stage Road before the Committees on Finance and Ways and Means, took exception to Taxpayer’s claim that the road had been abandoned as a county road. In a letter published on April 23, Magruder wrote, “It has never been abandoned as a county road” as reflected in a quote from the SRC’s answer when the Old Stage Road Case reached the State Court of Appeals:

In answer to the second paragraph of said bill of complaint, the defendants neither admit nor deny the allegation that the construction of the “Old Stage Road” will be a great public benefit to the taxpayers of Anne Arundel county, but put the complainants to the proof thereof. The defendants deny that it is their intention not to construct any part of the Old Stage road at any time and to abandon it altogether, but state that it is not their intention to construct it at the present time or out of the funds now applicable for road construction in Prince George’s county. [“Mr. Magruder Contradicts An Assertion by ‘Taxpayer,’” *The Baltimore Sun*, March 23, 1916]

On March 24, the *Sun* published a response to Taxpayer from Daniel B. Lloyd, who identified himself as a third generation reader of the *Sun* who lived in Glendale, Prince George’s County. Like Magruder, Lloyd contradicted the idea that the Old Stage Road had been abandoned as a county road. Instead, it “has been and is now being used both night and day for the purposes of a large traffic, and is, indeed, notwithstanding its chronically bad condition, one of the most largely traveled roads in our county.”

Lloyd also challenged Taxpayer's notion that those supporting the Old Stage Road were doing so to increase real estate values:

I beg indulgence to state but one of the main reasons why the road should now be constructed: It was selected as a part of the State roads system by the original Crothers Good Roads Commission of citizens of the two counties through which the road runs and a most careful consideration by them of the subject. Its construction would be but an act of tardy justice. ["Thinks The 'Old Stage Road' Should Be Converted Into 'The National Defense Highway,'" *The Baltimore Sun*, March 24, 1916]

In a letter published on March 27, Taxpayer admitted he had not anticipated that his original letter "would evoke so much adverse criticism." If the *Sun* would give him "space for a parting shot I will promise not to bother you again on this subject."

This time, he wanted to reply to G.S.M's letter citing agriculture as the reason for creating the National Defense Highway along the Old Stage Road. Taxpayer agreed that any section of Prince George's County is as entitled to a State road as any other. Those advocating the Old Stage Road "are those who are immediately adjacent to the road and a few politicians":

But if we undertake to build roads to Washington, or to any other city in the State for the agriculturists, we will have a network of roads and the State would become bankrupt. This road is solely advocated in the interest of Prince George's countians and they do not care a rap for Annapolis. All they want is a road to Washington. Annapolis had to be named, but Prince George's has no interest in Annapolis. If could not help them commercially or otherwise. If the matter could be submitted to the voters of Anne Arundel county and Prince George's county, or all of Southern Maryland for that matter, it would be overwhelmingly defeated.

In my humble opinion, no more iniquitous appropriation bill was ever introduced in the Legislature of Maryland and, if passed, no more iniquitous law could be placed upon the statute books of the State. If by any chance it should be passed we will submit to the Governor a map to show the utter uselessness of the road. ["The State And The Old Stage Road," *The Baltimore Sun*, March 27, 1916]

Taxpayer's "parting shot" prompted a "parting shot" from Daniel Lloyd. He challenged the assertion that support for the Old Stage Road comes only a few politicians and those living along the road:

Though I have some familiarity with road building both in this country and in Europe, I have heard of no country ever having been bankrupted by that means. I have sufficient confidence in the sense of fairness and justice of our fellow-Southern Marylanders to believe that the great majority of them favor our proposition. We in Prince George's county are honestly and enthusiastically in favor of a good road to the capital of our State as well as out of our county to the capital of the nation.

Lloyd, in considering the likelihood that the Governor would sign the bill, invoked Mark Twain's comment about the funeral of a man he disliked. If Twain wrote in *Roughin' It* (1872) that if he were in the territory when the funeral took place, he would "postpone all other recreations and attend." In the same sense, Lloyd wanted to be present when Taxpayer submitted his map to the Governor. ["Still Fighting For A Good Road," *The Baltimore Sun*, March 29, 1916]

Although Taxpayer and G.S.M had taken their parting shots, a new correspondent, E.M.K of Mitchellville in Prince George's County wanted to reply to G.S.M. E.M.K. doubted that G.S.M had ever worked a farm:

There are no farms around Lanham, and I don't think he can find over one or two from Buena Vista to Collington. All you will find after leaving one farm the other side of Collington is a barren section from there to Chesterfield.

If "G.S.M." will take a trip over Central avenue from Capitol Heights to Annapolis via Largo, Hall, Hardesty and Davidson, he could go home and tell friends he had been through a farming district – a road where 50 times as much produce is hauled to market as over the old stage road.

He wondered if G.S.M. could name a dozen farmers using the Old Stage Road. "How many of you tillers of the soil around Lanham own a horse?" The people living in Hyattsville, Bladensburg, all the way to Buena Vista were not tillers of the soil. Instead, "all the people in this section are office-holders":

And if it is not for pleasure seekers and to enhance the value of their land, what is it for? And in regard to the State construction of a bridge across South river, saying it will cost as much as the old stage road, the State will have to build this bridge, anyway, as the State road from Annapolis to Solomons Island crosses this bridge. ["No Farms There, He Says," *The Baltimore Sun*, April 3, 1916]

### **The Legislature Moves On**

The General Assembly approved the highway bill on April 4, 1916, as the session was coming to a close. Governor Emerson C. Harrington (January 12, 1916 – January 14, 1920), who had promised in his 1915 election campaign to construct the highway, approved the bill. It designated the "Old Stage Road" as the route and provided an appropriation of \$125,000, to be raised by a bond sale, contingent on Congress passing a companion bill providing a similar matching amount. ["Legislature Passes Defense Highway Bill," *The Evening Star*, April 4, 1916]

On April 6, Senator John Walter Smith (D-Md.) introduced S. 5401 in the United States Senate to fund the National Defense Highway. The bill authorized \$250,000 for the project, with the funds to be made available through the Department of Agriculture. As in Representative Mudd's bill, the State highway commission would be in charge of construction, but the work would be subject to inspection by the Agriculture Department. The bill was referred to the Committee on

Post Offices and Post Roads, which did not act on it. ["Bill Provides \$250,000 Toward Maryland Road," *The Evening Star*, April 6, 1916]

The *Post's* short article on the bill stated:

All members of the Maryland delegation in both houses of Congress are in favor of the plan, and it is exceedingly popular among residents of Maryland and the District. It also has the approval of officials of the War and Navy departments because of its value in time of stress for use as a military highway. The construction of an exceptionally good highway connecting the national capital and Annapolis was actually first favored by Federal leaders in 1796, but the plan has never been carried out. ["Annapolis Road in Favor," *The Washington Post*, April 7, 1916]

A few weeks later, Representative David J. Lewis (D-Md.) extolled the benefits of the Smith bill:

I am strongly in favor of Senator Smith's bill to have the government share with the state the cost of building the Washington-Annapolis highway. I voted for the Shackleford [Federal-aid] bill, giving government aid to the building and improvement of post roads on the line of the Shoemaker road law in Maryland. But the Smith bill particularly appeals to Marylanders, and ought to appeal to people generally on account of both its historical and direct military importance to the seat of government. The national wealth now is \$2,000 per capita and exceeds that of any other country by about 60 per cent. I do not know of any better use we can make of our surplus wealth than to put a part of it into the roads of the country, which, like Aaron's rod, striking the rock of our potential resources will respond with even greater wealth for our people.

Reporting on this statement, the *Star* observed:

Representative David J. Lewis of Maryland is proving to be as alert to the advantages of good roads, say motorists, as he is to the benefits of good telephonic, telegraphic, parcel post and express service for the country at large. ["Advocate of Good Roads," *The Sunday Star*, April 30, 1916]

Representative Mudd had put his bill aside while work on the Federal Aid Road Act was clearly moving toward a successful end. He realized that the dozens of bills for specific roads around the country would never emerge from committee. Instead, he expected that the general funds the new program would make available to Maryland provided the best opportunity to pay – at the Federal share of 50 percent of eligible costs – for the proposed road between Washington and Annapolis.

On July 20, Representative Mudd headed a delegation that met with the SRC to promote the combination of Federal-aid and State bond funds for the National Defense Highway. He had also visited Logan W. Page, director of the OPRRE, to promote the project. Mudd suggested that Page launch an experimental project – a common OPRRE activity – to improve the road. ["Mr. Mudd Is Working For Maryland Roads," *The Evening Star*, July 21, 1916; "Will Study Fast Ferry," *The Baltimore Sun*, July 21, 1916]

Maryland, according to the *Sun*, expected to receive \$44,000 in 1917 from the Federal Aid Road Act of 1916. Supporters urged the State to use this amount along with funds from the State's \$125,000 bond issue to build about 8 miles of the National Defense Highway. Future Federal-aid funds could be used in a similar way. The Reverend Michael Hogan of the Church of the Ascension in Bowie urged the SRC to use the funds for this purpose:

If the work is undertaken, Father Hogan has agreed to furnish free of cost all the gravel that will be needed to build 10 miles of the road, and to furnish gravel for the remainder at a nominal figure, say 10 cents a yard . . . . This offer would cut down the cost of building the road materially. An abundance of excellent sand, he says, can be had along the line of the proposed road for practically nothing; so that for 10 miles of the road, at least, the material cost would be only for cement. ["To Promote Highway," *The Baltimore Sun*, July 28, 1916]

### **Lost in the Lowlands**

On July 25, 1916, the *Star* dispatched its automobile editor, Howard S. Fisk, on a ride "to secure accurate information as to the mileage, condition, etc., of the roads between the National Capital and Annapolis, Md." Although Fisk knew that "conditions were far from being ideal," he thought the information might be helpful to motorists interested in touring. However, the main purpose was "securing information that might later aid in the improvement of the roads in this section of Maryland." Fisk's companions were D. Brailey Gish, who was the primary driver, and Louis Ledyard Kaess, in a Haynes "Light Six" automobile.

Fisk summarized the journey in his opening paragraph:

"Lost in the lowlands of Prince Georges County in a cloudburst" would be an excellent title for a story of a trailblazing trip made a few days ago under conditions that would tear the heart strings of the most hardened motorist. It is hard to find words that would tend to describe the real road conditions encountered and the experience which the members of the pathfinding party went through. While the condition of the road was partially to blame for some of the strenuous experience, the heavy downpour put the finishing touches to the trip and came near causing a sad ending. Much delay was caused by being imbedded in an embankment, and, after being extricated, progress was extremely slow over the water-covered roads.

When the trio began their trip, "the weather was bright and clear." Beginning in northeast Washington, they drove to 15<sup>th</sup> and H Streets, NE., where they turned onto the Baltimore-Washington boulevard and headed toward Maryland. At the District line, they took "a good concrete road" to Bladensburg, 6.5 miles from their starting point.

Their plan was to follow the Old Stage Road, the long-established, direct route between the two capitals. Turning off the boulevard "at the blacksmith shop," they found "a good gravel highway, but this later turned into a red clay road." In several places, the road was "filled with water from the recent heavy rains," but they were not deterred. Taking the left fork at 9.5 miles, they followed the telegraph wires along "a typical country road" paralleling the Pennsylvania Railroad

tracks. At the Lanham post office, they turned to the right, crossing a bridge over the railroad tracks, then turned sharply to the right “with another set of telegraph wires,” and took the road that they “were informed leads to Bowie.”

Their first taste of the troubles to come came at 12.3 miles where “we saw two wooden rails about three inches above a broad expanse of muddy water which was rushing in torrents down stream.” They could tell that a bridge was between the rails, but were not certain of how high the water was above the bridge deck; they could not even be sure the deck was still there. Fearing the worst, they nevertheless “picked our way through the swift-moving torrents in the center of the two rails and when we felt the machine rolling over the wooden floor of the bridge the water came up to the floor boards.” They feared “a ducking,” but “came through safely on the other side.”

They found a “fairly good gravel road,” but as they continued they encountered a red clay surface. At 13.8 miles, the trio crossing the bridge over the tracks of the Baltimore, Washington, and Annapolis electric line near a station known as Buena Vista. They came to a fork in the road, with the right leading to Bright Seat and the left to Glendale.

At this point, the downpour began:

Side curtains were broken out and, with the rain beating in torrents against the windshield, we proceeded cautiously through the thickly wooded road ahead. It was almost impossible to see three feet ahead of the car on account of the rain. At 14 miles we crossed a wooden bridge, and at 14.5 miles kept straight ahead at the crossroads. We had proceeded just one mile, or 15.5 miles, to be exact by the odometer, when we were groping our way along the road, which had become darkened by the heavy clouds, that we cut off part of an embankment, hidden with underbrush, and landed in a ditch. And there we remained just exactly one hour and a half.

They saw no point in trying to extract their car from the ditch while the pouring rain continued to shift the mud around them.

The article was accompanied by a photograph of their plight. The caption read: “It was owing to the almost completely hidden road due to heavy shrubbery and underbrush that the Haynes chopped off the side of a hill and was ditched just beyond Glen Dale, Md.”

When the rain finally let up, the trio had a stroke of luck. While Gish and Fisk tried to dig the wheels out of the mud, Kaess went looking for help – preferably help with horses:

Luckily, the mishap occurred a short distance from the home of Judge Caleb C. Magruder, clerk of the court of appeals of Maryland.

Judge Magruder, with his son, came to our rescue and sent a farm hand along to assist the digging-out process. Armed with spade and hoe and two horses, block and tackle, all hands set to work, and within a short time the machine was back in the center of the road and preparations made for resuming our journey. Judge Magruder is one of the foremost

advocates for the national defense highway, which when completed will pass over the very road we had traveled, if it is constructed.

After their long delay, they made good progress following the telegraph wires, reaching Collington at 18.6 miles from their starting point:

Inquiry elicited the information that the road straight ahead led to Priests Bridge and Annapolis; to the right to Mitchellville and to the left to Bowie. Collington is about midway between Washington and Annapolis.

After a few forks in the road, they reached Priest Bridge at 22.1 miles, where the Patuxent River is the dividing line between Anne Arundel and Prince George's Counties. "We could hear the waters rushing beneath the bridge, showing that the heavy rains had caused the stream to swell considerably, as could be seen by the flooded lands on all sides."

They proceeded "through a thickly settled stretch of woods, and as the glaring electric headlights cast their shadow through the darkness all we could see everywhere was water, water, water." They would have turned back but a reversal was out of the question because "the road was scarcely wide enough for our machine to pass through beneath the overhanging trees, which surrounded us on all sides."

They had no way to know what problems they might encounter, but "there was nothing else for us to do but to risk it and shove on":

Dropping into low speed, we moved along cautiously, following the slight traces of the roadway, which we could see on the far shore from us and following an imaginary road line through the water.

In a few minutes, they reached "terra firma" and breathed a sigh of relief.

They crossed several bridges "and proceeded [sic] up a stiff gravel hill, taking the right fork at 21.8 miles. It was just beyond this last fork that we wandered through a water-bound section of the country and lost our way." They drove around trying to find the right road or the railroad tracks or the telegraph wires. "It is useless to specify the various forks and turns and crossroads from this time on, because we felt that we were retracing some of the road we had already gone over. In fact all roads looked alike to us that night."

They finally found telegraph wires that led to a railroad that led them into Millersville at 34.8 miles from their starting point:

We had been looking for the two hours previous for the town of Chesterfield. We are still looking for it but up to the present time it hasn't put in its appearance.

Giving up on their trip to Annapolis, the trio headed to Baltimore via the Baltimore-Annapolis boulevard. After enjoying a much-needed midnight supper in Baltimore, they returned home on the Baltimore-Washington boulevard. They had experienced several hours of rain-free travel, but rain returned, slowing their return trip.

Nevertheless, they finally reached Washington. “But as all had gone well, no accidents had occurred and no one felt any the worse for their experience, congratulations were in order”:

The Haynes stood the trip remarkably well, notwithstanding the fact that for miles and miles it was necessary to use low speed in order to get through the deep mud, which frequently covered the axles. The car was spattered with mud from stem to stern, and there was hardly an inch that was not hidden beneath the mud and clay from Prince Georges and Anne Arundel counties.

Fisk’s conclusion was:

As stated before, this trip is not intended for a pleasure trip for motorists, and anyone who takes it might meet with the same fate and not come through as lucky as did our run. There are lots of people who think that trailblazing is a “joy ride,” but this trip will soon convince them that it is far from being one. The writer has covered many thousands of miles of roads, but the Fredericksburg road through Chopawamsic swamp, below Dumfries, is a boulevard compared with the roads which we encountered on the trip just described. We hope that some day we will be able to ride over a fine state highway through this section, and then we will advise the motoring public of that fact. [Fisk, Howard S., “Blaze the Trail for Military Road,” *The Sunday Star*, July 30, 1916]

(The Fredericksburg road through Chopawamsic swamp was notorious during this era for impassability on the main East Coast road that would be combined into U.S. 1 in 1926.)

### **Getting to Construction**

On August 19, 1916, the SRC held a hearing for a large delegation from Prince George’s and Anne Arundel Counties in Maryland and the District of Columbia regarding improvement of the road between Washington and Annapolis. Speakers included members of the State legislature, Judge Magruder, representatives of the Automobile Club, prominent Washington attorney Thomas P. Littlepage, and Father Hogan, who repeated his offer of free gravel for 15 miles of road.

All stressed the need for a better, shorter road between the cities, particularly as part of the war preparedness program. During the presidential election, President Wilson campaigned on keeping the United States out of the European war, but the need for preparedness had prompted Secretary of the Navy Josephus Daniels to write to the commission in support of the proposed project.

Although the new State law was contingent on securing an equal amount of funds from the Federal Government, the speakers understood that the bills introduced in the House and Senate would not be considered in view of enactment of the Federal Aid Road Act of 1916 a month earlier. Maryland’s total funding over the course of the multi-year bill was estimated at \$650,000. The focus, therefore, was on securing as much of this Federal-aid highway funding as possible for the National Defense Highway. The *Sun* summarized the speakers’ views:

The delegation which appeared before the Roads Commission asked that part of Maryland's share of the Federal funds be applied to the road. The State will receive \$44,000 in 1917 and \$88,000 in 1918 and larger installments each year thereafter until the total apportionment to the State is exhausted. The application of those sums to the road, plus such sums as the State could apply, would complete the roads within a couple of years.

The *Star* published excerpts from Littlepage's speech:

No single road is of more importance to the state of Maryland, the government of the United States or the city of Washington than the old National stage road. It connects the capital of the United States with the capital of Maryland, where is located the United States Naval Academy, which has in charge the training of all of the United States naval officers. In case of a European war the defense of the army of the United States is of no more importance than the defense of the United States Naval Academy, where the United States sailors are trained.

If the European war has demonstrated one thing over another it has shown that next to preparedness of its citizens is the preparedness of the means of quick transportation, both from the standpoint of public roads and railroads. If one thing more than another can be pointed out for the success of the Germans, so far, in the present war it is their modes of transportation and the movement of armies and artillery from one place to another.

Aside from all the questions of national importance, however, is the importance of this road to the state of Maryland. No nation or state can excel whose rural population does not succeed, and while it is boasted throughout the country today of the back-to-the-farm movement, the fact remains, nevertheless, that for every individual who goes back to the farm there are ten that leave the farms for the cities.

The high cost of living will be an ever-increasing problem until the suburban and rural sections are better developed. The standard of American citizenship depends not so much upon the cities as upon the rural sections which furnish the food supply to those cities, and the time has come when the American citizen will not live in the country unless he has at his command the average means of transportation.

For this reason no state can hope to stay long at the top of the list of progressive states, with high citizenship, that does not realize the supreme importance of the improvement of public roads.

The *Sun* summarized the commission's response:

The Roads Commission promised to give the matter careful thought. Chairman [Frank H.] Zouch pointed out that there would be demands from all sections of the State for part of the Federal funds, and that there are other demands for the shares of Anne Arundel and Prince George's county in the State funds – from which shares any State aid to the road would have to come. But, notwithstanding these facts, the commission

seemed impressed deeply with the arguments made for the road. [“Defense Highway Urged,” *The Baltimore Sun*, August 20, 1916; “Highway For Defense to Annapolis Urged,” *The Evening Star*, August 19, 1916]

The *Sun* supported the National Defense Highway in an editorial on September 2. The idea “has much to commend it”:

The road is sorely needed, and its condition is now such that it is almost impassable; and there is no question but there should be a good road, available not only for military use in time of stress between the capital of the nation and the great school of the navy at Annapolis, but also for ordinary traffic in times of peace.

The editors commended Representative Mudd and Senator Smith for introducing bills in Congress to fund the road. “These bills have little or no chance of passage in view of the action of Congress in passing the Shackleford Good Roads bill.” They agreed that Maryland’s share of the funds should be used for the road “unless some legal technicalities should be set up to prevent [it]”:

If it should be done, it would provide a highway much needed in the territory between Washington and Annapolis and a valuable addition to the State’s system of roads. The State Roads Commission should give this matter careful consideration. [“The National Defense Highway,” *The Baltimore Sun*, September 2, 1916]

On September 6, Representative Mudd gave a short speech indicating he would renew his efforts to secure passage of his National Defense Highway bill, as well as a bill he would introduce when Congress returned in December linking Washington with the big smokeless powder manufacturing plant at Indian Head, Maryland, via the Indianhead Military Road (H.R. 17768). The *Sun* summarized:

Mr. Mudd declared that there were abundant precedents for Federal aid in the building of the highway. He cited cases of the Federal Government constructing military roads from large centres [sic] to national cemeteries. He also pointed out that the proposed Washington-Annapolis military highway would not only connect Washington with the Chesapeake Bay but would give the Government a splendid boulevard from Washington to Indian Head, where the Government has spent millions.

“The State of Maryland has certainly done its part in road work,” said Mr. Mudd, “having spent upward of \$20,000,000 in build a system of magnificent turnpike roads throughout the State, covering the main arteries of its territories.” [“To Renew Fight For Roads,” *The Baltimore Sun*, September 7, 1916]

Neither bill was considered in Congress and they died when the 64<sup>th</sup> Congress ended on March 4, 1917.

The OPPRE released regulations for administering the new Federal-aid highway program on September 1, 1916. Given the failure of the National Defense Highway bills in Congress, advocates could only speculate on whether the wording of the State law enacted earlier in the

year would allow the State funds from the bond sale to be matched by Federal-aid highway funds authorized for general highway improvements by the 1916 Federal-Aid law, but not specifically for the National Defense Highway.

Leon E. Greenbaum, the SRC's counsel, offered an opinion that use of the Federal-aid funds with the State match would be warranted by the State law. However, Chairman Zouch did not think the matching of the Federal-aid funds with the bond issue funds would be necessary. Sufficient State funds were available under the State's general road law:

He says that there is no question but that the Government would approve of the spending of the \$44,000 on the National Defense Highway and that there is now available \$109,000 of the allotment of State road funds to Prince George's county for the construction of that part of the highway that lies in the county. He has ordered immediate surveys made of the road and it is the plan, unless something unforeseen happens to prevent [it], to begin the construction of the road next spring. The road, it is expected, will be well under way by the time the next Legislature meets, and at that time, it is believed, the Legislature will be willing to remove the conditions from its appropriation of \$125,000 for the highway and allow it to be used for the completion of the road. ["Backing New Road Plan," *The Baltimore Sun*, September 16, 1916]

On September 27, the SRC agreed to use half of the State's Federal-aid highway funds on the National Defense Highway. Governor Harrington, who was present, endorsed the plan, calling the highway a necessary link in the State's arterial system of highways. Although supporters had brought pressure on the SRC to use all the Federal-aid funds on the highway, the commission concluded that dividing the funds would be best. The members were satisfied that sufficient funds would be available as needed for the multi-year construction project.

The SRC, which had not yet completed the survey, expected to build the highway with a concrete pavement. It would be wider than the average State road, with a thicker pavement to accommodate the passage of heavy military traffic if the country went to war. The project was expected to cost \$15,000 a mile. ["For Defense Highway," *The Baltimore Sun*, September 28, 1916]

Chief Engineer Henry G. Shirley – formerly chief engineer in Baltimore County, he was a national figure who had served as president of the American Association of State Highway Officials (AASHTO) during the first 2 years after its formation in 1914 – stated:

Under the recently enacted federal aid road law, the state of Maryland will receive about \$600,000 of federal funds in the next five years. The principal road upon which it is expected that these funds will be expended is one leading from Washington to Annapolis. It is known as the Old Stage Road, or the National Defense Highway, and is about 25 miles long. The estimated cost is \$375,000. [Shirley, Henry G., "A Resume of Maryland Highway Work," *Good Roads*, November 4, 1916, pages 184-185]

Reflecting the importance of the National Defense Highway, Governor Harrington and two State road commissioners, Chairman Zouch and John E. George, drove an automobile over the route

on Friday, December 8, 1916, a day free of the rain storms that had disrupted the *Star*'s trip in July. *The Sunday Star* described the trip:

The journey was one of inspection, and the governor expressed pleasure not only at the practicability of the route as a defense measure, but also at its possibilities for development of the remoter sections [sic] of Anne Arundel and Prince Georges counties.

The State now estimated the road, to be paved with concrete, would cost \$500,000, to be split 50-50 with the Federal Government under the new road program. The 30-mile road was equally split between the two counties. However, the cost of construction was expected to be higher in Anne Arundel County than in Prince George's County because, as the *Sun* put it, "Anne Arundel is honeycombed with hills, which will require much grading." The cost will be reduced because "there is already a Government road from Annapolis to Camp Parole, a distance of about 4½ miles," thus leaving only 10½ miles to be built:

Rights of way will have to be secured in many places, particularly in Anne Arundel, because to follow the old stage coach road, which has many curves and grades, would be more costly than to obtain new rights of way. It is presumed that exorbitant prices will not be asked, for a highway of this kind would be of great advantage to the farmers. There are thousands of acres of arable land which are now going practically undeveloped, owing, it is said, to the lack of transportation facilities.

The lack of railroad facilities is one of the reasons why the highway will prove an expensive proposition. There is no railroad which touches the proposed highway in Anne Arundel. Material will have to be hauled from Camp Parole to points of distribution. Prince George's is better off. There are three lines – the Rogers Creek branch of the Pennsylvania Railroad, at Collington, the main line of the Pennsylvania at Lanham and the Baltimore and Ohio, at Hyattsville – which can transport materials.

Governor Harrington stopped to see Judge Magruder, who offered refreshments for the group. "Mr. Magruder rode with the Governor to Hyattsville and introduced him to various citizens there, all of whom expressed approval of the new road plan." ["Governor Studies Road," *The Baltimore Sun*, December 9, 1916; "Defense Highway Route Is Given an Inspection," *The Sunday Star*, December 10, 1916]

In view of these comments, "A Taxpayer" from Mitchellville questioned the decision to upgrade the Old Stage Road. (Whether this Taxpayer was E.M.K. from the earlier letter exchanges is unknown.) In a letter to the editor of the *Sun* dated December 11, he wrote:

In the spring of 1916 I was a member of a delegation of 100 men which went before the Governor in behalf of Central avenue [as the] State road between Washington and Annapolis. I heard Governor Harrington promise that all roads which had been begun would be completed before any State money was put in new ones. Central avenue, the shortest route between Washington and Annapolis, passes through the most fertile farming districts of Southern Maryland. The old State [Stage] road passes through one of the poorest sections, and many of the people are office holders, traveling on electric cars,

and are not farmers. Central avenue is completed from Washington to Largo with fine concrete, and with only 14 more miles would link with concrete road at South River, completing the highway to Annapolis.

Hundreds of thousands of dollars could thus have been saved. Excellent gravel beds are along this road, which crosses the Pennsylvania railroad at Hall's Station, providing facility for transportation. If Central avenue is the shortest and most practical road, why was the old stage road selected? The only conclusion the taxpayers of Southern Maryland can come to is that the Governor and the State Roads Commission are ruled by a few politicians and have selected the old stage road to please these politicians. ["Did Governor Harrison And State Roads Commission Show Good Judgment In Selecting The Old Stage Road?" *The Baltimore Sun*, December 15, 1916]

In early February, the SRC met in Baltimore, with Governor Harrington in attendance, to formally select the projects to be advanced under the Federal-aid program. The *Star* described the National Defense Highway as the "most important road" between the "splendid concrete road" from Annapolis to Camp Parole and the "macadamized roadway from Bladensburg to this city." ["Governor of Maryland Is Interested in Roads," *The Sunday Star*, February 18, 1917]

Two months later, on April 2, 1917, President Wilson appeared before a joint session of Congress to announce his decision that the United States must join Great Britain and France in the war against Germany and its allies. "It is a fearful thing to lead this great peaceful people into war, into the most terrible and disastrous of all wars, civilization itself seeming to be in the balance. But the right is more precious than peace."

The new Federal-aid highway program ground to a near halt. Engineers and construction workers enlisted in the war effort, while the railroads were needed to ship war materials rather than road materials. Funds and official attention were diverted to the war. According to *America's Highways 1776-1976*:

By July 1918, the OPRRE had approved 572 projects, totaling 6,249 miles in length, estimated to cost \$42.28 million, of which \$16.05 million was Federal aid. However, only five projects, totally 17.6 miles, had actually been completed. [*America's Highways 1776-1976*, Federal Highway Administration, page 100]

Although Maryland had to put off construction of the National Defense Highway, State Senator Oliver Metzertott of Prince George's County introduced a bill in early March 1918 urging immediate construction of the road. The *Star* reported:

It provides that the work of construction be commenced at Bladensburg, where the road will connect with the Washington-Baltimore boulevard, and Camp Parole, where it will connect with the Annapolis-Southern Maryland pike. ["Metzertott Bill Calls For Annapolis Highway," *The Sunday Star*, March 24, 1918]

In May 1919, citizens and officials in Prince George's County decided that the planned National Defense Highway should be dedicated as a memorial to the war dead from the county. "A

calvary cross, 20 feet high, will be erected at Bladensburg and the names of the county heroes will be inscribed on a bronze tablet.” John H. Riggles, head of the National Defense Highway and Memorial Cross Association, and Mrs. Edgar Brown, head of the women’s committee for the memorial, expected a dedication ceremony in July 1919. They were inviting Governor Harrington, Secretary of War Newton D. Baker, Secretary of the Navy Daniels, and other dignitaries. [“Highway To Be Memorial,” *The Washington Post*, May 26, 1919; “Prince Georges Plans War Memorial Cross,” *The Evening Star*, June 2, 1919]

(Riggles, a first class at Washington’s Navy Yard, was president of the Prince George’s County Good Road Association. In the years ahead, he would regularly urge the SRC to advance the National Defense Highway – often announcing SRC’s plans to reporters.)

Although the bill was not approved, the State had awarded one contract for the highway by the war’s end with an armistice approved on November 11, 1919. The SRC advertised a contract in April 1919 for the 1.63-mile section between Bladensburg and Bailey’s House. In early May, the State awarded the contract to Pier Construction Company of Baltimore. The new section near Bladensburg would be 16 feet wide, straight, with grades no higher than 4 percent. The project, to be completed in 90 days, also would eliminate Simon’s Hill, which the *Star* called “the terror of automobilists.”

The article added that:

Two years ago, \$125,000 was appropriated for the beginning of the highway from Bladensburg to Annapolis, but that sum was diverted to road work on the eastern shore.

The *Post* began its article about the contract optimistically:

After a twelve-years fight for the “Defense Highway,” from Bladensburg to Annapolis, by the American Automobile Association and others, the project is now at the eve of fulfilment. [“Defense Highway’ Soon,” *The Washington Post*, May 1, 1919]

However, the Washington Suburban Sanitary Commission (WSSC) delayed installation of sewer and water pipes needed prior to the start of construction. By the time the highway work could resume in the fall, the State had added nine-tenths of a mile to the contract. In addition, the SRC advertised a contract for construction of the section from Camp Parole in the direction of Chesterfield.

The *Star* added, “Gov. Harrington has given assurances that this highway will be constructed without delay and its friends are hoping . . . the highway [is] completed before cold weather sets in.” [“Road Bids To Be Opened,” *The Sunday Star*, August 24, 1919]

## **Moving Forward**

By January 1920, the State had made little progress on the National Defense Highway. As the *Star* put it, despite designation of the road as part of the State road system in 1909, work had not begun on the project until the spring of 1919 “for one reason and another.” Even then, the initial Pier contract had been delayed by a “scarcity of labor and one or two other unforeseen

conditions.” In the fall, Pier was able to undertake only the most preliminary work on the initial contract. The second contract, for construction of a 1-mile section west of Camp Parole, also had been delayed into the new year.

Work resumed in earnest on March 10, 1920, with the hope that construction would reach Lanham, Maryland (just beyond the modern day Capital Beltway) by year’s end.

Governor Harrington’s term ended in January 1920, with his successor, Governor Albert C. Ritchie, taking office. He would remain in office for 15 years, leaving on January 9, 1935, after losing his 1934 reelection bid. According to the SRC’s official history:

For his chairman of the Roads Commission the Governor selected John N. Mackall, the career-man who had been made chief engineer just two years before . . . . The nine years of the Mackall administration were the boom years for Maryland and America – the Boom that preceded the Bust. [*A History of Road Building in Maryland*, page 69]

Early in the year, Governor Ritchie received a letter from Navy Secretary Daniels urging construction of the National Defense Highway. Secretary Daniels wrote that expansion of the Naval Academy necessitated “much more travel and the carrying of greater quantities of supplies, [making] the construction of this road one of interest to the Naval Academy as well as to the people of your state.” He hoped that “construction of this road may be undertaken and speedily carried on under your administration.” [“Bladensburg-Annapolis ‘Defense’ Road May Reach Lanham in 1920,” *The Evening Star*, March 11, 1920; “Road Bids To Be Opened,” *The Sunday Star*, 1919; “Mr. Daniels Urges Early Finishing of Defense Road,” *The Sunday Star*, March 21, 1920]

John Riggles also pressured Governor Ritchie to complete the highway. Riggles wrote, “As you know, the National Defense Highway from Bladensburg to Annapolis has been dedicated to the heroes of our world war.” He urged Governor Ritchie to use his influence to complete the highway as far as Seabrook. Riggles also planned a formal protest to the governor for failure to award a contract for another 2 miles of the highway that could be completed before winter. He also invited the WSSC to explain its delay in laying water mains along the route of the highway. [“Asks Road Be Extended,” *The Evening Star*, June 1, 1920; “Plans Road Protest,” *The Evening Star*, August 30, 1920]

With the war over and the Federal-aid highway program beginning to function normally again, Maryland was able to increase the pace of construction on the National Defense Highway.

In April 1921, the SRC awarded a contract to Horace A. Brown and Company of Baltimore for improving a little over a mile of the National Defense Highway from Bladensburg toward Lanham. At the same time, the SRC awarded a contract to continue improvement of Central Avenue for over a mile toward Halls Station. [“Begins Defense Highway,” *The Evening Star*, April 30, 1921]

After continuation of this incremental approach, the *Star* reported in April 1924:

At present about nine miles of the road have been paved with concrete, leaving a dirt span of seventeen miles . . . . The Defense highway begins at Bladensburg and if paved would cut the distance from Washington to Annapolis by automobile almost in half. At present motorists are obliged to travel forty-two miles via Upper Marlboro to reach the Maryland capital as the unfinished span of the Defense highway is impassable in winter.

The occasion for this summary was a statement by Riggles indicating that the SRC planned to award contracts in early spring to pave 2 miles on the Washington end and 4 miles on the Annapolis end of the National Defense Highway. [“Defense Highway Link To Be Paved,” *The Evening Star*, April 13, 1924]

## **Completed**

In February 1925, the Anne Arundel County commissioners “voted to divert the county’s entire proportion of the lateral road funds for this year toward completion of the National Defense Highway.” As the *Post* reported, county officials hoped this action would advance the project to completion 2 years earlier than the SRC planned.

The SRC accepted the county’s decision and decided to devote its Federal-aid highway funds to completing the road in the two counties. [“Will Hurry Building Of Road To Capital,” *The Washington Post*, February 18, 1925; “Defense Highway Work Speeded Up,” *The Evening Star*, Marcy 12, 1925]

In July 1925, the road took an important step forward with completion of the Priest Bridge structure over the Patuxent River. The new bridge was a 216-foot reinforced concrete girder bridge, consisting of six spans. It would carry the National Defense Highway and Robert Crain Highway (Baltimore to Bowie) over the river. A mile of concrete roadway also opened on the Annapolis end of the National Defense Highway. [“Patuxent River Bridge Is Opened,” *The Evening Star*, July 26, 1925]

(The 32-mile Robert Crain Highway, named for an attorney from Charles County who was its chief advocate, “set out boldly on a direct route to connect Baltimore with deep Southern Maryland.” Construction of the highway between Benfield in Anne Arundel County and Mattawoman in Charles County began on September 30, 1922, “with ground-breaking ceremonies at Upper Marlboro, where a monument was erected by private interests to commemorate the event.” Designed by Baltimore architect Howard Sill, the Crain Highway Monument was erected by the Southern Maryland Society and the Merchants and Manufacturers Association of Baltimore. Standing about 30 feet high, the monument is located in an oval median at the intersection of Marlboro Pike, Old Crain Highway, and Main Street.)

(The SRC completed the project in 5 years at a cost of \$1,250,000. On October 22, 1927, the Robert Crain Highway “was opened with pomp and ceremony befitting the occasion – said to have been the most elaborate road opening conducted by the Commission before or since.” Governor Ritchie clipped a ribbon at Priest Bridge and led a caravan of automobiles to the dedication ceremony held at the Marlboro Fair Grounds where an estimated 18,000 people listened to speeches by Governor Ritchie, Chairman Mackall, and Robert Crain. At Benfield, the

new highway connected with the General's Highway to Baltimore, creating a 75-mile link. The Crain Highway was included in U.S. 301. [*A History of Road Building in Maryland*, page 72-73; "18,000 Marylanders Join In Dedication Of New Crain Road," *The Washington Post*, October 23, 1929)]

In February 1926, SRC Chairman Mackall responded to a petition from local officials who were concerned that no funds were available to complete the road. The SRC, he explained, could not proceed until the 1927 State legislature appropriated road funds. On May 18, Anne Arundel County commissioners adopted a resolution loaning \$100,000 to the SRC to build 2.41 miles of the National Defense Highway in the county. The SRC agreed to the loan with the understanding that it would return the county's funds as soon as funds became available. Ultimately, James A. Walton, president of the Annapolis Bank and Trust Company, and other leading citizens took out a personal loan of \$100,000 to complete the highway. ["Road Fund Exhausted," *The Evening Star*, February 28, 1926; "County Provides Fund For Defense Highway," *The Washington Post*, May 19, 1926]

This help spurred leading citizens of Prince George's County to borrow \$80,000 on personal notes and transferred the funds to the SRC to complete the National Defense Highway later that year. In all the county's contributed \$180,000 to complete the road.

The SRC completed the roadbed on November 26, 1926, but it would remain closed until December 22, 1926, to allow the concrete to settle. The final 5.47-mile section in Anne Arundel County intersected the Robert Crain Highway near the new Priest Bridge structure. The entire 24.08-mile project cost \$840,000 or \$35,000 a mile. Because of the time of year, the SRC opened the route near Christmas without ceremony.

Actually, the new road included a detour at Collington where construction of a grade-separation bridge had not been completed over the Pope's Creek branch of the Pennsylvania Railroad. The detour was over "a cinder road in good condition."

The *Star* recalled the contribution of Judge C. C. Magruder, who had died at the age of 84 on June 2, 1923:

The late C. C. Magruder, clerk of the Court of Appeals at Annapolis for many years, was the first to advocate the building of a direct road connecting the National Capital with the seat of the United States Naval Academy.

Mr. Magruder first sought to have the State Legislature pass a bill appropriating the money to build the road, and, failing, he later tried to get the Congress of the United States to grant the necessary funds.

When this gesture also proved unsuccessful, he took the matter before the State Roads Commission and finally succeeded in having that body agree to apportion a certain amount of the annual allotment of State roads funds to Prince Georges and Anne Arundel Counties for the construction of the road.

The *Star* also noted the county contributions:

Had not the counties advanced the money necessary for the work this Fall, the opening of the road would have been delayed for more than a year. No appropriation from the State Treasury could have been made until next June. ["Work is Completed on Defense Highway," *The Washington Post*, November 27, 1926; "Defense Highway Completed Will Be Opened December 23," *The Sunday Star*, December 12, 1926; "12 Miles Saved By New Highway," *The Evening Star*, December 19, 1926]

With the opening of Defense Highway, the route along Central Avenue to Upper Marlboro ceased to be the main road between Annapolis and the District of Columbia. This change in status was reflected in the decision to designate the National Defense Highway as part of the U.S. numbered highway system. When AASHO approved the original routes and numbers in November 1926, the Defense Highway became part of U.S. 50, a road from Annapolis to a junction with U.S. 40 in Wadsworth, Nevada (the original termini). Defense Highway/U.S. 50 met the Baltimore Pike/U.S. 1 at Bladensburg, with the combined routes following Bladensburg Road into the city.

AAA's District edition of *American Motorist* called the opening of Defense Highway "an epochal event to the Washington motorist" because "it cut the distance in this favorite playground nearly in half and has reduced the driving time to three-quarters of an hour." Construction had its share of challenges:

The swamps presented the gravest problem and are the reason for the apparently slow construction of the highway. These places had to be filled in with logs and ground; and then the engineers had to wait patiently for the settling of the fill-in material. Several bridges and the elimination of grade crossings boosted the cost of the project.

In addition, the article cited the funding crisis that would have delayed construction by another year if the two counties had not loaned the needed funds to the State in 1926, without interest, to keep construction going.

The magazine described the drive:

At places the road runs through almost virgin forest and what seem to be impenetrable swamps. But this ribbon of concrete rises and falls, twists and turns and virtually pushes its way through forest and swamp until it emerges upon the slope leading toward the Severn River and the Chesapeake Bay.

Somewhat bare in winter but by no means colorless because of its scattered evergreens and holly, the Defense Highway will be one of the most beautiful drives out of Washington during the spring, summer and fall.

However, the magazine noted some safety problems:

Because of the nature of the country through which the road runs the highway is not by any means devoid of curves. This factor, however, helps to make the drive exceedingly interesting . . . . Motorists who go over the road at the present time should be careful of the shoulders and the curves. The sandy soil of this particular territory is extremely

heavy, so that it is the part of wisdom to keep one's wheels on the concrete. Guard rails have not yet been constructed on the curves, so that it is also wise to approach these cautiously. ["A Capital at Each End" and "Where the Defense Highway Ends," *American Motorist*, District of Columbia Edition, January 1927, pages 8F, 8G]

Maryland and District of Columbia officials staged the formal dedication of the National Defense Highway on July 16, 1927. The event took place on the portico of the Pigeon House Tavern near the new Priest Bridge. Former Governor Harrington, who had signed the legislation authorizing the road, explained that the World War had delayed construction:

This highway is dedicated to public service and not only is it a direct road to Washington and Annapolis, but it brings the tidewater counties of the Maryland Eastern Shore closer, with its many advantages of seashore and agriculture. The road will stimulate increasing trade with the National Capital. The farmers of the Eastern Shore already have a healthy market in the District.

Rear Admiral John Halligan, representing the Navy Secretary, said the road not only brought the Naval Academy in Annapolis and the Navy Department in Washington closer, but would make Annapolis and the academy closer for tourists.

District Commissioner Proctor L. Dougherty described the history of Annapolis dating to 1650 and the Battle of Bladensburg in 1812. The Defense Highway was well "named, running through country replete with historical interests":

The new road connects two of the most important capitals, and will bring the people of Maryland and the District of Columbia in closer harmony with each other and to their mutual advantage as years go on.

Several participants paid tribute to C. C. Magruder; his son Hampton was the master of ceremonies. The *Post* summarized his speech:

Hampton Magruder declared that the occasion was eminently fitting, as it was on March 21, 1791, that George Washington left Philadelphia for a tour of the Southern States, and followed from Annapolis to Washington the old stage road, which is practically the same route followed today by the Defense Highway, with the exception of a few cuts.

He described how the bill creating the artery was introduced in the Maryland Legislature by Senator Frank Duvall, of Anne Arundel County, and the signing of the measure by Gov. Harrington . . . .

Magruder expressed deep regret that his father, who worked so zealously for the highway, passed away before he was to realize his life's ambition.

(President Washington's southern tour – from the capital at Philadelphia, Pennsylvania, to Augusta, Georgia – brought him to Annapolis on March 25-26, 1791, after a harrowing trip across Chesapeake Bay and along the Severn River during a storm. Leaving Annapolis, he traveled to Bladensburg accompanied by Governor John Eager Howard and others, with a rest

break about 13 miles from Maryland's capital. He spent the night at the Indian Queen Tavern in Bladensburg, before traveling to Georgetown for meetings about the country's new capital. The tavern, located at Baltimore Avenue and Upshur Street, is now known as the George Washington House.)

After these and other speeches, a caravan of vehicles carried participants to a dinner at Carvel Hall in Annapolis, led by an escort of Maryland and District motorcycle police. Three buses carried guests, such as the Women's City Club, the Washington Board of Trade, and the Washington Chamber of Commerce. The *Star* described the entrance into the city:

The streets of the old town were decked in flags, in honor of the visitors and the occasion, and the United States Naval Academy Band, seated under the maples in the academy grounds, gave a special concert.

About 300 people enjoyed dinner. Representative Stephen W. Gambrill (D-Md.), one of the post-dinner speakers, discussed his efforts in the House of Representatives to secure a \$1 million appropriation to widen the new highway; he would introduce the bill again in the next Congress.

E. C. Graham, president of the Washington Board of Trade, said the new road made the two cities neighbors but visualized that eventually the road would be transformed into a 50-foot wide boulevard lined with houses.

After the dinner, many participants strolled to the harbor for a fireworks display. The day's events ended with a dance in the St. John's College Gymnasium. ["Defense Highway Formally Opened," *The Sunday Sun*, July 17, 1927; "Annapolis and Capital Join To Open New Defense Road," *The Washington Post*, July 17, 1927]

### **The Peace Cross**

In Bladensburg, as mentioned earlier, the cross road of Defense Highway and the highway to Baltimore, Prince George's County residents wanted to erect a war memorial in the form of a Calvary cross in memory of county residents who died in the war.

A few weeks before the armistice, they held dedication exercises on September 28, 1919, presided over by John Riggles of the good roads and memorial committee, consisted of speeches and breaking ground for the highway and the cross. According to the *Star*:

Secretary of the Navy Daniels paid high tribute to the people of Prince Georges county at the dedication exercises held at Bladensburg, Md., yesterday afternoon as being the first to actually erect a memorial in honor of those who fell in the war . . . .

Mrs. William Farmer, mother of George Farmer of Company F. 115<sup>th</sup> Infantry, 29<sup>th</sup> Division, the first soldier of the county to fall in France, broke the ground for the monument. Ground for the highway was broken by Mrs. Martin Redman, mother of William Redman, the first county boy serving in the Navy to give up his life for his country.

Two thousand people attended the ceremony. [“Prince Georges Praised,” *The Evening Star*, September 29, 1919; “Begin Work on Memorial,” *The Washington Post*, September 29, 1919]

By 1920, the private committee raising funds for the cross had been forced to halt work on the unfinished memorial. Over the next few years, the partially built memorial was widely considered “an eyesore to every ex-service man and to the public generally” at the junction of the roads to Annapolis and Baltimore. [“Incomplete Condition of Memorial Criticised [sic],” *The Sunday Star*, January 8, 1922]

Through the fund-raising efforts of the Snyder-Farmer Post of the American Legion, based in Hyattsville, the war memorial was completed in July 1925 and dedicated on July 12.

Representative Gambrill delivered the dedication address:

Where we of the past generation have failed to prevent war, perhaps you young men of the American Legion or the mothers who gave their sons to the conflict may succeed. You men of Prince Georges county fought for the sacred right of all to live in peace and security and by the token of this cross, symbolic of Calvary, let us keep fresh the memory of our boys who died for a righteous cause.

Mrs. Bradley A. Snyder of Bladensburg, assisted by John H. Hiser of the legion post, unveiled the 40-foot tall cross. An American flag at the base was removed, revealing a bronze tablet

inscribed with the names of 49 county residents who had lost their lives during the war. The bottom of the tablet contained the words of President Wilson on April 2, 1917, before a joint session of Congress urging approval to enter the war in Europe:

The right is more precious than peace: we shall fight for the things we have always carried nearest our hearts – to such a task we dedicate our lives.

The *Post* added:

On the four sides of the base of the monument are the words “Valor,” “Endurance,” “Courage,” “Devotion.” Each arm of the cross measures 5 feet and the base is 12 feet square. It was constructed at a cost of \$10,000 by John D. Early, of this city, sculptor and architect. The material is a mix of concrete and marble. At a distance it resembles sandstone, having about the same color, light brown with a reddish brown border. It faces down the Baltimore pike toward Washington and an American flag flies from a staff to one side. [“Legion Dedicates Bladensburg War Memorial Cross,” *The Washington Post*, July 13, 1925]

In the late 1930s, when the Writers’ Program of the Works Progress Administration was preparing its American Guide Series volume on Maryland, the writers said of the Peace Cross that, “It is surrounded by filling stations, billboards, and hot dog stands.” [*Maryland: A Guide to the Old Line State*, American Guide Series, Oxford University Press, 1940, page 472]

In March 1961, the Snyder-Farmer-Butler American Legion Post transferred the Peace Cross to the Maryland-National Capital Park and Planning Commission. The cost of maintaining the symbol had become too costly for a private organization. The SRC gave the commission the deed to the property holding the Peace Cross. [“Planning Group Gets Peace Cross,” *The Washington Post and Times Herald*, March 12, 1961]

In 1985, the planning commission completed a \$100,000 renovation of the Peace Cross, which had deteriorated due to weather. [“Peace Cross Memorial Rededication Plans Set,” *Washington Informer*, October 30, 1985]

On September 8, 2015, the National Park Service included the Peace Cross in the National Register of Historic Places.

Over the years, the Peace Cross has been the subject of court challenges based on the First Amendment’s establishment clause (“Congress shall make no law respecting an establishment of religion”). In March 2018, the full U.S. Court of Appeals for the 4<sup>th</sup> Circuit upheld the finding of a three-judge panel of the court that the use of taxpayer funds to maintain the cross “excessively entangles the government in religion.” The majority found that, “Nothing in the First Amendment empowers the judiciary to conclude that the freestanding Latin cross has been divested of this predominantly sectarian meaning.” The Appeals Court suggested that the issue could be resolved if the cross were shifted from public land or its arms were removed.

This finding returned the case to the District Court that had found the monument served a “secular purpose.” Defenders of the Peace Cross appealed to the U.S. Supreme Court. [Marimow, Ann E., “Court Upholds Ruling Against Cross Memorial,” *The Washington Post*, March 4, 2018; Barnes, Robert, and Marimow, Ann E., “Supreme Court Will Take Case on Constitutional Challenge to Maryland’s Peace Cross,” *The Washington Post*, November 3, 2018]

On June 20, 2019, the Supreme Court found, 7 to 2, that the cross may remain in place. In an opinion by Justice Samuel A. Alito, Jr., the court cited several factors weighing against a violation of the establishment clause of the First Amendment. Citing “the simple wooden crosses that originally marked the graves of American soldiers killed in the [first world] war,” Justice Alito wrote that the cross had taken on “an added secular meaning” when used in memorials:

Not only did the Bladensburg Cross begin with this meaning, but with the passage of time, it has acquired historical importance. It reminds the people of Bladensburg and surrounding areas of the deeds of their predecessors and of the sacrifices they made in a war fought in the name of democracy. As long as it is retained in its original place and form, it speaks as well of the community that erected the monument nearly a century ago and has maintained it ever since. The memorial represents what the relatives, friends, and neighbors of the fallen soldiers felt at the time and how they chose to express their sentiments. And the monument has acquired additional layers of historical meaning in subsequent years. The Cross now stands among memorials to veterans of later wars. It has become part of the community.

The opinion dismissed arguments that the memorial, erected by a group that includes a Jewish veteran, left off the names of Jewish and black soldiers killed in the war or reflected the heightened racial and religious animosity of the period when it was erected. “We can never know for certain what was in the minds of those responsible for the memorial, but in light of what we know about this [dedication] ceremony, we can perhaps make out a picture of a community that, at least for the moment, was united by grief and patriotism and rose above the divisions of the day.”

Moreover, “it is surely relevant that the monument commemorates the death of particular individuals. It is natural and appropriate for those seeking to honor the deceased to invoke the symbols that signify what death meant for those who are memorialized.”

Justice Alito concluded his opinion:

The cross is undoubtedly a Christian symbol, but that fact should not blind us to everything else that the Bladensburg Cross has come to represent. For some, that monument is a symbolic resting place for ancestors who never returned home. For others, it is a place for the community to gather and honor all veterans and their sacrifices for our Nation. For others still, it is a historical landmark. For many of these people, destroying or defacing the Cross that has stood undisturbed for nearly a century would not be neutral and would not further the ideals of respect and tolerance embodied in the First Amendment. For all these reasons, the Cross does not offend the Constitution.

We reverse the judgment of the Court of Appeals for the Fourth Circuit and remand the cases for further proceedings.

Following the ruling, Maryland Governor Larry Hogan said:

Today’s ruling ensures that this memorial – a dignified tribute to those who came before us and made the ultimate sacrifice – will stand tall and proud for the ages.

[*American Legion et al v. American Humanist Assn. et al*; Barnes, Robert, “Supreme Court Rules That Maryland ‘Peace Cross’ Honoring Military Dead May Remain on Public Land,” *The Washington Post*, June 21, 2019; Gresko, Jessica, “Court Upholds Cross on Md. Land,” *The Baltimore Sun*, June 21, 2019]

### **The Future of the Defense Highway**

The Defense Highway had been obsolete almost from the beginning, as reflected in the *American Motorist* article cited earlier.

Safety was a major problem, as reflected in a letter to the *Post*’s editor on August 25, 1927, from “T.P.M.” It began:

In the interest of humanity, it occurs to me that you might be interested in giving further publicity to the “Suicide Lane,” Defense Highway.

On Sunday, August 14, he had driven from Annapolis to Washington in a heavy rainstorm. He saw five wrecked cars:

I don't believe that in any instance it was due to careless driving, but due 100 per cent to the narrowness of the road and to improper sidings. As a matter of fact, the sidings are causing all of the accidents. It is almost impossible not to go off the siding an inch or two in allowing other cars to pass and when this is done it makes a drop of an inch or two and throws the front end of the car diagonally cross the road. If the rear end drops, or if the front end drops, then its natural course is to go to the right into the ditch.

He had made 18 trips on the road in August. "I have seen one complete wreck every day, due solely to the improper sidings." The road was, in short, "a distinct blot on the good, clean reputation of the State of Maryland, and with full knowledge of that, the State officials are daily sending to destruction visitors from other parts of the country as well as the residents, causing untold loss in property damage, with many serious injuries as well as fatalities." ["A Suicide Highway," *The Washington Post*, August 25, 1927]

On February 16, 1928, the House Committee on Roads received testimony from Representative Gambrill on his bill to authorize \$1 million to widen the highway. SRC Chairman Mackall testified along with the Congressman in support of the bill. Mackall said the road left the District by Maryland Avenue. "It turns off the Washington-Baltimore Highway at Bladensburg, which is the first turn [at the Peace Cross war memorial] after you leave the District line." He described the area the road passed through:

The road runs through for the most part a very sparsely settled territory. In Anne Arundel County there are 10 miles which run through an almost undeveloped section of the country. Except for the demand of the road to connect the Capital and the Naval Academy, I don't believe that the Maryland program would have built a road through that sparsely settled country.

Mackall said the State had spent approximately \$900,000 on the project, of which "perhaps \$300,000 or maybe \$350,000" had been State funds:

The Federal-aid participation was limited to a maximum cost first of \$20,000 and then of \$25,000 a mile. The cost of this road ran very considerably over that. In some sections it was as much as \$50,000 to \$55,000 a mile. So, by and large, Maryland's allotment of its own funds has been about two-thirds and the Federal-aid allotment to Maryland has been about one-third.

He added that of the Federal-aid highway funds apportioned to Maryland, all of the funds for the two counties were used on the Defense Highway. Even so, the road was completed only because "the people of Prince Georges and Anne Arundel Counties advanced to the State the money to construct it in 1926." The counties provided the loans in a public-spirited way, "and they have donated their interest as their contribution to having the road completed four years earlier than it would normally have been completed."

Mackall said the road consisted of a 15-foot, two-way paved area on a 25-foot graded area. The State's goal was to pave an additional 15 feet:

It we had constructed it twice as wide, it would certainly have taken us 16 years. I think that for normal purposes a road constructed right away [sic] 15 feet wide is a lot more to be desired than one 30 feet wide to be completed eight years later . . . . I would like to have built it wider. But I believe that a minimum width of road over the whole distance is much more desirable than a road twice as wide for half the distance.

Representative John M. Nelson (R-Wi.) asked Mackall what emergency existed or what benefit to the United States justified the expenditure of \$1 million to widen the highway. Mackall replied:

I don't know that there is any immediate necessity for it. I believe, however, that we ought to use as much foresight as we can. The expression is, "Prepare for war in time of peace." It is certain that a road of greater width than it is now is highly desirable even at the present time for the large numbers of people who go from Washington to Annapolis, especially for week ends, at the present time. [Roads, Hearings before the Committee on Roads, U.S. House of Representatives, 70<sup>th</sup> Congress, 1<sup>st</sup> Session, part 2, 1928, pages 474-479]

The efforts of Representative Gambrill and Chairman Mackall proved in vain. Congress did not provide a special \$1 million authorization to widen the road.

In 1935, the Maryland State Planning Commission cited the Defense Highway as an example of bad planning: "It was adequate only for the traffic at the time it was built; almost at once it was found exceedingly unsafe." To overcome this deficiency and other "examples of waste," the commission called on the State to completely rebuild the primary highway system, often on new location. [*A History of Road Building in Maryland*, page 116]

As the U.S. Bureau of Public Roads (BPR) began planning the Interstate System based on traffic surveys in the 1930s, its landmark report, *Toll Roads and Free Roads* (1939), and its successor, *Interregional Highways* (1944), included maps of the projected network, but they did not include a road between Annapolis and Washington. (For many years, Annapolis would be one of the few State capitals not linked to the Interstate System.)

In the late 1940s, the State began planning an aggressive program of freeway construction, including a limited-access expressway on new alignment to carry U.S. 50. Officials considered some of the freeways for development as turnpikes (Annapolis-Washington, Baltimore-Frederick, and Frederick-Washington). During this pre-Interstate period, the success of the Pennsylvania Turnpike, the first section of which had opened in October 1940, inspired many States to consider turnpike financing in the period before funding for the Interstate System was assured in 1956. Initially, Maryland avoided using Federal-aid highway funds on these routes because Federal-aid law prohibited the use of funds on toll roads. Eventually, Maryland decided to build the new Annapolis-Bladensburg expressway without tolls. [Federal-Aid Highway Act of

1950, Hearings before the Committee on Public Works, U.S. House of Representatives, 81<sup>st</sup> Congress, 2<sup>nd</sup> Session, No. 81-12, 1950, page 430]

The *Star*, in an editorial, supported the project, describing Defense Highway as “dangerously inadequate now in serving a rapidly expanding residential area in Prince Georges County as well as the heavy traffic between Washington and the Maryland shore.” Speaking about the planned Annapolis road and the proposed Baltimore-Washington Parkway, an editorial said the “two fine high-speed automobile roads . . . will do so much to relieve dangerous congestion now on the Baltimore pike and the Defense highway.” [“Two Needed Highways,” *The Evening Star*, July 15, 1948]

(In November 1948, AASHO approved Maryland’s request to extend U.S. 50 from Annapolis to Ocean City on the State’s Eastern Shore. At the time, U.S. 50 became a transcontinental route from Ocean City to San Francisco, California.)

In September 1949, the SRC awarded a contract to C. J. Langenfelder and Son of Baltimore for construction of a 6-mile segment of dual highway from near Annapolis to U.S. 301 (Robert Crain Highway). The State also was advertising a contract for a new bridge across the Severn River for a northern bypass of Annapolis as part of the expressway that would provide a good road from Washington to the Eastern Shore via the Chesapeake Bay Bridge. (Construction of the bridge began in January 1949; the bridge would open on July 30, 1952.)

By 1953, a 10-mile section of dual highway connecting Collington near U.S. 301 with Defense Highway at Parole was open for traffic, although without exits except at either end. The missing link between U.S. 301 and the District line at Kenilworth was scheduled for completion by 1958. [McAler, Charles A., “Annapolis Freeway Expected to Be Finished by ’58,” *The Evening Star*, November 27, 1953]

On August 12, 1954, SRC Chairman Russell H. McCain announced that the Washington-Annapolis Freeway would be called the John Hanson Freeway. Hanson, on November 5, 1781, became the first “President of the United States in Congress Assembled,” following ratification of the Articles of Confederation in March 1781. Maryland had been the last State, on March 1, 1781, to ratify the Articles to begin the “perpetual Union of the thirteen states of America.” Hanson’s selection as the country’s first President, as he is sometimes inaccurately referred to, may have been a reward for his efforts to secure Maryland’s approval of the governing document.

The position was mainly a ceremonial post that he held for 1 year, the term the Articles had set. An article about his service stated:

In his capacity as first president of Congress of the Confederation, Hanson established the first cabinet, consisting of secretaries of war, finance, foreign affairs, and state.

Ironically, Hanson’s first use of the “Great Seal of the United States” was on a 1782 commission authorizing George Washington to exchange war prisoners. Just days before he was to relinquish office, he issued a proclamation authorizing America’s first national Thanksgiving Day to be celebrated the last Thursday of every November.

Hanson had been in poor health during his 1-year term. He retired after leaving office and died on November 15, 1783, in Prince George's County at Oxon Hill Manor, site of his nephew's plantation. He was 62 years old. [Gay, James Thomas, "Americans: 'first president of the united states,'" *American History*, June 1999, pages 12-14]

(Today, Hanson is largely forgotten outside the Washington area. Even within the area, his historical significance is little known. However, Hanson's name survives on a school, a savings bank, other facilities and, of course, the Washington-to-Annapolis Freeway. [Associated Press, "Annapolis Highway Called John Hanson After 1776 Leader," *The Evening Star*, August 12, 1954])

By then, Maryland had begun construction of the freeway from U.S. 301 to MD 704 (George Palmer Highway, named after a banker and community leader from Seat Pleasant) and was planning to let a contract in 1955 for the stretch from MD 704 to the District line at the planned Kenilworth interchange. This major interchange would link the new Annapolis freeway, the Baltimore-Washington Parkway, Kenilworth Avenue, and River Road in Prince George's County, with a link to the East Capitol Street Bridge (which would open August 30, 1956), New York Avenue, and South Dakota Avenue. The interchange project, once awarded, would take 2 years to complete. [Beveridge, George, "Maryland Plans \$59.1 Million For Area Roads," *The Sunday Star*, January 2, 1955]

On October 25, 1957, Governor Theodore R. McKeldin participated in the opening of the Kenilworth Avenue interchange. Commissioner Charles D. Curtiss of BPR and District Highway Director John N. Robertson joined Governor McKeldin in the ribbon cutting. ["First Section Dedicated Of Circumference Road," *The Evening Star*, October 25, 1957]

On October 7, 1961 AASHO approved Maryland's request to transfer the U.S. 50 designation to the new expressway:

This routing will be over new high-type facility, beginning at the junction of present U.S. 50 and U.S. 301 west of Annapolis thence westerly and southwesterly to the Maryland-District of Columbia line at the end of the ramp connections of the Kenilworth Interchange joining with the Washington-Baltimore Parkway.

AASHO also approved the U.S. 50 routing in the District of Columbia:

This routing will be over New York Avenue extended from the District of Columbia-Maryland State line west of the Kenilworth Interchange and will run thence westerly along New York Avenue to junction with present U.S. 50 at Bladensburg Road.

Defense Highway became MD 450.

By that point, the final gap in the John Hanson Freeway, between the George Palmer Highway and the Kenilworth interchange, had remained in place since 1957. After winning election in November 1958, Governor J. Millard Tawes appointed new members of the SRC who made completion of the 4-mile gap a priority.

In October 1961, with completion of the highway just a few months off, the *Post* referred to the “last agonizing four miles of bottlenecks and bumper-to-bumper traffic.” Completion was important “for the hundreds of motorists who have zipped along the Freeway almost to within sight of Washington only to be dumped at the end of it onto two-lane secondary roads.” Particularly in the summer, those last 4 miles could take an hour or two on a Sunday evening when Washingtonians return from the beaches on Maryland’s eastern shore. [“Annapolis-D. C. Freeway To Be Completed Soon,” *The Washington Post and Times Herald*, October 20, 1961]

Finally, Maryland opened what was known as the Ardmore-Kenilworth section on November 21, 1961. Calling the last 4 miles “an annoying gap,” Governor Tawes told the crowd that, “Today, we forge the final link in Maryland’s ‘Golden Triangle,’” referring to the roads connecting Annapolis, Baltimore, and Washington:

It has been predicted that by the year 2000 a total of 10 million people will live in this triangle or regions surrounding. By proper land use, wise location of industry and commerce, by sensible development of water and sewerage systems, by sound and adequate school construction, by well-planned establishment of a transportation network, by intelligent reservation of land for recreation and park facilities – things which this administration has actively supported and will continue to support – this area will realize its full potential as a golden triangle.

He added that his limousine ride from Annapolis on the new 33-mile, \$26.4 million highway was a “wonderful experience.”

Governor Tawes also joined with leaders of the John Hanson Society of Oxon Hill to unveil a plaque honoring the highway’s namesake. [Hope, Paul, “D.C.-Annapolis Freeway Opened As Final Leg of ‘Golden Triangle,’” *The Evening Star*, November 21, 1961; Velsey, Victoria, “Last 4 Miles Of Maryland Road Opened,” *The Washington Post and Times Herald*, November 22, 1961]

On July 28, 1975, as part of a series of Interstate System actions in Maryland and the District of Columbia, the Federal Highway Administration (FHWA) approved designation of a portion of Maryland’s U.S. 50 as part of the Interstate System:

U.S. Route 50 between the Capital Beltway and Annapolis is approved subject to your furnishing, with respect to the portion of this route within the District of Columbia urbanized area, documentation of consultation with the responsible local officials (WASHCOG/TPB) and with local governments concerned (Prince Georges County) as required by paragraph 476.206 of the regulations. It is understood that the specific Annapolis terminus of the route will be determined after the specific location of the Baltimore-Annapolis route is established.

On November 11, 1975, FHWA approved numbers for the series of Interstate shifts, including U.S. 50 as I-68. FHWA and the American Association of State Highway and Transportation Officials (AASHTO, as AASHO was now called) had some doubts about the use of “68” for the route, as expressed in FHWA Administrator Norbert T. Tiemann’s approval letter:

We concur with your position that proposed I-68 be considered a spur route to be numbered 595, 795, or 995. It would not seem desirable to number it I-595 because of the close proximity of the National Airport access road in nearby Virginia which is already numbered I-595. Thus, I-795 would be an acceptable alternative.

It was to remain signed as U.S. 50 until reconstructed to Interstate standards, work that was completed in 1995.

On August 27, 1982, FHWA Administrator Ray A. Barnhart and Administrator Arthur E. Teele of the Urban Mass Transportation Administration approved withdrawal of the remaining section of I-595 in Virginia from the Interstate System. FHWA approved the use of I-795 for a route in the Baltimore area on October 20, 1978 (from a junction with the Baltimore Beltway, I-695, northwest of Baltimore northwesterly to a point new Dolfield Road in Owings Mills). These actions made I-595 available in the Washington area while eliminating I-795 as an option for U.S. 50.

In western Maryland, the State was building an 80.3-mile freeway, known as the National Freeway, from Hancock to the State line, where the road would continue to Morgantown, West Virginia, as a replacement for U.S. 40 through the area. With West Virginia's concurrence, Maryland agreed to shift the I-68 designation to the new freeway while renumbering the Washington-Annapolis as I-595.

On June 7, 1989, AASHTO agreed to designation of U.S. 50 between the Capital Beltway and the terminus in Annapolis as I-595. At the same time, AASHTO approved I-68:

Redesignate as I-68 presently designated U.S. Route 48 from the intersection with I-79 southwest of Morgantown, West Virginia to the intersection with I-70 at Hancock, Maryland.

Although AASHTO was intermediary between the State departments of transportation and FHWA, final designations for the Interstate System required FHWA approval. This approval of I-68 and I-595 came on June 3, 1991. In the approval letter, FHWA Administrator Thomas D. Larson noted:

On November 14, 1975, AASHTO assigned the number I-68 to U.S. 50 between the Capital Beltway and Annapolis, Maryland. While approving the shift of I-68 to U.S. 48 in 1989, AASHTO assigned the number I-595 to former I-68. This action has never been officially reflected in our Interstate records. We are, therefore, advising you that we are today also approving the following route description for I-595:

FAI 595 – From I-95 near Washington, D.C., to east of MD 70 near Annapolis, Maryland.

Despite the redesignation, Maryland chose not to install I-595 signs along the freeway. In the Washington area, the freeway is sometimes referred to as the John Hanson Highway or Hanson Highway, but mostly as U.S. 50 or Route 50.